

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 102

Representatives Young, T., John

Cosponsors: Representatives Click, Seitz



A BILL

To amend sections 2305.234, 2925.01, 2925.02, 1
2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2
2925.36, 2925.55, 2925.56, 2929.42, 3701.048, 3
3701.74, 3715.872, 3719.06, 3719.121, 3719.13, 4
3719.81, 4729.01, 4729.51, 4731.22, 4731.251, 5
4743.09, 4755.48, 4761.01, 4761.03, 4761.032, 6
4761.06, 4761.061, 4761.07, 4761.09, 4761.13, 7
4761.14, 4761.17, 4761.30, 4761.99, 4765.51, 8
4769.01, 5123.47, 5164.95, and 5903.12; to 9
amend, for the purpose of adopting a new section 10
number as indicated in parentheses, section 11
4761.30 (4761.25); and to enact new section 12
4761.30 and sections 4761.033, 4761.20, 4761.21, 13
4761.301, 4761.31, 4761.32, 4761.33, 4761.34, 14
4761.35, 4761.36, 4761.37, 4761.38, 4761.381, 15
4761.39, 4761.40, 4761.41, 4761.43, 4761.44, 16
4761.45, and 4761.48 of the Revised Code to 17
license advanced practice respiratory therapists 18
and to amend the version of section 4761.01 of 19
the Revised Code that is scheduled to take 20
effect September 30, 2024, to continue the 21
change on and after that date. 22

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

Section 1. That sections 2305.234, 2925.01, 2925.02, 23
2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 24
2925.56, 2929.42, 3701.048, 3701.74, 3715.872, 3719.06, 25
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4731.22, 4731.251, 26
4743.09, 4755.48, 4761.01, 4761.03, 4761.032, 4761.06, 4761.061, 27
4761.07, 4761.09, 4761.13, 4761.14, 4761.17, 4761.30, 4761.99, 28
4765.51, 4769.01, 5123.47, 5164.95, and 5903.12 be amended; 29
section 4761.30 (4761.25) be amended for the purpose of adopting 30
a new section number as indicated in parentheses; and new 31
section 4761.30 and sections 4761.033, 4761.20, 4761.21, 32
4761.301, 4761.31, 4761.32, 4761.33, 4761.34, 4761.35, 4761.36, 33
4761.37, 4761.38, 4761.381, 4761.39, 4761.40, 4761.41, 4761.43, 34
4761.44, 4761.45, and 4761.48 of the Revised Code be enacted to 35
read as follows: 36

Sec. 2305.234. (A) As used in this section: 37

(1) "Chiropractic claim," "medical claim," and "optometric 38
claim" have the same meanings as in section 2305.113 of the 39
Revised Code. 40

(2) "Dental claim" has the same meaning as in section 41
2305.113 of the Revised Code, except that it does not include 42
any claim arising out of a dental operation or any derivative 43
claim for relief that arises out of a dental operation. 44

(3) "Governmental health care program" has the same 45
meaning as in section 4731.65 of the Revised Code. 46

(4) "Health care facility or location" means a hospital, 47
clinic, ambulatory surgical facility, office of a health care 48

professional or associated group of health care professionals, 49
training institution for health care professionals, a free 50
clinic or other nonprofit shelter or health care facility as 51
those terms are defined in section 3701.071 of the Revised Code, 52
or any other place where medical, dental, or other health- 53
related diagnosis, care, or treatment is provided to a person. 54

(5) "Health care professional" means any of the following 55
who provide medical, dental, or other health-related diagnosis, 56
care, or treatment: 57

(a) Physicians authorized under Chapter 4731. of the 58
Revised Code to practice medicine and surgery or osteopathic 59
medicine and surgery; 60

(b) Advanced practice registered nurses, registered 61
nurses, and licensed practical nurses licensed under Chapter 62
4723. of the Revised Code; 63

(c) Physician assistants authorized to practice under 64
Chapter 4730. of the Revised Code; 65

(d) Dentists and dental hygienists licensed under Chapter 66
4715. of the Revised Code; 67

(e) Physical therapists, physical therapist assistants, 68
occupational therapists, occupational therapy assistants, and 69
athletic trainers licensed under Chapter 4755. of the Revised 70
Code; 71

(f) Chiropractors licensed under Chapter 4734. of the 72
Revised Code; 73

(g) Optometrists licensed under Chapter 4725. of the 74
Revised Code; 75

(h) Podiatrists authorized under Chapter 4731. of the 76

Revised Code to practice podiatry;	77
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	78 79
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	80 81
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	82 83 84
(l) Respiratory care professionals <u>and advanced practice respiratory therapists</u> licensed under Chapter 4761. of the Revised Code;	85 86 87
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	88 89
(n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	90 91 92 93 94
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	95 96
(p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants, certified under that chapter.	97 98 99 100 101 102 103 104

(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.

(7) "Indigent and uninsured person" means a person who meets both of the following requirements:

(a) Relative to being indigent, the person's income is not greater than two hundred per cent of the federal poverty line, as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, except in any case in which division (A) (7) (b) (iii) of this section includes a person whose income is greater than two hundred per cent of the federal poverty line.

(b) Relative to being uninsured, one of the following applies:

(i) The person is not a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan.

(ii) The person is a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan, but the insurer, policy, contract, or plan denies coverage or is the subject of insolvency or bankruptcy proceedings in any

jurisdiction.	134
(iii) Until June 30, 2019, the person is eligible for the medicaid program or is a medicaid recipient.	135 136
(iv) Except as provided in division (A)(7)(b)(iii) of this section, the person is not eligible for or a recipient, enrollee, or beneficiary of any governmental health care program.	137 138 139 140
(8) "Nonprofit health care referral organization" means an entity that is not operated for profit and refers patients to, or arranges for the provision of, health-related diagnosis, care, or treatment by a health care professional or health care worker.	141 142 143 144 145
(9) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection. "Operation" does not include routine dental restorative procedures, the scaling of teeth, or extractions of teeth that are not impacted.	146 147 148 149 150 151 152 153 154 155 156
(10) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons or government entities.	157 158 159 160
(11) "Volunteer" means an individual who provides any medical, dental, or other health-care related diagnosis, care,	161 162

or treatment without the expectation of receiving and without 163
receipt of any compensation or other form of remuneration from 164
an indigent and uninsured person, another person on behalf of an 165
indigent and uninsured person, any health care facility or 166
location, any nonprofit health care referral organization, or 167
any other person or government entity. 168

(12) "Community control sanction" has the same meaning as 169
in section 2929.01 of the Revised Code. 170

(13) "Deep sedation" means a drug-induced depression of 171
consciousness during which a patient cannot be easily aroused 172
but responds purposefully following repeated or painful 173
stimulation, a patient's ability to independently maintain 174
ventilatory function may be impaired, a patient may require 175
assistance in maintaining a patent airway and spontaneous 176
ventilation may be inadequate, and cardiovascular function is 177
usually maintained. 178

(14) "General anesthesia" means a drug-induced loss of 179
consciousness during which a patient is not arousable, even by 180
painful stimulation, the ability to independently maintain 181
ventilatory function is often impaired, a patient often requires 182
assistance in maintaining a patent airway, positive pressure 183
ventilation may be required because of depressed spontaneous 184
ventilation or drug-induced depression of neuromuscular 185
function, and cardiovascular function may be impaired. 186

(B) (1) Subject to divisions (F) and (G) (3) of this 187
section, a health care professional who is a volunteer and 188
complies with division (B) (2) of this section is not liable in 189
damages to any person or government entity in a tort or other 190
civil action, including an action on a medical, dental, 191
chiropractic, optometric, or other health-related claim, for 192

injury, death, or loss to person or property that allegedly 193
arises from an action or omission of the volunteer in the 194
provision to an indigent and uninsured person of medical, 195
dental, or other health-related diagnosis, care, or treatment, 196
including the provision of samples of medicine and other medical 197
products, unless the action or omission constitutes willful or 198
wanton misconduct. 199

(2) To qualify for the immunity described in division (B) 200
(1) of this section, a health care professional shall do all of 201
the following prior to providing diagnosis, care, or treatment: 202

(a) Determine, in good faith, that the indigent and 203
uninsured person is mentally capable of giving informed consent 204
to the provision of the diagnosis, care, or treatment and is not 205
subject to duress or under undue influence; 206

(b) Inform the person of the provisions of this section, 207
including notifying the person that, by giving informed consent 208
to the provision of the diagnosis, care, or treatment, the 209
person cannot hold the health care professional liable for 210
damages in a tort or other civil action, including an action on 211
a medical, dental, chiropractic, optometric, or other health- 212
related claim, unless the action or omission of the health care 213
professional constitutes willful or wanton misconduct; 214

(c) Obtain the informed consent of the person and a 215
written waiver, signed by the person or by another individual on 216
behalf of and in the presence of the person, that states that 217
the person is mentally competent to give informed consent and, 218
without being subject to duress or under undue influence, gives 219
informed consent to the provision of the diagnosis, care, or 220
treatment subject to the provisions of this section. A written 221
waiver under division (B) (2) (c) of this section shall state 222

clearly and in conspicuous type that the person or other 223
individual who signs the waiver is signing it with full 224
knowledge that, by giving informed consent to the provision of 225
the diagnosis, care, or treatment, the person cannot bring a 226
tort or other civil action, including an action on a medical, 227
dental, chiropractic, optometric, or other health-related claim, 228
against the health care professional unless the action or 229
omission of the health care professional constitutes willful or 230
wanton misconduct. 231

(3) A physician or podiatrist who is not covered by 232
medical malpractice insurance, but complies with division (B) (2) 233
of this section, is not required to comply with division (A) of 234
section 4731.143 of the Revised Code. 235

(C) Subject to divisions (F) and (G) (3) of this section, 236
health care workers who are volunteers are not liable in damages 237
to any person or government entity in a tort or other civil 238
action, including an action upon a medical, dental, 239
chiropractic, optometric, or other health-related claim, for 240
injury, death, or loss to person or property that allegedly 241
arises from an action or omission of the health care worker in 242
the provision to an indigent and uninsured person of medical, 243
dental, or other health-related diagnosis, care, or treatment, 244
unless the action or omission constitutes willful or wanton 245
misconduct. 246

(D) Subject to divisions (F) and (G) (3) of this section, a 247
nonprofit health care referral organization is not liable in 248
damages to any person or government entity in a tort or other 249
civil action, including an action on a medical, dental, 250
chiropractic, optometric, or other health-related claim, for 251
injury, death, or loss to person or property that allegedly 252

arises from an action or omission of the nonprofit health care 253
referral organization in referring indigent and uninsured 254
persons to, or arranging for the provision of, medical, dental, 255
or other health-related diagnosis, care, or treatment by a 256
health care professional described in division (B) (1) of this 257
section or a health care worker described in division (C) of 258
this section, unless the action or omission constitutes willful 259
or wanton misconduct. 260

(E) Subject to divisions (F) and (G) (3) of this section 261
and to the extent that the registration requirements of section 262
3701.071 of the Revised Code apply, a health care facility or 263
location associated with a health care professional described in 264
division (B) (1) of this section, a health care worker described 265
in division (C) of this section, or a nonprofit health care 266
referral organization described in division (D) of this section 267
is not liable in damages to any person or government entity in a 268
tort or other civil action, including an action on a medical, 269
dental, chiropractic, optometric, or other health-related claim, 270
for injury, death, or loss to person or property that allegedly 271
arises from an action or omission of the health care 272
professional or worker or nonprofit health care referral 273
organization relative to the medical, dental, or other health- 274
related diagnosis, care, or treatment provided to an indigent 275
and uninsured person on behalf of or at the health care facility 276
or location, unless the action or omission constitutes willful 277
or wanton misconduct. 278

(F) (1) Except as provided in division (F) (2) of this 279
section, the immunities provided by divisions (B), (C), (D), and 280
(E) of this section are not available to a health care 281
professional, health care worker, nonprofit health care referral 282
organization, or health care facility or location if, at the 283

time of an alleged injury, death, or loss to person or property,	284
the health care professionals or health care workers involved	285
are providing one of the following:	286
(a) Any medical, dental, or other health-related	287
diagnosis, care, or treatment pursuant to a community service	288
work order entered by a court under division (B) of section	289
2951.02 of the Revised Code or imposed by a court as a community	290
control sanction;	291
(b) Performance of an operation to which any one of the	292
following applies:	293
(i) The operation requires the administration of deep	294
sedation or general anesthesia.	295
(ii) The operation is a procedure that is not typically	296
performed in an office.	297
(iii) The individual involved is a health care	298
professional, and the operation is beyond the scope of practice	299
or the education, training, and competence, as applicable, of	300
the health care professional.	301
(c) Delivery of a baby or any other purposeful termination	302
of a human pregnancy.	303
(2) Division (F) (1) of this section does not apply when a	304
health care professional or health care worker provides medical,	305
dental, or other health-related diagnosis, care, or treatment	306
that is necessary to preserve the life of a person in a medical	307
emergency.	308
(G) (1) This section does not create a new cause of action	309
or substantive legal right against a health care professional,	310
health care worker, nonprofit health care referral organization,	311

or health care facility or location. 312

(2) This section does not affect any immunities from civil 313
liability or defenses established by another section of the 314
Revised Code or available at common law to which a health care 315
professional, health care worker, nonprofit health care referral 316
organization, or health care facility or location may be 317
entitled in connection with the provision of emergency or other 318
medical, dental, or other health-related diagnosis, care, or 319
treatment. 320

(3) This section does not grant an immunity from tort or 321
other civil liability to a health care professional, health care 322
worker, nonprofit health care referral organization, or health 323
care facility or location for actions that are outside the scope 324
of authority of health care professionals or health care 325
workers. 326

In the case of the diagnosis, care, or treatment of an 327
indigent and uninsured person who is eligible for the medicaid 328
program or is a medicaid recipient, this section grants an 329
immunity from tort or other civil liability only if the person's 330
diagnosis, care, or treatment is provided in a free clinic, as 331
defined in section 3701.071 of the Revised Code. 332

(4) This section does not affect any legal responsibility 333
of a health care professional, health care worker, or nonprofit 334
health care referral organization to comply with any applicable 335
law of this state or rule of an agency of this state. 336

(5) This section does not affect any legal responsibility 337
of a health care facility or location to comply with any 338
applicable law of this state, rule of an agency of this state, 339
or local code, ordinance, or regulation that pertains to or 340

regulates building, housing, air pollution, water pollution, 341
sanitation, health, fire, zoning, or safety. 342

Sec. 2925.01. As used in this chapter: 343

(A) "Administer," "controlled substance," "controlled 344
substance analog," "dispense," "distribute," "hypodermic," 345
"manufacturer," "official written order," "person," 346
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 347
"schedule III," "schedule IV," "schedule V," and "wholesaler" 348
have the same meanings as in section 3719.01 of the Revised 349
Code. 350

(B) "Drug of abuse" and "person with a drug dependency" 351
have the same meanings as in section 3719.011 of the Revised 352
Code. 353

(C) "Drug," "dangerous drug," "licensed health 354
professional authorized to prescribe drugs," and "prescription" 355
have the same meanings as in section 4729.01 of the Revised 356
Code. 357

(D) "Bulk amount" of a controlled substance means any of 358
the following: 359

(1) For any compound, mixture, preparation, or substance 360
included in schedule I, schedule II, or schedule III, with the 361
exception of any controlled substance analog, marihuana, 362
cocaine, L.S.D., heroin, any fentanyl-related compound, and 363
hashish and except as provided in division (D) (2), (5), or (6) 364
of this section, whichever of the following is applicable: 365

(a) An amount equal to or exceeding ten grams or twenty- 366
five unit doses of a compound, mixture, preparation, or 367
substance that is or contains any amount of a schedule I opiate 368
or opium derivative; 369

- (b) An amount equal to or exceeding ten grams of a 370
compound, mixture, preparation, or substance that is or contains 371
any amount of raw or gum opium; 372
- (c) An amount equal to or exceeding thirty grams or ten 373
unit doses of a compound, mixture, preparation, or substance 374
that is or contains any amount of a schedule I hallucinogen 375
other than tetrahydrocannabinol or lysergic acid amide, or a 376
schedule I stimulant or depressant; 377
- (d) An amount equal to or exceeding twenty grams or five 378
times the maximum daily dose in the usual dose range specified 379
in a standard pharmaceutical reference manual of a compound, 380
mixture, preparation, or substance that is or contains any 381
amount of a schedule II opiate or opium derivative; 382
- (e) An amount equal to or exceeding five grams or ten unit 383
doses of a compound, mixture, preparation, or substance that is 384
or contains any amount of phencyclidine; 385
- (f) An amount equal to or exceeding one hundred twenty 386
grams or thirty times the maximum daily dose in the usual dose 387
range specified in a standard pharmaceutical reference manual of 388
a compound, mixture, preparation, or substance that is or 389
contains any amount of a schedule II stimulant that is in a 390
final dosage form manufactured by a person authorized by the 391
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 392
U.S.C.A. 301, as amended, and the federal drug abuse control 393
laws, as defined in section 3719.01 of the Revised Code, that is 394
or contains any amount of a schedule II depressant substance or 395
a schedule II hallucinogenic substance; 396
- (g) An amount equal to or exceeding three grams of a 397
compound, mixture, preparation, or substance that is or contains 398

any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

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

(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;

(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;

(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;

(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) 428
and (C) (11) of that section will not apply regarding the 429
defendant and the violation, the bulk amount of the controlled 430
substance for purposes of the violation is the amount specified 431
in division (D) (1), (2), (3), (4), or (5) of this section for 432
the other schedule III, IV, or V controlled substance that is 433
combined with the fentanyl-related compound. 434

(E) "Unit dose" means an amount or unit of a compound, 435
mixture, or preparation containing a controlled substance that 436
is separately identifiable and in a form that indicates that it 437
is the amount or unit by which the controlled substance is 438
separately administered to or taken by an individual. 439

(F) "Cultivate" includes planting, watering, fertilizing, 440
or tilling. 441

(G) "Drug abuse offense" means any of the following: 442

(1) A violation of division (A) of section 2913.02 that 443
constitutes theft of drugs, or a violation of section 2925.02, 444
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 445
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 446
or 2925.37 of the Revised Code; 447

(2) A violation of an existing or former law of this or 448
any other state or of the United States that is substantially 449
equivalent to any section listed in division (G) (1) of this 450
section; 451

(3) An offense under an existing or former law of this or 452
any other state, or of the United States, of which planting, 453
cultivating, harvesting, processing, making, manufacturing, 454
producing, shipping, transporting, delivering, acquiring, 455
possessing, storing, distributing, dispensing, selling, inducing 456

another to use, administering to another, using, or otherwise	457
dealing with a controlled substance is an element;	458
(4) A conspiracy to commit, attempt to commit, or	459
complicity in committing or attempting to commit any offense	460
under division (G) (1), (2), or (3) of this section.	461
(H) "Felony drug abuse offense" means any drug abuse	462
offense that would constitute a felony under the laws of this	463
state, any other state, or the United States.	464
(I) "Harmful intoxicant" does not include beer or	465
intoxicating liquor but means any of the following:	466
(1) Any compound, mixture, preparation, or substance the	467
gas, fumes, or vapor of which when inhaled can induce	468
intoxication, excitement, giddiness, irrational behavior,	469
depression, stupefaction, paralysis, unconsciousness,	470
asphyxiation, or other harmful physiological effects, and	471
includes, but is not limited to, any of the following:	472
(a) Any volatile organic solvent, plastic cement, model	473
cement, fingernail polish remover, lacquer thinner, cleaning	474
fluid, gasoline, or other preparation containing a volatile	475
organic solvent;	476
(b) Any aerosol propellant;	477
(c) Any fluorocarbon refrigerant;	478
(d) Any anesthetic gas.	479
(2) Gamma Butyrolactone;	480
(3) 1,4 Butanediol.	481
(J) "Manufacture" means to plant, cultivate, harvest,	482
process, make, prepare, or otherwise engage in any part of the	483

production of a drug, by propagation, extraction, chemical 484
synthesis, or compounding, or any combination of the same, and 485
includes packaging, repackaging, labeling, and other activities 486
incident to production. 487

(K) "Possess" or "possession" means having control over a 488
thing or substance, but may not be inferred solely from mere 489
access to the thing or substance through ownership or occupation 490
of the premises upon which the thing or substance is found. 491

(L) "Sample drug" means a drug or pharmaceutical 492
preparation that would be hazardous to health or safety if used 493
without the supervision of a licensed health professional 494
authorized to prescribe drugs, or a drug of abuse, and that, at 495
one time, had been placed in a container plainly marked as a 496
sample by a manufacturer. 497

(M) "Standard pharmaceutical reference manual" means the 498
current edition, with cumulative changes if any, of references 499
that are approved by the state board of pharmacy. 500

(N) "Juvenile" means a person under eighteen years of age. 501

(O) "Counterfeit controlled substance" means any of the 502
following: 503

(1) Any drug that bears, or whose container or label 504
bears, a trademark, trade name, or other identifying mark used 505
without authorization of the owner of rights to that trademark, 506
trade name, or identifying mark; 507

(2) Any unmarked or unlabeled substance that is 508
represented to be a controlled substance manufactured, 509
processed, packed, or distributed by a person other than the 510
person that manufactured, processed, packed, or distributed it; 511

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

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

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

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

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

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

(2) Any other parcel of real property that is owned or

leased by a board of education of a school, the governing 541
authority of a community school established under Chapter 3314. 542
of the Revised Code, or the governing body of a nonpublic school 543
for which the state board of education prescribes minimum 544
standards under section 3301.07 of the Revised Code and on which 545
some of the instruction, extracurricular activities, or training 546
of the school is conducted, whether or not any instruction, 547
extracurricular activities, or training provided by the school 548
is being conducted on the parcel of real property at the time a 549
criminal offense is committed. 550

(S) "School building" means any building in which any of 551
the instruction, extracurricular activities, or training 552
provided by a school is conducted, whether or not any 553
instruction, extracurricular activities, or training provided by 554
the school is being conducted in the school building at the time 555
a criminal offense is committed. 556

(T) "Disciplinary counsel" means the disciplinary counsel 557
appointed by the board of commissioners on grievances and 558
discipline of the supreme court under the Rules for the 559
Government of the Bar of Ohio. 560

(U) "Certified grievance committee" means a duly 561
constituted and organized committee of the Ohio state bar 562
association or of one or more local bar associations of the 563
state of Ohio that complies with the criteria set forth in Rule 564
V, section 6 of the Rules for the Government of the Bar of Ohio. 565

(V) "Professional license" means any license, permit, 566
certificate, registration, qualification, admission, temporary 567
license, temporary permit, temporary certificate, or temporary 568
registration that is described in divisions (W)(1) to (37) of 569
this section and that qualifies a person as a professionally 570

licensed person.	571
(W) "Professionally licensed person" means any of the following:	572 573
(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;	574 575 576 577 578
(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	579 580 581
(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	582 583 584
(4) A person licensed under Chapter 4707. of the Revised Code;	585 586
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	587 588 589
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	590 591 592
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology	593 594 595 596 597 598

instructor's license, hair design instructor's license,	599
manicurist instructor's license, esthetics instructor's license,	600
natural hair style instructor's license, independent	601
contractor's license, or tanning facility permit under Chapter	602
4713. of the Revised Code;	603
(8) A person who has been issued a license to practice	604
dentistry, a general anesthesia permit, a conscious sedation	605
permit, a limited resident's license, a limited teaching	606
license, a dental hygienist's license, or a dental hygienist's	607
teacher's certificate under Chapter 4715. of the Revised Code;	608
(9) A person who has been issued an embalmer's license, a	609
funeral director's license, a funeral home license, or a	610
crematory license, or who has been registered for an embalmer's	611
or funeral director's apprenticeship under Chapter 4717. of the	612
Revised Code;	613
(10) A person who has been licensed as a registered nurse	614
or practical nurse, or who has been issued a certificate for the	615
practice of nurse-midwifery under Chapter 4723. of the Revised	616
Code;	617
(11) A person who has been licensed to practice optometry	618
or to engage in optical dispensing under Chapter 4725. of the	619
Revised Code;	620
(12) A person licensed to act as a pawnbroker under	621
Chapter 4727. of the Revised Code;	622
(13) A person licensed to act as a precious metals dealer	623
under Chapter 4728. of the Revised Code;	624
(14) A person licensed under Chapter 4729. of the Revised	625
Code as a pharmacist or pharmacy intern or registered under that	626
chapter as a registered pharmacy technician, certified pharmacy	627

technician, or pharmacy technician trainee;	628
(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;	629 630 631 632 633
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	634 635
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	636 637 638 639 640
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	641 642 643
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	644 645 646
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	647 648
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	649 650
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	651 652
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	653 654

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	655 656
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	657 658
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	659 660 661 662
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	663 664 665
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	666 667 668
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	669 670
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	671 672 673
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	674 675 676
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	677 678 679 680 681 682

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	683 684
(34) A person who has been issued a license or limited permit to practice respiratory therapy <u>or a license to practice as an advanced practice respiratory therapist</u> under Chapter 4761. of the Revised Code;	685 686 687 688
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	689 690
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	691 692
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	693 694 695
(X) "Cocaine" means any of the following:	696
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	697 698
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	699 700 701 702
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	703 704 705 706 707 708
(Y) "L.S.D." means lysergic acid diethylamide.	709

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	710 711
(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	712 713 714
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	715 716
"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.	717 718 719 720 721
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	722 723 724
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	725 726 727 728 729 730 731
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.	732 733 734 735 736 737
(DD) "Major drug offender" has the same meaning as in	738

section 2929.01 of the Revised Code.	739
(EE) "Minor drug possession offense" means either of the following:	740 741
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	742 743
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	744 745 746
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	747 748
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	749 750
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	751 752 753
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	754 755 756 757 758
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	759 760
(KK) "Fentanyl-related compound" means any of the following:	761 762
(1) Fentanyl;	763
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	764 765

phenylethyl)-4-(N-propanilido) piperidine);	766
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	767 768
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	769 770
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	771 772 773
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	774 775
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	776 777
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	778 779
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	780 781
(10) Alfentanil;	782
(11) Carfentanil;	783
(12) Remifentanil;	784
(13) Sufentanil;	785
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	786 787
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl,	788 789 790 791

butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 792
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 793
fluorofentanyl: 794

(a) A chemical scaffold consisting of both of the 795
following: 796

(i) A five, six, or seven member ring structure containing 797
a nitrogen, whether or not further substituted; 798

(ii) An attached nitrogen to the ring, whether or not that 799
nitrogen is enclosed in a ring structure, including an attached 800
aromatic ring or other lipophilic group to that nitrogen. 801

(b) A polar functional group attached to the chemical 802
scaffold, including but not limited to a hydroxyl, ketone, 803
amide, or ester; 804

(c) An alkyl or aryl substitution off the ring nitrogen of 805
the chemical scaffold; and 806

(d) The compound has not been approved for medical use by 807
the United States food and drug administration. 808

(LL) "First degree felony mandatory prison term" means one 809
of the definite prison terms prescribed in division (A) (1) (b) of 810
section 2929.14 of the Revised Code for a felony of the first 811
degree, except that if the violation for which sentence is being 812
imposed is committed on or after March 22, 2019, it means one of 813
the minimum prison terms prescribed in division (A) (1) (a) of 814
that section for a felony of the first degree. 815

(MM) "Second degree felony mandatory prison term" means 816
one of the definite prison terms prescribed in division (A) (2) 817
(b) of section 2929.14 of the Revised Code for a felony of the 818
second degree, except that if the violation for which sentence 819

is being imposed is committed on or after March 22, 2019, it 820
means one of the minimum prison terms prescribed in division (A) 821
(2) (a) of that section for a felony of the second degree. 822

(NN) "Maximum first degree felony mandatory prison term" 823
means the maximum definite prison term prescribed in division 824
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 825
the first degree, except that if the violation for which 826
sentence is being imposed is committed on or after March 22, 827
2019, it means the longest minimum prison term prescribed in 828
division (A) (1) (a) of that section for a felony of the first 829
degree. 830

(OO) "Maximum second degree felony mandatory prison term" 831
means the maximum definite prison term prescribed in division 832
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 833
the second degree, except that if the violation for which 834
sentence is being imposed is committed on or after March 22, 835
2019, it means the longest minimum prison term prescribed in 836
division (A) (2) (a) of that section for a felony of the second 837
degree. 838

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 839
as in section 928.01 of the Revised Code. 840

(QQ) An offense is "committed in the vicinity of a 841
substance addiction services provider or a recovering addict" if 842
either of the following apply: 843

(1) The offender commits the offense on the premises of a 844
substance addiction services provider's facility, including a 845
facility licensed prior to June 29, 2019, under section 5119.391 846
of the Revised Code to provide methadone treatment or an opioid 847
treatment program licensed on or after that date under section 848

5119.37 of the Revised Code, or within five hundred feet of the 849
premises of a substance addiction services provider's facility 850
and the offender knows or should know that the offense is being 851
committed within the vicinity of the substance addiction 852
services provider's facility. 853

(2) The offender sells, offers to sell, delivers, or 854
distributes the controlled substance or controlled substance 855
analog to a person who is receiving treatment at the time of the 856
commission of the offense, or received treatment within thirty 857
days prior to the commission of the offense, from a substance 858
addiction services provider and the offender knows that the 859
person is receiving or received that treatment. 860

(RR) "Substance addiction services provider" means an 861
agency, association, corporation or other legal entity, 862
individual, or program that provides one or more of the 863
following at a facility: 864

(1) Either alcohol addiction services, or drug addiction 865
services, or both such services that are certified by the 866
director of mental health and addiction services under section 867
5119.36 of the Revised Code; 868

(2) Recovery supports that are related to either alcohol 869
addiction services, or drug addiction services, or both such 870
services and paid for with federal, state, or local funds 871
administered by the department of mental health and addiction 872
services or a board of alcohol, drug addiction, and mental 873
health services. 874

(SS) "Premises of a substance addiction services 875
provider's facility" means the parcel of real property on which 876
any substance addiction service provider's facility is situated. 877

(TT) "Alcohol and drug addiction services" has the same 878
meaning as in section 5119.01 of the Revised Code. 879

Sec. 2925.02. (A) No person shall knowingly do any of the 880
following: 881

(1) By force, threat, or deception, administer to another 882
or induce or cause another to use a controlled substance; 883

(2) By any means, administer or furnish to another or 884
induce or cause another to use a controlled substance with 885
purpose to cause serious physical harm to the other person, or 886
with purpose to cause the other person to become a person with 887
drug dependency; 888

(3) By any means, administer or furnish to another or 889
induce or cause another to use a controlled substance, and 890
thereby cause serious physical harm to the other person, or 891
cause the other person to become a person with drug dependency; 892

(4) By any means, do any of the following: 893

(a) Furnish or administer a controlled substance to a 894
juvenile who is at least two years the offender's junior, when 895
the offender knows the age of the juvenile or is reckless in 896
that regard; 897

(b) Induce or cause a juvenile who is at least two years 898
the offender's junior to use a controlled substance, when the 899
offender knows the age of the juvenile or is reckless in that 900
regard; 901

(c) Induce or cause a juvenile who is at least two years 902
the offender's junior to commit a felony drug abuse offense, 903
when the offender knows the age of the juvenile or is reckless 904
in that regard; 905

(d) Use a juvenile, whether or not the offender knows the age of the juvenile, to perform any surveillance activity that is intended to prevent the detection of the offender or any other person in the commission of a felony drug abuse offense or to prevent the arrest of the offender or any other person for the commission of a felony drug abuse offense.

(5) By any means, furnish or administer a controlled substance to a pregnant woman or induce or cause a pregnant woman to use a controlled substance, when the offender knows that the woman is pregnant or is reckless in that regard.

(B) Division (A) (1), (3), (4), or (5) of this section does not apply to manufacturers, wholesalers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 4741., and 4761. of the Revised Code.

(C) Whoever violates this section is guilty of corrupting another with drugs. The penalty for the offense shall be determined as follows:

(1) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (1) (b) of

this section, corrupting another with drugs committed in those 935
circumstances is a felony of the second degree and, subject to 936
division (E) of this section, the court shall impose as a 937
mandatory prison term a second degree felony mandatory prison 938
term. 939

(b) If the offense was committed in the vicinity of a 940
school, corrupting another with drugs committed in those 941
circumstances is a felony of the first degree, and, subject to 942
division (E) of this section, the court shall impose as a 943
mandatory prison term a first degree felony mandatory prison 944
term. 945

(2) If the offense is a violation of division (A) (1), (2), 946
(3), or (4) of this section and the drug involved is any 947
compound, mixture, preparation, or substance included in 948
schedule III, IV, or V, the offender shall be punished as 949
follows: 950

(a) Except as otherwise provided in division (C) (2) (b) of 951
this section, corrupting another with drugs committed in those 952
circumstances is a felony of the second degree and there is a 953
presumption for a prison term for the offense. 954

(b) If the offense was committed in the vicinity of a 955
school, corrupting another with drugs committed in those 956
circumstances is a felony of the second degree and the court 957
shall impose as a mandatory prison term a second degree felony 958
mandatory prison term. 959

(3) If the offense is a violation of division (A) (1), (2), 960
(3), or (4) of this section and the drug involved is marihuana, 961
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 962
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 963

dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 964
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 965
offender shall be punished as follows: 966

(a) Except as otherwise provided in division (C) (3) (b) of 967
this section, corrupting another with drugs committed in those 968
circumstances is a felony of the fourth degree and division (C) 969
of section 2929.13 of the Revised Code applies in determining 970
whether to impose a prison term on the offender. 971

(b) If the offense was committed in the vicinity of a 972
school, corrupting another with drugs committed in those 973
circumstances is a felony of the third degree and division (C) 974
of section 2929.13 of the Revised Code applies in determining 975
whether to impose a prison term on the offender. 976

(4) If the offense is a violation of division (A) (5) of 977
this section and the drug involved is any compound, mixture, 978
preparation, or substance included in schedule I or II, with the 979
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 980
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 981
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 982
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 983
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 984
felony of the first degree and, subject to division (E) of this 985
section, the court shall impose as a mandatory prison term a 986
first degree felony mandatory prison term. 987

(5) If the offense is a violation of division (A) (5) of 988
this section and the drug involved is any compound, mixture, 989
preparation, or substance included in schedule III, IV, or V, 990
corrupting another with drugs is a felony of the second degree 991
and the court shall impose as a mandatory prison term a second 992
degree felony mandatory prison term. 993

(6) If the offense is a violation of division (A) (5) of 994
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 995
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 996
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 997
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 998
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 999
corrupting another with drugs is a felony of the third degree 1000
and division (C) of section 2929.13 of the Revised Code applies 1001
in determining whether to impose a prison term on the offender. 1002

(D) In addition to any prison term authorized or required 1003
by division (C) or (E) of this section and sections 2929.13 and 1004
2929.14 of the Revised Code and in addition to any other 1005
sanction imposed for the offense under this section or sections 1006
2929.11 to 2929.18 of the Revised Code, the court that sentences 1007
an offender who is convicted of or pleads guilty to a violation 1008
of division (A) of this section may suspend for not more than 1009
five years the offender's driver's or commercial driver's 1010
license or permit. However, if the offender pleaded guilty to or 1011
was convicted of a violation of section 4511.19 of the Revised 1012
Code or a substantially similar municipal ordinance or the law 1013
of another state or the United States arising out of the same 1014
set of circumstances as the violation, the court shall suspend 1015
the offender's driver's or commercial driver's license or permit 1016
for not more than five years. The court also shall do all of the 1017
following that are applicable regarding the offender: 1018

(1) (a) If the violation is a felony of the first, second, 1019
or third degree, the court shall impose upon the offender the 1020
mandatory fine specified for the offense under division (B) (1) 1021
of section 2929.18 of the Revised Code unless, as specified in 1022
that division, the court determines that the offender is 1023
indigent. 1024

(b) Notwithstanding any contrary provision of section 1025
3719.21 of the Revised Code, any mandatory fine imposed pursuant 1026
to division (D) (1) (a) of this section and any fine imposed for a 1027
violation of this section pursuant to division (A) of section 1028
2929.18 of the Revised Code shall be paid by the clerk of the 1029
court in accordance with and subject to the requirements of, and 1030
shall be used as specified in, division (F) of section 2925.03 1031
of the Revised Code. 1032

(c) If a person is charged with any violation of this 1033
section that is a felony of the first, second, or third degree, 1034
posts bail, and forfeits the bail, the forfeited bail shall be 1035
paid by the clerk of the court pursuant to division (D) (1) (b) of 1036
this section as if it were a fine imposed for a violation of 1037
this section. 1038

(2) If the offender is a professionally licensed person, 1039
in addition to any other sanction imposed for a violation of 1040
this section, the court immediately shall comply with section 1041
2925.38 of the Revised Code. 1042

(E) Notwithstanding the prison term otherwise authorized 1043
or required for the offense under division (C) of this section 1044
and sections 2929.13 and 2929.14 of the Revised Code, if the 1045
violation of division (A) of this section involves the sale, 1046
offer to sell, or possession of a schedule I or II controlled 1047
substance, with the exception of marihuana, 1-Pentyl-3-(1- 1048
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1049
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1050
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1051
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1052
if the court imposing sentence upon the offender finds that the 1053
offender as a result of the violation is a major drug offender 1054

and is guilty of a specification of the type described in 1055
division (A) of section 2941.1410 of the Revised Code, the 1056
court, in lieu of the prison term that otherwise is authorized 1057
or required, shall impose upon the offender the mandatory prison 1058
term specified in division (B) (3) (a) of section 2929.14 of the 1059
Revised Code. 1060

(F) (1) If the sentencing court suspends the offender's 1061
driver's or commercial driver's license or permit under division 1062
(D) of this section, the offender, at any time after the 1063
expiration of two years from the day on which the offender's 1064
sentence was imposed or from the day on which the offender 1065
finally was released from a prison term under the sentence, 1066
whichever is later, may file a motion with the sentencing court 1067
requesting termination of the suspension. Upon the filing of the 1068
motion and the court's finding of good cause for the 1069
determination, the court may terminate the suspension. 1070

(2) Any offender who received a mandatory suspension of 1071
the offender's driver's or commercial driver's license or permit 1072
under this section prior to September 13, 2016, may file a 1073
motion with the sentencing court requesting the termination of 1074
the suspension. However, an offender who pleaded guilty to or 1075
was convicted of a violation of section 4511.19 of the Revised 1076
Code or a substantially similar municipal ordinance or law of 1077
another state or the United States that arose out of the same 1078
set of circumstances as the violation for which the offender's 1079
license or permit was suspended under this section shall not 1080
file such a motion. 1081

Upon the filing of a motion under division (F) (2) of this 1082
section, the sentencing court, in its discretion, may terminate 1083
the suspension. 1084

Sec. 2925.03. (A) No person shall knowingly do any of the 1085
following: 1086

(1) Sell or offer to sell a controlled substance or a 1087
controlled substance analog; 1088

(2) Prepare for shipment, ship, transport, deliver, 1089
prepare for distribution, or distribute a controlled substance 1090
or a controlled substance analog, when the offender knows or has 1091
reasonable cause to believe that the controlled substance or a 1092
controlled substance analog is intended for sale or resale by 1093
the offender or another person. 1094

(B) This section does not apply to any of the following: 1095

(1) Manufacturers, licensed health professionals 1096
authorized to prescribe drugs, pharmacists, owners of 1097
pharmacies, and other persons whose conduct is in accordance 1098
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 1099
4741., and 4761. of the Revised Code; 1100

(2) If the offense involves an anabolic steroid, any 1101
person who is conducting or participating in a research project 1102
involving the use of an anabolic steroid if the project has been 1103
approved by the United States food and drug administration; 1104

(3) Any person who sells, offers for sale, prescribes, 1105
dispenses, or administers for livestock or other nonhuman 1106
species an anabolic steroid that is expressly intended for 1107
administration through implants to livestock or other nonhuman 1108
species and approved for that purpose under the "Federal Food, 1109
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1110
as amended, and is sold, offered for sale, prescribed, 1111
dispensed, or administered for that purpose in accordance with 1112
that act. 1113

(C) Whoever violates division (A) of this section is 1114
guilty of one of the following: 1115

(1) If the drug involved in the violation is any compound, 1116
mixture, preparation, or substance included in schedule I or 1117
schedule II, with the exception of marihuana, cocaine, L.S.D., 1118
heroin, any fentanyl-related compound, hashish, and any 1119
controlled substance analog, whoever violates division (A) of 1120
this section is guilty of aggravated trafficking in drugs. The 1121
penalty for the offense shall be determined as follows: 1122

(a) Except as otherwise provided in division (C) (1) (b), 1123
(c), (d), (e), or (f) of this section, aggravated trafficking in 1124
drugs is a felony of the fourth degree, and division (C) of 1125
section 2929.13 of the Revised Code applies in determining 1126
whether to impose a prison term on the offender. 1127

(b) Except as otherwise provided in division (C) (1) (c), 1128
(d), (e), or (f) of this section, if the offense was committed 1129
in the vicinity of a school, in the vicinity of a juvenile, or 1130
in the vicinity of a substance addiction services provider or a 1131
recovering addict, aggravated trafficking in drugs is a felony 1132
of the third degree, and division (C) of section 2929.13 of the 1133
Revised Code applies in determining whether to impose a prison 1134
term on the offender. 1135

(c) Except as otherwise provided in this division, if the 1136
amount of the drug involved equals or exceeds the bulk amount 1137
but is less than five times the bulk amount, aggravated 1138
trafficking in drugs is a felony of the third degree, and, 1139
except as otherwise provided in this division, there is a 1140
presumption for a prison term for the offense. If aggravated 1141
trafficking in drugs is a felony of the third degree under this 1142
division and if the offender two or more times previously has 1143

been convicted of or pleaded guilty to a felony drug abuse 1144
offense, the court shall impose as a mandatory prison term one 1145
of the prison terms prescribed for a felony of the third degree. 1146
If the amount of the drug involved is within that range and if 1147
the offense was committed in the vicinity of a school, in the 1148
vicinity of a juvenile, or in the vicinity of a substance 1149
addiction services provider or a recovering addict, aggravated 1150
trafficking in drugs is a felony of the second degree, and the 1151
court shall impose as a mandatory prison term a second degree 1152
felony mandatory prison term. 1153

(d) Except as otherwise provided in this division, if the 1154
amount of the drug involved equals or exceeds five times the 1155
bulk amount but is less than fifty times the bulk amount, 1156
aggravated trafficking in drugs is a felony of the second 1157
degree, and the court shall impose as a mandatory prison term a 1158
second degree felony mandatory prison term. If the amount of the 1159
drug involved is within that range and if the offense was 1160
committed in the vicinity of a school, in the vicinity of a 1161
juvenile, or in the vicinity of a substance addiction services 1162
provider or a recovering addict, aggravated trafficking in drugs 1163
is a felony of the first degree, and the court shall impose as a 1164
mandatory prison term a first degree felony mandatory prison 1165
term. 1166

(e) If the amount of the drug involved equals or exceeds 1167
fifty times the bulk amount but is less than one hundred times 1168
the bulk amount and regardless of whether the offense was 1169
committed in the vicinity of a school, in the vicinity of a 1170
juvenile, or in the vicinity of a substance addiction services 1171
provider or a recovering addict, aggravated trafficking in drugs 1172
is a felony of the first degree, and the court shall impose as a 1173
mandatory prison term a first degree felony mandatory prison 1174

term. 1175

(f) If the amount of the drug involved equals or exceeds 1176
one hundred times the bulk amount and regardless of whether the 1177
offense was committed in the vicinity of a school, in the 1178
vicinity of a juvenile, or in the vicinity of a substance 1179
addiction services provider or a recovering addict, aggravated 1180
trafficking in drugs is a felony of the first degree, the 1181
offender is a major drug offender, and the court shall impose as 1182
a mandatory prison term a maximum first degree felony mandatory 1183
prison term. 1184

(2) If the drug involved in the violation is any compound, 1185
mixture, preparation, or substance included in schedule III, IV, 1186
or V, whoever violates division (A) of this section is guilty of 1187
trafficking in drugs. The penalty for the offense shall be 1188
determined as follows: 1189

(a) Except as otherwise provided in division (C) (2) (b), 1190
(c), (d), or (e) of this section, trafficking in drugs is a 1191
felony of the fifth degree, and division (B) of section 2929.13 1192
of the Revised Code applies in determining whether to impose a 1193
prison term on the offender. 1194

(b) Except as otherwise provided in division (C) (2) (c), 1195
(d), or (e) of this section, if the offense was committed in the 1196
vicinity of a school or in the vicinity of a juvenile, 1197
trafficking in drugs is a felony of the fourth degree, and 1198
division (C) of section 2929.13 of the Revised Code applies in 1199
determining whether to impose a prison term on the offender. 1200

(c) Except as otherwise provided in this division, if the 1201
amount of the drug involved equals or exceeds the bulk amount 1202
but is less than five times the bulk amount, trafficking in 1203

drugs is a felony of the fourth degree, and division (B) of 1204
section 2929.13 of the Revised Code applies in determining 1205
whether to impose a prison term for the offense. If the amount 1206
of the drug involved is within that range and if the offense was 1207
committed in the vicinity of a school or in the vicinity of a 1208
juvenile, trafficking in drugs is a felony of the third degree, 1209
and there is a presumption for a prison term for the offense. 1210

(d) Except as otherwise provided in this division, if the 1211
amount of the drug involved equals or exceeds five times the 1212
bulk amount but is less than fifty times the bulk amount, 1213
trafficking in drugs is a felony of the third degree, and there 1214
is a presumption for a prison term for the offense. If the 1215
amount of the drug involved is within that range and if the 1216
offense was committed in the vicinity of a school or in the 1217
vicinity of a juvenile, trafficking in drugs is a felony of the 1218
second degree, and there is a presumption for a prison term for 1219
the offense. 1220

(e) Except as otherwise provided in this division, if the 1221
amount of the drug involved equals or exceeds fifty times the 1222
bulk amount, trafficking in drugs is a felony of the second 1223
degree, and the court shall impose as a mandatory prison term a 1224
second degree felony mandatory prison term. If the amount of the 1225
drug involved equals or exceeds fifty times the bulk amount and 1226
if the offense was committed in the vicinity of a school or in 1227
the vicinity of a juvenile, trafficking in drugs is a felony of 1228
the first degree, and the court shall impose as a mandatory 1229
prison term a first degree felony mandatory prison term. 1230

(3) If the drug involved in the violation is marihuana or 1231
a compound, mixture, preparation, or substance containing 1232
marihuana other than hashish, whoever violates division (A) of 1233

this section is guilty of trafficking in marihuana. The penalty 1234
for the offense shall be determined as follows: 1235

(a) Except as otherwise provided in division (C) (3) (b), 1236
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1237
marihuana is a felony of the fifth degree, and division (B) of 1238
section 2929.13 of the Revised Code applies in determining 1239
whether to impose a prison term on the offender. 1240

(b) Except as otherwise provided in division (C) (3) (c), 1241
(d), (e), (f), (g), or (h) of this section, if the offense was 1242
committed in the vicinity of a school or in the vicinity of a 1243
juvenile, trafficking in marihuana is a felony of the fourth 1244
degree, and division (B) of section 2929.13 of the Revised Code 1245
applies in determining whether to impose a prison term on the 1246
offender. 1247

(c) Except as otherwise provided in this division, if the 1248
amount of the drug involved equals or exceeds two hundred grams 1249
but is less than one thousand grams, trafficking in marihuana is 1250
a felony of the fourth degree, and division (B) of section 1251
2929.13 of the Revised Code applies in determining whether to 1252
impose a prison term on the offender. If the amount of the drug 1253
involved is within that range and if the offense was committed 1254
in the vicinity of a school or in the vicinity of a juvenile, 1255
trafficking in marihuana is a felony of the third degree, and 1256
division (C) of section 2929.13 of the Revised Code applies in 1257
determining whether to impose a prison term on the offender. 1258

(d) Except as otherwise provided in this division, if the 1259
amount of the drug involved equals or exceeds one thousand grams 1260
but is less than five thousand grams, trafficking in marihuana 1261
is a felony of the third degree, and division (C) of section 1262
2929.13 of the Revised Code applies in determining whether to 1263

impose a prison term on the offender. If the amount of the drug 1264
involved is within that range and if the offense was committed 1265
in the vicinity of a school or in the vicinity of a juvenile, 1266
trafficking in marihuana is a felony of the second degree, and 1267
there is a presumption that a prison term shall be imposed for 1268
the offense. 1269

(e) Except as otherwise provided in this division, if the 1270
amount of the drug involved equals or exceeds five thousand 1271
grams but is less than twenty thousand grams, trafficking in 1272
marihuana is a felony of the third degree, and there is a 1273
presumption that a prison term shall be imposed for the offense. 1274
If the amount of the drug involved is within that range and if 1275
the offense was committed in the vicinity of a school or in the 1276
vicinity of a juvenile, trafficking in marihuana is a felony of 1277
the second degree, and there is a presumption that a prison term 1278
shall be imposed for the offense. 1279

(f) Except as otherwise provided in this division, if the 1280
amount of the drug involved equals or exceeds twenty thousand 1281
grams but is less than forty thousand grams, trafficking in 1282
marihuana is a felony of the second degree, and the court shall 1283
impose as a mandatory prison term a second degree felony 1284
mandatory prison term of five, six, seven, or eight years. If 1285
the amount of the drug involved is within that range and if the 1286
offense was committed in the vicinity of a school or in the 1287
vicinity of a juvenile, trafficking in marihuana is a felony of 1288
the first degree, and the court shall impose as a mandatory 1289
prison term a maximum first degree felony mandatory prison term. 1290

(g) Except as otherwise provided in this division, if the 1291
amount of the drug involved equals or exceeds forty thousand 1292
grams, trafficking in marihuana is a felony of the second 1293

degree, and the court shall impose as a mandatory prison term a 1294
maximum second degree felony mandatory prison term. If the 1295
amount of the drug involved equals or exceeds forty thousand 1296
grams and if the offense was committed in the vicinity of a 1297
school or in the vicinity of a juvenile, trafficking in 1298
marihuana is a felony of the first degree, and the court shall 1299
impose as a mandatory prison term a maximum first degree felony 1300
mandatory prison term. 1301

(h) Except as otherwise provided in this division, if the 1302
offense involves a gift of twenty grams or less of marihuana, 1303
trafficking in marihuana is a minor misdemeanor upon a first 1304
offense and a misdemeanor of the third degree upon a subsequent 1305
offense. If the offense involves a gift of twenty grams or less 1306
of marihuana and if the offense was committed in the vicinity of 1307
a school or in the vicinity of a juvenile, trafficking in 1308
marihuana is a misdemeanor of the third degree. 1309

(4) If the drug involved in the violation is cocaine or a 1310
compound, mixture, preparation, or substance containing cocaine, 1311
whoever violates division (A) of this section is guilty of 1312
trafficking in cocaine. The penalty for the offense shall be 1313
determined as follows: 1314

(a) Except as otherwise provided in division (C) (4) (b), 1315
(c), (d), (e), (f), or (g) of this section, trafficking in 1316
cocaine is a felony of the fifth degree, and division (B) of 1317
section 2929.13 of the Revised Code applies in determining 1318
whether to impose a prison term on the offender. 1319

(b) Except as otherwise provided in division (C) (4) (c), 1320
(d), (e), (f), or (g) of this section, if the offense was 1321
committed in the vicinity of a school, in the vicinity of a 1322
juvenile, or in the vicinity of a substance addiction services 1323

provider or a recovering addict, trafficking in cocaine is a 1324
felony of the fourth degree, and division (C) of section 2929.13 1325
of the Revised Code applies in determining whether to impose a 1326
prison term on the offender. 1327

(c) Except as otherwise provided in this division, if the 1328
amount of the drug involved equals or exceeds five grams but is 1329
less than ten grams of cocaine, trafficking in cocaine is a 1330
felony of the fourth degree, and division (B) of section 2929.13 1331
of the Revised Code applies in determining whether to impose a 1332
prison term for the offense. If the amount of the drug involved 1333
is within that range and if the offense was committed in the 1334
vicinity of a school, in the vicinity of a juvenile, or in the 1335
vicinity of a substance addiction services provider or a 1336
recovering addict, trafficking in cocaine is a felony of the 1337
third degree, and there is a presumption for a prison term for 1338
the offense. 1339

(d) Except as otherwise provided in this division, if the 1340
amount of the drug involved equals or exceeds ten grams but is 1341
less than twenty grams of cocaine, trafficking in cocaine is a 1342
felony of the third degree, and, except as otherwise provided in 1343
this division, there is a presumption for a prison term for the 1344
offense. If trafficking in cocaine is a felony of the third 1345
degree under this division and if the offender two or more times 1346
previously has been convicted of or pleaded guilty to a felony 1347
drug abuse offense, the court shall impose as a mandatory prison 1348
term one of the prison terms prescribed for a felony of the 1349
third degree. If the amount of the drug involved is within that 1350
range and if the offense was committed in the vicinity of a 1351
school, in the vicinity of a juvenile, or in the vicinity of a 1352
substance addiction services provider or a recovering addict, 1353
trafficking in cocaine is a felony of the second degree, and the 1354

court shall impose as a mandatory prison term a second degree 1355
felony mandatory prison term. 1356

(e) Except as otherwise provided in this division, if the 1357
amount of the drug involved equals or exceeds twenty grams but 1358
is less than twenty-seven grams of cocaine, trafficking in 1359
cocaine is a felony of the second degree, and the court shall 1360
impose as a mandatory prison term a second degree felony 1361
mandatory prison term. If the amount of the drug involved is 1362
within that range and if the offense was committed in the 1363
vicinity of a school, in the vicinity of a juvenile, or in the 1364
vicinity of a substance addiction services provider or a 1365
recovering addict, trafficking in cocaine is a felony of the 1366
first degree, and the court shall impose as a mandatory prison 1367
term a first degree felony mandatory prison term. 1368

(f) If the amount of the drug involved equals or exceeds 1369
twenty-seven grams but is less than one hundred grams of cocaine 1370
and regardless of whether the offense was committed in the 1371
vicinity of a school, in the vicinity of a juvenile, or in the 1372
vicinity of a substance addiction services provider or a 1373
recovering addict, trafficking in cocaine is a felony of the 1374
first degree, and the court shall impose as a mandatory prison 1375
term a first degree felony mandatory prison term. 1376

(g) If the amount of the drug involved equals or exceeds 1377
one hundred grams of cocaine and regardless of whether the 1378
offense was committed in the vicinity of a school, in the 1379
vicinity of a juvenile, or in the vicinity of a substance 1380
addiction services provider or a recovering addict, trafficking 1381
in cocaine is a felony of the first degree, the offender is a 1382
major drug offender, and the court shall impose as a mandatory 1383
prison term a maximum first degree felony mandatory prison term. 1384

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

(a) Except as otherwise provided in division (C) (5) (b), (c), (d), (e), (f), or (g) of this section, trafficking in L.S.D. 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) (5) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in L.S.D. is a felony of the fourth degree, and division (C) 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 unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking

in L.S.D. is a felony of the third degree, and there is a 1415
presumption for a prison term for the offense. 1416

(d) Except as otherwise provided in this division, if the 1417
amount of the drug involved equals or exceeds fifty unit doses 1418
but is less than two hundred fifty unit doses of L.S.D. in a 1419
solid form or equals or exceeds five grams but is less than 1420
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1421
extract, or liquid distillate form, trafficking in L.S.D. is a 1422
felony of the third degree, and, except as otherwise provided in 1423
this division, there is a presumption for a prison term for the 1424
offense. If trafficking in L.S.D. is a felony of the third 1425
degree under this division and if the offender two or more times 1426
previously has been convicted of or pleaded guilty to a felony 1427
drug abuse offense, the court shall impose as a mandatory prison 1428
term one of the prison terms prescribed for a felony of the 1429
third degree. If the amount of the drug involved is within that 1430
range and if the offense was committed in the vicinity of a 1431
school, in the vicinity of a juvenile, or in the vicinity of a 1432
substance addiction services provider or a recovering addict, 1433
trafficking in L.S.D. is a felony of the second degree, and the 1434
court shall impose as a mandatory prison term a second degree 1435
felony mandatory prison term. 1436

(e) Except as otherwise provided in this division, if the 1437
amount of the drug involved equals or exceeds two hundred fifty 1438
unit doses but is less than one thousand unit doses of L.S.D. in 1439
a solid form or equals or exceeds twenty-five grams but is less 1440
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1441
extract, or liquid distillate form, trafficking in L.S.D. is a 1442
felony of the second degree, and the court shall impose as a 1443
mandatory prison term a second degree felony mandatory prison 1444
term. If the amount of the drug involved is within that range 1445

and if the offense was committed in the vicinity of a school, in 1446
the vicinity of a juvenile, or in the vicinity of a substance 1447
addiction services provider or a recovering addict, trafficking 1448
in L.S.D. is a felony of the first degree, and the court shall 1449
impose as a mandatory prison term a first degree felony 1450
mandatory prison term. 1451

(f) If the amount of the drug involved equals or exceeds 1452
one thousand unit doses but is less than five thousand unit 1453
doses of L.S.D. in a solid form or equals or exceeds one hundred 1454
grams but is less than five hundred grams of L.S.D. in a liquid 1455
concentrate, liquid extract, or liquid distillate form and 1456
regardless of whether the offense was committed in the vicinity 1457
of a school, in the vicinity of a juvenile, or in the vicinity 1458
of a substance addiction services provider or a recovering 1459
addict, trafficking in L.S.D. is a felony of the first degree, 1460
and the court shall impose as a mandatory prison term a first 1461
degree felony mandatory prison term. 1462

(g) If the amount of the drug involved equals or exceeds 1463
five thousand unit doses of L.S.D. in a solid form or equals or 1464
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1465
liquid extract, or liquid distillate form and regardless of 1466
whether the offense was committed in the vicinity of a school, 1467
in the vicinity of a juvenile, or in the vicinity of a substance 1468
addiction services provider or a recovering addict, trafficking 1469
in L.S.D. is a felony of the first degree, the offender is a 1470
major drug offender, and the court shall impose as a mandatory 1471
prison term a maximum first degree felony mandatory prison term. 1472

(6) If the drug involved in the violation is heroin or a 1473
compound, mixture, preparation, or substance containing heroin, 1474
whoever violates division (A) of this section is guilty of 1475

trafficking in heroin. The penalty for the offense shall be 1476
determined as follows: 1477

(a) Except as otherwise provided in division (C) (6) (b), 1478
(c), (d), (e), (f), or (g) of this section, trafficking in 1479
heroin is a felony of the fifth degree, and division (B) of 1480
section 2929.13 of the Revised Code applies in determining 1481
whether to impose a prison term on the offender. 1482

(b) Except as otherwise provided in division (C) (6) (c), 1483
(d), (e), (f), or (g) of this section, if the offense was 1484
committed in the vicinity of a school, in the vicinity of a 1485
juvenile, or in the vicinity of a substance addiction services 1486
provider or a recovering addict, trafficking in heroin is a 1487
felony of the fourth degree, and division (C) of section 2929.13 1488
of the Revised Code applies in determining whether to impose a 1489
prison term on the offender. 1490

(c) Except as otherwise provided in this division, if the 1491
amount of the drug involved equals or exceeds ten unit doses but 1492
is less than fifty unit doses or equals or exceeds one gram but 1493
is less than five grams, trafficking in heroin is a felony of 1494
the fourth degree, and division (B) of section 2929.13 of the 1495
Revised Code applies in determining whether to impose a prison 1496
term for the offense. If the amount of the drug involved is 1497
within that range and if the offense was committed in the 1498
vicinity of a school, in the vicinity of a juvenile, or in the 1499
vicinity of a substance addiction services provider or a 1500
recovering addict, trafficking in heroin is a felony of the 1501
third degree, and there is a presumption for a prison term for 1502
the offense. 1503

(d) Except as otherwise provided in this division, if the 1504
amount of the drug involved equals or exceeds fifty unit doses 1505

but is less than one hundred unit doses or equals or exceeds 1506
five grams but is less than ten grams, trafficking in heroin is 1507
a felony of the third degree, and there is a presumption for a 1508
prison term for the offense. If the amount of the drug involved 1509
is within that range and if the offense was committed in the 1510
vicinity of a school, in the vicinity of a juvenile, or in the 1511
vicinity of a substance addiction services provider or a 1512
recovering addict, trafficking in heroin is a felony of the 1513
second degree, and there is a presumption for a prison term for 1514
the offense. 1515

(e) Except as otherwise provided in this division, if the 1516
amount of the drug involved equals or exceeds one hundred unit 1517
doses but is less than five hundred unit doses or equals or 1518
exceeds ten grams but is less than fifty grams, trafficking in 1519
heroin is a felony of the second degree, and the court shall 1520
impose as a mandatory prison term a second degree felony 1521
mandatory prison term. If the amount of the drug involved is 1522
within that range and if the offense was committed in the 1523
vicinity of a school, in the vicinity of a juvenile, or in the 1524
vicinity of a substance addiction services provider or a 1525
recovering addict, trafficking in heroin is a felony of the 1526
first degree, and the court shall impose as a mandatory prison 1527
term a first degree felony mandatory prison term. 1528

(f) If the amount of the drug involved equals or exceeds 1529
five hundred unit doses but is less than one thousand unit doses 1530
or equals or exceeds fifty grams but is less than one hundred 1531
grams and regardless of whether the offense was committed in the 1532
vicinity of a school, in the vicinity of a juvenile, or in the 1533
vicinity of a substance addiction services provider or a 1534
recovering addict, trafficking in heroin is a felony of the 1535
first degree, and the court shall impose as a mandatory prison 1536

term a first degree felony mandatory prison term. 1537

(g) If the amount of the drug involved equals or exceeds 1538
one thousand unit doses or equals or exceeds one hundred grams 1539
and regardless of whether the offense was committed in the 1540
vicinity of a school, in the vicinity of a juvenile, or in the 1541
vicinity of a substance addiction services provider or a 1542
recovering addict, trafficking in heroin is a felony of the 1543
first degree, the offender is a major drug offender, and the 1544
court shall impose as a mandatory prison term a maximum first 1545
degree felony mandatory prison term. 1546

(7) If the drug involved in the violation is hashish or a 1547
compound, mixture, preparation, or substance containing hashish, 1548
whoever violates division (A) of this section is guilty of 1549
trafficking in hashish. The penalty for the offense shall be 1550
determined as follows: 1551

(a) Except as otherwise provided in division (C) (7) (b), 1552
(c), (d), (e), (f), or (g) of this section, trafficking in 1553
hashish is a felony of the fifth degree, and division (B) of 1554
section 2929.13 of the Revised Code applies in determining 1555
whether to impose a prison term on the offender. 1556

(b) Except as otherwise provided in division (C) (7) (c), 1557
(d), (e), (f), or (g) of this section, if the offense was 1558
committed in the vicinity of a school, in the vicinity of a 1559
juvenile, or in the vicinity of a substance addiction services 1560
provider or a recovering addict, trafficking in hashish is a 1561
felony of the fourth degree, and division (B) of section 2929.13 1562
of the Revised Code applies in determining whether to impose a 1563
prison term on the offender. 1564

(c) Except as otherwise provided in this division, if the 1565

amount of the drug involved equals or exceeds ten grams but is 1566
less than fifty grams of hashish in a solid form or equals or 1567
exceeds two grams but is less than ten grams of hashish in a 1568
liquid concentrate, liquid extract, or liquid distillate form, 1569
trafficking in hashish is a felony of the fourth degree, and 1570
division (B) of section 2929.13 of the Revised Code applies in 1571
determining whether to impose a prison term on the offender. If 1572
the amount of the drug involved is within that range and if the 1573
offense was committed in the vicinity of a school, in the 1574
vicinity of a juvenile, or in the vicinity of a substance 1575
addiction services provider or a recovering addict, trafficking 1576
in hashish is a felony of the third degree, and division (C) of 1577
section 2929.13 of the Revised Code applies in determining 1578
whether to impose a prison term on the offender. 1579

(d) Except as otherwise provided in this division, if the 1580
amount of the drug involved equals or exceeds fifty grams but is 1581
less than two hundred fifty grams of hashish in a solid form or 1582
equals or exceeds ten grams but is less than fifty grams of 1583
hashish in a liquid concentrate, liquid extract, or liquid 1584
distillate form, trafficking in hashish is a felony of the third 1585
degree, and division (C) of section 2929.13 of the Revised Code 1586
applies in determining whether to impose a prison term on the 1587
offender. If the amount of the drug involved is within that 1588
range and if the offense was committed in the vicinity of a 1589
school, in the vicinity of a juvenile, or in the vicinity of a 1590
substance addiction services provider or a recovering addict, 1591
trafficking in hashish is a felony of the second degree, and 1592
there is a presumption that a prison term shall be imposed for 1593
the offense. 1594

(e) Except as otherwise provided in this division, if the 1595
amount of the drug involved equals or exceeds two hundred fifty 1596

grams but is less than one thousand grams of hashish in a solid 1597
form or equals or exceeds fifty grams but is less than two 1598
hundred grams of hashish in a liquid concentrate, liquid 1599
extract, or liquid distillate form, trafficking in hashish is a 1600
felony of the third degree, and there is a presumption that a 1601
prison term shall be imposed for the offense. If the amount of 1602
the drug involved is within that range and if the offense was 1603
committed in the vicinity of a school, in the vicinity of a 1604
juvenile, or in the vicinity of a substance addiction services 1605
provider or a recovering addict, trafficking in hashish is a 1606
felony of the second degree, and there is a presumption that a 1607
prison term shall be imposed for the offense. 1608

(f) Except as otherwise provided in this division, if the 1609
amount of the drug involved equals or exceeds one thousand grams 1610
but is less than two thousand grams of hashish in a solid form 1611
or equals or exceeds two hundred grams but is less than four 1612
hundred grams of hashish in a liquid concentrate, liquid 1613
extract, or liquid distillate form, trafficking in hashish is a 1614
felony of the second degree, and the court shall impose as a 1615
mandatory prison term a second degree felony mandatory prison 1616
term of five, six, seven, or eight years. If the amount of the 1617
drug involved is within that range and if the offense was 1618
committed in the vicinity of a school, in the vicinity of a 1619
juvenile, or in the vicinity of a substance addiction services 1620
provider or a recovering addict, trafficking in hashish is a 1621
felony of the first degree, and the court shall impose as a 1622
mandatory prison term a maximum first degree felony mandatory 1623
prison term. 1624

(g) Except as otherwise provided in this division, if the 1625
amount of the drug involved equals or exceeds two thousand grams 1626
of hashish in a solid form or equals or exceeds four hundred 1627

grams of hashish in a liquid concentrate, liquid extract, or 1628
liquid distillate form, trafficking in hashish is a felony of 1629
the second degree, and the court shall impose as a mandatory 1630
prison term a maximum second degree felony mandatory prison 1631
term. If the amount of the drug involved equals or exceeds two 1632
thousand grams of hashish in a solid form or equals or exceeds 1633
four hundred grams of hashish in a liquid concentrate, liquid 1634
extract, or liquid distillate form and if the offense was 1635
committed in the vicinity of a school, in the vicinity of a 1636
juvenile, or in the vicinity of a substance addiction services 1637
provider or a recovering addict, trafficking in hashish is a 1638
felony of the first degree, and the court shall impose as a 1639
mandatory prison term a maximum first degree felony mandatory 1640
prison term. 1641

(8) If the drug involved in the violation is a controlled 1642
substance analog or compound, mixture, preparation, or substance 1643
that contains a controlled substance analog, whoever violates 1644
division (A) of this section is guilty of trafficking in a 1645
controlled substance analog. The penalty for the offense shall 1646
be determined as follows: 1647

(a) Except as otherwise provided in division (C) (8) (b), 1648
(c), (d), (e), (f), or (g) of this section, trafficking in a 1649
controlled substance analog is a felony of the fifth degree, and 1650
division (C) of section 2929.13 of the Revised Code applies in 1651
determining whether to impose a prison term on the offender. 1652

(b) Except as otherwise provided in division (C) (8) (c), 1653
(d), (e), (f), or (g) of this section, if the offense was 1654
committed in the vicinity of a school, in the vicinity of a 1655
juvenile, or in the vicinity of a substance addiction services 1656
provider or a recovering addict, trafficking in a controlled 1657

substance analog is a felony of the fourth degree, and division 1658
(C) of section 2929.13 of the Revised Code applies in 1659
determining whether to impose a prison term on the offender. 1660

(c) Except as otherwise provided in this division, if the 1661
amount of the drug involved equals or exceeds ten grams but is 1662
less than twenty grams, trafficking in a controlled substance 1663
analog is a felony of the fourth degree, and division (B) of 1664
section 2929.13 of the Revised Code applies in determining 1665
whether to impose a prison term for the offense. If the amount 1666
of the drug involved is within that range and if the offense was 1667
committed in the vicinity of a school, in the vicinity of a 1668
juvenile, or in the vicinity of a substance addiction services 1669
provider or a recovering addict, trafficking in a controlled 1670
substance analog is a felony of the third degree, and there is a 1671
presumption for a prison term for the offense. 1672

(d) Except as otherwise provided in this division, if the 1673
amount of the drug involved equals or exceeds twenty grams but 1674
is less than thirty grams, trafficking in a controlled substance 1675
analog is a felony of the third degree, and there is a 1676
presumption for a prison term for the offense. If the amount of 1677
the drug involved is within that range and if the offense was 1678
committed in the vicinity of a school, in the vicinity of a 1679
juvenile, or in the vicinity of a substance addiction services 1680
provider or a recovering addict, trafficking in a controlled 1681
substance analog is a felony of the second degree, and there is 1682
a presumption for a prison term for the offense. 1683

(e) Except as otherwise provided in this division, if the 1684
amount of the drug involved equals or exceeds thirty grams but 1685
is less than forty grams, trafficking in a controlled substance 1686
analog is a felony of the second degree, and the court shall 1687

impose as a mandatory prison term a second degree felony 1688
mandatory prison term. If the amount of the drug involved is 1689
within that range and if the offense was committed in the 1690
vicinity of a school, in the vicinity of a juvenile, or in the 1691
vicinity of a substance addiction services provider or a 1692
recovering addict, trafficking in a controlled substance analog 1693
is a felony of the first degree, and the court shall impose as a 1694
mandatory prison term a first degree felony mandatory prison 1695
term. 1696

(f) If the amount of the drug involved equals or exceeds 1697
forty grams but is less than fifty grams and regardless of 1698
whether the offense was committed in the vicinity of a school, 1699
in the vicinity of a juvenile, or in the vicinity of a substance 1700
addiction services provider or a recovering addict, trafficking 1701
in a controlled substance analog is a felony of the first 1702
degree, and the court shall impose as a mandatory prison term a 1703
first degree felony mandatory prison term. 1704

(g) If the amount of the drug involved equals or exceeds 1705
fifty grams and regardless of whether the offense was committed 1706
in the vicinity of a school, in the vicinity of a juvenile, or 1707
in the vicinity of a substance addiction services provider or a 1708
recovering addict, trafficking in a controlled substance analog 1709
is a felony of the first degree, the offender is a major drug 1710
offender, and the court shall impose as a mandatory prison term 1711
a maximum first degree felony mandatory prison term. 1712

(9) If the drug involved in the violation is a fentanyl- 1713
related compound or a compound, mixture, preparation, or 1714
substance containing a fentanyl-related compound and division 1715
(C) (10) (a) of this section does not apply to the drug involved, 1716
whoever violates division (A) of this section is guilty of 1717

trafficking in a fentanyl-related compound. The penalty for the 1718
offense shall be determined as follows: 1719

(a) Except as otherwise provided in division (C) (9) (b), 1720
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1721
a fentanyl-related compound is a felony of the fifth degree, and 1722
division (B) of section 2929.13 of the Revised Code applies in 1723
determining whether to impose a prison term on the offender. 1724

(b) Except as otherwise provided in division (C) (9) (c), 1725
(d), (e), (f), (g), or (h) of this section, if the offense was 1726
committed in the vicinity of a school, in the vicinity of a 1727
juvenile, or in the vicinity of a substance addiction services 1728
provider or a recovering addict, trafficking in a fentanyl- 1729
related compound is a felony of the fourth degree, and division 1730
(C) of section 2929.13 of the Revised Code applies in 1731
determining whether to impose a prison term on the offender. 1732

(c) Except as otherwise provided in this division, if the 1733
amount of the drug involved equals or exceeds ten unit doses but 1734
is less than fifty unit doses or equals or exceeds one gram but 1735
is less than five grams, trafficking in a fentanyl-related 1736
compound is a felony of the fourth degree, and division (B) of 1737
section 2929.13 of the Revised Code applies in determining 1738
whether to impose a prison term for the offense. If the amount 1739
of the drug involved is within that range and if the offense was 1740
committed in the vicinity of a school, in the vicinity of a 1741
juvenile, or in the vicinity of a substance addiction services 1742
provider or a recovering addict, trafficking in a fentanyl- 1743
related compound is a felony of the third degree, and there is a 1744
presumption for a prison term for the offense. 1745

(d) Except as otherwise provided in this division, if the 1746
amount of the drug involved equals or exceeds fifty unit doses 1747

but is less than one hundred unit doses or equals or exceeds 1748
five grams but is less than ten grams, trafficking in a 1749
fentanyl-related compound is a felony of the third degree, and 1750
there is a presumption for a prison term for the offense. If the 1751
amount of the drug involved is within that range and if the 1752
offense was committed in the vicinity of a school, in the 1753
vicinity of a juvenile, or in the vicinity of a substance 1754
addiction services provider or a recovering addict, trafficking 1755
in a fentanyl-related compound is a felony of the second degree, 1756
and there is a presumption for a prison term for the offense. 1757

(e) Except as otherwise provided in this division, if the 1758
amount of the drug involved equals or exceeds one hundred unit 1759
doses but is less than two hundred unit doses or equals or 1760
exceeds ten grams but is less than twenty grams, trafficking in 1761
a fentanyl-related compound is a felony of the second degree, 1762
and the court shall impose as a mandatory prison term one of the 1763
prison terms prescribed for a felony of the second degree. If 1764
the amount of the drug involved is within that range and if the 1765
offense was committed in the vicinity of a school, in the 1766
vicinity of a juvenile, or in the vicinity of a substance 1767
addiction services provider or a recovering addict, trafficking 1768
in a fentanyl-related compound is a felony of the first degree, 1769
and the court shall impose as a mandatory prison term one of the 1770
prison terms prescribed for a felony of the first degree. 1771

(f) If the amount of the drug involved equals or exceeds 1772
two hundred unit doses but is less than five hundred unit doses 1773
or equals or exceeds twenty grams but is less than fifty grams 1774
and regardless of whether the offense was committed in the 1775
vicinity of a school, in the vicinity of a juvenile, or in the 1776
vicinity of a substance addiction services provider or a 1777
recovering addict, trafficking in a fentanyl-related compound is 1778

a felony of the first degree, and the court shall impose as a 1779
mandatory prison term one of the prison terms prescribed for a 1780
felony of the first degree. 1781

(g) If the amount of the drug involved equals or exceeds 1782
five hundred unit doses but is less than one thousand unit doses 1783
or equals or exceeds fifty grams but is less than one hundred 1784
grams and regardless of whether the offense was committed in the 1785
vicinity of a school, in the vicinity of a juvenile, or in the 1786
vicinity of a substance addiction services provider or a 1787
recovering addict, trafficking in a fentanyl-related compound is 1788
a felony of the first degree, and the court shall impose as a 1789
mandatory prison term the maximum prison term prescribed for a 1790
felony of the first degree. 1791

(h) If the amount of the drug involved equals or exceeds 1792
one thousand unit doses or equals or exceeds one hundred grams 1793
and regardless of whether the offense was committed in the 1794
vicinity of a school, in the vicinity of a juvenile, or in the 1795
vicinity of a substance addiction services provider or a 1796
recovering addict, trafficking in a fentanyl-related compound is 1797
a felony of the first degree, the offender is a major drug 1798
offender, and the court shall impose as a mandatory prison term 1799
the maximum prison term prescribed for a felony of the first 1800
degree. 1801

(10) If the drug involved in the violation is a compound, 1802
mixture, preparation, or substance that is a combination of a 1803
fentanyl-related compound and marihuana, one of the following 1804
applies: 1805

(a) Except as otherwise provided in division (C)(10)(b) of 1806
this section, the offender is guilty of trafficking in marihuana 1807
and shall be punished under division (C)(3) of this section. The 1808

offender is not guilty of trafficking in a fentanyl-related 1809
compound and shall not be charged with, convicted of, or 1810
punished under division (C) (9) of this section for trafficking 1811
in a fentanyl-related compound. 1812

(b) If the offender knows or has reason to know that the 1813
compound, mixture, preparation, or substance that is the drug 1814
involved contains a fentanyl-related compound, the offender is 1815
guilty of trafficking in a fentanyl-related compound and shall 1816
be punished under division (C) (9) of this section. 1817

(D) In addition to any prison term authorized or required 1818
by division (C) of this section and sections 2929.13 and 2929.14 1819
of the Revised Code, and in addition to any other sanction 1820
imposed for the offense under this section or sections 2929.11 1821
to 2929.18 of the Revised Code, the court that sentences an 1822
offender who is convicted of or pleads guilty to a violation of 1823
division (A) of this section may suspend the driver's or 1824
commercial driver's license or permit of the offender in 1825
accordance with division (G) of this section. However, if the 1826
offender pleaded guilty to or was convicted of a violation of 1827
section 4511.19 of the Revised Code or a substantially similar 1828
municipal ordinance or the law of another state or the United 1829
States arising out of the same set of circumstances as the 1830
violation, the court shall suspend the offender's driver's or 1831
commercial driver's license or permit in accordance with 1832
division (G) of this section. If applicable, the court also 1833
shall do the following: 1834

(1) If the violation of division (A) of this section is a 1835
felony of the first, second, or third degree, the court shall 1836
impose upon the offender the mandatory fine specified for the 1837
offense under division (B) (1) of section 2929.18 of the Revised 1838

Code unless, as specified in that division, the court determines 1839
that the offender is indigent. Except as otherwise provided in 1840
division (H) (1) of this section, a mandatory fine or any other 1841
fine imposed for a violation of this section is subject to 1842
division (F) of this section. If a person is charged with a 1843
violation of this section that is a felony of the first, second, 1844
or third degree, posts bail, and forfeits the bail, the clerk of 1845
the court shall pay the forfeited bail pursuant to divisions (D) 1846
(1) and (F) of this section, as if the forfeited bail was a fine 1847
imposed for a violation of this section. If any amount of the 1848
forfeited bail remains after that payment and if a fine is 1849
imposed under division (H) (1) of this section, the clerk of the 1850
court shall pay the remaining amount of the forfeited bail 1851
pursuant to divisions (H) (2) and (3) of this section, as if that 1852
remaining amount was a fine imposed under division (H) (1) of 1853
this section. 1854

(2) If the offender is a professionally licensed person, 1855
the court immediately shall comply with section 2925.38 of the 1856
Revised Code. 1857

(E) When a person is charged with the sale of or offer to 1858
sell a bulk amount or a multiple of a bulk amount of a 1859
controlled substance, the jury, or the court trying the accused, 1860
shall determine the amount of the controlled substance involved 1861
at the time of the offense and, if a guilty verdict is returned, 1862
shall return the findings as part of the verdict. In any such 1863
case, it is unnecessary to find and return the exact amount of 1864
the controlled substance involved, and it is sufficient if the 1865
finding and return is to the effect that the amount of the 1866
controlled substance involved is the requisite amount, or that 1867
the amount of the controlled substance involved is less than the 1868
requisite amount. 1869

(F) (1) Notwithstanding any contrary provision of section 1870
3719.21 of the Revised Code and except as provided in division 1871
(H) of this section, the clerk of the court shall pay any 1872
mandatory fine imposed pursuant to division (D) (1) of this 1873
section and any fine other than a mandatory fine that is imposed 1874
for a violation of this section pursuant to division (A) or (B) 1875
(5) of section 2929.18 of the Revised Code to the county, 1876
township, municipal corporation, park district, as created 1877
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1878
state law enforcement agencies in this state that primarily were 1879
responsible for or involved in making the arrest of, and in 1880
prosecuting, the offender. However, the clerk shall not pay a 1881
mandatory fine so imposed to a law enforcement agency unless the 1882
agency has adopted a written internal control policy under 1883
division (F) (2) of this section that addresses the use of the 1884
fine moneys that it receives. Each agency shall use the 1885
mandatory fines so paid to subsidize the agency's law 1886
enforcement efforts that pertain to drug offenses, in accordance 1887
with the written internal control policy adopted by the 1888
recipient agency under division (F) (2) of this section. 1889

(2) Prior to receiving any fine moneys under division (F) 1890
(1) of this section or division (B) of section 2925.42 of the 1891
Revised Code, a law enforcement agency shall adopt a written 1892
internal control policy that addresses the agency's use and 1893
disposition of all fine moneys so received and that provides for 1894
the keeping of detailed financial records of the receipts of 1895
those fine moneys, the general types of expenditures made out of 1896
those fine moneys, and the specific amount of each general type 1897
of expenditure. The policy shall not provide for or permit the 1898
identification of any specific expenditure that is made in an 1899
ongoing investigation. All financial records of the receipts of 1900

those fine moneys, the general types of expenditures made out of 1901
those fine moneys, and the specific amount of each general type 1902
of expenditure by an agency are public records open for 1903
inspection under section 149.43 of the Revised Code. 1904
Additionally, a written internal control policy adopted under 1905
this division is such a public record, and the agency that 1906
adopted it shall comply with it. 1907

(3) As used in division (F) of this section: 1908

(a) "Law enforcement agencies" includes, but is not 1909
limited to, the state board of pharmacy and the office of a 1910
prosecutor. 1911

(b) "Prosecutor" has the same meaning as in section 1912
2935.01 of the Revised Code. 1913

(G) (1) If the sentencing court suspends the offender's 1914
driver's or commercial driver's license or permit under division 1915
(D) of this section or any other provision of this chapter, the 1916
court shall suspend the license, by order, for not more than 1917
five years. If an offender's driver's or commercial driver's 1918
license or permit is suspended pursuant to this division, the 1919
offender, at any time after the expiration of two years from the 1920
day on which the offender's sentence was imposed or from the day 1921
on which the offender finally was released from a prison term 1922
under the sentence, whichever is later, may file a motion with 1923
the sentencing court requesting termination of the suspension; 1924
upon the filing of such a motion and the court's finding of good 1925
cause for the termination, the court may terminate the 1926
suspension. 1927

(2) Any offender who received a mandatory suspension of 1928
the offender's driver's or commercial driver's license or permit 1929

under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

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

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

(2) The court that imposes a fine under division (H) (1) of this section shall specify in the judgment that imposes the fine

one or more eligible community addiction services providers for 1960
the support of which the fine money is to be used. No community 1961
addiction services provider shall receive or use money paid or 1962
collected in satisfaction of a fine imposed under division (H) 1963
(1) of this section unless the services provider is specified in 1964
the judgment that imposes the fine. No community addiction 1965
services provider shall be specified in the judgment unless the 1966
services provider is an eligible community addiction services 1967
provider and, except as otherwise provided in division (H) (2) of 1968
this section, unless the services provider is located in the 1969
county in which the court that imposes the fine is located or in 1970
a county that is immediately contiguous to the county in which 1971
that court is located. If no eligible community addiction 1972
services provider is located in any of those counties, the 1973
judgment may specify an eligible community addiction services 1974
provider that is located anywhere within this state. 1975

(3) Notwithstanding any contrary provision of section 1976
3719.21 of the Revised Code, the clerk of the court shall pay 1977
any fine imposed under division (H) (1) of this section to the 1978
eligible community addiction services provider specified 1979
pursuant to division (H) (2) of this section in the judgment. The 1980
eligible community addiction services provider that receives the 1981
fine moneys shall use the moneys only for the alcohol and drug 1982
addiction services identified in the application for 1983
certification of services under section 5119.36 of the Revised 1984
Code or in the application for a license under section 5119.37 1985
of the Revised Code filed with the department of mental health 1986
and addiction services by the community addiction services 1987
provider specified in the judgment. 1988

(4) Each community addiction services provider that 1989
receives in a calendar year any fine moneys under division (H) 1990

(3) of this section shall file an annual report covering that 1991
calendar year with the court of common pleas and the board of 1992
county commissioners of the county in which the services 1993
provider is located, with the court of common pleas and the 1994
board of county commissioners of each county from which the 1995
services provider received the moneys if that county is 1996
different from the county in which the services provider is 1997
located, and with the attorney general. The community addiction 1998
services provider shall file the report no later than the first 1999
day of March in the calendar year following the calendar year in 2000
which the services provider received the fine moneys. The report 2001
shall include statistics on the number of persons served by the 2002
community addiction services provider, identify the types of 2003
alcohol and drug addiction services provided to those persons, 2004
and include a specific accounting of the purposes for which the 2005
fine moneys received were used. No information contained in the 2006
report shall identify, or enable a person to determine the 2007
identity of, any person served by the community addiction 2008
services provider. Each report received by a court of common 2009
pleas, a board of county commissioners, or the attorney general 2010
is a public record open for inspection under section 149.43 of 2011
the Revised Code. 2012

(5) As used in divisions (H) (1) to (5) of this section: 2013

(a) "Community addiction services provider" and "alcohol 2014
and drug addiction services" have the same meanings as in 2015
section 5119.01 of the Revised Code. 2016

(b) "Eligible community addiction services provider" means 2017
a community addiction services provider, including a community 2018
addiction services provider that operates an opioid treatment 2019
program licensed under section 5119.37 of the Revised Code. 2020

(I) As used in this section, "drug" includes any substance that is represented to be a drug. 2021
2022

(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code: 2023
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(1) A controlled substance; 2031

(2) Any substance for which there is an approved new drug application; 2032
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(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. 2034
2035
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2037

Sec. 2925.11. (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog. 2038
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(B) (1) This section does not apply to any of the following: 2041
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(a) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 4741., and 4761. of the Revised Code; 2043
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(b) If the offense involves an anabolic steroid, any 2048

person who is conducting or participating in a research project 2049
involving the use of an anabolic steroid if the project has been 2050
approved by the United States food and drug administration; 2051

(c) Any person who sells, offers for sale, prescribes, 2052
dispenses, or administers for livestock or other nonhuman 2053
species an anabolic steroid that is expressly intended for 2054
administration through implants to livestock or other nonhuman 2055
species and approved for that purpose under the "Federal Food, 2056
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2057
as amended, and is sold, offered for sale, prescribed, 2058
dispensed, or administered for that purpose in accordance with 2059
that act; 2060

(d) Any person who obtained the controlled substance 2061
pursuant to a prescription issued by a licensed health 2062
professional authorized to prescribe drugs if the prescription 2063
was issued for a legitimate medical purpose and not altered, 2064
forged, or obtained through deception or commission of a theft 2065
offense. 2066

As used in division (B) (1) (d) of this section, "deception" 2067
and "theft offense" have the same meanings as in section 2913.01 2068
of the Revised Code. 2069

(2) (a) As used in division (B) (2) of this section: 2070

(i) "Community addiction services provider" has the same 2071
meaning as in section 5119.01 of the Revised Code. 2072

(ii) "Community control sanction" and "drug treatment 2073
program" have the same meanings as in section 2929.01 of the 2074
Revised Code. 2075

(iii) "Health care facility" has the same meaning as in 2076
section 2919.16 of the Revised Code. 2077

(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 2078
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(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 2081
2082

(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 2083
2084

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 2085
2086

(viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 2087
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(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. 2094
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(b) Subject to division (B) (2) (e) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense or a violation of section 2925.12, division (C) (1) of section 2925.14, or section 2925.141 of the Revised Code if all of the following apply: 2098
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(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis 2104
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of the offense was obtained as a result of the qualified 2107
individual seeking the medical assistance or experiencing an 2108
overdose and needing medical assistance. 2109

(ii) Subject to division (B) (2) (f) of this section, within 2110
thirty days after seeking or obtaining the medical assistance, 2111
the qualified individual seeks and obtains a screening and 2112
receives a referral for treatment from a community addiction 2113
services provider or a properly credentialed addiction treatment 2114
professional. 2115

(iii) Subject to division (B) (2) (f) of this section, the 2116
qualified individual who obtains a screening and receives a 2117
referral for treatment under division (B) (2) (b) (ii) of this 2118
section, upon the request of any prosecuting attorney, submits 2119
documentation to the prosecuting attorney that verifies that the 2120
qualified individual satisfied the requirements of that 2121
division. The documentation shall be limited to the date and 2122
time of the screening obtained and referral received. 2123

(c) If a person who is serving a community control 2124
sanction or is under a sanction on post-release control acts 2125
pursuant to division (B) (2) (b) of this section, then division 2126
(B) of section 2929.141, division (B) (2) of section 2929.15, 2127
division (D) (3) of section 2929.25, or division (F) (3) of 2128
section 2967.28 of the Revised Code applies to the person with 2129
respect to any violation of the sanction or post-release control 2130
sanction based on a minor drug possession offense, as defined in 2131
section 2925.11 of the Revised Code, or a violation of section 2132
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2133
of the Revised Code. 2134

(d) Nothing in division (B) (2) (b) of this section shall be 2135
construed to do any of the following: 2136

(i) Limit the admissibility of any evidence in connection 2137
with the investigation or prosecution of a crime with regards to 2138
a defendant who does not qualify for the protections of division 2139
(B) (2) (b) of this section or with regards to any crime other 2140
than a minor drug possession offense or a violation of section 2141
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2142
of the Revised Code committed by a person who qualifies for 2143
protection pursuant to division (B) (2) (b) of this section; 2144

(ii) Limit any seizure of evidence or contraband otherwise 2145
permitted by law; 2146

(iii) Limit or abridge the authority of a peace officer to 2147
detain or take into custody a person in the course of an 2148
investigation or to effectuate an arrest for any offense except 2149
as provided in that division; 2150

(iv) Limit, modify, or remove any immunity from liability 2151
available pursuant to law in effect prior to September 13, 2016, 2152
to any public agency or to an employee of any public agency. 2153

(e) Division (B) (2) (b) of this section does not apply to 2154
any person who twice previously has been granted an immunity 2155
under division (B) (2) (b) of this section. No person shall be 2156
granted an immunity under division (B) (2) (b) of this section 2157
more than two times. 2158

(f) Nothing in this section shall compel any qualified 2159
individual to disclose protected health information in a way 2160
that conflicts with the requirements of the "Health Insurance 2161
Portability and Accountability Act of 1996," 104 Pub. L. No. 2162
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2163
regulations promulgated by the United States department of 2164
health and human services to implement the act or the 2165

requirements of 42 C.F.R. Part 2. 2166

(C) Whoever violates division (A) of this section is 2167
guilty of one of the following: 2168

(1) If the drug involved in the violation is a compound, 2169
mixture, preparation, or substance included in schedule I or II, 2170
with the exception of marihuana, cocaine, L.S.D., heroin, any 2171
fentanyl-related compound, hashish, and any controlled substance 2172
analog, whoever violates division (A) of this section is guilty 2173
of aggravated possession of drugs. The penalty for the offense 2174
shall be determined as follows: 2175

(a) Except as otherwise provided in division (C) (1) (b), 2176
(c), (d), or (e) of this section, aggravated possession of drugs 2177
is a felony of the fifth degree, and division (B) of section 2178
2929.13 of the Revised Code applies in determining whether to 2179
impose a prison term on the offender. 2180

(b) If the amount of the drug involved equals or exceeds 2181
the bulk amount but is less than five times the bulk amount, 2182
aggravated possession of drugs is a felony of the third degree, 2183
and there is a presumption for a prison term for the offense. 2184

(c) If the amount of the drug involved equals or exceeds 2185
five times the bulk amount but is less than fifty times the bulk 2186
amount, aggravated possession of drugs is a felony of the second 2187
degree, and the court shall impose as a mandatory prison term a 2188
second degree felony mandatory prison term. 2189

(d) If the amount of the drug involved equals or exceeds 2190
fifty times the bulk amount but is less than one hundred times 2191
the bulk amount, aggravated possession of drugs is a felony of 2192
the first degree, and the court shall impose as a mandatory 2193
prison term a first degree felony mandatory prison term. 2194

(e) If the amount of the drug involved equals or exceeds 2195
one hundred times the bulk amount, aggravated possession of 2196
drugs is a felony of the first degree, the offender is a major 2197
drug offender, and the court shall impose as a mandatory prison 2198
term a maximum first degree felony mandatory prison term. 2199

(2) If the drug involved in the violation is a compound, 2200
mixture, preparation, or substance included in schedule III, IV, 2201
or V, whoever violates division (A) of this section is guilty of 2202
possession of drugs. The penalty for the offense shall be 2203
determined as follows: 2204

(a) Except as otherwise provided in division (C) (2) (b), 2205
(c), or (d) of this section, possession of drugs is a 2206
misdemeanor of the first degree or, if the offender previously 2207
has been convicted of a drug abuse offense, a felony of the 2208
fifth degree. 2209

(b) If the amount of the drug involved equals or exceeds 2210
the bulk amount but is less than five times the bulk amount, 2211
possession of drugs is a felony of the fourth degree, and 2212
division (C) of section 2929.13 of the Revised Code applies in 2213
determining whether to impose a prison term on the offender. 2214

(c) If the amount of the drug involved equals or exceeds 2215
five times the bulk amount but is less than fifty times the bulk 2216
amount, possession of drugs is a felony of the third degree, and 2217
there is a presumption for a prison term for the offense. 2218

(d) If the amount of the drug involved equals or exceeds 2219
fifty times the bulk amount, possession of drugs is a felony of 2220
the second degree, and the court shall impose upon the offender 2221
as a mandatory prison term a second degree felony mandatory 2222
prison term. 2223

(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 possession of 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), or (g) of this section, possession of
marihuana is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds
one hundred grams but is less than two hundred grams, possession
of marihuana is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds
two hundred grams but is less than one thousand grams,
possession of 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.

(d) If the amount of the drug involved equals or exceeds
one thousand grams but is less than five thousand grams,
possession of marihuana is a felony of the third degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

(e) If the amount of the drug involved equals or exceeds
five thousand grams but is less than twenty thousand grams,
possession of marihuana is a felony of the third degree, and
there is a presumption that a prison term shall be imposed for
the offense.

(f) If the amount of the drug involved equals or exceeds
twenty thousand grams but is less than forty thousand grams,
possession of marihuana is a felony of the second degree, and

the court shall impose as a mandatory prison term a second 2253
degree felony mandatory prison term of five, six, seven, or 2254
eight years. 2255

(g) If the amount of the drug involved equals or exceeds 2256
forty thousand grams, possession of marihuana is a felony of the 2257
second degree, and the court shall impose as a mandatory prison 2258
term a maximum second degree felony mandatory prison term. 2259

(4) If the drug involved in the violation is cocaine or a 2260
compound, mixture, preparation, or substance containing cocaine, 2261
whoever violates division (A) of this section is guilty of 2262
possession of cocaine. The penalty for the offense shall be 2263
determined as follows: 2264

(a) Except as otherwise provided in division (C) (4) (b), 2265
(c), (d), (e), or (f) of this section, possession of cocaine is 2266
a felony of the fifth degree, and division (B) of section 2267
2929.13 of the Revised Code applies in determining whether to 2268
impose a prison term on the offender. 2269

(b) If the amount of the drug involved equals or exceeds 2270
five grams but is less than ten grams of cocaine, possession of 2271
cocaine is a felony of the fourth degree, and division (B) of 2272
section 2929.13 of the Revised Code applies in determining 2273
whether to impose a prison term on the offender. 2274

(c) If the amount of the drug involved equals or exceeds 2275
ten grams but is less than twenty grams of cocaine, possession 2276
of cocaine is a felony of the third degree, and, except as 2277
otherwise provided in this division, there is a presumption for 2278
a prison term for the offense. If possession of cocaine is a 2279
felony of the third degree under this division and if the 2280
offender two or more times previously has been convicted of or 2281

pleaded guilty to a felony drug abuse offense, the court shall 2282
impose as a mandatory prison term one of the prison terms 2283
prescribed for a felony of the third degree. 2284

(d) If the amount of the drug involved equals or exceeds 2285
twenty grams but is less than twenty-seven grams of cocaine, 2286
possession of cocaine is a felony of the second degree, and the 2287
court shall impose as a mandatory prison term a second degree 2288
felony mandatory prison term. 2289

(e) If the amount of the drug involved equals or exceeds 2290
twenty-seven grams but is less than one hundred grams of 2291
cocaine, possession of cocaine is a felony of the first degree, 2292
and the court shall impose as a mandatory prison term a first 2293
degree felony mandatory prison term. 2294

(f) If the amount of the drug involved equals or exceeds 2295
one hundred grams of cocaine, possession of cocaine is a felony 2296
of the first degree, the offender is a major drug offender, and 2297
the court shall impose as a mandatory prison term a maximum 2298
first degree felony mandatory prison term. 2299

(5) If the drug involved in the violation is L.S.D., 2300
whoever violates division (A) of this section is guilty of 2301
possession of L.S.D. The penalty for the offense shall be 2302
determined as follows: 2303

(a) Except as otherwise provided in division (C) (5) (b), 2304
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2305
felony of the fifth degree, and division (B) of section 2929.13 2306
of the Revised Code applies in determining whether to impose a 2307
prison term on the offender. 2308

(b) If the amount of L.S.D. involved equals or exceeds ten 2309
unit doses but is less than fifty unit doses of L.S.D. in a 2310

solid form or equals or exceeds one gram but is less than five 2311
grams of L.S.D. in a liquid concentrate, liquid extract, or 2312
liquid distillate form, possession of L.S.D. is a felony of the 2313
fourth degree, and division (C) of section 2929.13 of the 2314
Revised Code applies in determining whether to impose a prison 2315
term on the offender. 2316

(c) If the amount of L.S.D. involved equals or exceeds 2317
fifty unit doses, but is less than two hundred fifty unit doses 2318
of L.S.D. in a solid form or equals or exceeds five grams but is 2319
less than twenty-five grams of L.S.D. in a liquid concentrate, 2320
liquid extract, or liquid distillate form, possession of L.S.D. 2321
is a felony of the third degree, and there is a presumption for 2322
a prison term for the offense. 2323

(d) If the amount of L.S.D. involved equals or exceeds two 2324
hundred fifty unit doses but is less than one thousand unit 2325
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2326
grams but is less than one hundred grams of L.S.D. in a liquid 2327
concentrate, liquid extract, or liquid distillate form, 2328
possession of L.S.D. is a felony of the second degree, and the 2329
court shall impose as a mandatory prison term a second degree 2330
felony mandatory prison term. 2331

(e) If the amount of L.S.D. involved equals or exceeds one 2332
thousand unit doses but is less than five thousand unit doses of 2333
L.S.D. in a solid form or equals or exceeds one hundred grams 2334
but is less than five hundred grams of L.S.D. in a liquid 2335
concentrate, liquid extract, or liquid distillate form, 2336
possession of L.S.D. is a felony of the first degree, and the 2337
court shall impose as a mandatory prison term a first degree 2338
felony mandatory prison term. 2339

(f) If the amount of L.S.D. involved equals or exceeds 2340

five thousand unit doses of L.S.D. in a solid form or equals or 2341
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2342
liquid extract, or liquid distillate form, possession of L.S.D. 2343
is a felony of the first degree, the offender is a major drug 2344
offender, and the court shall impose as a mandatory prison term 2345
a maximum first degree felony mandatory prison term. 2346

(6) If the drug involved in the violation is heroin or a 2347
compound, mixture, preparation, or substance containing heroin, 2348
whoever violates division (A) of this section is guilty of 2349
possession of heroin. The penalty for the offense shall be 2350
determined as follows: 2351

(a) Except as otherwise provided in division (C) (6) (b), 2352
(c), (d), (e), or (f) of this section, possession of heroin is a 2353
felony of the fifth degree, and division (B) of section 2929.13 2354
of the Revised Code applies in determining whether to impose a 2355
prison term on the offender. 2356

(b) If the amount of the drug involved equals or exceeds 2357
ten unit doses but is less than fifty unit doses or equals or 2358
exceeds one gram but is less than five grams, possession of 2359
heroin is a felony of the fourth degree, and division (C) of 2360
section 2929.13 of the Revised Code applies in determining 2361
whether to impose a prison term on the offender. 2362

(c) If the amount of the drug involved equals or exceeds 2363
fifty unit doses but is less than one hundred unit doses or 2364
equals or exceeds five grams but is less than ten grams, 2365
possession of heroin is a felony of the third degree, and there 2366
is a presumption for a prison term for the offense. 2367

(d) If the amount of the drug involved equals or exceeds 2368
one hundred unit doses but is less than five hundred unit doses 2369

or equals or exceeds ten grams but is less than fifty grams, 2370
possession of heroin is a felony of the second degree, and the 2371
court shall impose as a mandatory prison term a second degree 2372
felony mandatory prison term. 2373

(e) If the amount of the drug involved equals or exceeds 2374
five hundred unit doses but is less than one thousand unit doses 2375
or equals or exceeds fifty grams but is less than one hundred 2376
grams, possession of heroin is a felony of the first degree, and 2377
the court shall impose as a mandatory prison term a first degree 2378
felony mandatory prison term. 2379

(f) If the amount of the drug involved equals or exceeds 2380
one thousand unit doses or equals or exceeds one hundred grams, 2381
possession of heroin is a felony of the first degree, the 2382
offender is a major drug offender, and the court shall impose as 2383
a mandatory prison term a maximum first degree felony mandatory 2384
prison term. 2385

(7) If the drug involved in the violation is hashish or a 2386
compound, mixture, preparation, or substance containing hashish, 2387
whoever violates division (A) of this section is guilty of 2388
possession of hashish. The penalty for the offense shall be 2389
determined as follows: 2390

(a) Except as otherwise provided in division (C) (7) (b), 2391
(c), (d), (e), (f), or (g) of this section, possession of 2392
hashish is a minor misdemeanor. 2393

(b) If the amount of the drug involved equals or exceeds 2394
five grams but is less than ten grams of hashish in a solid form 2395
or equals or exceeds one gram but is less than two grams of 2396
hashish in a liquid concentrate, liquid extract, or liquid 2397
distillate form, possession of hashish is a misdemeanor of the 2398

fourth degree. 2399

(c) If the amount of the drug involved equals or exceeds 2400
ten grams but is less than fifty grams of hashish in a solid 2401
form or equals or exceeds two grams but is less than ten grams 2402
of hashish in a liquid concentrate, liquid extract, or liquid 2403
distillate form, possession of hashish is a felony of the fifth 2404
degree, and division (B) of section 2929.13 of the Revised Code 2405
applies in determining whether to impose a prison term on the 2406
offender. 2407

(d) If the amount of the drug involved equals or exceeds 2408
fifty grams but is less than two hundred fifty grams of hashish 2409
in a solid form or equals or exceeds ten grams but is less than 2410
fifty grams of hashish in a liquid concentrate, liquid extract, 2411
or liquid distillate form, possession of hashish is a felony of 2412
the third degree, and division (C) of section 2929.13 of the 2413
Revised Code applies in determining whether to impose a prison 2414
term on the offender. 2415

(e) If the amount of the drug involved equals or exceeds 2416
two hundred fifty grams but is less than one thousand grams of 2417
hashish in a solid form or equals or exceeds fifty grams but is 2418
less than two hundred grams of hashish in a liquid concentrate, 2419
liquid extract, or liquid distillate form, possession of hashish 2420
is a felony of the third degree, and there is a presumption that 2421
a prison term shall be imposed for the offense. 2422

(f) If the amount of the drug involved equals or exceeds 2423
one thousand grams but is less than two thousand grams of 2424
hashish in a solid form or equals or exceeds two hundred grams 2425
but is less than four hundred grams of hashish in a liquid 2426
concentrate, liquid extract, or liquid distillate form, 2427
possession of hashish is a felony of the second degree, and the 2428

court shall impose as a mandatory prison term a second degree 2429
felony mandatory prison term of five, six, seven, or eight 2430
years. 2431

(g) If the amount of the drug involved equals or exceeds 2432
two thousand grams of hashish in a solid form or equals or 2433
exceeds four hundred grams of hashish in a liquid concentrate, 2434
liquid extract, or liquid distillate form, possession of hashish 2435
is a felony of the second degree, and the court shall impose as 2436
a mandatory prison term a maximum second degree felony mandatory 2437
prison term. 2438

(8) If the drug involved is a controlled substance analog 2439
or compound, mixture, preparation, or substance that contains a 2440
controlled substance analog, whoever violates division (A) of 2441
this section is guilty of possession of a controlled substance 2442
analog. The penalty for the offense shall be determined as 2443
follows: 2444

(a) Except as otherwise provided in division (C) (8) (b), 2445
(c), (d), (e), or (f) of this section, possession of a 2446
controlled substance analog is a felony of the fifth degree, and 2447
division (B) of section 2929.13 of the Revised Code applies in 2448
determining whether to impose a prison term on the offender. 2449

(b) If the amount of the drug involved equals or exceeds 2450
ten grams but is less than twenty grams, possession of a 2451
controlled substance analog is a felony of the fourth degree, 2452
and there is a presumption for a prison term for the offense. 2453

(c) If the amount of the drug involved equals or exceeds 2454
twenty grams but is less than thirty grams, possession of a 2455
controlled substance analog is a felony of the third degree, and 2456
there is a presumption for a prison term for the offense. 2457

(d) If the amount of the drug involved equals or exceeds 2458
thirty grams but is less than forty grams, possession of a 2459
controlled substance analog is a felony of the second degree, 2460
and the court shall impose as a mandatory prison term a second 2461
degree felony mandatory prison term. 2462

(e) If the amount of the drug involved equals or exceeds 2463
forty grams but is less than fifty grams, possession of a 2464
controlled substance analog is a felony of the first degree, and 2465
the court shall impose as a mandatory prison term a first degree 2466
felony mandatory prison term. 2467

(f) If the amount of the drug involved equals or exceeds 2468
fifty grams, possession of a controlled substance analog is a 2469
felony of the first degree, the offender is a major drug 2470
offender, and the court shall impose as a mandatory prison term 2471
a maximum first degree felony mandatory prison term. 2472

(9) If the drug involved in the violation is a compound, 2473
mixture, preparation, or substance that is a combination of a 2474
fentanyl-related compound and marihuana, one of the following 2475
applies: 2476

(a) Except as otherwise provided in division (C)(9)(b) of 2477
this section, the offender is guilty of possession of marihuana 2478
and shall be punished as provided in division (C)(3) of this 2479
section. Except as otherwise provided in division (C)(9)(b) of 2480
this section, the offender is not guilty of possession of a 2481
fentanyl-related compound under division (C)(11) of this section 2482
and shall not be charged with, convicted of, or punished under 2483
division (C)(11) of this section for possession of a fentanyl- 2484
related compound. 2485

(b) If the offender knows or has reason to know that the 2486

compound, mixture, preparation, or substance that is the drug 2487
involved contains a fentanyl-related compound, the offender is 2488
guilty of possession of a fentanyl-related compound and shall be 2489
punished under division (C) (11) of this section. 2490

(10) If the drug involved in the violation is a compound, 2491
mixture, preparation, or substance that is a combination of a 2492
fentanyl-related compound and any schedule III, schedule IV, or 2493
schedule V controlled substance that is not a fentanyl-related 2494
compound, one of the following applies: 2495

(a) Except as otherwise provided in division (C) (10) (b) of 2496
this section, the offender is guilty of possession of drugs and 2497
shall be punished as provided in division (C) (2) of this 2498
section. Except as otherwise provided in division (C) (10) (b) of 2499
this section, the offender is not guilty of possession of a 2500
fentanyl-related compound under division (C) (11) of this section 2501
and shall not be charged with, convicted of, or punished under 2502
division (C) (11) of this section for possession of a fentanyl- 2503
related compound. 2504

(b) If the offender knows or has reason to know that the 2505
compound, mixture, preparation, or substance that is the drug 2506
involved contains a fentanyl-related compound, the offender is 2507
guilty of possession of a fentanyl-related compound and shall be 2508
punished under division (C) (11) of this section. 2509

(11) If the drug involved in the violation is a fentanyl- 2510
related compound and neither division (C) (9) (a) nor division (C) 2511
(10) (a) of this section applies to the drug involved, or is a 2512
compound, mixture, preparation, or substance that contains a 2513
fentanyl-related compound or is a combination of a fentanyl- 2514
related compound and any other controlled substance and neither 2515
division (C) (9) (a) nor division (C) (10) (a) of this section 2516

applies to the drug involved, whoever violates division (A) of 2517
this section is guilty of possession of a fentanyl-related 2518
compound. The penalty for the offense shall be determined as 2519
follows: 2520

(a) Except as otherwise provided in division (C) (11) (b), 2521
(c), (d), (e), (f), or (g) of this section, possession of a 2522
fentanyl-related compound is a felony of the fifth degree, and 2523
division (B) of section 2929.13 of the Revised Code applies in 2524
determining whether to impose a prison term on the offender. 2525

(b) If the amount of the drug involved equals or exceeds 2526
ten unit doses but is less than fifty unit doses or equals or 2527
exceeds one gram but is less than five grams, possession of a 2528
fentanyl-related compound is a felony of the fourth degree, and 2529
division (C) of section 2929.13 of the Revised Code applies in 2530
determining whether to impose a prison term on the offender. 2531

(c) If the amount of the drug involved equals or exceeds 2532
fifty unit doses but is less than one hundred unit doses or 2533
equals or exceeds five grams but is less than ten grams, 2534
possession of a fentanyl-related compound is a felony of the 2535
third degree, and there is a presumption for a prison term for 2536
the offense. 2537

(d) If the amount of the drug involved equals or exceeds 2538
one hundred unit doses but is less than two hundred unit doses 2539
or equals or exceeds ten grams but is less than twenty grams, 2540
possession of a fentanyl-related compound is a felony of the 2541
second degree, and the court shall impose as a mandatory prison 2542
term one of the prison terms prescribed for a felony of the 2543
second degree. 2544

(e) If the amount of the drug involved equals or exceeds 2545

two hundred unit doses but is less than five hundred unit doses 2546
or equals or exceeds twenty grams but is less than fifty grams, 2547
possession of a fentanyl-related compound is a felony of the 2548
first degree, and the court shall impose as a mandatory prison 2549
term one of the prison terms prescribed for a felony of the 2550
first degree. 2551

(f) If the amount of the drug involved equals or exceeds 2552
five hundred unit doses but is less than one thousand unit doses 2553
or equals or exceeds fifty grams but is less than one hundred 2554
grams, possession of a fentanyl-related compound is a felony of 2555
the first degree, and the court shall impose as a mandatory 2556
prison term the maximum prison term prescribed for a felony of 2557
the first degree. 2558

(g) If the amount of the drug involved equals or exceeds 2559
one thousand unit doses or equals or exceeds one hundred grams, 2560
possession of a fentanyl-related compound is a felony of the 2561
first degree, the offender is a major drug offender, and the 2562
court shall impose as a mandatory prison term the maximum prison 2563
term prescribed for a felony of the first degree. 2564

(D) Arrest or conviction for a minor misdemeanor violation 2565
of this section does not constitute a criminal record and need 2566
not be reported by the person so arrested or convicted in 2567
response to any inquiries about the person's criminal record, 2568
including any inquiries contained in any application for 2569
employment, license, or other right or privilege, or made in 2570
connection with the person's appearance as a witness. 2571

(E) In addition to any prison term or jail term authorized 2572
or required by division (C) of this section and sections 2573
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2574
Code and in addition to any other sanction that is imposed for 2575

the offense under this section, sections 2929.11 to 2929.18, or 2576
sections 2929.21 to 2929.28 of the Revised Code, the court that 2577
sentences an offender who is convicted of or pleads guilty to a 2578
violation of division (A) of this section may suspend the 2579
offender's driver's or commercial driver's license or permit for 2580
not more than five years. However, if the offender pleaded 2581
guilty to or was convicted of a violation of section 4511.19 of 2582
the Revised Code or a substantially similar municipal ordinance 2583
or the law of another state or the United States arising out of 2584
the same set of circumstances as the violation, the court shall 2585
suspend the offender's driver's or commercial driver's license 2586
or permit for not more than five years. If applicable, the court 2587
also shall do the following: 2588

(1) (a) If the violation is a felony of the first, second, 2589
or third degree, the court shall impose upon the offender the 2590
mandatory fine specified for the offense under division (B) (1) 2591
of section 2929.18 of the Revised Code unless, as specified in 2592
that division, the court determines that the offender is 2593
indigent. 2594

(b) Notwithstanding any contrary provision of section 2595
3719.21 of the Revised Code, the clerk of the court shall pay a 2596
mandatory fine or other fine imposed for a violation of this 2597
section pursuant to division (A) of section 2929.18 of the 2598
Revised Code in accordance with and subject to the requirements 2599
of division (F) of section 2925.03 of the Revised Code. The 2600
agency that receives the fine shall use the fine as specified in 2601
division (F) of section 2925.03 of the Revised Code. 2602

(c) If a person is charged with a violation of this 2603
section that is a felony of the first, second, or third degree, 2604
posts bail, and forfeits the bail, the clerk shall pay the 2605

forfeited bail pursuant to division (E) (1) (b) of this section as 2606
if it were a mandatory fine imposed under division (E) (1) (a) of 2607
this section. 2608

(2) If the offender is a professionally licensed person, 2609
in addition to any other sanction imposed for a violation of 2610
this section, the court immediately shall comply with section 2611
2925.38 of the Revised Code. 2612

(F) It is an affirmative defense, as provided in section 2613
2901.05 of the Revised Code, to a charge of a fourth degree 2614
felony violation under this section that the controlled 2615
substance that gave rise to the charge is in an amount, is in a 2616
form, is prepared, compounded, or mixed with substances that are 2617
not controlled substances in a manner, or is possessed under any 2618
other circumstances, that indicate that the substance was 2619
possessed solely for personal use. Notwithstanding any contrary 2620
provision of this section, if, in accordance with section 2621
2901.05 of the Revised Code, an accused who is charged with a 2622
fourth degree felony violation of division (C) (2), (4), (5), or 2623
(6) of this section sustains the burden of going forward with 2624
evidence of and establishes by a preponderance of the evidence 2625
the affirmative defense described in this division, the accused 2626
may be prosecuted for and may plead guilty to or be convicted of 2627
a misdemeanor violation of division (C) (2) of this section or a 2628
fifth degree felony violation of division (C) (4), (5), or (6) of 2629
this section respectively. 2630

(G) When a person is charged with possessing a bulk amount 2631
or multiple of a bulk amount, division (E) of section 2925.03 of 2632
the Revised Code applies regarding the determination of the 2633
amount of the controlled substance involved at the time of the 2634
offense. 2635

(H) It is an affirmative defense to a charge of possession 2636
of a controlled substance analog under division (C) (8) of this 2637
section that the person charged with violating that offense 2638
obtained, possessed, or used one of the following items that are 2639
excluded from the meaning of "controlled substance analog" under 2640
section 3719.01 of the Revised Code: 2641

(1) A controlled substance; 2642

(2) Any substance for which there is an approved new drug 2643
application; 2644

(3) With respect to a particular person, any substance if 2645
an exemption is in effect for investigational use for that 2646
person pursuant to federal law to the extent that conduct with 2647
respect to that substance is pursuant to that exemption. 2648

(I) Any offender who received a mandatory suspension of 2649
the offender's driver's or commercial driver's license or permit 2650
under this section prior to September 13, 2016, may file a 2651
motion with the sentencing court requesting the termination of 2652
the suspension. However, an offender who pleaded guilty to or 2653
was convicted of a violation of section 4511.19 of the Revised 2654
Code or a substantially similar municipal ordinance or law of 2655
another state or the United States that arose out of the same 2656
set of circumstances as the violation for which the offender's 2657
license or permit was suspended under this section shall not 2658
file such a motion. 2659

Upon the filing of a motion under division (I) of this 2660
section, the sentencing court, in its discretion, may terminate 2661
the suspension. 2662

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2663
possess, or use any instrument, article, or thing the customary 2664

and primary purpose of which is for the administration or use of 2665
a dangerous drug, other than marihuana, when the instrument 2666
involved is a hypodermic or syringe, whether or not of crude or 2667
extemporized manufacture or assembly, and the instrument, 2668
article, or thing involved has been used by the offender to 2669
unlawfully administer or use a dangerous drug, other than 2670
marihuana, or to prepare a dangerous drug, other than marihuana, 2671
for unlawful administration or use. 2672

(B) (1) This section does not apply to manufacturers, 2673
licensed health professionals authorized to prescribe drugs, 2674
pharmacists, owners of pharmacies, and other persons whose 2675
conduct was in accordance with Chapters 3719., 4715., 4723., 2676
4729., 4730., 4731., ~~and 4741.~~, and 4761. of the Revised Code. 2677

(2) Division (B) (2) of section 2925.11 of the Revised Code 2678
applies with respect to a violation of this section when a 2679
person seeks or obtains medical assistance for another person 2680
who is experiencing a drug overdose, a person experiences a drug 2681
overdose and seeks medical assistance for that overdose, or a 2682
person is the subject of another person seeking or obtaining 2683
medical assistance for that overdose. 2684

(C) Whoever violates this section is guilty of possessing 2685
drug abuse instruments, a misdemeanor of the second degree. If 2686
the offender previously has been convicted of a drug abuse 2687
offense, a violation of this section is a misdemeanor of the 2688
first degree. 2689

(D) (1) In addition to any other sanction imposed upon an 2690
offender for a violation of this section, the court may suspend 2691
for not more than five years the offender's driver's or 2692
commercial driver's license or permit. However, if the offender 2693
pleaded guilty to or was convicted of a violation of section 2694

4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

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

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

Sec. 2925.14. (A) As used in this section, "drug paraphernalia" means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting,

ingesting, inhaling, or otherwise introducing into the human 2725
body, a controlled substance in violation of this chapter. "Drug 2726
paraphernalia" includes, but is not limited to, any of the 2727
following equipment, products, or materials that are used by the 2728
offender, intended by the offender for use, or designed by the 2729
offender for use, in any of the following manners: 2730

(1) A kit for propagating, cultivating, growing, or 2731
harvesting any species of a plant that is a controlled substance 2732
or from which a controlled substance can be derived; 2733

(2) A kit for manufacturing, compounding, converting, 2734
producing, processing, or preparing a controlled substance; 2735

(3) Any object, instrument, or device for manufacturing, 2736
compounding, converting, producing, processing, or preparing 2737
methamphetamine; 2738

(4) An isomerization device for increasing the potency of 2739
any species of a plant that is a controlled substance; 2740

(5) Testing equipment for identifying, or analyzing the 2741
strength, effectiveness, or purity of, a controlled substance, 2742
except for those exempted in division (D)(4) of this section; 2743

(6) A scale or balance for weighing or measuring a 2744
controlled substance; 2745

(7) A diluent or adulterant, such as quinine 2746
hydrochloride, mannitol, mannite, dextrose, or lactose, for 2747
cutting a controlled substance; 2748

(8) A separation gin or sifter for removing twigs and 2749
seeds from, or otherwise cleaning or refining, marihuana; 2750

(9) A blender, bowl, container, spoon, or mixing device 2751
for compounding a controlled substance; 2752

- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 2753
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- (11) A container or device for storing or concealing a controlled substance; 2755
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- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 2757
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- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2760
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- (B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following: 2771
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- (1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; 2774
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- (2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter; 2776
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- (3) The proximity of the equipment, product, or material to any controlled substance; 2780
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(4) The existence of any residue of a controlled substance	2782
on the equipment, product, or material;	2783
(5) Direct or circumstantial evidence of the intent of the	2784
owner, or of anyone in control, of the equipment, product, or	2785
material, to deliver it to any person whom the owner or person	2786
in control of the equipment, product, or material knows intends	2787
to use the object to facilitate a violation of any provision of	2788
this chapter. A finding that the owner, or anyone in control, of	2789
the equipment, product, or material, is not guilty of a	2790
violation of any other provision of this chapter does not	2791
prevent a finding that the equipment, product, or material was	2792
intended or designed by the offender for use as drug	2793
paraphernalia.	2794
(6) Any oral or written instruction provided with the	2795
equipment, product, or material concerning its use;	2796
(7) Any descriptive material accompanying the equipment,	2797
product, or material and explaining or depicting its use;	2798
(8) National or local advertising concerning the use of	2799
the equipment, product, or material;	2800
(9) The manner and circumstances in which the equipment,	2801
product, or material is displayed for sale;	2802
(10) Direct or circumstantial evidence of the ratio of the	2803
sales of the equipment, product, or material to the total sales	2804
of the business enterprise;	2805
(11) The existence and scope of legitimate uses of the	2806
equipment, product, or material in the community;	2807
(12) Expert testimony concerning the use of the equipment,	2808
product, or material.	2809

(C) (1) Subject to divisions (D) (2), (3), and (4) of this 2810
section, no person shall knowingly use, or possess with purpose 2811
to use, drug paraphernalia. 2812

(2) No person shall knowingly sell, or possess or 2813
manufacture with purpose to sell, drug paraphernalia, if the 2814
person knows or reasonably should know that the equipment, 2815
product, or material will be used as drug paraphernalia. 2816

(3) No person shall place an advertisement in any 2817
newspaper, magazine, handbill, or other publication that is 2818
published and printed and circulates primarily within this 2819
state, if the person knows that the purpose of the advertisement 2820
is to promote the illegal sale in this state of the equipment, 2821
product, or material that the offender intended or designed for 2822
use as drug paraphernalia. 2823

(D) (1) This section does not apply to manufacturers, 2824
licensed health professionals authorized to prescribe drugs, 2825
pharmacists, owners of pharmacies, and other persons whose 2826
conduct is in accordance with Chapters 3719., 4715., 4723., 2827
4729., 4730., 4731., ~~and 4741.~~, and 4761. of the Revised Code. 2828
This section shall not be construed to prohibit the possession 2829
or use of a hypodermic as authorized by section 3719.172 of the 2830
Revised Code. 2831

(2) Division (C) (1) of this section does not apply to a 2832
person's use, or possession with purpose to use, any drug 2833
paraphernalia that is equipment, a product, or material of any 2834
kind that is used by the person, intended by the person for use, 2835
or designed for use in storing, containing, concealing, 2836
injecting, ingesting, inhaling, or otherwise introducing into 2837
the human body marihuana. 2838

(3) Division (B) (2) of section 2925.11 of the Revised Code 2839
applies with respect to a violation of division (C) (1) of this 2840
section when a person seeks or obtains medical assistance for 2841
another person who is experiencing a drug overdose, a person 2842
experiences a drug overdose and seeks medical assistance for 2843
that overdose, or a person is the subject of another person 2844
seeking or obtaining medical assistance for that overdose. 2845

(4) Division (C) (1) of this section does not apply to a 2846
person's use, or possession with purpose to use, any drug 2847
testing strips to determine the presence of fentanyl or a 2848
fentanyl-related compound. 2849

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2850
drug paraphernalia that was used, possessed, sold, or 2851
manufactured in a violation of this section shall be seized, 2852
after a conviction for that violation shall be forfeited, and 2853
upon forfeiture shall be disposed of pursuant to division (B) of 2854
section 2981.12 of the Revised Code. 2855

(F) (1) Whoever violates division (C) (1) of this section is 2856
guilty of illegal use or possession of drug paraphernalia, a 2857
misdemeanor of the fourth degree. 2858

(2) Except as provided in division (F) (3) of this section, 2859
whoever violates division (C) (2) of this section is guilty of 2860
dealing in drug paraphernalia, a misdemeanor of the second 2861
degree. 2862

(3) Whoever violates division (C) (2) of this section by 2863
selling drug paraphernalia to a juvenile is guilty of selling 2864
drug paraphernalia to juveniles, a misdemeanor of the first 2865
degree. 2866

(4) Whoever violates division (C) (3) of this section is 2867

guilty of illegal advertising of drug paraphernalia, a 2868
misdemeanor of the second degree. 2869

(G) (1) In addition to any other sanction imposed upon an 2870
offender for a violation of this section, the court may suspend 2871
for not more than five years the offender's driver's or 2872
commercial driver's license or permit. However, if the offender 2873
pleaded guilty to or was convicted of a violation of section 2874
4511.19 of the Revised Code or a substantially similar municipal 2875
ordinance or the law of another state or the United States 2876
arising out of the same set of circumstances as the violation, 2877
the court shall suspend the offender's driver's or commercial 2878
driver's license or permit for not more than five years. If the 2879
offender is a professionally licensed person, in addition to any 2880
other sanction imposed for a violation of this section, the 2881
court immediately shall comply with section 2925.38 of the 2882
Revised Code. 2883

(2) Any offender who received a mandatory suspension of 2884
the offender's driver's or commercial driver's license or permit 2885
under this section prior to September 13, 2016, may file a 2886
motion with the sentencing court requesting the termination of 2887
the suspension. However, an offender who pleaded guilty to or 2888
was convicted of a violation of section 4511.19 of the Revised 2889
Code or a substantially similar municipal ordinance or law of 2890
another state or the United States that arose out of the same 2891
set of circumstances as the violation for which the offender's 2892
license or permit was suspended under this section shall not 2893
file such a motion. 2894

Upon the filing of a motion under division (G) (2) of this 2895
section, the sentencing court, in its discretion, may terminate 2896
the suspension. 2897

Sec. 2925.23. (A) No person shall knowingly make a false	2898
statement in any prescription, order, report, or record required	2899
by Chapter 3719. or 4729. of the Revised Code.	2900
(B) No person shall intentionally make, utter, or sell, or	2901
knowingly possess any of the following that is a false or	2902
forged:	2903
(1) Prescription;	2904
(2) Uncompleted preprinted prescription blank used for	2905
writing a prescription;	2906
(3) Official written order;	2907
(4) License for a terminal distributor of dangerous drugs,	2908
as defined in section 4729.01 of the Revised Code;	2909
(5) License for a manufacturer of dangerous drugs,	2910
outsourcing facility, third-party logistics provider, repackager	2911
of dangerous drugs, or wholesale distributor of dangerous drugs,	2912
as defined in section 4729.01 of the Revised Code.	2913
(C) No person, by theft as defined in section 2913.02 of	2914
the Revised Code, shall acquire any of the following:	2915
(1) A prescription;	2916
(2) An uncompleted preprinted prescription blank used for	2917
writing a prescription;	2918
(3) An official written order;	2919
(4) A blank official written order;	2920
(5) A license or blank license for a terminal distributor	2921
of dangerous drugs, as defined in section 4729.01 of the Revised	2922
Code;	2923

(6) A license or blank license for a manufacturer of 2924
dangerous drugs, outsourcing facility, third-party logistics 2925
provider, repackager of dangerous drugs, or wholesale 2926
distributor of dangerous drugs, as defined in section 4729.01 of 2927
the Revised Code. 2928

(D) No person shall knowingly make or affix any false or 2929
forged label to a package or receptacle containing any dangerous 2930
drugs. 2931

(E) Divisions (A) and (D) of this section do not apply to 2932
licensed health professionals authorized to prescribe drugs, 2933
pharmacists, owners of pharmacies, and other persons whose 2934
conduct is in accordance with Chapters 3719., 4715., 4723., 2935
4725., 4729., 4730., 4731., ~~and 4741.~~, and 4761. of the Revised 2936
Code. 2937

(F) Whoever violates this section is guilty of illegal 2938
processing of drug documents. If the offender violates division 2939
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 2940
section, illegal processing of drug documents is a felony of the 2941
fifth degree. If the offender violates division (A), division 2942
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 2943
section, the penalty for illegal processing of drug documents 2944
shall be determined as follows: 2945

(1) If the drug involved is a compound, mixture, 2946
preparation, or substance included in schedule I or II, with the 2947
exception of marihuana, illegal processing of drug documents is 2948
a felony of the fourth degree, and division (C) of section 2949
2929.13 of the Revised Code applies in determining whether to 2950
impose a prison term on the offender. 2951

(2) If the drug involved is a dangerous drug or a 2952

compound, mixture, preparation, or substance included in 2953
schedule III, IV, or V or is marihuana, illegal processing of 2954
drug documents is a felony of the fifth degree, and division (C) 2955
of section 2929.13 of the Revised Code applies in determining 2956
whether to impose a prison term on the offender. 2957

(G) (1) In addition to any prison term authorized or 2958
required by division (F) of this section and sections 2929.13 2959
and 2929.14 of the Revised Code and in addition to any other 2960
sanction imposed for the offense under this section or sections 2961
2929.11 to 2929.18 of the Revised Code, the court that sentences 2962
an offender who is convicted of or pleads guilty to any 2963
violation of divisions (A) to (D) of this section may suspend 2964
for not more than five years the offender's driver's or 2965
commercial driver's license or permit. However, if the offender 2966
pleaded guilty to or was convicted of a violation of section 2967
4511.19 of the Revised Code or a substantially similar municipal 2968
ordinance or the law of another state or the United States 2969
arising out of the same set of circumstances as the violation, 2970
the court shall suspend the offender's driver's or commercial 2971
driver's license or permit for not more than five years. 2972

If the offender is a professionally licensed person, in 2973
addition to any other sanction imposed for a violation of this 2974
section, the court immediately shall comply with section 2925.38 2975
of the Revised Code. 2976

(2) Any offender who received a mandatory suspension of 2977
the offender's driver's or commercial driver's license or permit 2978
under this section prior to September 13, 2016, may file a 2979
motion with the sentencing court requesting the termination of 2980
the suspension. However, an offender who pleaded guilty to or 2981
was convicted of a violation of section 4511.19 of the Revised 2982

Code or a substantially similar municipal ordinance or law of 2983
another state or the United States that arose out of the same 2984
set of circumstances as the violation for which the offender's 2985
license or permit was suspended under this section shall not 2986
file such a motion. 2987

Upon the filing of a motion under division (G) (2) of this 2988
section, the sentencing court, in its discretion, may terminate 2989
the suspension. 2990

(H) Notwithstanding any contrary provision of section 2991
3719.21 of the Revised Code, the clerk of court shall pay a fine 2992
imposed for a violation of this section pursuant to division (A) 2993
of section 2929.18 of the Revised Code in accordance with and 2994
subject to the requirements of division (F) of section 2925.03 2995
of the Revised Code. The agency that receives the fine shall use 2996
the fine as specified in division (F) of section 2925.03 of the 2997
Revised Code. 2998

Sec. 2925.36. (A) No person shall knowingly furnish 2999
another a sample drug. 3000

(B) Division (A) of this section does not apply to 3001
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3002
licensed health professionals authorized to prescribe drugs, and 3003
other persons whose conduct is in accordance with Chapters 3004
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and 3005
4761. of the Revised Code. 3006

(C) (1) Whoever violates this section is guilty of illegal 3007
dispensing of drug samples. 3008

(2) If the drug involved in the offense is a compound, 3009
mixture, preparation, or substance included in schedule I or II, 3010
with the exception of marihuana, the penalty for the offense 3011

shall be determined as follows: 3012

(a) Except as otherwise provided in division (C) (2) (b) of 3013
this section, illegal dispensing of drug samples is a felony of 3014
the fifth degree, and, subject to division (E) of this section, 3015
division (C) of section 2929.13 of the Revised Code applies in 3016
determining whether to impose a prison term on the offender. 3017

(b) If the offense was committed in the vicinity of a 3018
school or in the vicinity of a juvenile, illegal dispensing of 3019
drug samples is a felony of the fourth degree, and, subject to 3020
division (E) of this section, division (C) of section 2929.13 of 3021
the Revised Code applies in determining whether to impose a 3022
prison term on the offender. 3023

(3) If the drug involved in the offense is a dangerous 3024
drug or a compound, mixture, preparation, or substance included 3025
in schedule III, IV, or V, or is marihuana, the penalty for the 3026
offense shall be determined as follows: 3027

(a) Except as otherwise provided in division (C) (3) (b) of 3028
this section, illegal dispensing of drug samples is a 3029
misdemeanor of the second degree. 3030

(b) If the offense was committed in the vicinity of a 3031
school or in the vicinity of a juvenile, illegal dispensing of 3032
drug samples is a misdemeanor of the first degree. 3033

(D) (1) In addition to any prison term authorized or 3034
required by division (C) or (E) of this section and sections 3035
2929.13 and 2929.14 of the Revised Code and in addition to any 3036
other sanction imposed for the offense under this section or 3037
sections 2929.11 to 2929.18 of the Revised Code, the court that 3038
sentences an offender who is convicted of or pleads guilty to a 3039
violation of division (A) of this section may suspend for not 3040

more than five years the offender's driver's or commercial 3041
driver's license or permit. However, if the offender pleaded 3042
guilty to or was convicted of a violation of section 4511.19 of 3043
the Revised Code or a substantially similar municipal ordinance 3044
or the law of another state or the United States arising out of 3045
the same set of circumstances as the violation, the court shall 3046
suspend the offender's driver's or commercial driver's license 3047
or permit for not more than five years. 3048

If the offender is a professionally licensed person, in 3049
addition to any other sanction imposed for a violation of this 3050
section, the court immediately shall comply with section 2925.38 3051
of the Revised Code. 3052

(2) Any offender who received a mandatory suspension of 3053
the offender's driver's or commercial driver's license or permit 3054
under this section prior to September 13, 2016, may file a 3055
motion with the sentencing court requesting the termination of 3056
the suspension. However, an offender who pleaded guilty to or 3057
was convicted of a violation of section 4511.19 of the Revised 3058
Code or a substantially similar municipal ordinance or law of 3059
another state or the United States that arose out of the same 3060
set of circumstances as the violation for which the offender's 3061
license or permit was suspended under this section shall not 3062
file such a motion. 3063

Upon the filing of a motion under division (D) (2) of this 3064
section, the sentencing court, in its discretion, may terminate 3065
the suspension. 3066

(E) Notwithstanding the prison term authorized or required 3067
by division (C) of this section and sections 2929.13 and 2929.14 3068
of the Revised Code, if the violation of division (A) of this 3069
section involves the sale, offer to sell, or possession of a 3070

schedule I or II controlled substance, with the exception of 3071
marihuana, and if the court imposing sentence upon the offender 3072
finds that the offender as a result of the violation is a major 3073
drug offender and is guilty of a specification of the type 3074
described in division (A) of section 2941.1410 of the Revised 3075
Code, the court, in lieu of the prison term otherwise authorized 3076
or required, shall impose upon the offender the mandatory prison 3077
term specified in division (B) (3) (a) of section 2929.14 of the 3078
Revised Code. 3079

(F) Notwithstanding any contrary provision of section 3080
3719.21 of the Revised Code, the clerk of the court shall pay a 3081
fine imposed for a violation of this section pursuant to 3082
division (A) of section 2929.18 of the Revised Code in 3083
accordance with and subject to the requirements of division (F) 3084
of section 2925.03 of the Revised Code. The agency that receives 3085
the fine shall use the fine as specified in division (F) of 3086
section 2925.03 of the Revised Code. 3087

Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58 3088
of the Revised Code: 3089

(1) "Consumer product" means any food or drink that is 3090
consumed or used by humans and any drug, including a drug that 3091
may be provided legally only pursuant to a prescription, that is 3092
intended to be consumed or used by humans. 3093

(2) "Terminal distributor of dangerous drugs" has the same 3094
meaning as in section 4729.01 of the Revised Code. 3095

(3) "Pseudoephedrine" means any material, compound, 3096
mixture, or preparation that contains any quantity of 3097
pseudoephedrine, any of its salts, optical isomers, or salts of 3098
optical isomers. 3099

(4) "Pseudoephedrine product" means a consumer product	3100
that contains pseudoephedrine.	3101
(5) "Retailer" means a place of business that offers	3102
consumer products for sale to the general public.	3103
(6) "Single-ingredient preparation" means a compound,	3104
mixture, preparation, or substance that contains a single active	3105
ingredient.	3106
(7) "Ephedrine" means any material, compound, mixture, or	3107
preparation that contains any quantity of ephedrine, any of its	3108
salts, optical isomers, or salts of optical isomers.	3109
(8) "Ephedrine product" means a consumer product that	3110
contains ephedrine.	3111
(B) (1) No individual shall knowingly purchase, receive, or	3112
otherwise acquire an amount of pseudoephedrine product or	3113
ephedrine product that is greater than either of the following	3114
unless the pseudoephedrine product or ephedrine product is	3115
dispensed by a pharmacist pursuant to a valid prescription	3116
issued by a licensed health professional authorized to prescribe	3117
drugs and the conduct of the pharmacist and the licensed health	3118
professional authorized to prescribe drugs is in accordance with	3119
Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741., <u>or</u>	3120
<u>4761.</u> of the Revised Code:	3121
(a) Three and six tenths grams within a period of a single	3122
day;	3123
(b) Nine grams within a period of thirty consecutive days.	3124
The limits specified in divisions (B) (1) (a) and (b) of	3125
this section apply to the total amount of base pseudoephedrine	3126
or base ephedrine in the pseudoephedrine product or ephedrine	3127

product, respectively. The limits do not apply to the product's 3128
overall weight. 3129

(2) It is not a violation of division (B)(1) of this 3130
section for an individual to receive or accept more than an 3131
amount of pseudoephedrine product or ephedrine product specified 3132
in division (B)(1)(a) or (b) of this section if the individual 3133
is an employee of a retailer or terminal distributor of 3134
dangerous drugs, and the employee receives or accepts from the 3135
retailer or terminal distributor of dangerous drugs the 3136
pseudoephedrine product or ephedrine product in a sealed 3137
container in connection with manufacturing, warehousing, 3138
placement, stocking, bagging, loading, or unloading of the 3139
product. 3140

(C)(1) No individual under eighteen years of age shall 3141
knowingly purchase, receive, or otherwise acquire a 3142
pseudoephedrine product or ephedrine product unless the 3143
pseudoephedrine product or ephedrine product is dispensed by a 3144
pharmacist pursuant to a valid prescription issued by a licensed 3145
health professional authorized to prescribe drugs and the 3146
conduct of the pharmacist and the licensed health professional 3147
authorized to prescribe drugs is in accordance with Chapter 3148
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4761. of 3149
the Revised Code. 3150

(2) Division (C)(1) of this section does not apply to an 3151
individual under eighteen years of age who purchases, receives, 3152
or otherwise acquires a pseudoephedrine product or ephedrine 3153
product from any of the following: 3154

(a) A licensed health professional authorized to prescribe 3155
drugs or pharmacist who dispenses, sells, or otherwise provides 3156
the pseudoephedrine product or ephedrine product to that 3157

individual and whose conduct is in accordance with Chapter 3158
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4761. of 3159
the Revised Code; 3160

(b) A parent or guardian of that individual who provides 3161
the pseudoephedrine product or ephedrine product to the 3162
individual; 3163

(c) A person, as authorized by that individual's parent or 3164
guardian, who dispenses, sells, or otherwise provides the 3165
pseudoephedrine product or ephedrine product to the individual; 3166

(d) A retailer or terminal distributor of dangerous drugs 3167
who provides the pseudoephedrine product or ephedrine product to 3168
that individual if the individual is an employee of the retailer 3169
or terminal distributor of dangerous drugs and the individual 3170
receives or accepts from the retailer or terminal distributor of 3171
dangerous drugs the pseudoephedrine product or ephedrine product 3172
in a sealed container in connection with manufacturing, 3173
warehousing, placement, stocking, bagging, loading, or unloading 3174
of the product. 3175

(D) No individual under eighteen years of age shall 3176
knowingly show or give false information concerning the 3177
individual's name, age, or other identification for the purpose 3178
of purchasing, receiving, or otherwise acquiring a 3179
pseudoephedrine product or ephedrine product. 3180

(E) No individual shall knowingly fail to comply with the 3181
requirements of division (B) of section 3715.051 of the Revised 3182
Code. 3183

(F) Whoever violates division (B) (1) of this section is 3184
guilty of unlawful purchase of a pseudoephedrine product or 3185
ephedrine product, a misdemeanor of the first degree. 3186

(G) Whoever violates division (C) (1) of this section is 3187
guilty of underage purchase of a pseudoephedrine product or 3188
ephedrine product, a delinquent act that would be a misdemeanor 3189
of the fourth degree if it could be committed by an adult. 3190

(H) Whoever violates division (D) of this section is 3191
guilty of using false information to purchase a pseudoephedrine 3192
product or ephedrine product, a delinquent act that would be a 3193
misdemeanor of the first degree if it could be committed by an 3194
adult. 3195

(I) Whoever violates division (E) of this section is 3196
guilty of improper purchase of a pseudoephedrine product or 3197
ephedrine product, a misdemeanor of the fourth degree. 3198

Sec. 2925.56. (A) (1) Except as provided in division (A) (2) 3199
of this section, no retailer or terminal distributor of 3200
dangerous drugs or an employee of a retailer or terminal 3201
distributor of dangerous drugs shall knowingly sell, offer to 3202
sell, hold for sale, deliver, or otherwise provide to any 3203
individual an amount of pseudoephedrine product or ephedrine 3204
product that is greater than either of the following: 3205

(a) Three and six_tenths grams within a period of a single 3206
day; 3207

(b) Nine grams within a period of thirty consecutive days. 3208

The maximum amounts specified in divisions (A) (1) (a) and 3209
(b) of this section apply to the total amount of base 3210
pseudoephedrine or base ephedrine in the pseudoephedrine product 3211
or ephedrine product, respectively. The maximum amounts do not 3212
apply to the product's overall weight. 3213

(2) (a) Division (A) (1) of this section does not apply to 3214
any quantity of pseudoephedrine product or ephedrine product 3215

dispensed by a pharmacist pursuant to a valid prescription 3216
issued by a licensed health professional authorized to prescribe 3217
drugs if the conduct of the pharmacist and the licensed health 3218
professional authorized to prescribe drugs is in accordance with 3219
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or
4761. of the Revised Code. 3220
3221

(b) It is not a violation of division (A) (1) of this 3222
section for a retailer, terminal distributor of dangerous drugs, 3223
or employee of either to provide to an individual more than an 3224
amount of pseudoephedrine product or ephedrine product specified 3225
in division (A) (1) (a) or (b) of this section under either of the 3226
following circumstances: 3227

(i) The individual is an employee of the retailer or 3228
terminal distributor of dangerous drugs, and the employee 3229
receives or accepts from the retailer, terminal distributor of 3230
dangerous drugs, or employee the pseudoephedrine product or 3231
ephedrine product in a sealed container in connection with 3232
manufacturing, warehousing, placement, stocking, bagging, 3233
loading, or unloading of the product; 3234

(ii) A stop-sale alert is generated after the submission 3235
of information to the national precursor log exchange under the 3236
conditions described in division (A) (2) of section 3715.052 of 3237
the Revised Code. 3238

(B) (1) Except as provided in division (B) (2) of this 3239
section, no retailer or terminal distributor of dangerous drugs 3240
or an employee of a retailer or terminal distributor of 3241
dangerous drugs shall sell, offer to sell, hold for sale, 3242
deliver, or otherwise provide a pseudoephedrine product or 3243
ephedrine product to an individual who is under eighteen years 3244
of age. 3245

(2) Division (B)(1) of this section does not apply to any 3246
of the following: 3247

(a) A licensed health professional authorized to prescribe 3248
drugs or pharmacist who dispenses, sells, or otherwise provides 3249
a pseudoephedrine product or ephedrine product to an individual 3250
under eighteen years of age and whose conduct is in accordance 3251
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 3252
or 4761. of the Revised Code; 3253

(b) A parent or guardian of an individual under eighteen 3254
years of age who provides a pseudoephedrine product or ephedrine 3255
product to the individual; 3256

(c) A person who, as authorized by the individual's parent 3257
or guardian, dispenses, sells, or otherwise provides a 3258
pseudoephedrine product or ephedrine product to an individual 3259
under eighteen years of age; 3260

(d) The provision by a retailer, terminal distributor of 3261
dangerous drugs, or employee of either of a pseudoephedrine 3262
product or ephedrine product in a sealed container to an 3263
employee of the retailer or terminal distributor of dangerous 3264
drugs who is under eighteen years of age in connection with 3265
manufacturing, warehousing, placement, stocking, bagging, 3266
loading, or unloading of the product. 3267

(C) No retailer or terminal distributor of dangerous drugs 3268
shall fail to comply with the requirements of division (A) of 3269
section 3715.051 or division (A)(2) of section 3715.052 of the 3270
Revised Code. 3271

(D) No retailer or terminal distributor of dangerous drugs 3272
shall fail to comply with the requirements of division (A)(1) of 3273
section 3715.052 of the Revised Code. 3274

(E) Whoever violates division (A) (1) of this section is 3275
guilty of unlawfully selling a pseudoephedrine product or 3276
ephedrine product, a misdemeanor of the first degree. 3277

(F) Whoever violates division (B) (1) of this section is 3278
guilty of unlawfully selling a pseudoephedrine product or 3279
ephedrine product to a minor, a misdemeanor of the fourth 3280
degree. 3281

(G) Whoever violates division (C) of this section is 3282
guilty of improper sale of a pseudoephedrine product or 3283
ephedrine product, a misdemeanor of the second degree. 3284

(H) Whoever violates division (D) of this section is 3285
guilty of failing to submit information to the national 3286
precursor log exchange, a misdemeanor for which the offender 3287
shall be fined not more than one thousand dollars per violation. 3288

Sec. 2929.42. (A) The prosecutor in any case against any 3289
person licensed, certified, registered, or otherwise authorized 3290
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 3291
4731., 4734., ~~or 4741.~~ or 4761. of the Revised Code shall 3292
notify the appropriate licensing board, on forms provided by the 3293
board, of any of the following regarding the person: 3294

(1) A plea of guilty to, or a conviction of, a felony, or 3295
a court order dismissing a felony charge on technical or 3296
procedural grounds; 3297

(2) A plea of guilty to, or a conviction of, a misdemeanor 3298
committed in the course of practice or in the course of 3299
business, or a court order dismissing such a misdemeanor charge 3300
on technical or procedural grounds; 3301

(3) A plea of guilty to, or a conviction of, a misdemeanor 3302
involving moral turpitude, or a court order dismissing such a 3303

charge on technical or procedural grounds. 3304

(B) The report required by division (A) of this section 3305
shall include the name and address of the person, the nature of 3306
the offense, and certified copies of court entries in the 3307
action. 3308

Sec. 3701.048. (A) As used in this section: 3309

(1) "Board of health" means the board of health of a city 3310
or general health district or the authority having the duties of 3311
a board of health under section 3709.05 of the Revised Code. 3312

(2) "Controlled substance" has the same meaning as in 3313
section 3719.01 of the Revised Code. 3314

(3) "Drug," "dangerous drug," and "licensed health 3315
professional authorized to prescribe drugs" have the same 3316
meanings as in section 4729.01 of the Revised Code. 3317

(4) "Registered volunteer" has the same meaning as in 3318
section 5502.281 of the Revised Code. 3319

(B) In consultation with the appropriate professional 3320
regulatory boards of this state, the director of health shall 3321
develop one or more protocols that authorize the following 3322
individuals to administer, deliver, or distribute drugs, other 3323
than schedule II and III controlled substances, during a period 3324
of time described in division (E) of this section, 3325
notwithstanding any statute or rule that otherwise prohibits or 3326
restricts the administration, delivery, or distribution of drugs 3327
by those individuals: 3328

(1) A physician authorized under Chapter 4731. of the 3329
Revised Code to practice medicine and surgery, osteopathic 3330
medicine and surgery, or podiatric medicine and surgery; 3331

(2) A physician assistant licensed under Chapter 4730. of the Revised Code;	3332 3333
(3) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	3334 3335
(4) A registered nurse licensed under Chapter 4723. of the Revised Code, including an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code;	3336 3337 3338
(5) A licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3339 3340
(6) An optometrist licensed under Chapter 4725. of the Revised Code;	3341 3342
(7) A pharmacist or pharmacy intern licensed under Chapter 4729. of the Revised Code;	3343 3344
(8) A respiratory care professional <u>or advanced practice</u> <u>respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	3345 3346 3347
(9) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic who holds a certificate to practice issued under Chapter 4765. of the Revised Code;	3348 3349 3350 3351
(10) A veterinarian licensed under Chapter 4741. of the Revised Code.	3352 3353
(C) In consultation with the executive director of the emergency management agency, the director of health shall develop one or more protocols that authorize employees of boards of health and registered volunteers to deliver or distribute drugs, other than schedule II and III controlled substances, during a period of time described in division (E) of this	3354 3355 3356 3357 3358 3359

section, notwithstanding any statute or rule that otherwise 3360
prohibits or restricts the delivery or distribution of drugs by 3361
those individuals. 3362

(D) In consultation with the state board of pharmacy, the 3363
director of health shall develop one or more protocols that 3364
authorize pharmacists and pharmacy interns to dispense, during a 3365
period of time described in division (E) of this section, 3366
limited quantities of dangerous drugs, other than schedule II 3367
and III controlled substances, without a written, oral, or 3368
electronic prescription from a licensed health professional 3369
authorized to prescribe drugs or without a record of a 3370
prescription, notwithstanding any statute or rule that otherwise 3371
prohibits or restricts the dispensing of drugs without a 3372
prescription or record of a prescription. 3373

(E) On the governor's declaration of an emergency that 3374
affects the public health, the director of health may issue an 3375
order to implement one or more of the protocols developed 3376
pursuant to division (B), (C), or (D) of this section. At a 3377
minimum, the director's order shall identify the one or more 3378
protocols to be implemented and the period of time during which 3379
the one or more protocols are to be effective. 3380

(F) (1) An individual who administers, delivers, 3381
distributes, or dispenses a drug or dangerous drug in accordance 3382
with one or more of the protocols implemented under division (E) 3383
of this section is not liable for damages in any civil action 3384
unless the individual's acts or omissions in performing those 3385
activities constitute willful or wanton misconduct. 3386

(2) An individual who administers, delivers, distributes, 3387
or dispenses a drug or dangerous drug in accordance with one or 3388
more of the protocols implemented under division (E) of this 3389

section is not subject to criminal prosecution or professional 3390
disciplinary action under any chapter in Title XLVII of the 3391
Revised Code. 3392

Sec. 3701.74. (A) As used in this section and section 3393
3701.741 of the Revised Code: 3394

(1) "Ambulatory care facility" means a facility that 3395
provides medical, diagnostic, or surgical treatment to patients 3396
who do not require hospitalization, including a dialysis center, 3397
ambulatory surgical facility, cardiac catheterization facility, 3398
diagnostic imaging center, extracorporeal shock wave lithotripsy 3399
center, home health agency, inpatient hospice, birthing center, 3400
radiation therapy center, emergency facility, and an urgent care 3401
center. "Ambulatory care facility" does not include the private 3402
office of a physician or dentist, whether the office is for an 3403
individual or group practice. 3404

(2) "Chiropractor" means an individual licensed under 3405
Chapter 4734. of the Revised Code to practice chiropractic. 3406

(3) "Emergency facility" means a hospital emergency 3407
department or any other facility that provides emergency medical 3408
services. 3409

(4) "Health care practitioner" means all of the following: 3410

(a) A dentist or dental hygienist licensed under Chapter 3411
4715. of the Revised Code; 3412

(b) A registered or licensed practical nurse licensed 3413
under Chapter 4723. of the Revised Code; 3414

(c) An optometrist licensed under Chapter 4725. of the 3415
Revised Code; 3416

(d) A dispensing optician, spectacle dispensing optician, 3417

or spectacle-contact lens dispensing optician licensed under	3418
Chapter 4725. of the Revised Code;	3419
(e) A pharmacist licensed under Chapter 4729. of the	3420
Revised Code;	3421
(f) A physician;	3422
(g) A physician assistant authorized under Chapter 4730.	3423
of the Revised Code to practice as a physician assistant;	3424
(h) A practitioner of a limited branch of medicine issued	3425
a certificate under Chapter 4731. of the Revised Code;	3426
(i) A psychologist licensed under Chapter 4732. of the	3427
Revised Code;	3428
(j) A chiropractor;	3429
(k) A hearing aid dealer or fitter licensed under Chapter	3430
4747. of the Revised Code;	3431
(l) A speech-language pathologist or audiologist licensed	3432
under Chapter 4753. of the Revised Code;	3433
(m) An occupational therapist or occupational therapy	3434
assistant licensed under Chapter 4755. of the Revised Code;	3435
(n) A physical therapist or physical therapy assistant	3436
licensed under Chapter 4755. of the Revised Code;	3437
(o) A licensed professional clinical counselor, licensed	3438
professional counselor, social worker, independent social	3439
worker, independent marriage and family therapist, or marriage	3440
and family therapist licensed, or a social work assistant	3441
registered, under Chapter 4757. of the Revised Code;	3442
(p) A dietitian licensed under Chapter 4759. of the	3443
Revised Code;	3444

(q) A respiratory care professional or advanced practice 3445
respiratory therapist licensed under Chapter 4761. of the 3446
Revised Code; 3447

(r) An emergency medical technician-basic, emergency 3448
medical technician-intermediate, or emergency medical 3449
technician-paramedic certified under Chapter 4765. of the 3450
Revised Code. 3451

(5) "Health care provider" means a hospital, ambulatory 3452
care facility, long-term care facility, pharmacy, emergency 3453
facility, or health care practitioner. 3454

(6) "Hospital" has the same meaning as in section 3727.01 3455
of the Revised Code. 3456

(7) "Long-term care facility" means a nursing home, 3457
residential care facility, or home for the aging, as those terms 3458
are defined in section 3721.01 of the Revised Code; a 3459
residential facility licensed under section 5119.34 of the 3460
Revised Code that provides accommodations, supervision, and 3461
personal care services for three to sixteen unrelated adults; a 3462
nursing facility, as defined in section 5165.01 of the Revised 3463
Code; a skilled nursing facility, as defined in section 5165.01 3464
of the Revised Code; and an intermediate care facility for 3465
individuals with intellectual disabilities, as defined in 3466
section 5124.01 of the Revised Code. 3467

(8) "Medical record" means data in any form that pertains 3468
to a patient's medical history, diagnosis, prognosis, or medical 3469
condition and that is generated and maintained by a health care 3470
provider in the process of the patient's health care treatment. 3471

(9) "Medical records company" means a person who stores, 3472
locates, or copies medical records for a health care provider, 3473

or is compensated for doing so by a health care provider, and 3474
charges a fee for providing medical records to a patient or 3475
patient's representative. 3476

(10) "Patient" means either of the following: 3477

(a) An individual who received health care treatment from 3478
a health care provider; 3479

(b) A guardian, as defined in section 1337.11 of the 3480
Revised Code, of an individual described in division (A) (10) (a) 3481
of this section. 3482

(11) "Patient's personal representative" means a minor 3483
patient's parent or other person acting in loco parentis, a 3484
court-appointed guardian, or a person with durable power of 3485
attorney for health care for a patient, the executor or 3486
administrator of the patient's estate, or the person responsible 3487
for the patient's estate if it is not to be probated. "Patient's 3488
personal representative" does not include an insurer authorized 3489
under Title XXXIX of the Revised Code to do the business of 3490
sickness and accident insurance in this state, a health insuring 3491
corporation holding a certificate of authority under Chapter 3492
1751. of the Revised Code, or any other person not named in this 3493
division. 3494

(12) "Pharmacy" has the same meaning as in section 4729.01 3495
of the Revised Code. 3496

(13) "Physician" means a person authorized under Chapter 3497
4731. of the Revised Code to practice medicine and surgery, 3498
osteopathic medicine and surgery, or podiatric medicine and 3499
surgery. 3500

(14) "Authorized person" means a person to whom a patient 3501
has given written authorization to act on the patient's behalf 3502

regarding the patient's medical record. 3503

(B) A patient, a patient's personal representative, or an 3504
authorized person who wishes to examine or obtain a copy of part 3505
or all of a medical record shall submit to the health care 3506
provider a written request signed by the patient, personal 3507
representative, or authorized person dated not more than one 3508
year before the date on which it is submitted. The request shall 3509
indicate whether the copy is to be sent to the requestor, 3510
physician or chiropractor, or held for the requestor at the 3511
office of the health care provider. Within a reasonable time 3512
after receiving a request that meets the requirements of this 3513
division and includes sufficient information to identify the 3514
record requested, a health care provider that has the patient's 3515
medical records shall permit the patient to examine the record 3516
during regular business hours without charge or, on request, 3517
shall provide a copy of the record in accordance with section 3518
3701.741 of the Revised Code, except that if a physician, 3519
psychologist, licensed professional clinical counselor, licensed 3520
professional counselor, independent social worker, social 3521
worker, independent marriage and family therapist, marriage and 3522
family therapist, or chiropractor who has treated the patient 3523
determines for clearly stated treatment reasons that disclosure 3524
of the requested record is likely to have an adverse effect on 3525
the patient, the health care provider shall provide the record 3526
to a physician, psychologist, licensed professional clinical 3527
counselor, licensed professional counselor, independent social 3528
worker, social worker, independent marriage and family 3529
therapist, marriage and family therapist, or chiropractor 3530
designated by the patient. The health care provider shall take 3531
reasonable steps to establish the identity of the person making 3532
the request to examine or obtain a copy of the patient's record. 3533

(C) If a health care provider fails to furnish a medical record as required by division (B) of this section, the patient, personal representative, or authorized person who requested the record may bring a civil action to enforce the patient's right of access to the record.

(D) (1) This section does not apply to medical records whose release is covered by section 173.20 or 3721.13 of the Revised Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records," or by 42 C.F.R. 483.10.

(2) Nothing in this section is intended to supersede the confidentiality provisions of sections 2305.24, 2305.25, 2305.251, and 2305.252 of the Revised Code.

Sec. 3715.872. (A) As used in this section, "health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:

(1) Individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(2) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;

(3) Physician assistants licensed under Chapter 4730. of the Revised Code;

(4) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;

(5) Optometrists licensed under Chapter 4725. of the Revised Code;

(6) Pharmacists licensed under Chapter 4729. of the

Revised Code;	3562
<u>(7) Advanced practice respiratory therapists licensed</u>	3563
<u>under Chapter 4761. of the Revised Code.</u>	3564
(B) For matters related to activities conducted under the	3565
drug repository program, all of the following apply:	3566
(1) A pharmacy, drug manufacturer, health care facility,	3567
or other person or government entity that donates or gives drugs	3568
to the program, and any person or government entity that	3569
facilitates the donation or gift, shall not be subject to	3570
liability in tort or other civil action for injury, death, or	3571
loss to person or property.	3572
(2) A pharmacy, hospital, or nonprofit clinic that accepts	3573
or distributes drugs under the program shall not be subject to	3574
liability in tort or other civil action for injury, death, or	3575
loss to person or property, unless an action or omission of the	3576
pharmacy, hospital, or nonprofit clinic constitutes willful and	3577
wanton misconduct.	3578
(3) A health care professional who accepts, dispenses, or	3579
personally furnishes drugs under the program on behalf of a	3580
pharmacy, hospital, or nonprofit clinic participating in the	3581
program, and the pharmacy, hospital, or nonprofit clinic that	3582
employs or otherwise uses the services of the health care	3583
professional, shall not be subject to liability in tort or other	3584
civil action for injury, death, or loss to person or property,	3585
unless an action or omission of the health care professional,	3586
pharmacy, hospital, or nonprofit clinic constitutes willful and	3587
wanton misconduct.	3588
(4) The state board of pharmacy shall not be subject to	3589
liability in tort or other civil action for injury, death, or	3590

loss to person or property, unless an action or omission of the 3591
board constitutes willful and wanton misconduct. 3592

(5) In addition to the civil immunity granted under 3593
division (B)(1) of this section, a pharmacy, drug manufacturer, 3594
health care facility, or other person or government entity that 3595
donates or gives drugs to the program, and any person or 3596
government entity that facilitates the donation or gift, shall 3597
not be subject to criminal prosecution for matters related to 3598
activities that it conducts or another party conducts under the 3599
program, unless an action or omission of the party that donates, 3600
gives, or facilitates the donation or gift of the drugs does not 3601
comply with the provisions of this chapter or the rules adopted 3602
under it. 3603

(6) In the case of a drug manufacturer, the immunities 3604
from civil liability and criminal prosecution granted to another 3605
party under divisions (B)(1) and (5) of this section extend to 3606
the manufacturer when any drug it manufactures is the subject of 3607
an activity conducted under the program. This extension of 3608
immunities includes, but is not limited to, immunity from 3609
liability or prosecution for failure to transfer or communicate 3610
product or consumer information or the expiration date of a drug 3611
that is donated or given. 3612

Sec. 3719.06. (A) (1) A licensed health professional 3613
authorized to prescribe drugs, if acting in the course of 3614
professional practice, in accordance with the laws regulating 3615
the professional's practice, and in accordance with rules 3616
adopted by the state board of pharmacy, may, except as provided 3617
in division (A) (2) ~~or~~, (3), or (4) of this section, do the 3618
following: 3619

(a) Prescribe schedule II, III, IV, and V controlled 3620

substances; 3621

(b) Administer or personally furnish to patients schedule 3622
II, III, IV, and V controlled substances; 3623

(c) Cause schedule II, III, IV, and V controlled 3624
substances to be administered under the prescriber's direction 3625
and supervision. 3626

(2) A licensed health professional authorized to prescribe 3627
drugs who is a clinical nurse specialist, certified nurse- 3628
midwife, or certified nurse practitioner is subject to both of 3629
the following: 3630

(a) A schedule II controlled substance may be prescribed 3631
only in accordance with division (C) of section 4723.481 of the 3632
Revised Code. 3633

(b) No schedule II controlled substance shall be 3634
personally furnished to any patient. 3635

(3) A licensed health professional authorized to prescribe 3636
drugs who is a physician assistant is subject to all of the 3637
following: 3638

(a) A controlled substance may be prescribed or personally 3639
furnished only if it is included in the physician-delegated 3640
prescriptive authority granted to the physician assistant in 3641
accordance with Chapter 4730. of the Revised Code. 3642

(b) A schedule II controlled substance may be prescribed 3643
only in accordance with division (B) (4) of section 4730.41 and 3644
section 4730.411 of the Revised Code. 3645

(c) No schedule II controlled substance shall be 3646
personally furnished to any patient. 3647

(4) A licensed health professional authorized to prescribe 3648
drugs who is an advanced practice respiratory therapist is 3649
subject to both of the following: 3650

(a) A controlled substance may be prescribed only if both 3651
of the following conditions are met: 3652

(i) The controlled substance is to be used by the patient 3653
in the health care facility in which the advanced practice 3654
respiratory therapist is practicing. 3655

(ii) The controlled substance is included in the 3656
physician-delegated prescriptive authority granted to the 3657
advanced practice respiratory therapist in accordance with 3658
Chapter 4761. of the Revised Code. 3659

(b) No controlled substance shall be personally furnished 3660
to any patient. 3661

(B) No licensed health professional authorized to 3662
prescribe drugs shall prescribe, administer, or personally 3663
furnish a schedule III anabolic steroid for the purpose of human 3664
muscle building or enhancing human athletic performance and no 3665
pharmacist shall dispense a schedule III anabolic steroid for 3666
either purpose, unless it has been approved for that purpose 3667
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 3668
(1938), 21 U.S.C.A. 301, as amended. 3669

(C) When issuing a prescription for a schedule II 3670
controlled substance, a licensed health professional authorized 3671
to prescribe drugs shall do so only upon an electronic 3672
prescription, except that the prescriber may issue a written 3673
prescription if any of the following apply: 3674

(1) A temporary technical, electrical, or broadband 3675
failure occurs preventing the prescriber from issuing an 3676

electronic prescription. 3677

(2) The prescription is issued for a nursing home resident 3678
or hospice care patient. 3679

(3) The prescriber is employed by or under contract with 3680
the same entity that operates the pharmacy. 3681

(4) The prescriber determines that an electronic 3682
prescription cannot be issued in a timely manner and the 3683
patient's medical condition is at risk. 3684

(5) The prescriber issues the prescription from a health 3685
care facility, which may include an emergency department, and 3686
reasonably determines that an electronic prescription would be 3687
impractical for the patient or would cause a delay that may 3688
adversely impact the patient's medical condition. 3689

(6) The prescriber issues per year not more than fifty 3690
prescriptions for schedule II controlled substances. 3691

(7) The prescriber is a veterinarian licensed under 3692
Chapter 4741. of the Revised Code. 3693

(D) Each written or electronic prescription for a 3694
controlled substance shall be properly executed, dated, and 3695
signed by the prescriber on the day when issued and shall bear 3696
the full name and address of the person for whom, or the owner 3697
of the animal for which, the controlled substance is prescribed 3698
and the full name, address, and registry number under the 3699
federal drug abuse control laws of the prescriber. If the 3700
prescription is for an animal, it shall state the species of the 3701
animal for which the controlled substance is prescribed. 3702

Sec. 3719.121. (A) Except as otherwise provided in section 3703
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or~~ 4734.41, or 3704

4761.09 of the Revised Code, the license, certificate, or 3705
registration of any dentist, chiropractor, physician, 3706
podiatrist, registered nurse, advanced practice registered 3707
nurse, licensed practical nurse, physician assistant, advanced 3708
practice respiratory therapist, pharmacist, pharmacy intern, 3709
pharmacy technician trainee, registered pharmacy technician, 3710
certified pharmacy technician, optometrist, or veterinarian who 3711
is or becomes addicted to the use of controlled substances shall 3712
be suspended by the board that authorized the person's license, 3713
certificate, or registration until the person offers 3714
satisfactory proof to the board that the person no longer is 3715
addicted to the use of controlled substances. 3716

(B) If the board under which a person has been issued a 3717
license, certificate, or evidence of registration determines 3718
that there is clear and convincing evidence that continuation of 3719
the person's professional practice or method of administering, 3720
prescribing, preparing, distributing, dispensing, or personally 3721
furnishing controlled substances or other dangerous drugs 3722
presents a danger of immediate and serious harm to others, the 3723
board may suspend the person's license, certificate, or 3724
registration without a hearing. Except as otherwise provided in 3725
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 3726
4734.36, and 4761.09 of the Revised Code, the board shall follow 3727
the procedure for suspension without a prior hearing in section 3728
119.07 of the Revised Code. The suspension shall remain in 3729
effect, unless removed by the board, until the board's final 3730
adjudication order becomes effective, except that if the board 3731
does not issue its final adjudication order within ninety days 3732
after the hearing, the suspension shall be void on the ninety- 3733
first day after the hearing. 3734

(C) On receiving notification pursuant to section 2929.42 3735

or 3719.12 of the Revised Code, the board under which a person 3736
has been issued a license, certificate, or evidence of 3737
registration immediately shall suspend the license, certificate, 3738
or registration of that person on a plea of guilty to, a finding 3739
by a jury or court of the person's guilt of, or conviction of a 3740
felony drug abuse offense; a finding by a court of the person's 3741
eligibility for intervention in lieu of conviction; a plea of 3742
guilty to, or a finding by a jury or court of the person's guilt 3743
of, or the person's conviction of an offense in another 3744
jurisdiction that is essentially the same as a felony drug abuse 3745
offense; or a finding by a court of the person's eligibility for 3746
treatment or intervention in lieu of conviction in another 3747
jurisdiction. The board shall notify the holder of the license, 3748
certificate, or registration of the suspension, which shall 3749
remain in effect until the board holds an adjudicatory hearing 3750
under Chapter 119. of the Revised Code. 3751

Sec. 3719.13. Prescriptions, orders, and records, required 3752
by Chapter 3719. of the Revised Code, and stocks of dangerous 3753
drugs and controlled substances, shall be open for inspection 3754
only to federal, state, county, and municipal officers, and 3755
employees of the state board of pharmacy whose duty it is to 3756
enforce the laws of this state or of the United States relating 3757
to controlled substances. Such prescriptions, orders, records, 3758
and stocks shall be open for inspection by employees of the 3759
state medical board for purposes of enforcing Chapters 4730. ~~and~~ 3760
4731., and 4761. of the Revised Code, employees of the board of 3761
nursing for purposes of enforcing Chapter 4723. of the Revised 3762
Code, and employees of the department of mental health and 3763
addiction services for purposes of section 5119.37 of the 3764
Revised Code. No person having knowledge of any such 3765
prescription, order, or record shall divulge such knowledge, 3766

except in connection with a prosecution or proceeding in court 3767
or before a licensing or registration board or officer, to which 3768
prosecution or proceeding the person to whom such prescriptions, 3769
orders, or records relate is a party. 3770

Sec. 3719.81. (A) As used in this section, "sample drug" 3771
has the same meaning as in section 2925.01 of the Revised Code. 3772

(B) A person may furnish another a sample drug, if all of 3773
the following apply: 3774

(1) The sample drug is furnished free of charge by a 3775
manufacturer, manufacturer's representative, or wholesale dealer 3776
in pharmaceuticals to a licensed health professional authorized 3777
to prescribe drugs, other than an advanced practice respiratory 3778
therapist, or is furnished free of charge by ~~such a professional~~ 3779
the prescriber who received the sample drug to a patient for use 3780
as medication; 3781

(2) The sample drug is in the original container in which 3782
it was placed by the manufacturer, and the container is plainly 3783
marked as a sample; 3784

(3) Prior to its being furnished, the sample drug has been 3785
stored under the proper conditions to prevent its deterioration 3786
or contamination; 3787

(4) If the sample drug is of a type which deteriorates 3788
with time, the sample container is plainly marked with the date 3789
beyond which the sample drug is unsafe to use, and the date has 3790
not expired on the sample furnished. Compliance with the 3791
labeling requirements of the "Federal Food, Drug, and Cosmetic 3792
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 3793
be deemed compliance with this section. 3794

(5) The sample drug is distributed, stored, or discarded 3795

in such a way that the sample drug may not be acquired or used 3796
by any unauthorized person, or by any person, including a child, 3797
for whom it may present a health or safety hazard. 3798

(C) Division (B) of this section does not do any of the 3799
following: 3800

(1) Apply to or restrict the furnishing of any sample of a 3801
nonnarcotic substance if the substance may, under the "Federal 3802
Food, Drug, and Cosmetic Act" and under the laws of this state, 3803
otherwise be lawfully sold over the counter without a 3804
prescription; 3805

(2) Authorize a ~~licensed health professional authorized to~~ 3806
~~prescribe drugs~~ prescriber who is a clinical nurse specialist, 3807
certified nurse-midwife, certified nurse practitioner, 3808
optometrist, or physician assistant to furnish a sample drug 3809
that is not a drug the ~~professional~~ prescriber is authorized to 3810
prescribe. 3811

(3) Prohibit a ~~licensed health professional authorized to~~ 3812
~~prescribe drugs~~ prescriber, manufacturer of dangerous drugs, 3813
wholesale distributor of dangerous drugs, or representative of a 3814
manufacturer of dangerous drugs from furnishing a sample drug to 3815
a charitable pharmacy in accordance with section 3719.811 of the 3816
Revised Code. 3817

(4) Prohibit a pharmacist working, whether or not for 3818
compensation, in a charitable pharmacy from dispensing a sample 3819
drug to a person in accordance with section 3719.811 of the 3820
Revised Code. 3821

(D) The state board of pharmacy shall, in accordance with 3822
Chapter 119. of the Revised Code, adopt rules as necessary to 3823
give effect to this section. 3824

Sec. 4729.01. As used in this chapter:	3825
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	3826 3827 3828 3829
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	3830 3831 3832 3833 3834
(1) Interpreting prescriptions;	3835
(2) Dispensing drugs and drug therapy related devices;	3836
(3) Compounding drugs;	3837
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	3838 3839 3840 3841 3842
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	3843 3844 3845
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	3846 3847 3848 3849 3850
(7) Advising an individual and the health care professionals treating an individual with regard to the	3851 3852

individual's drug therapy;	3853
(8) Acting pursuant to a consult agreement, if an	3854
agreement has been established;	3855
(9) Engaging in the administration of immunizations to the	3856
extent authorized by section 4729.41 of the Revised Code;	3857
(10) Engaging in the administration of drugs to the extent	3858
authorized by section 4729.45 of the Revised Code.	3859
(C) "Compounding" means the preparation, mixing,	3860
assembling, packaging, and labeling of one or more drugs in any	3861
of the following circumstances:	3862
(1) Pursuant to a prescription issued by a licensed health	3863
professional authorized to prescribe drugs;	3864
(2) Pursuant to the modification of a prescription made in	3865
accordance with a consult agreement;	3866
(3) As an incident to research, teaching activities, or	3867
chemical analysis;	3868
(4) In anticipation of orders for drugs pursuant to	3869
prescriptions, based on routine, regularly observed dispensing	3870
patterns;	3871
(5) Pursuant to a request made by a licensed health	3872
professional authorized to prescribe drugs for a drug that is to	3873
be used by the professional for the purpose of direct	3874
administration to patients in the course of the professional's	3875
practice, if all of the following apply:	3876
(a) At the time the request is made, the drug is not	3877
commercially available regardless of the reason that the drug is	3878
not available, including the absence of a manufacturer for the	3879

drug or the lack of a readily available supply of the drug from 3880
a manufacturer. 3881

(b) A limited quantity of the drug is compounded and 3882
provided to the professional. 3883

(c) The drug is compounded and provided to the 3884
professional as an occasional exception to the normal practice 3885
of dispensing drugs pursuant to patient-specific prescriptions. 3886

(D) "Consult agreement" means an agreement that has been 3887
entered into under section 4729.39 of the Revised Code. 3888

(E) "Drug" means: 3889

(1) Any article recognized in the United States 3890
pharmacopoeia and national formulary, or any supplement to them, 3891
intended for use in the diagnosis, cure, mitigation, treatment, 3892
or prevention of disease in humans or animals; 3893

(2) Any other article intended for use in the diagnosis, 3894
cure, mitigation, treatment, or prevention of disease in humans 3895
or animals; 3896

(3) Any article, other than food, intended to affect the 3897
structure or any function of the body of humans or animals; 3898

(4) Any article intended for use as a component of any 3899
article specified in division (E) (1), (2), or (3) of this 3900
section; but does not include devices or their components, 3901
parts, or accessories. 3902

"Drug" does not include "hemp" or a "hemp product" as 3903
those terms are defined in section 928.01 of the Revised Code. 3904

(F) "Dangerous drug" means any of the following: 3905

(1) Any drug to which either of the following applies: 3906

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 3907
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 3908
required to bear a label containing the legend "Caution: Federal 3909
law prohibits dispensing without prescription" or "Caution: 3910
Federal law restricts this drug to use by or on the order of a 3911
licensed veterinarian" or any similar restrictive statement, or 3912
the drug may be dispensed only upon a prescription; 3913

(b) Under Chapter 3715. or 3719. of the Revised Code, the 3914
drug may be dispensed only upon a prescription. 3915

(2) Any drug that contains a schedule V controlled 3916
substance and that is exempt from Chapter 3719. of the Revised 3917
Code or to which that chapter does not apply; 3918

(3) Any drug intended for administration by injection into 3919
the human body other than through a natural orifice of the human 3920
body; 3921

(4) Any drug that is a biological product, as defined in 3922
section 3715.01 of the Revised Code. 3923

(G) "Federal drug abuse control laws" has the same meaning 3924
as in section 3719.01 of the Revised Code. 3925

(H) "Prescription" means all of the following: 3926

(1) A written, electronic, or oral order for drugs or 3927
combinations or mixtures of drugs to be used by a particular 3928
individual or for treating a particular animal, issued by a 3929
licensed health professional authorized to prescribe drugs; 3930

(2) For purposes of sections 4723.4810, 4729.282, 3931
4730.432, and 4731.93 of the Revised Code, a written, 3932
electronic, or oral order for a drug to treat chlamydia, 3933
gonorrhea, or trichomoniasis issued to and in the name of a 3934

patient who is not the intended user of the drug but is the 3935
sexual partner of the intended user; 3936

(3) For purposes of sections 3313.7110, 3313.7111, 3937
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 3938
4731.96, and 5101.76 of the Revised Code, a written, electronic, 3939
or oral order for an epinephrine autoinjector issued to and in 3940
the name of a school, school district, or camp; 3941

(4) For purposes of Chapter 3728. and sections 4723.483, 3942
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 3943
electronic, or oral order for an epinephrine autoinjector issued 3944
to and in the name of a qualified entity, as defined in section 3945
3728.01 of the Revised Code; 3946

(5) For purposes of sections 3313.7115, 3313.7116, 3947
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 3948
5101.78 of the Revised Code, a written, electronic, or oral 3949
order for injectable or nasally administered glucagon in the 3950
name of a school, school district, or camp. 3951

(I) "Licensed health professional authorized to prescribe 3952
drugs" or "prescriber" means an individual who is authorized by 3953
law to prescribe drugs or dangerous drugs or drug therapy 3954
related devices in the course of the individual's professional 3955
practice, including only the following: 3956

(1) A dentist licensed under Chapter 4715. of the Revised 3957
Code; 3958

(2) A clinical nurse specialist, certified nurse-midwife, 3959
or certified nurse practitioner who holds a current, valid 3960
license issued under Chapter 4723. of the Revised Code to 3961
practice nursing as an advanced practice registered nurse; 3962

(3) A certified registered nurse anesthetist who holds a 3963

current, valid license issued under Chapter 4723. of the Revised 3964
Code to practice nursing as an advanced practice registered 3965
nurse, but only to the extent of the nurse's authority under 3966
sections 4723.43 and 4723.434 of the Revised Code; 3967

(4) An optometrist licensed under Chapter 4725. of the 3968
Revised Code to practice optometry; 3969

(5) A physician authorized under Chapter 4731. of the 3970
Revised Code to practice medicine and surgery, osteopathic 3971
medicine and surgery, or podiatric medicine and surgery; 3972

(6) A physician assistant who holds a license to practice 3973
as a physician assistant issued under Chapter 4730. of the 3974
Revised Code, holds a valid prescriber number issued by the 3975
state medical board, and has been granted physician-delegated 3976
prescriptive authority; 3977

(7) A veterinarian licensed under Chapter 4741. of the 3978
Revised Code; 3979

(8) An advanced practice respiratory therapist who holds a 3980
license to practice as an advanced practice respiratory 3981
therapist issued under Chapter 4761. of the Revised Code and has 3982
been granted physician-delegated prescriptive authority. 3983

(J) "Sale" or "sell" includes any transaction made by any 3984
person, whether as principal proprietor, agent, or employee, to 3985
do or offer to do any of the following: deliver, distribute, 3986
broker, exchange, gift or otherwise give away, or transfer, 3987
whether the transfer is by passage of title, physical movement, 3988
or both. 3989

(K) "Wholesale sale" and "sale at wholesale" mean any sale 3990
in which the purpose of the purchaser is to resell the article 3991
purchased or received by the purchaser. 3992

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.

(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:

- (1) The proprietary name of the drug product;
- (2) The established (generic) name of the drug product;
- (3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.
- (4) The dosage form;
- (5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.

(O) "Wholesale distributor of dangerous drugs" or 4022
"wholesale distributor" means a person engaged in the sale of 4023
dangerous drugs at wholesale and includes any agent or employee 4024
of such a person authorized by the person to engage in the sale 4025
of dangerous drugs at wholesale. 4026

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4027
means a person, other than a pharmacist or prescriber, who 4028
manufactures dangerous drugs and who is engaged in the sale of 4029
those dangerous drugs. 4030

(Q) "Terminal distributor of dangerous drugs" or "terminal 4031
distributor" means a person who is engaged in the sale of 4032
dangerous drugs at retail, or any person, other than a 4033
manufacturer, repackager, outsourcing facility, third-party 4034
logistics provider, wholesale distributor, or pharmacist, who 4035
has possession, custody, or control of dangerous drugs for any 4036
purpose other than for that person's own use and consumption. 4037
"Terminal distributor" includes pharmacies, hospitals, nursing 4038
homes, and laboratories and all other persons who procure 4039
dangerous drugs for sale or other distribution by or under the 4040
supervision of a pharmacist, licensed health professional 4041
authorized to prescribe drugs, or other person authorized by the 4042
state board of pharmacy. 4043

(R) "Promote to the public" means disseminating a 4044
representation to the public in any manner or by any means, 4045
other than by labeling, for the purpose of inducing, or that is 4046
likely to induce, directly or indirectly, the purchase of a 4047
dangerous drug at retail. 4048

(S) "Person" includes any individual, partnership, 4049
association, limited liability company, or corporation, the 4050
state, any political subdivision of the state, and any district, 4051

department, or agency of the state or its political 4052
subdivisions. 4053

(T) (1) "Animal shelter" means a facility operated by a 4054
humane society or any society organized under Chapter 1717. of 4055
the Revised Code or a dog pound operated pursuant to Chapter 4056
955. of the Revised Code. 4057

(2) "County dog warden" means a dog warden or deputy dog 4058
warden appointed or employed under section 955.12 of the Revised 4059
Code. 4060

(U) "Food" has the same meaning as in section 3715.01 of 4061
the Revised Code. 4062

(V) "Pain management clinic" has the same meaning as in 4063
section 4731.054 of the Revised Code. 4064

(W) "Investigational drug or product" means a drug or 4065
product that has successfully completed phase one of the United 4066
States food and drug administration clinical trials and remains 4067
under clinical trial, but has not been approved for general use 4068
by the United States food and drug administration. 4069
"Investigational drug or product" does not include controlled 4070
substances in schedule I, as defined in section 3719.01 of the 4071
Revised Code. 4072

(X) "Product," when used in reference to an 4073
investigational drug or product, means a biological product, 4074
other than a drug, that is made from a natural human, animal, or 4075
microorganism source and is intended to treat a disease or 4076
medical condition. 4077

(Y) "Third-party logistics provider" means a person that 4078
provides or coordinates warehousing or other logistics services 4079
pertaining to dangerous drugs including distribution, on behalf 4080

of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.

(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

(CC) "Overdose reversal drug" means both of the following:

(1) Naloxone;

(2) Any other drug that the state board of pharmacy, through rules adopted in accordance with Chapter 119. of the Revised Code, designates as a drug that is approved by the federal food and drug administration for the reversal of a known or suspected opioid-related overdose.

Sec. 4729.51. (A) No person other than a licensed manufacturer of dangerous drugs, outsourcing facility, third-

party logistics provider, repackager of dangerous drugs, or 4110
wholesale distributor of dangerous drugs shall possess for sale, 4111
sell, distribute, or deliver, at wholesale, dangerous drugs or 4112
investigational drugs or products, except as follows: 4113

(1) A licensed terminal distributor of dangerous drugs 4114
that is a pharmacy may make occasional sales of dangerous drugs 4115
or investigational drugs or products at wholesale. 4116

(2) A licensed terminal distributor of dangerous drugs 4117
having more than one licensed location may transfer or deliver 4118
dangerous drugs from one licensed location to another licensed 4119
location owned by the terminal distributor if the license issued 4120
for each location is in effect at the time of the transfer or 4121
delivery. 4122

(3) A licensed terminal distributor of dangerous drugs 4123
that is not a pharmacy may make occasional sales of the 4124
following at wholesale: 4125

(a) Overdose reversal drugs; 4126

(b) Dangerous drugs if the drugs being sold are in 4127
shortage, as defined in rules adopted under section 4729.26 of 4128
the Revised Code; 4129

(c) Dangerous drugs other than those described in 4130
divisions (A) (3) (a) and (b) of this section or investigational 4131
drugs or products if authorized by rules adopted under section 4132
4729.26 of the Revised Code. 4133

(B) No licensed manufacturer, outsourcing facility, third- 4134
party logistics provider, repackager, or wholesale distributor 4135
shall possess for sale, sell, or distribute, at wholesale, 4136
dangerous drugs or investigational drugs or products to any 4137
person other than the following: 4138

(1) Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs; 4139
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(2) Subject to division (C) of this section, any person exempt from licensure as a terminal distributor of dangerous drugs under section 4729.541 of the Revised Code; 4141
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(3) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor; 4144
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(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business. 4146
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(C) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following: 4152
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(1) A prescriber who is employed by either of the following: 4157
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(a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code; 4159
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(b) A facility, clinic, or other location that provides office-based opioid treatment but is not licensed as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section. 4163
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(2) A business entity described in division (A) (2) or (3) 4168
of section 4729.541 of the Revised Code that is, or is 4169
operating, either of the following: 4170

(a) A pain management clinic without a license as a 4171
terminal distributor of dangerous drugs with a pain management 4172
clinic classification issued under section 4729.552 of the 4173
Revised Code; 4174

(b) A facility, clinic, or other location that provides 4175
office-based opioid treatment without a license as a terminal 4176
distributor of dangerous drugs with an office-based opioid 4177
treatment classification issued under section 4729.553 of the 4178
Revised Code if such a license is required by that section. 4179

(D) No licensed manufacturer, outsourcing facility, third- 4180
party logistics provider, repackager, or wholesale distributor 4181
shall possess dangerous drugs or investigational drugs or 4182
products for sale at wholesale, or sell or distribute such drugs 4183
at wholesale, to a licensed terminal distributor of dangerous 4184
drugs, except as follows: 4185

(1) In the case of a terminal distributor with a category 4186
II license, only dangerous drugs in category II, as defined in 4187
division (A) (1) of section 4729.54 of the Revised Code; 4188

(2) In the case of a terminal distributor with a category 4189
III license, dangerous drugs in category II and category III, as 4190
defined in divisions (A) (1) and (2) of section 4729.54 of the 4191
Revised Code; 4192

(3) In the case of a terminal distributor with a limited 4193
category II or III license, only the dangerous drugs specified 4194
in the license. 4195

(E) (1) Except as provided in division (E) (2) of this 4196

section, no person shall do any of the following:	4197
(a) Sell or distribute, at retail, dangerous drugs;	4198
(b) Possess for sale, at retail, dangerous drugs;	4199
(c) Possess dangerous drugs.	4200
(2) (a) Divisions (E) (1) (a), (b), and (c) of this section do not apply to any of the following:	4201 4202
(i) A licensed terminal distributor of dangerous drugs;	4203
(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. , <u>and</u> <u>4761.</u> of the Revised Code;	4204 4205 4206 4207
(iii) Any of the persons identified in divisions (A) (1) to (5) and (15) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	4208 4209 4210
(b) Division (E) (1) (c) of this section does not apply to any of the following:	4211 4212
(i) A licensed manufacturer, outsourcing facility, third- party logistics provider, repackager, or wholesale distributor;	4213 4214
(ii) Any of the persons identified in divisions (A) (6) to (14) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	4215 4216 4217
(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except	4218 4219 4220 4221 4222 4223

as follows: 4224

(1) A licensed terminal distributor of dangerous drugs or 4225
person that is exempt from licensure under section 4729.541 of 4226
the Revised Code may make occasional purchases of dangerous 4227
drugs or investigational drugs or products that are sold in 4228
accordance with division (A) (1) or (3) of this section. 4229

(2) A licensed terminal distributor of dangerous drugs 4230
having more than one licensed location may transfer or deliver 4231
dangerous drugs or investigational drugs or products from one 4232
licensed location to another licensed location if the license 4233
issued for each location is in effect at the time of the 4234
transfer or delivery. 4235

(G) No licensed terminal distributor of dangerous drugs 4236
shall engage in the retail sale or other distribution of 4237
dangerous drugs or investigational drugs or products or maintain 4238
possession, custody, or control of dangerous drugs or 4239
investigational drugs or products for any purpose other than the 4240
distributor's personal use or consumption, at any establishment 4241
or place other than that or those described in the license 4242
issued by the state board of pharmacy to such terminal 4243
distributor. 4244

(H) Nothing in this section shall be construed to 4245
interfere with the performance of official duties by any law 4246
enforcement official authorized by municipal, county, state, or 4247
federal law to collect samples of any drug, regardless of its 4248
nature or in whose possession it may be. 4249

(I) Notwithstanding anything to the contrary in this 4250
section, the board of education of a city, local, exempted 4251
village, or joint vocational school district may distribute 4252

epinephrine autoinjectors for use in accordance with section 4253
3313.7110 of the Revised Code, may distribute inhalers for use 4254
in accordance with section 3313.7113 of the Revised Code, and 4255
may distribute injectable or nasally administered glucagon for 4256
use in accordance with section 3313.7115 of the Revised Code. 4257

Sec. 4731.22. (A) The state medical board, by an 4258
affirmative vote of not fewer than six of its members, may 4259
limit, revoke, or suspend a license or certificate to practice 4260
or certificate to recommend, refuse to grant a license or 4261
certificate, refuse to renew a license or certificate, refuse to 4262
reinstate a license or certificate, or reprimand or place on 4263
probation the holder of a license or certificate if the 4264
individual applying for or holding the license or certificate is 4265
found by the board to have committed fraud during the 4266
administration of the examination for a license or certificate 4267
to practice or to have committed fraud, misrepresentation, or 4268
deception in applying for, renewing, or securing any license or 4269
certificate to practice or certificate to recommend issued by 4270
the board. 4271

(B) Except as provided in division (P) of this section, 4272
the board, by an affirmative vote of not fewer than six members, 4273
shall, to the extent permitted by law, limit, revoke, or suspend 4274
a license or certificate to practice or certificate to 4275
recommend, refuse to issue a license or certificate, refuse to 4276
renew a license or certificate, refuse to reinstate a license or 4277
certificate, or reprimand or place on probation the holder of a 4278
license or certificate for one or more of the following reasons: 4279

(1) Permitting one's name or one's license or certificate 4280
to practice to be used by a person, group, or corporation when 4281
the individual concerned is not actually directing the treatment 4282

given;	4283
(2) Failure to maintain minimal standards applicable to	4284
the selection or administration of drugs, or failure to employ	4285
acceptable scientific methods in the selection of drugs or other	4286
modalities for treatment of disease;	4287
(3) Except as provided in section 4731.97 of the Revised	4288
Code, selling, giving away, personally furnishing, prescribing,	4289
or administering drugs for other than legal and legitimate	4290
therapeutic purposes or a plea of guilty to, a judicial finding	4291
of guilt of, or a judicial finding of eligibility for	4292
intervention in lieu of conviction of, a violation of any	4293
federal or state law regulating the possession, distribution, or	4294
use of any drug;	4295
(4) Willfully betraying a professional confidence.	4296
For purposes of this division, "willfully betraying a	4297
professional confidence" does not include providing any	4298
information, documents, or reports under sections 307.621 to	4299
307.629 of the Revised Code to a child fatality review board;	4300
does not include providing any information, documents, or	4301
reports under sections 307.631 to 307.6410 of the Revised Code	4302
to a drug overdose fatality review committee, a suicide fatality	4303
review committee, or hybrid drug overdose fatality and suicide	4304
fatality review committee; does not include providing any	4305
information, documents, or reports under sections 307.651 to	4306
307.659 of the Revised Code to a domestic violence fatality	4307
review board; does not include providing any information,	4308
documents, or reports to the director of health pursuant to	4309
guidelines established under section 3701.70 of the Revised	4310
Code; does not include written notice to a mental health	4311
professional under section 4731.62 of the Revised Code; and does	4312

not include the making of a report of an employee's use of a 4313
drug of abuse, or a report of a condition of an employee other 4314
than one involving the use of a drug of abuse, to the employer 4315
of the employee as described in division (B) of section 2305.33 4316
of the Revised Code. Nothing in this division affects the 4317
immunity from civil liability conferred by section 2305.33 or 4318
4731.62 of the Revised Code upon a physician who makes a report 4319
in accordance with section 2305.33 or notifies a mental health 4320
professional in accordance with section 4731.62 of the Revised 4321
Code. As used in this division, "employee," "employer," and 4322
"physician" have the same meanings as in section 2305.33 of the 4323
Revised Code. 4324

(5) Making a false, fraudulent, deceptive, or misleading 4325
statement in the solicitation of or advertising for patients; in 4326
relation to the practice of medicine and surgery, osteopathic 4327
medicine and surgery, podiatric medicine and surgery, or a 4328
limited branch of medicine; or in securing or attempting to 4329
secure any license or certificate to practice issued by the 4330
board. 4331

As used in this division, "false, fraudulent, deceptive, 4332
or misleading statement" means a statement that includes a 4333
misrepresentation of fact, is likely to mislead or deceive 4334
because of a failure to disclose material facts, is intended or 4335
is likely to create false or unjustified expectations of 4336
favorable results, or includes representations or implications 4337
that in reasonable probability will cause an ordinarily prudent 4338
person to misunderstand or be deceived. 4339

(6) A departure from, or the failure to conform to, 4340
minimal standards of care of similar practitioners under the 4341
same or similar circumstances, whether or not actual injury to a 4342

patient is established; 4343

(7) Representing, with the purpose of obtaining 4344
compensation or other advantage as personal gain or for any 4345
other person, that an incurable disease or injury, or other 4346
incurable condition, can be permanently cured; 4347

(8) The obtaining of, or attempting to obtain, money or 4348
anything of value by fraudulent misrepresentations in the course 4349
of practice; 4350

(9) A plea of guilty to, a judicial finding of guilt of, 4351
or a judicial finding of eligibility for intervention in lieu of 4352
conviction for, a felony; 4353

(10) Commission of an act that constitutes a felony in 4354
this state, regardless of the jurisdiction in which the act was 4355
committed; 4356

(11) A plea of guilty to, a judicial finding of guilt of, 4357
or a judicial finding of eligibility for intervention in lieu of 4358
conviction for, a misdemeanor committed in the course of 4359
practice; 4360

(12) Commission of an act in the course of practice that 4361
constitutes a misdemeanor in this state, regardless of the 4362
jurisdiction in which the act was committed; 4363

(13) A plea of guilty to, a judicial finding of guilt of, 4364
or a judicial finding of eligibility for intervention in lieu of 4365
conviction for, a misdemeanor involving moral turpitude; 4366

(14) Commission of an act involving moral turpitude that 4367
constitutes a misdemeanor in this state, regardless of the 4368
jurisdiction in which the act was committed; 4369

(15) Violation of the conditions of limitation placed by 4370

the board upon a license or certificate to practice; 4371

(16) Failure to pay license renewal fees specified in this 4372
chapter; 4373

(17) Except as authorized in section 4731.31 of the 4374
Revised Code, engaging in the division of fees for referral of 4375
patients, or the receiving of a thing of value in return for a 4376
specific referral of a patient to utilize a particular service 4377
or business; 4378

(18) Subject to section 4731.226 of the Revised Code, 4379
violation of any provision of a code of ethics of the American 4380
medical association, the American osteopathic association, the 4381
American podiatric medical association, or any other national 4382
professional organizations that the board specifies by rule. The 4383
state medical board shall obtain and keep on file current copies 4384
of the codes of ethics of the various national professional 4385
organizations. The individual whose license or certificate is 4386
being suspended or revoked shall not be found to have violated 4387
any provision of a code of ethics of an organization not 4388
appropriate to the individual's profession. 4389

For purposes of this division, a "provision of a code of 4390
ethics of a national professional organization" does not include 4391
any provision that would preclude the making of a report by a 4392
physician of an employee's use of a drug of abuse, or of a 4393
condition of an employee other than one involving the use of a 4394
drug of abuse, to the employer of the employee as described in 4395
division (B) of section 2305.33 of the Revised Code. Nothing in 4396
this division affects the immunity from civil liability 4397
conferred by that section upon a physician who makes either type 4398
of report in accordance with division (B) of that section. As 4399
used in this division, "employee," "employer," and "physician" 4400

have the same meanings as in section 2305.33 of the Revised Code. 4401
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(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills. 4403
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In enforcing this division, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter 4408
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accepts the privilege of practicing in this state and, by so 4432
doing, shall be deemed to have given consent to submit to a 4433
mental or physical examination when directed to do so in writing 4434
by the board, and to have waived all objections to the 4435
admissibility of testimony or examination reports that 4436
constitute a privileged communication. 4437

(20) Except as provided in division (F) (1) (b) of section 4438
4731.282 of the Revised Code or when civil penalties are imposed 4439
under section 4731.225 of the Revised Code, and subject to 4440
section 4731.226 of the Revised Code, violating or attempting to 4441
violate, directly or indirectly, or assisting in or abetting the 4442
violation of, or conspiring to violate, any provisions of this 4443
chapter or any rule promulgated by the board. 4444

This division does not apply to a violation or attempted 4445
violation of, assisting in or abetting the violation of, or a 4446
conspiracy to violate, any provision of this chapter or any rule 4447
adopted by the board that would preclude the making of a report 4448
by a physician of an employee's use of a drug of abuse, or of a 4449
condition of an employee other than one involving the use of a 4450
drug of abuse, to the employer of the employee as described in 4451
division (B) of section 2305.33 of the Revised Code. Nothing in 4452
this division affects the immunity from civil liability 4453
conferred by that section upon a physician who makes either type 4454
of report in accordance with division (B) of that section. As 4455
used in this division, "employee," "employer," and "physician" 4456
have the same meanings as in section 2305.33 of the Revised 4457
Code. 4458

(21) The violation of section 3701.79 of the Revised Code 4459
or of any abortion rule adopted by the director of health 4460
pursuant to section 3701.341 of the Revised Code; 4461

(22) Any of the following actions taken by an agency 4462
responsible for authorizing, certifying, or regulating an 4463
individual to practice a health care occupation or provide 4464
health care services in this state or another jurisdiction, for 4465
any reason other than the nonpayment of fees: the limitation, 4466
revocation, or suspension of an individual's license to 4467
practice; acceptance of an individual's license surrender; 4468
denial of a license; refusal to renew or reinstate a license; 4469
imposition of probation; or issuance of an order of censure or 4470
other reprimand; 4471

(23) The violation of section 2919.12 of the Revised Code 4472
or the performance or inducement of an abortion upon a pregnant 4473
woman with actual knowledge that the conditions specified in 4474
division (B) of section 2317.56 of the Revised Code have not 4475
been satisfied or with a heedless indifference as to whether 4476
those conditions have been satisfied, unless an affirmative 4477
defense as specified in division (H) (2) of that section would 4478
apply in a civil action authorized by division (H) (1) of that 4479
section; 4480

(24) The revocation, suspension, restriction, reduction, 4481
or termination of clinical privileges by the United States 4482
department of defense or department of veterans affairs or the 4483
termination or suspension of a certificate of registration to 4484
prescribe drugs by the drug enforcement administration of the 4485
United States department of justice; 4486

(25) Termination or suspension from participation in the 4487
medicare or medicaid programs by the department of health and 4488
human services or other responsible agency; 4489

(26) Impairment of ability to practice according to 4490
acceptable and prevailing standards of care because of habitual 4491

or excessive use or abuse of drugs, alcohol, or other substances 4492
that impair ability to practice. 4493

For the purposes of this division, any individual 4494
authorized to practice by this chapter accepts the privilege of 4495
practicing in this state subject to supervision by the board. By 4496
filing an application for or holding a license or certificate to 4497
practice under this chapter, an individual shall be deemed to 4498
have given consent to submit to a mental or physical examination 4499
when ordered to do so by the board in writing, and to have 4500
waived all objections to the admissibility of testimony or 4501
examination reports that constitute privileged communications. 4502

If it has reason to believe that any individual authorized 4503
to practice by this chapter or any applicant for licensure or 4504
certification to practice suffers such impairment, the board may 4505
compel the individual to submit to a mental or physical 4506
examination, or both. The expense of the examination is the 4507
responsibility of the individual compelled to be examined. Any 4508
mental or physical examination required under this division 4509
shall be undertaken by a treatment provider or physician who is 4510
qualified to conduct the examination and who is chosen by the 4511
board. 4512

Failure to submit to a mental or physical examination 4513
ordered by the board constitutes an admission of the allegations 4514
against the individual unless the failure is due to 4515
circumstances beyond the individual's control, and a default and 4516
final order may be entered without the taking of testimony or 4517
presentation of evidence. If the board determines that the 4518
individual's ability to practice is impaired, the board shall 4519
suspend the individual's license or certificate or deny the 4520
individual's application and shall require the individual, as a 4521

condition for initial, continued, reinstated, or renewed 4522
licensure or certification to practice, to submit to treatment. 4523

Before being eligible to apply for reinstatement of a 4524
license or certificate suspended under this division, the 4525
impaired practitioner shall demonstrate to the board the ability 4526
to resume practice in compliance with acceptable and prevailing 4527
standards of care under the provisions of the practitioner's 4528
license or certificate. The demonstration shall include, but 4529
shall not be limited to, the following: 4530

(a) Certification from a treatment provider approved under 4531
section 4731.25 of the Revised Code that the individual has 4532
successfully completed any required inpatient treatment; 4533

(b) Evidence of continuing full compliance with an 4534
aftercare contract or consent agreement; 4535

(c) Two written reports indicating that the individual's 4536
ability to practice has been assessed and that the individual 4537
has been found capable of practicing according to acceptable and 4538
prevailing standards of care. The reports shall be made by 4539
individuals or providers approved by the board for making the 4540
assessments and shall describe the basis for their 4541
determination. 4542

The board may reinstate a license or certificate suspended 4543
under this division after that demonstration and after the 4544
individual has entered into a written consent agreement. 4545

When the impaired practitioner resumes practice, the board 4546
shall require continued monitoring of the individual. The 4547
monitoring shall include, but not be limited to, compliance with 4548
the written consent agreement entered into before reinstatement 4549
or with conditions imposed by board order after a hearing, and, 4550

upon termination of the consent agreement, submission to the 4551
board for at least two years of annual written progress reports 4552
made under penalty of perjury stating whether the individual has 4553
maintained sobriety. 4554

(27) A second or subsequent violation of section 4731.66 4555
or 4731.69 of the Revised Code; 4556

(28) Except as provided in division (N) of this section: 4557

(a) Waiving the payment of all or any part of a deductible 4558
or copayment that a patient, pursuant to a health insurance or 4559
health care policy, contract, or plan that covers the 4560
individual's services, otherwise would be required to pay if the 4561
waiver is used as an enticement to a patient or group of 4562
patients to receive health care services from that individual; 4563

(b) Advertising that the individual will waive the payment 4564
of all or any part of a deductible or copayment that a patient, 4565
pursuant to a health insurance or health care policy, contract, 4566
or plan that covers the individual's services, otherwise would 4567
be required to pay. 4568

(29) Failure to use universal blood and body fluid 4569
precautions established by rules adopted under section 4731.051 4570
of the Revised Code; 4571

(30) Failure to provide notice to, and receive 4572
acknowledgment of the notice from, a patient when required by 4573
section 4731.143 of the Revised Code prior to providing 4574
nonemergency professional services, or failure to maintain that 4575
notice in the patient's medical record; 4576

(31) Failure of a physician supervising a physician 4577
assistant to maintain supervision in accordance with the 4578
requirements of Chapter 4730. of the Revised Code and the rules 4579

adopted under that chapter;	4580
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	4581 4582 4583 4584 4585 4586 4587
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	4588 4589 4590
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	4591 4592 4593 4594 4595 4596 4597 4598 4599 4600 4601
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	4602 4603 4604
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	4605 4606 4607
(37) Assisting suicide, as defined in section 3795.01 of	4608

the Revised Code;	4609
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	4610 4611
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	4612 4613 4614
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	4615 4616 4617 4618
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	4619 4620 4621 4622
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	4623 4624 4625 4626
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	4627 4628 4629 4630
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	4631 4632 4633 4634 4635
(45) Practicing at a facility that is subject to licensure	4636

as a category III terminal distributor of dangerous drugs with a 4637
pain management clinic classification unless the person 4638
operating the facility has obtained and maintains the license 4639
with the classification; 4640

(46) Owning a facility that is subject to licensure as a 4641
category III terminal distributor of dangerous drugs with a pain 4642
management clinic classification unless the facility is licensed 4643
with the classification; 4644

(47) Failure to comply with any of the requirements 4645
regarding making or maintaining medical records or documents 4646
described in division (A) of section 2919.192, division (C) of 4647
section 2919.193, division (B) of section 2919.195, or division 4648
(A) of section 2919.196 of the Revised Code; 4649

(48) Failure to comply with the requirements in section 4650
3719.061 of the Revised Code before issuing for a minor a 4651
prescription for an opioid analgesic, as defined in section 4652
3719.01 of the Revised Code; 4653

(49) Failure to comply with the requirements of section 4654
4731.30 of the Revised Code or rules adopted under section 4655
4731.301 of the Revised Code when recommending treatment with 4656
medical marijuana; 4657

(50) Practicing at a facility, clinic, or other location 4658
that is subject to licensure as a category III terminal 4659
distributor of dangerous drugs with an office-based opioid 4660
treatment classification unless the person operating that place 4661
has obtained and maintains the license with the classification; 4662

(51) Owning a facility, clinic, or other location that is 4663
subject to licensure as a category III terminal distributor of 4664
dangerous drugs with an office-based opioid treatment 4665

classification unless that place is licensed with the 4666
classification; 4667

(52) A pattern of continuous or repeated violations of 4668
division (E) (2) or (3) of section 3963.02 of the Revised Code; 4669

(53) Failure to fulfill the responsibilities of a 4670
collaboration agreement entered into with an athletic trainer as 4671
described in section 4755.621 of the Revised Code; 4672

(54) Failure to take the steps specified in section 4673
4731.911 of the Revised Code following an abortion or attempted 4674
abortion in an ambulatory surgical facility or other location 4675
that is not a hospital when a child is born alive; 4676

(55) Failure of a physician supervising an advanced 4677
practice respiratory therapist to maintain supervision in 4678
accordance with the requirements of Chapter 4761. of the Revised 4679
Code and rules adopted under that chapter. 4680

(C) Disciplinary actions taken by the board under 4681
divisions (A) and (B) of this section shall be taken pursuant to 4682
an adjudication under Chapter 119. of the Revised Code, except 4683
that in lieu of an adjudication, the board may enter into a 4684
consent agreement with an individual to resolve an allegation of 4685
a violation of this chapter or any rule adopted under it. A 4686
consent agreement, when ratified by an affirmative vote of not 4687
fewer than six members of the board, shall constitute the 4688
findings and order of the board with respect to the matter 4689
addressed in the agreement. If the board refuses to ratify a 4690
consent agreement, the admissions and findings contained in the 4691
consent agreement shall be of no force or effect. 4692

A telephone conference call may be utilized for 4693
ratification of a consent agreement that revokes or suspends an 4694

individual's license or certificate to practice or certificate 4695
to recommend. The telephone conference call shall be considered 4696
a special meeting under division (F) of section 121.22 of the 4697
Revised Code. 4698

If the board takes disciplinary action against an 4699
individual under division (B) of this section for a second or 4700
subsequent plea of guilty to, or judicial finding of guilt of, a 4701
violation of section 2919.123 or 2919.124 of the Revised Code, 4702
the disciplinary action shall consist of a suspension of the 4703
individual's license or certificate to practice for a period of 4704
at least one year or, if determined appropriate by the board, a 4705
more serious sanction involving the individual's license or 4706
certificate to practice. Any consent agreement entered into 4707
under this division with an individual that pertains to a second 4708
or subsequent plea of guilty to, or judicial finding of guilt 4709
of, a violation of that section shall provide for a suspension 4710
of the individual's license or certificate to practice for a 4711
period of at least one year or, if determined appropriate by the 4712
board, a more serious sanction involving the individual's 4713
license or certificate to practice. 4714

(D) For purposes of divisions (B) (10), (12), and (14) of 4715
this section, the commission of the act may be established by a 4716
finding by the board, pursuant to an adjudication under Chapter 4717
119. of the Revised Code, that the individual committed the act. 4718
The board does not have jurisdiction under those divisions if 4719
the trial court renders a final judgment in the individual's 4720
favor and that judgment is based upon an adjudication on the 4721
merits. The board has jurisdiction under those divisions if the 4722
trial court issues an order of dismissal upon technical or 4723
procedural grounds. 4724

(E) The sealing or expungement of conviction records by 4725
any court shall have no effect upon a prior board order entered 4726
under this section or upon the board's jurisdiction to take 4727
action under this section if, based upon a plea of guilty, a 4728
judicial finding of guilt, or a judicial finding of eligibility 4729
for intervention in lieu of conviction, the board issued a 4730
notice of opportunity for a hearing prior to the court's order 4731
to seal or expunge the records. The board shall not be required 4732
to seal, expunge, destroy, redact, or otherwise modify its 4733
records to reflect the court's sealing of conviction records. 4734

(F) (1) The board shall investigate evidence that appears 4735
to show that a person has violated any provision of this chapter 4736
or any rule adopted under it. Any person may report to the board 4737
in a signed writing any information that the person may have 4738
that appears to show a violation of any provision of this 4739
chapter or any rule adopted under it. In the absence of bad 4740
faith, any person who reports information of that nature or who 4741
testifies before the board in any adjudication conducted under 4742
Chapter 119. of the Revised Code shall not be liable in damages 4743
in a civil action as a result of the report or testimony. Each 4744
complaint or allegation of a violation received by the board 4745
shall be assigned a case number and shall be recorded by the 4746
board. 4747

(2) Investigations of alleged violations of this chapter 4748
or any rule adopted under it shall be supervised by the 4749
supervising member elected by the board in accordance with 4750
section 4731.02 of the Revised Code and by the secretary as 4751
provided in section 4731.39 of the Revised Code. The president 4752
may designate another member of the board to supervise the 4753
investigation in place of the supervising member. No member of 4754
the board who supervises the investigation of a case shall 4755

participate in further adjudication of the case. 4756

(3) In investigating a possible violation of this chapter 4757
or any rule adopted under this chapter, or in conducting an 4758
inspection under division (E) of section 4731.054 of the Revised 4759
Code, the board may question witnesses, conduct interviews, 4760
administer oaths, order the taking of depositions, inspect and 4761
copy any books, accounts, papers, records, or documents, issue 4762
subpoenas, and compel the attendance of witnesses and production 4763
of books, accounts, papers, records, documents, and testimony, 4764
except that a subpoena for patient record information shall not 4765
be issued without consultation with the attorney general's 4766
office and approval of the secretary and supervising member of 4767
the board. 4768

(a) Before issuance of a subpoena for patient record 4769
information, the secretary and supervising member shall 4770
determine whether there is probable cause to believe that the 4771
complaint filed alleges a violation of this chapter or any rule 4772
adopted under it and that the records sought are relevant to the 4773
alleged violation and material to the investigation. The 4774
subpoena may apply only to records that cover a reasonable 4775
period of time surrounding the alleged violation. 4776

(b) On failure to comply with any subpoena issued by the 4777
board and after reasonable notice to the person being 4778
subpoenaed, the board may move for an order compelling the 4779
production of persons or records pursuant to the Rules of Civil 4780
Procedure. 4781

(c) A subpoena issued by the board may be served by a 4782
sheriff, the sheriff's deputy, or a board employee or agent 4783
designated by the board. Service of a subpoena issued by the 4784
board may be made by delivering a copy of the subpoena to the 4785

person named therein, reading it to the person, or leaving it at 4786
the person's usual place of residence, usual place of business, 4787
or address on file with the board. When serving a subpoena to an 4788
applicant for or the holder of a license or certificate issued 4789
under this chapter, service of the subpoena may be made by 4790
certified mail, return receipt requested, and the subpoena shall 4791
be deemed served on the date delivery is made or the date the 4792
person refuses to accept delivery. If the person being served 4793
refuses to accept the subpoena or is not located, service may be 4794
made to an attorney who notifies the board that the attorney is 4795
representing the person. 4796

(d) A sheriff's deputy who serves a subpoena shall receive 4797
the same fees as a sheriff. Each witness who appears before the 4798
board in obedience to a subpoena shall receive the fees and 4799
mileage provided for under section 119.094 of the Revised Code. 4800

(4) All hearings, investigations, and inspections of the 4801
board shall be considered civil actions for the purposes of 4802
section 2305.252 of the Revised Code. 4803

(5) A report required to be submitted to the board under 4804
this chapter, a complaint, or information received by the board 4805
pursuant to an investigation or pursuant to an inspection under 4806
division (E) of section 4731.054 of the Revised Code is 4807
confidential and not subject to discovery in any civil action. 4808

The board shall conduct all investigations or inspections 4809
and proceedings in a manner that protects the confidentiality of 4810
patients and persons who file complaints with the board. The 4811
board shall not make public the names or any other identifying 4812
information about patients or complainants unless proper consent 4813
is given or, in the case of a patient, a waiver of the patient 4814
privilege exists under division (B) of section 2317.02 of the 4815

Revised Code, except that consent or a waiver of that nature is 4816
not required if the board possesses reliable and substantial 4817
evidence that no bona fide physician-patient relationship 4818
exists. 4819

The board may share any information it receives pursuant 4820
to an investigation or inspection, including patient records and 4821
patient record information, with law enforcement agencies, other 4822
licensing boards, and other governmental agencies that are 4823
prosecuting, adjudicating, or investigating alleged violations 4824
of statutes or administrative rules. An agency or board that 4825
receives the information shall comply with the same requirements 4826
regarding confidentiality as those with which the state medical 4827
board must comply, notwithstanding any conflicting provision of 4828
the Revised Code or procedure of the agency or board that 4829
applies when it is dealing with other information in its 4830
possession. In a judicial proceeding, the information may be 4831
admitted into evidence only in accordance with the Rules of 4832
Evidence, but the court shall require that appropriate measures 4833
are taken to ensure that confidentiality is maintained with 4834
respect to any part of the information that contains names or 4835
other identifying information about patients or complainants 4836
whose confidentiality was protected by the state medical board 4837
when the information was in the board's possession. Measures to 4838
ensure confidentiality that may be taken by the court include 4839
sealing its records or deleting specific information from its 4840
records. 4841

(6) On a quarterly basis, the board shall prepare a report 4842
that documents the disposition of all cases during the preceding 4843
three months. The report shall contain the following information 4844
for each case with which the board has completed its activities: 4845

(a) The case number assigned to the complaint or alleged violation; 4846
4847

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed; 4848
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(c) A description of the allegations contained in the complaint; 4851
4852

(d) The disposition of the case. 4853

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code. 4854
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(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing: 4858
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(1) That there is clear and convincing evidence that an individual has violated division (B) of this section; 4862
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(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 4864
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Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 4866
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The board shall issue a written order of suspension by 4873

certified mail or in person in accordance with section 119.07 of 4874
the Revised Code. The order shall not be subject to suspension 4875
by the court during pendency of any appeal filed under section 4876
119.12 of the Revised Code. If the individual subject to the 4877
summary suspension requests an adjudicatory hearing by the 4878
board, the date set for the hearing shall be within fifteen 4879
days, but not earlier than seven days, after the individual 4880
requests the hearing, unless otherwise agreed to by both the 4881
board and the individual. 4882

Any summary suspension imposed under this division shall 4883
remain in effect, unless reversed on appeal, until a final 4884
adjudicative order issued by the board pursuant to this section 4885
and Chapter 119. of the Revised Code becomes effective. The 4886
board shall issue its final adjudicative order within seventy- 4887
five days after completion of its hearing. A failure to issue 4888
the order within seventy-five days shall result in dissolution 4889
of the summary suspension order but shall not invalidate any 4890
subsequent, final adjudicative order. 4891

(H) If the board takes action under division (B) (9), (11), 4892
or (13) of this section and the judicial finding of guilt, 4893
guilty plea, or judicial finding of eligibility for intervention 4894
in lieu of conviction is overturned on appeal, upon exhaustion 4895
of the criminal appeal, a petition for reconsideration of the 4896
order may be filed with the board along with appropriate court 4897
documents. Upon receipt of a petition of that nature and 4898
supporting court documents, the board shall reinstate the 4899
individual's license or certificate to practice. The board may 4900
then hold an adjudication under Chapter 119. of the Revised Code 4901
to determine whether the individual committed the act in 4902
question. Notice of an opportunity for a hearing shall be given 4903
in accordance with Chapter 119. of the Revised Code. If the 4904

board finds, pursuant to an adjudication held under this 4905
division, that the individual committed the act or if no hearing 4906
is requested, the board may order any of the sanctions 4907
identified under division (B) of this section. 4908

(I) The license or certificate to practice issued to an 4909
individual under this chapter and the individual's practice in 4910
this state are automatically suspended as of the date of the 4911
individual's second or subsequent plea of guilty to, or judicial 4912
finding of guilt of, a violation of section 2919.123 or 2919.124 4913
of the Revised Code. In addition, the license or certificate to 4914
practice or certificate to recommend issued to an individual 4915
under this chapter and the individual's practice in this state 4916
are automatically suspended as of the date the individual pleads 4917
guilty to, is found by a judge or jury to be guilty of, or is 4918
subject to a judicial finding of eligibility for intervention in 4919
lieu of conviction in this state or treatment or intervention in 4920
lieu of conviction in another jurisdiction for any of the 4921
following criminal offenses in this state or a substantially 4922
equivalent criminal offense in another jurisdiction: aggravated 4923
murder, murder, voluntary manslaughter, felonious assault, 4924
kidnapping, rape, sexual battery, gross sexual imposition, 4925
aggravated arson, aggravated robbery, or aggravated burglary. 4926
Continued practice after suspension shall be considered 4927
practicing without a license or certificate. 4928

The board shall notify the individual subject to the 4929
suspension by certified mail or in person in accordance with 4930
section 119.07 of the Revised Code. If an individual whose 4931
license or certificate is automatically suspended under this 4932
division fails to make a timely request for an adjudication 4933
under Chapter 119. of the Revised Code, the board shall do 4934
whichever of the following is applicable: 4935

(1) If the automatic suspension under this division is for 4936
a second or subsequent plea of guilty to, or judicial finding of 4937
guilt of, a violation of section 2919.123 or 2919.124 of the 4938
Revised Code, the board shall enter an order suspending the 4939
individual's license or certificate to practice for a period of 4940
at least one year or, if determined appropriate by the board, 4941
imposing a more serious sanction involving the individual's 4942
license or certificate to practice. 4943

(2) In all circumstances in which division (I)(1) of this 4944
section does not apply, enter a final order permanently revoking 4945
the individual's license or certificate to practice. 4946

(J) If the board is required by Chapter 119. of the 4947
Revised Code to give notice of an opportunity for a hearing and 4948
if the individual subject to the notice does not timely request 4949
a hearing in accordance with section 119.07 of the Revised Code, 4950
the board is not required to hold a hearing, but may adopt, by 4951
an affirmative vote of not fewer than six of its members, a 4952
final order that contains the board's findings. In that final 4953
order, the board may order any of the sanctions identified under 4954
division (A) or (B) of this section. 4955

(K) Any action taken by the board under division (B) of 4956
this section resulting in a suspension from practice shall be 4957
accompanied by a written statement of the conditions under which 4958
the individual's license or certificate to practice may be 4959
reinstated. The board shall adopt rules governing conditions to 4960
be imposed for reinstatement. Reinstatement of a license or 4961
certificate suspended pursuant to division (B) of this section 4962
requires an affirmative vote of not fewer than six members of 4963
the board. 4964

(L) When the board refuses to grant or issue a license or 4965

certificate to practice to an applicant, revokes an individual's 4966
license or certificate to practice, refuses to renew an 4967
individual's license or certificate to practice, or refuses to 4968
reinstate an individual's license or certificate to practice, 4969
the board may specify that its action is permanent. An 4970
individual subject to a permanent action taken by the board is 4971
forever thereafter ineligible to hold a license or certificate 4972
to practice and the board shall not accept an application for 4973
reinstatement of the license or certificate or for issuance of a 4974
new license or certificate. 4975

(M) Notwithstanding any other provision of the Revised 4976
Code, all of the following apply: 4977

(1) The surrender of a license or certificate issued under 4978
this chapter shall not be effective unless or until accepted by 4979
the board. A telephone conference call may be utilized for 4980
acceptance of the surrender of an individual's license or 4981
certificate to practice. The telephone conference call shall be 4982
considered a special meeting under division (F) of section 4983
121.22 of the Revised Code. Reinstatement of a license or 4984
certificate surrendered to the board requires an affirmative 4985
vote of not fewer than six members of the board. 4986

(2) An application for a license or certificate made under 4987
the provisions of this chapter may not be withdrawn without 4988
approval of the board. 4989

(3) Failure by an individual to renew a license or 4990
certificate to practice in accordance with this chapter or a 4991
certificate to recommend in accordance with rules adopted under 4992
section 4731.301 of the Revised Code shall not remove or limit 4993
the board's jurisdiction to take any disciplinary action under 4994
this section against the individual. 4995

(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B) (28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment

services, including a quality intervention program panel of case reviewers; 5025
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(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program. 5027
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(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate; 5032
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(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program. 5036
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An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 5039
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(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code. 5042
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Sec. 4731.251. (A) As used in this section and in sections 4731.252 to 4731.254 of the Revised Code: 5048
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(1) "Applicant" means an individual who has applied under Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code for a license, training or other certificate, limited permit, or other authority to practice as 5050
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any one of the following practitioners: a physician assistant, 5054
physician, podiatrist, limited branch of medicine practitioner, 5055
dietitian, anesthesiologist assistant, respiratory care 5056
professional, advanced practice respiratory therapist, 5057
acupuncturist, radiologist assistant, or genetic counselor. 5058
"Applicant" may include an individual who has been granted 5059
authority by the state medical board to practice as one type of 5060
practitioner, but has applied for authority to practice as 5061
another type of practitioner. 5062

(2) "Impaired" or "impairment" has the same meaning as in 5063
division (B) (5) of section 4730.25, division (B) (26) of section 5064
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 5065
section 4760.13, division (A) (18) of section 4761.09, division 5066
(B) (6) of section 4762.13, division (B) (6) of section 4774.13, 5067
or division (B) (6) of section 4778.14 of the Revised Code. 5068

(3) "Practitioner" means any of the following: 5069

(a) An individual authorized under this chapter to 5070
practice medicine and surgery, osteopathic medicine and surgery, 5071
podiatric medicine and surgery, or a limited branch of medicine; 5072

(b) An individual licensed under Chapter 4730. of the 5073
Revised Code to practice as a physician assistant; 5074

(c) An individual authorized under Chapter 4759. of the 5075
Revised Code to practice as a dietitian; 5076

(d) An individual authorized under Chapter 4760. of the 5077
Revised Code to practice as an anesthesiologist assistant; 5078

(e) An individual authorized under Chapter 4761. of the 5079
Revised Code to practice respiratory care or to practice as an 5080
advanced practice respiratory therapist; 5081

(f) An individual authorized under Chapter 4762. of the Revised Code to practice as an acupuncturist;	5082 5083
(g) An individual authorized under Chapter 4774. of the Revised Code to practice as a radiologist assistant;	5084 5085
(h) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.	5086 5087
(B) The state medical board shall establish a confidential program for the treatment of impaired practitioners and applicants, which shall be known as the one-bite program. The board shall contract with one organization to conduct the program and perform monitoring services.	5088 5089 5090 5091 5092
To be qualified to contract with the board under this section, an organization must meet all of the following requirements:	5093 5094 5095
(1) Be sponsored by one or more professional associations or societies of practitioners;	5096 5097
(2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;	5098 5099 5100
(3) Contract with or employ to serve as the organization's medical director an individual who is authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine;	5101 5102 5103 5104 5105
(4) Contract with or employ one or more of the following as necessary for the organization's operation:	5106 5107
(a) An individual licensed under Chapter 4758. of the Revised Code as an independent chemical dependency counselor-	5108 5109

clinical supervisor, independent chemical dependency counselor, 5110
chemical dependency counselor III, or chemical dependency 5111
counselor II; 5112

(b) An individual licensed under Chapter 4757. of the 5113
Revised Code as an independent social worker, social worker, 5114
licensed professional clinical counselor, or licensed 5115
professional counselor; 5116

(c) An individual licensed under Chapter 4732. of the 5117
Revised Code as a psychologist. 5118

(C) The monitoring organization shall do all of the 5119
following pursuant to the contract: 5120

(1) Receive any report of suspected practitioner 5121
impairment, including a report made under division (B) (2) of 5122
section 4730.32, division (B) (2) of section 4731.224, section 5123
4759.13, division (B) (2) of section 4760.16, section 4761.19, 5124
division (B) (2) of section 4762.16, division (B) (2) of section 5125
4774.16, or section 4778.17 of the Revised Code; 5126

(2) Notify a practitioner who is the subject of a report 5127
received under division (C) (1) of this section that the report 5128
has been made and that the practitioner may be eligible to 5129
participate in the program conducted under this section; 5130

(3) Receive from the board a referral regarding an 5131
applicant, as described in section 4731.253 of the Revised Code; 5132

(4) Evaluate the records of an applicant who is the 5133
subject of a referral received under division (C) (3) of this 5134
section, in particular records from another jurisdiction 5135
regarding the applicant's prior treatment for impairment or 5136
current monitoring; 5137

- (5) Determine whether a practitioner reported or applicant referred to the monitoring organization is eligible to participate in the program and notify the practitioner or applicant of the determination;
- (6) In the case of a practitioner reported by a treatment provider, notify the treatment provider of the eligibility determination;
- (7) Report to the board any practitioner or applicant who is determined ineligible to participate in the program;
- (8) Refer an eligible practitioner who chooses to participate in the program for evaluation by a treatment provider approved by the board under section 4731.25 of the Revised Code, unless the report received by the monitoring organization was made by an approved treatment provider and the practitioner has already been evaluated by the treatment provider;
- (9) Monitor the evaluation of an eligible practitioner;
- (10) Refer an eligible practitioner who chooses to participate in the program to a treatment provider approved by the board under section 4731.25 of the Revised Code;
- (11) Establish, in consultation with the treatment provider to which a practitioner is referred, the terms and conditions with which the practitioner must comply for continued participation in and successful completion of the program;
- (12) Report to the board any practitioner who does not complete evaluation or treatment or does not comply with any of the terms and conditions established by the monitoring organization and the treatment provider;

(13) Perform any other activities specified in the	5166
contract with the board or that the monitoring organization	5167
considers necessary to comply with this section and sections	5168
4731.252 to 4731.254 of the Revised Code.	5169
(D) The monitoring organization shall not disclose to the	5170
board the name of a practitioner or applicant or any records	5171
relating to a practitioner or applicant, unless any of the	5172
following occurs:	5173
(1) The practitioner or applicant is determined to be	5174
ineligible to participate in the program.	5175
(2) The practitioner or applicant requests the disclosure.	5176
(3) The practitioner or applicant is unwilling or unable	5177
to complete or comply with any part of the program, including	5178
evaluation, treatment, or monitoring.	5179
(4) The practitioner or applicant presents an imminent	5180
danger to the public or to the practitioner, as a result of the	5181
practitioner's or applicant's impairment.	5182
(5) The practitioner has relapsed or the practitioner's	5183
impairment has not been substantially alleviated by	5184
participation in the program.	5185
(E) (1) The monitoring organization shall develop	5186
procedures governing each of the following:	5187
(a) Receiving reports of practitioner impairment;	5188
(b) Notifying practitioners of reports and eligibility	5189
determinations;	5190
(c) Receiving applicant referrals as described in section	5191
4731.253 of the Revised Code;	5192

(d) Evaluating records of referred applicants, in particular records from other jurisdictions regarding prior treatment for impairment or continued monitoring;	5193 5194 5195
(e) Notifying applicants of eligibility determinations;	5196
(f) Referring eligible practitioners for evaluation or treatment;	5197 5198
(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	5199 5200
(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.	5201 5202 5203 5204
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	5205 5206
(a) Providing reports to the board on a periodic basis on the total number of practitioners or applicants participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;	5207 5208 5209 5210 5211
(b) Reporting to the board any practitioner or applicant who due to impairment presents an imminent danger to the public or to the practitioner or applicant;	5212 5213 5214
(c) Reporting to the board any practitioner or applicant who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring;	5215 5216 5217
(d) Reporting to the board any practitioner or applicant whose impairment was not substantially alleviated by participation in the program or who has relapsed.	5218 5219 5220

(F) The board may adopt any rules it considers necessary 5221
to implement this section and sections 4731.252 to 4731.254 of 5222
the Revised Code, including rules regarding the monitoring 5223
organization and treatment providers that provide treatment to 5224
practitioners referred by the monitoring organization. Any such 5225
rules shall be adopted in accordance with Chapter 119. of the 5226
Revised Code. 5227

Sec. 4743.09. (A) As used in this section: 5228

(1) "Durable medical equipment" means a type of equipment, 5229
such as a remote monitoring device utilized by a physician, 5230
physician assistant, or advanced practice registered nurse in 5231
accordance with this section, that can withstand repeated use, 5232
is primarily and customarily used to serve a medical purpose, 5233
and generally is not useful to a person in the absence of 5234
illness or injury and, in addition, includes repair and 5235
replacement parts for the equipment. 5236

(2) "Facility fee" means any fee charged or billed for 5237
telehealth services provided in a facility that is intended to 5238
compensate the facility for its operational expenses and is 5239
separate and distinct from a professional fee. 5240

(3) "Health care professional" means: 5241

(a) An advanced practice registered nurse, as defined in 5242
section 4723.01 of the Revised Code; 5243

(b) An optometrist licensed under Chapter 4725. of the 5244
Revised Code to practice optometry; 5245

(c) A pharmacist licensed under Chapter 4729. of the 5246
Revised Code; 5247

(d) A physician assistant licensed under Chapter 4730. of 5248

the Revised Code;	5249
(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	5250 5251 5252
(f) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code;	5253 5254 5255
(g) A chiropractor licensed under Chapter 4734. of the Revised Code;	5256 5257
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	5258 5259
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	5260 5261
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	5262 5263 5264
(k) A professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code;	5265 5266 5267
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	5268 5269
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	5270 5271
(n) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	5272 5273 5274
(o) A genetic counselor licensed under Chapter 4778. of	5275

the Revised Code;	5276
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.	5277 5278
(4) "Health care professional licensing board" means any of the following:	5279 5280
(a) The board of nursing;	5281
(b) The state vision professionals board;	5282
(c) The state board of pharmacy;	5283
(d) The state medical board;	5284
(e) The state board of psychology;	5285
(f) The state chiropractic board;	5286
(g) The state speech and hearing professionals board;	5287
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	5288 5289
(i) The counselor, social worker, and marriage and family therapist board;	5290 5291
(j) The chemical dependency professionals board.	5292
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	5293 5294
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:	5295 5296 5297 5298 5299
(a) The patient receiving the services;	5300

(b) Another health care professional with whom the 5301
provider of the services is consulting regarding the patient. 5302

(B) (1) Each health care professional licensing board shall 5303
permit a health care professional under its jurisdiction to 5304
provide the professional's services as telehealth services in 5305
accordance with this section. Subject to division (B) (2) of this 5306
section, a board may adopt any rules it considers necessary to 5307
implement this section. All rules adopted under this section 5308
shall be adopted in accordance with Chapter 119. of the Revised 5309
Code. Any such rules adopted by a board are not subject to the 5310
requirements of division (F) of section 121.95 of the Revised 5311
Code. 5312

(2) (a) Except as provided in division (B) (2) (b) of this 5313
section, the rules adopted by a health care professional 5314
licensing board under this section shall establish a standard of 5315
care for telehealth services that is equal to the standard of 5316
care for in-person services. 5317

(b) Subject to division (B) (2) (c) of this section, a board 5318
may require an initial in-person visit prior to prescribing a 5319
schedule II controlled substance to a new patient, equivalent to 5320
applicable state and federal requirements. 5321

(c) (i) A board shall not require an initial in-person 5322
visit for a new patient whose medical record indicates that the 5323
patient is receiving hospice or palliative care, who is 5324
receiving medication-assisted treatment or any other medication 5325
for opioid-use disorder, who is a patient with a mental health 5326
condition, or who, as determined by the clinical judgment of a 5327
health care professional, is in an emergency situation. 5328

(ii) Notwithstanding division (B) of section 3796.01 of 5329

the Revised Code, medical marijuana shall not be considered a 5330
schedule II controlled substance. 5331

(C) With respect to the provision of telehealth services, 5332
all of the following apply: 5333

(1) A health care professional may use synchronous or 5334
asynchronous technology to provide telehealth services to a 5335
patient during an initial visit if the appropriate standard of 5336
care for an initial visit is satisfied. 5337

(2) A health care professional may deny a patient 5338
telehealth services and, instead, require the patient to undergo 5339
an in-person visit. 5340

(3) When providing telehealth services in accordance with 5341
this section, a health care professional shall comply with all 5342
requirements under state and federal law regarding the 5343
protection of patient information. A health care professional 5344
shall ensure that any username or password information and any 5345
electronic communications between the professional and a patient 5346
are securely transmitted and stored. 5347

(4) A health care professional may use synchronous or 5348
asynchronous technology to provide telehealth services to a 5349
patient during an annual visit if the appropriate standard of 5350
care for an annual visit is satisfied. 5351

(5) In the case of a health care professional who is a 5352
physician, physician assistant, or advanced practice registered 5353
nurse, both of the following apply: 5354

(a) The professional may provide telehealth services to a 5355
patient located outside of this state if permitted by the laws 5356
of the state in which the patient is located. 5357

(b) The professional may provide telehealth services 5358
through the use of medical devices that enable remote 5359
monitoring, including such activities as monitoring a patient's 5360
blood pressure, heart rate, or glucose level. 5361

(D) When a patient has consented to receiving telehealth 5362
services, the health care professional who provides those 5363
services is not liable in damages under any claim made on the 5364
basis that the services do not meet the same standard of care 5365
that would apply if the services were provided in-person. 5366

(E) (1) A health care professional providing telehealth 5367
services shall not charge a patient or a health plan issuer 5368
covering telehealth services under section 3902.30 of the 5369
Revised Code any of the following: a facility fee, an 5370
origination fee, or any fee associated with the cost of the 5371
equipment used at the provider site to provide telehealth 5372
services. 5373

A health care professional providing telehealth services 5374
may charge a health plan issuer for durable medical equipment 5375
used at a patient or client site. 5376

(2) A health care professional may negotiate with a health 5377
plan issuer to establish a reimbursement rate for fees 5378
associated with the administrative costs incurred in providing 5379
telehealth services as long as a patient is not responsible for 5380
any portion of the fee. 5381

(3) A health care professional providing telehealth 5382
services shall obtain a patient's consent before billing for the 5383
cost of providing the services, but the requirement to do so 5384
applies only once. 5385

(F) Nothing in this section limits or otherwise affects 5386

any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the amendments to this section, to expand access to and investment in telehealth services in this state in congruence with the expansion and investment in telehealth services made during the COVID-19 pandemic.

Sec. 4755.48. (A) No person shall employ fraud or deception in applying for or securing a license to practice physical therapy or to be a physical therapist assistant.

(B) No person shall practice or in any way imply or claim to the public by words, actions, or the use of letters as described in division (C) of this section to be able to practice physical therapy or to provide physical therapy services, including practice as a physical therapist assistant, unless the person holds a valid license under sections 4755.40 to 4755.56 of the Revised Code or except for submission of claims as provided in section 4755.56 of the Revised Code.

(C) No person shall use the words or letters, physical therapist, physical therapy, physical therapy services, physiotherapist, physiotherapy, physiotherapy services, licensed physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical therapist assistant, physical therapy technician, licensed physical therapist assistant, L.P.T.A., R.P.T.A., or any other letters, words, abbreviations, or insignia, indicating or implying that the person is a physical therapist or physical therapist assistant without a valid license under sections

4755.40 to 4755.56 of the Revised Code. 5417

(D) No person who practices physical therapy or assists in 5418
the provision of physical therapy treatments under the 5419
supervision of a physical therapist shall fail to display the 5420
person's current license granted under sections 4755.40 to 5421
4755.56 of the Revised Code in a conspicuous location in the 5422
place where the person spends the major part of the person's 5423
time so engaged. 5424

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 5425
Code shall affect or interfere with the performance of the 5426
duties of any physical therapist or physical therapist assistant 5427
in active service in the army, navy, coast guard, marine corps, 5428
air force, public health service, or marine hospital service of 5429
the United States, while so serving. 5430

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 5431
Code shall prevent or restrict the activities or services of a 5432
person pursuing a course of study leading to a degree in 5433
physical therapy in an accredited or approved educational 5434
program if the activities or services constitute a part of a 5435
supervised course of study and the person is designated by a 5436
title that clearly indicates the person's status as a student. 5437

(G) (1) Subject to division (G) (2) of this section, nothing 5438
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 5439
or restrict the activities or services of any person who holds a 5440
current, unrestricted license to practice physical therapy in 5441
another state when that person, pursuant to contract or 5442
employment with an athletic team located in the state in which 5443
the person holds the license, provides physical therapy to any 5444
of the following while the team is traveling to or from or 5445
participating in a sporting event in this state: 5446

(a) A member of the athletic team;	5447
(b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;	5448 5449
(c) A member of a band or cheerleading squad accompanying the athletic team;	5450 5451
(d) The athletic team's mascot.	5452
(2) In providing physical therapy pursuant to division (G) (1) of this section, the person shall not do either of the following:	5453 5454 5455
(a) Provide physical therapy at a health care facility;	5456
(b) Provide physical therapy for more than sixty days in a calendar year.	5457 5458
(3) The limitations described in divisions (G)(1) and (2) of this section do not apply to a person who is practicing in accordance with the compact privilege granted by this state through the "Physical Therapy Licensure Compact" entered into under section 4755.57 of the Revised Code.	5459 5460 5461 5462 5463
(H)(1) Except as provided in division (H)(2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:	5464 5465 5466 5467 5468
(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;	5469 5470 5471
(b) Practice as a physician assistant;	5472
(c) Practice nursing as an advanced practice registered	5473

nurse;	5474
<u>(d) Practice as an advanced practice respiratory</u>	5475
<u>therapist.</u>	5476
(2) The prohibition in division (H) (1) of this section on	5477
practicing physical therapy other than on the prescription of,	5478
or the referral of a patient by, any of the persons described in	5479
that division does not apply if either of the following applies	5480
to the person:	5481
(a) The person holds a master's or doctorate degree from a	5482
professional physical therapy program that is accredited by a	5483
national physical therapy accreditation agency approved by the	5484
physical therapy section of the Ohio occupational therapy,	5485
physical therapy, and athletic trainers board.	5486
(b) On or before December 31, 2004, the person has	5487
completed at least two years of practical experience as a	5488
licensed physical therapist.	5489
(I) To be authorized to prescribe physical therapy or	5490
refer a patient to a physical therapist for physical therapy, a	5491
person described in division (H) (1) of this section must be in	5492
good standing with the relevant licensing board in this state or	5493
the state in which the person is licensed and must act only	5494
within the person's scope of practice.	5495
(J) In the prosecution of any person for violation of	5496
division (B) or (C) of this section, it is not necessary to	5497
allege or prove want of a valid license to practice physical	5498
therapy or to practice as a physical therapist assistant, but	5499
such matters shall be a matter of defense to be established by	5500
the accused.	5501
Sec. 4761.01. As used in this chapter:	5502

(A) "Respiratory care" means rendering or offering to 5503
render to individuals, groups, organizations, or the public any 5504
service involving the evaluation of cardiopulmonary function, 5505
the treatment of cardiopulmonary impairment, the assessment of 5506
treatment effectiveness, and the care of patients with 5507
deficiencies and abnormalities associated with the 5508
cardiopulmonary system. The practice of respiratory care 5509
includes: 5510

(1) Obtaining, analyzing, testing, measuring, and 5511
monitoring blood and gas samples in the determination of 5512
cardiopulmonary parameters and related physiologic data, 5513
including flows, pressures, and volumes, and the use of 5514
equipment employed for this purpose; 5515

(2) Administering, monitoring, recording the results of, 5516
and instructing in the use of medical gases, aerosols, and 5517
bronchopulmonary hygiene techniques, including drainage, 5518
aspiration, and sampling, and applying, maintaining, and 5519
instructing in the use of artificial airways, ventilators, and 5520
other life support equipment employed in the treatment of 5521
cardiopulmonary impairment and provided in collaboration with 5522
other licensed health care professionals responsible for 5523
providing care; 5524

(3) Performing cardiopulmonary resuscitation and 5525
respiratory rehabilitation techniques; 5526

(4) Administering medications for the testing or treatment 5527
of cardiopulmonary impairment. 5528

(B) "Respiratory care professional" means a person who is 5529
licensed under this chapter to practice the full range of 5530
services described in division (A) of this section. 5531

(C) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(D) "Registered nurse" means an individual licensed under Chapter 4723. of the Revised Code to engage in the practice of nursing as a registered nurse.

(E) "Hospital" means a facility that ~~meets the operating standards of~~ is registered with the department of health under section 3727.02-3701.07 of the Revised Code.

(F) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(G) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(H) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(I) "Advanced practice respiratory therapist" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of respiratory care as an advanced practice respiratory therapist.

(J) "Practice of respiratory care as an advanced practice respiratory therapist" means the performance of services delegated by a supervising physician to an advanced practice respiratory therapist in the diagnosis and treatment of patients with cardiopulmonary diseases or conditions, including prescribing, ordering, and administering drugs and medical devices.

(K) "Health care facility" means any of the following:

<u>(1) A hospital;</u>	5560
<u>(2) A site where a medical practice is operated and provides direct patient care;</u>	5561 5562
<u>(3) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;</u>	5563 5564 5565
<u>(4) Any other facility designated by the state medical board in rules adopted pursuant to division (B) of section 4761.36 of the Revised Code.</u>	5566 5567 5568
Sec. 4761.03. (A) The state medical board shall regulate the practice of respiratory care in this state and the persons to whom the board issues licenses and limited permits under this chapter. Rules adopted under this chapter that deal with the provision of respiratory care in a hospital, other than rules regulating the issuance of licenses or limited permits, shall be consistent with the conditions for participation under medicare, Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended, and with the respiratory care accreditation standards of the joint commission or the American osteopathic association.	5569 5570 5571 5572 5573 5574 5575 5576 5577 5578 5579
(B) The board shall adopt, and may rescind or amend, rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing the following:	5580 5581 5582 5583
(1) The form and manner for filing applications under sections 4761.05 and 4761.06 of the Revised Code;	5584 5585
(2) Standards for the approval of examinations and reexaminations administered by national organizations for licensure, license renewal, and license reinstatement;	5586 5587 5588

(3) Standards for the approval of educational programs required to qualify for licensure and approval of continuing education programs required for license renewal;	5589 5590 5591
(4) Continuing education courses and the number of hour requirements necessary for license renewal under section 4761.06 of the Revised Code, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who are in their first renewal period, have been disabled by illness or accident, or have been absent from the country;	5592 5593 5594 5595 5596 5597 5598
(5) Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the board's executive director and other board employees;	5599 5600 5601
(6) Procedures for the limitation, suspension, and revocation of licenses and limited permits, the refusal to issue, renew, or reinstate licenses and limited permits, and the imposition of a reprimand or probation under section 4761.09 of the Revised Code;	5602 5603 5604 5605 5606
(7) Standards of ethical conduct for the practice of respiratory care;	5607 5608
(8) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B) (3) of section 4761.10 of the Revised Code;	5609 5610 5611 5612
(9) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.	5613 5614
(C) The board shall determine the sufficiency of an applicant's qualifications for admission to the licensing examination or a reexamination, and for the issuance or renewal	5615 5616 5617

of a license or limited permit. 5618

(D) The board shall determine the respiratory care 5619
educational programs that are acceptable for fulfilling the 5620
requirements of division (A) of section 4761.04 of the Revised 5621
Code. 5622

(E) (1) The board shall investigate evidence that appears 5623
to show that a person has violated any provision of this chapter 5624
or any rule adopted under it. Any person may report to the board 5625
in a signed writing any information that the person may have 5626
that appears to show a violation of any provision of this 5627
chapter or any rule adopted under it. In the absence of bad 5628
faith, any person who reports information of that nature or who 5629
testifies before the board in any adjudication conducted under 5630
Chapter 119. of the Revised Code shall not be liable in damages 5631
in a civil action as a result of the report or testimony. Each 5632
complaint or allegation of a violation received by the board 5633
shall be assigned a case number and shall be recorded by the 5634
board. 5635

(2) Investigations of alleged violations of this chapter 5636
or any rule adopted under it shall be supervised by the 5637
supervising member elected by the board in accordance with 5638
section 4731.02 of the Revised Code and by the secretary as 5639
provided in section 4761.012 of the Revised Code. The president 5640
may designate another member of the board to supervise the 5641
investigation in place of the supervising member. No member of 5642
the board who supervises the investigation of a case shall 5643
participate in further adjudication of the case. 5644

(3) In investigating a possible violation of this chapter 5645
or any rule adopted under it, the board may issue subpoenas, 5646
administer oaths, question witnesses, conduct interviews, order 5647

the taking of depositions, inspect and copy any books, accounts, 5648
papers, records, or documents, and compel the attendance of 5649
witnesses and production of books, accounts, papers, records, 5650
documents, and testimony, except that a subpoena for patient 5651
record information shall not be issued without consultation with 5652
the attorney general's office and approval of the secretary and 5653
supervising member of the board. 5654

Before issuance of a subpoena for patient record 5655
information, the secretary and supervising member shall 5656
determine whether there is probable cause to believe that the 5657
complaint filed alleges a violation of this chapter or any rule 5658
adopted under it and that the records sought are relevant to the 5659
alleged violation and material to the investigation. The 5660
subpoena may apply only to records that cover a reasonable 5661
period of time surrounding the alleged violation. 5662

On failure to comply with any subpoena issued by the board 5663
and after reasonable notice to the person being subpoenaed, the 5664
board may move for an order compelling the production of persons 5665
or records pursuant to the Rules of Civil Procedure. 5666

A subpoena issued by the board may be served by a sheriff, 5667
the sheriff's deputy, or a board employee or agent designated by 5668
the board. Service of a subpoena issued by the board may be made 5669
by delivering a copy of the subpoena to the person named 5670
therein, reading it to the person, or leaving it at the person's 5671
usual place of residence, usual place of business, or address on 5672
file with the board. When serving a subpoena to an applicant for 5673
or the holder of a license or limited permit issued under this 5674
chapter, service of the subpoena may be made by certified mail, 5675
return receipt requested, and the subpoena shall be deemed 5676
served on the date delivery is made or the date the person 5677

refuses to accept delivery. If the person being served refuses 5678
to accept the subpoena or is not located, service may be made to 5679
an attorney who notifies the board that the attorney is 5680
representing the person. 5681

A sheriff's deputy who serves a subpoena shall receive the 5682
same fees as a sheriff. Each witness who appears before the 5683
board in obedience to a subpoena shall receive the fees and 5684
mileage provided for under section 119.094 of the Revised Code. 5685

(4) In an investigation involving the practice or 5686
supervision of an advanced practice respiratory therapist 5687
pursuant to the policies of a health care facility, the board 5688
may require that the health care facility provide any 5689
information the board considers necessary to identify either or 5690
both of the following: 5691

(a) The facility's policies for the practice of advanced 5692
practice respiratory therapists within the facility; 5693

(b) The services that the facility has authorized a 5694
particular advanced practice respiratory therapist to provide 5695
for the facility. 5696

(5) All hearings, investigations, and inspections of the 5697
board shall be considered civil actions for the purposes of 5698
section 2305.252 of the Revised Code. 5699

~~(5)~~ (6) A report required to be submitted to the board 5700
under this chapter, a complaint, or information received by the 5701
board pursuant to an investigation is confidential and not 5702
subject to discovery in any civil action. 5703

The board shall conduct all investigations or inspections 5704
and proceedings in a manner that protects the confidentiality of 5705
patients and persons who file complaints with the board. The 5706

board shall not make public the names or any other identifying 5707
information about patients or complainants unless proper consent 5708
is given. 5709

The board may share any information it receives pursuant 5710
to an investigation or inspection, including patient records and 5711
patient record information, with law enforcement agencies, other 5712
licensing boards, and other governmental agencies that are 5713
prosecuting, adjudicating, or investigating alleged violations 5714
of statutes or administrative rules. An agency or board that 5715
receives the information shall comply with the same requirements 5716
regarding confidentiality as those with which the state medical 5717
board must comply, notwithstanding any conflicting provision of 5718
the Revised Code or procedure of the agency or board that 5719
applies when it is dealing with other information in its 5720
possession. In a judicial proceeding, the information may be 5721
admitted into evidence only in accordance with the Rules of 5722
Evidence, but the court shall require that appropriate measures 5723
are taken to ensure that confidentiality is maintained with 5724
respect to any part of the information that contains names or 5725
other identifying information about patients or complainants 5726
whose confidentiality was protected by the state medical board 5727
when the information was in the board's possession. Measures to 5728
ensure confidentiality that may be taken by the court include 5729
sealing its records or deleting specific information from its 5730
records. 5731

~~(6)~~(7) On a quarterly basis, the board shall prepare a 5732
report that documents the disposition of all cases during the 5733
preceding three months. The report shall contain the following 5734
information for each case with which the board has completed its 5735
activities: 5736

(a) The case number assigned to the complaint or alleged violation;	5737 5738
(b) The type of license or limited permit, if any, held by the individual against whom the complaint is directed;	5739 5740
(c) A description of the allegations contained in the complaint;	5741 5742
(d) The disposition of the case.	5743
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	5744 5745 5746 5747
(F) The board shall keep records of its proceedings and do other things as are necessary and proper to carry out and enforce the provisions of this chapter.	5748 5749 5750
(G) The board shall maintain and publish on its internet web site all of the following:	5751 5752
(1) The requirements for the issuance of licenses and limited permits under this chapter and rules adopted by the board;	5753 5754 5755
(2) A list of the names and locations of the institutions that each year granted degrees or certificates of completion in respiratory care.	5756 5757 5758
Sec. 4761.032. (A) The state medical board shall appoint a respiratory care advisory council for the purpose of advising the board on issues relating to the practice of respiratory care. The advisory council shall consist of not more than seven <u>nine</u> individuals knowledgeable in the area of respiratory care.	5759 5760 5761 5762 5763

A majority of the council members shall be individuals 5764
licensed under this chapter who are actively engaged in the 5765
practice of respiratory care. The board shall include all of the 5766
following on the council: 5767

(1) One physician who is a member of the state medical 5768
board; 5769

(2) One physician who has clinical training and experience 5770
in pulmonary disease, and one physician who is a supervising 5771
physician of an advanced practice respiratory therapist. 5772

The Ohio state medical association, or its successor 5773
organization, may nominate not more than three individuals for 5774
consideration by the board in appointing the physician members 5775
described in division (A) (2) of this section. 5776

(3) One advanced practice respiratory therapist; 5777

(4) One individual who is not affiliated with any health 5778
care profession, who shall be appointed to represent the 5779
interest of consumers. 5780

The Ohio society for respiratory care, or its successor 5781
organization, may nominate not more than three individuals for 5782
consideration by the board in appointing any member of the 5783
council other than the members described in divisions (A) (1) and 5784
(2) of this section. 5785

~~The Ohio state medical association, or its successor~~ 5786
~~organization, may nominate not more than three individuals for~~ 5787
~~consideration by the board in appointing the physician member~~ 5788
~~described in division (A) (2) of this section.~~ 5789

~~The Ohio society for respiratory care, or its successor~~ 5790
~~organization, may nominate not more than three individuals for~~ 5791

~~consideration by the board in appointing any member of the~~ 5792
~~council other than the physician members described in divisions~~ 5793
~~(A) (1) and (2) of this section.~~ 5794

(B) Not later than ninety days after January 21, 2018, the 5795
board shall make initial appointments to the council. Initial 5796
members shall serve terms of office of one, two, or three years, 5797
as selected by the board. Thereafter, terms of office shall be 5798
for three years, with each term ending on the same day of the 5799
same month as the term that it succeeds. A council member shall 5800
continue in office subsequent to the expiration date of the 5801
member's term until a successor is appointed and takes office, 5802
or until a period of sixty days has elapsed, whichever occurs 5803
first. Each council member shall hold office from the date of 5804
appointment until the end of the term for which the member was 5805
appointed. 5806

(C) Members shall serve without compensation, but shall be 5807
reimbursed for actual and necessary expenses incurred in 5808
performing their official duties. 5809

(D) The council shall meet at least four times each year 5810
and at such other times as may be necessary to carry out its 5811
responsibilities. 5812

(E) The council may submit to the board recommendations 5813
concerning all of the following: 5814

(1) Requirements for issuing a license to practice as a 5815
respiratory care professional or as an advanced practice 5816
respiratory therapist and requirements for issuing a permit to 5817
practice as a limited permit holder, including the educational 5818
and experience requirements that must be met to receive the 5819
license or permit; 5820

(2) Existing and proposed rules pertaining to ~~the practice~~ 5821
~~of respiratory care and the~~ administration and enforcement of 5822
this chapter, including rules pertaining to the practice of 5823
respiratory care by respiratory care professionals, the practice 5824
of holders of limited permits issued under this chapter, the 5825
practice of respiratory care as advanced practice respiratory 5826
therapists, and the supervisory relationship between advanced 5827
practice respiratory therapists and supervising physicians; 5828

(3) Standards for the approval of educational programs 5829
required to qualify for licensure and continuing education 5830
programs for licensure renewal; 5831

(4) Standards for the approval of examinations and re- 5832
examinations administered by national organizations for 5833
licensure, license renewal, and license reinstatement; 5834

(5) Policies related to the issuance and renewal of 5835
licenses and limited permits; 5836

~~(5)-(6) Fees for the issuance and renewal of a license to~~ 5837
~~practice respiratory care as a licensee or as a~~ licenses and 5838
~~limited permit holder permits;~~ 5839

~~(6)-(7) Standards of practice and ethical conduct in the~~ 5840
practice of respiratory care; 5841

~~(7)-(8) The safe and effective practice of respiratory~~ 5842
care, including scope of practice and minimal standards of care; 5843

(9) Any issue the board asks the council to consider. 5844

(F) In addition to the matters that are required to be 5845
reviewed under division (E) of this section, the council may 5846
review, and may submit to the board recommendations concerning, 5847
quality assurance activities to be performed by a supervising 5848

physician and advanced practice respiratory therapist under a 5849
quality assurance system established pursuant to division (F) of 5850
section 4761.39 of the Revised Code. 5851

(G) The board may permit meetings of the council to 5852
include the use of interactive videoconferencing, 5853
teleconferencing, or both if all of the following requirements 5854
are met: 5855

(1) The meeting location is open and accessible to the 5856
public. 5857

(2) Each council member is permitted to choose whether the 5858
member attends in person or through the use of the meeting's 5859
videoconferencing or teleconferencing. 5860

(3) Any meeting-related materials available before the 5861
meeting are sent to each council member by electronic mail, 5862
facsimile, or United States mail, or are hand-delivered. 5863

(4) If interactive videoconferencing is used, there is a 5864
clear video and audio connection that enables all participants 5865
at the meeting location to see and hear each council member. 5866

(5) If teleconferencing is used, there is a clear audio 5867
connection that enables all participants at the meeting location 5868
to hear each council member. 5869

(6) A roll call vote is recorded for each vote taken. 5870

(7) The meeting minutes specify for each member whether 5871
the member attended by videoconference, teleconference, or in 5872
person. 5873

Sec. 4761.033. In addition to rules that are specifically 5874
required or authorized by this chapter to be adopted, the state 5875
medical board may adopt any other rules necessary to govern the 5876

practice of advanced practice respiratory therapists, the 5877
supervisory relationship between advanced practice respiratory 5878
therapists and supervising physicians, and the administration 5879
and enforcement of this chapter. Rules adopted under this 5880
section shall be adopted in accordance with Chapter 119. of the 5881
Revised Code. 5882

Sec. 4761.06. (A) Each license to practice respiratory 5883
care shall expire on the date that is two years after the date 5884
of issuance and may be renewed for additional two-year periods. 5885
Each limited permit to practice respiratory care shall be 5886
renewed annually. Each person seeking to renew a license or 5887
limited permit to practice respiratory care shall apply to the 5888
state medical board in a manner prescribed by the board. 5889
Licenses and limited permits shall be renewed in accordance with 5890
the standard renewal procedure of Chapter 4745. of the Revised 5891
Code. The board shall renew a license if the holder pays the 5892
license renewal fee prescribed under section 4761.07 of the 5893
Revised Code and certifies that the holder has completed the 5894
continuing education or reexamination requirements of division 5895
(B) of this section. 5896

At least one month before a license expires, the board 5897
shall provide to the license holder a renewal notice. Failure of 5898
any license holder to receive a notice of renewal from the board 5899
shall not excuse the holder from the requirements contained in 5900
this section. Each license holder shall give notice to the board 5901
of a change in the holder's residence address, business address, 5902
or electronic mail address not later than thirty days after the 5903
change occurs. 5904

The board shall renew a limited permit if the holder pays 5905
the limited permit renewal fee prescribed under section 4761.07 5906

of the Revised Code and does either of the following: 5907

(1) If the limited permit was issued on the basis of 5908
division (B) (1) (a) of section 4761.05 of the Revised Code, 5909
certifies that the holder is enrolled and in good standing in an 5910
educational program that meets the requirements of division (A) 5911
(1) of section 4761.04 of the Revised Code or has graduated from 5912
such a program; 5913

(2) If the limited permit was issued on the basis of 5914
division (B) (1) (b) of section 4761.05 of the Revised Code, 5915
certifies that the applicant is employed as a provider of 5916
respiratory care under the supervision of a respiratory care 5917
professional. 5918

(B) On or before the annual renewal date, the holder of a 5919
limited permit issued under division (B) (1) (b) of section 5920
4761.05 of the Revised Code shall certify to the board that the 5921
holder has satisfactorily completed the number of hours of 5922
continuing education required by the board, which shall not be 5923
less than three nor more than ten hours of continuing education 5924
acceptable to the board. 5925

~~On~~ Subject to division (C) of section 4761.32 of the 5926
Revised Code, on or before the date a license expires, a license 5927
holder shall certify to the board that the license holder has 5928
satisfactorily completed the number of hours of continuing 5929
education required by the board, which shall be not less than 5930
six nor more than twenty hours of continuing education 5931
acceptable to the board, or has passed a reexamination in 5932
accordance with the board's renewal requirements. 5933

(C) (1) A license to practice respiratory care that is not 5934
renewed on or before its expiration date is automatically 5935

suspended on its expiration date. Continued practice after 5936
suspension shall be considered as practicing in violation of 5937
section 4761.10 of the Revised Code. 5938

(2) If a license has been suspended pursuant to division 5939
(C) (1) of this section for two years or less, it may be 5940
reinstated. The board shall reinstate the license upon the 5941
applicant's submission of a complete renewal application and 5942
payment of a reinstatement fee of one hundred dollars. 5943

If a license has been suspended pursuant to division (C) 5944
(1) of this section for more than two years, it may be restored. 5945
Subject to section 4761.061 of the Revised Code, the board may 5946
restore the license upon an applicant's submission of a complete 5947
restoration application and a restoration fee of one hundred 5948
twenty-five dollars and compliance with sections 4776.01 to 5949
4776.04 of the Revised Code. The board shall not restore a 5950
license unless the board, in its discretion, decides that the 5951
results of the criminal records check do not make the applicant 5952
ineligible for a license issued pursuant to division (A) of this 5953
section. 5954

(D) (1) The board may require a random sample of limited 5955
permit holders to submit materials documenting that the holder 5956
has completed the number of hours of continuing education as 5957
described in division (B) of this section. 5958

(2) The board may require a random sample of license 5959
holders to submit materials documenting that the holder has 5960
completed the number of hours of continuing education as 5961
described in division (B) of this section or has passed a 5962
reexamination. 5963

(3) Division (D) (1) or (2) of this section does not limit 5964

the board's authority to conduct investigations pursuant to 5965
section 4731.22 of the Revised Code. 5966

(E) (1) If, through a random sample conducted under 5967
division (D) of this section or any other means, the board finds 5968
that an individual who certified passing the reexamination or 5969
completion of the number of hours and type of continuing 5970
education required to renew, reinstate, or restore a limited 5971
permit or license did not pass the reexamination or complete the 5972
requisite continuing education, the board may do either of the 5973
following: 5974

(a) Take disciplinary action against the individual under 5975
section 4761.09 of the Revised Code, impose a civil penalty, or 5976
both; 5977

(b) Permit the individual to agree in writing to pass the 5978
reexamination or complete the continuing education and pay a 5979
civil penalty. 5980

(2) The board's finding in any disciplinary action taken 5981
under division (E) (1) (a) of this section shall be made pursuant 5982
to an adjudication under Chapter 119. of the Revised Code and by 5983
an affirmative vote of not fewer than six of its members. 5984

(3) A civil penalty imposed under division (E) (1) (a) of 5985
this section or paid under division (E) (1) (b) of this section 5986
shall be in an amount specified by the board of not more than 5987
five thousand dollars. The board shall deposit civil penalties 5988
in accordance with section 4731.24 of the Revised Code. 5989

Sec. 4761.061. (A) This section applies to both of the 5990
following: 5991

(1) An applicant seeking restoration of a license issued 5992
under this chapter that has been in a suspended or inactive 5993

state for any cause for more than two years; 5994

(2) An applicant seeking issuance of a license pursuant to 5995
this chapter who for more than two years has not been engaged in 5996
the practice of respiratory care or advanced practice 5997
respiratory care as either of the following: 5998

(a) An active practitioner; 5999

(b) A student in an educational program as described in 6000
section 4761.04 or 4761.30 of the Revised Code. 6001

(B) Before issuing a license to an applicant subject to 6002
this section or restoring a license to good standing for an 6003
applicant subject to this section, the state medical board may 6004
impose terms and conditions including any one or more of the 6005
following: 6006

(1) Requiring the applicant to pass an oral or written 6007
examination, or both, to determine the applicant's present 6008
fitness to resume practice; 6009

(2) Requiring the applicant to obtain additional training 6010
and to pass an examination upon completion of such training; 6011

(3) Requiring an assessment of the applicant's physical 6012
skills for purposes of determining whether the applicant's 6013
coordination, fine motor skills, and dexterity are sufficient 6014
for performing evaluations and procedures in a manner that meets 6015
the minimal standards of care; 6016

(4) Requiring an assessment of the applicant's skills in 6017
recognizing and understanding diseases and conditions; 6018

(5) Requiring the applicant to undergo a comprehensive 6019
physical examination, which may include an assessment of 6020
physical abilities, evaluation of sensory capabilities, or 6021

screening for the presence of neurological disorders; 6022

(6) Restricting or limiting the extent, scope, or type of 6023
practice of the applicant. 6024

The board shall consider the moral background and the 6025
activities of the applicant during the period of suspension or 6026
inactivity. The board shall not issue or restore a license under 6027
this section unless the applicant complies with sections 4776.01 6028
to 4776.04 of the Revised Code. 6029

Sec. 4761.07. (A) The state medical board shall charge any 6030
license applicant or holder who is to take an examination 6031
required under division (A) (2) of section 4761.04 or a 6032
reexamination required under division (B) of section 4761.06 of 6033
the Revised Code for license renewal or under section 4761.09 of 6034
the Revised Code for license reinstatement, a nonrefundable 6035
examination fee, not to exceed the amount necessary to cover the 6036
expense of administering the examination. The license applicant 6037
or holder shall pay the fee at the time of application for 6038
licensure or renewal. 6039

(B) The board shall establish the following additional 6040
nonrefundable fees and penalty: 6041

(1) ~~An~~ For an initial license to practice respiratory 6042
care, a fee of seventy-five dollars; 6043

(2) ~~A~~ For renewal of a license to practice respiratory 6044
care, a biennial license-renewal fee of seventy-five dollars; 6045

(3) A limited permit fee of twenty dollars; 6046

(4) A limited permit renewal fee of ten dollars; 6047

(5) For an initial license to practice respiratory care as 6048
an advanced practice respiratory therapist, a fee to be 6049

determined by the board in an amount not to exceed one hundred 6050
seventy-five dollars; 6051

(6) For renewal of a license to practice respiratory care 6052
as an advanced practice respiratory therapist, a biennial 6053
renewal fee to be determined by the board in an amount not to 6054
exceed one hundred twenty-five dollars; 6055

(7) A duplicate license or limited permit fee of thirty- 6056
five dollars; 6057

~~(6)~~(8) In the case of a person holding a license issued 6058
under this chapter, a license verification fee of fifty dollars. 6059

(C) Notwithstanding division (B) (4) of this section, after 6060
the third renewal of a limited permit that meets the exception 6061
in division (B) (3) of section 4761.05 of the Revised Code, the 6062
limited permit renewal fee shall be thirty-five dollars. 6063

(D) All fees received by the board shall be deposited into 6064
the state treasury to the credit of the state medical board 6065
operating fund pursuant to section 4731.24 of the Revised Code. 6066

Sec. 4761.09. (A) The state medical board, by an 6067
affirmative vote of not fewer than six members, shall, except as 6068
provided in division (B) of this section, and to the extent 6069
permitted by law, limit, revoke, or suspend an individual's 6070
license or limited permit, refuse to issue a license or limited 6071
permit to an individual, refuse to renew a license or limited 6072
permit, refuse to reinstate a license or limited permit, or 6073
reprimand or place on probation the holder of a license or 6074
limited permit for one or more of the following reasons: 6075

(1) A plea of guilty to, a judicial finding of guilt of, 6076
or a judicial finding of eligibility for intervention in lieu of 6077
conviction for, a felony; 6078

(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(4) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(6) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(7) Except when civil penalties are imposed under section 4761.091 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;

(8) Making a false, fraudulent, deceptive, or misleading statement in ~~the~~ soliciting or advertising for employment, in connection with any solicitation of or advertising for patients, in relation to the practice of respiratory care, ~~or advanced practice respiratory care,~~ or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A) (8) of this section, "false,

fraudulent, deceptive, or misleading statement" means a 6108
statement that includes a misrepresentation of fact, is likely 6109
to mislead or deceive because of a failure to disclose material 6110
facts, is intended or is likely to create false or unjustified 6111
expectations of favorable results, or includes representations 6112
or implications that in reasonable probability will cause an 6113
ordinarily prudent person to misunderstand or be deceived. 6114

(9) Committing fraud during the administration of the 6115
examination for a license to practice or committing fraud, 6116
misrepresentation, or deception in applying for, renewing, or 6117
securing any license or permit issued by the board; 6118

(10) A departure from, or failure to conform to, minimal 6119
standards of care of similar practitioners under the same or 6120
similar circumstances, whether or not actual injury to a patient 6121
is established; 6122

(11) Violating the standards of ethical conduct adopted by 6123
the board, in the practice of respiratory care or advanced 6124
practice respiratory care; 6125

(12) The obtaining of, or attempting to obtain, money or 6126
anything of value by fraudulent misrepresentations in the course 6127
of practice; 6128

(13) Violation of the conditions of limitation placed by 6129
the board upon a license or permit; 6130

(14) Inability to practice according to acceptable and 6131
prevailing standards of care by reason of mental illness or 6132
physical illness, including physical deterioration that 6133
adversely affects cognitive, motor, or perceptive skills; 6134

(15) Any of the following actions taken by an agency 6135
responsible for authorizing, certifying, or regulating an 6136

individual to practice a health care occupation or provide 6137
health care services in this state or another jurisdiction, for 6138
any reason other than the nonpayment of fees: the limitation, 6139
revocation, or suspension of an individual's license; acceptance 6140
of an individual's license surrender; denial of a license; 6141
refusal to renew or reinstate a license; imposition of 6142
probation; or issuance of an order of censure or other 6143
reprimand; 6144

(16) The revocation, suspension, restriction, reduction, 6145
or termination of practice privileges by the United States 6146
department of defense or department of veterans affairs; 6147

(17) Termination or suspension from participation in the 6148
medicare or medicaid programs by the department of health and 6149
human services or other responsible agency for any act or acts 6150
that also would constitute a violation of division (A) (10), 6151
(12), or (14) of this section; 6152

(18) Impairment of ability to practice according to 6153
acceptable and prevailing standards of care because of habitual 6154
or excessive use or abuse of drugs, alcohol, or other substances 6155
that impair ability to practice; 6156

(19) Failure to cooperate in an investigation conducted by 6157
the board under division (E) of section 4761.03 of the Revised 6158
Code, including failure to comply with a subpoena or order 6159
issued by the board or failure to answer truthfully a question 6160
presented by the board in an investigative interview, an 6161
investigative office conference, at a deposition, or in written 6162
interrogatories, except that failure to cooperate with an 6163
investigation shall not constitute grounds for discipline under 6164
this section if a court of competent jurisdiction has issued an 6165
order that either quashes a subpoena or permits the individual 6166

to withhold the testimony or evidence in issue; 6167

(20) Practicing in an area of respiratory care or advanced 6168
practice respiratory care for which the person is clearly 6169
untrained or incompetent or practicing in a manner that 6170
conflicts with section 4761.17 or 4761.36 of the Revised Code; 6171

(21) Employing, directing, or supervising a person who is 6172
not authorized to practice respiratory care under this chapter 6173
in the performance of respiratory care procedures; 6174

(22) Misrepresenting educational attainments or authorized 6175
functions for the purpose of obtaining some benefit related to 6176
the practice of respiratory care or advanced practice 6177
respiratory care; 6178

(23) Assisting suicide, as defined in section 3795.01 of 6179
the Revised Code; 6180

(24) Representing, with the purpose of obtaining 6181
compensation or other advantage as personal gain or for any 6182
other person, that an incurable disease or injury, or other 6183
incurable condition, can be permanently cured; 6184

(25) Failure to comply with the requirements of this 6185
chapter, Chapter 4731. of the Revised Code, or any rules adopted 6186
by the board; 6187

(26) Violating or attempting to violate, directly or 6188
indirectly, or assisting in or abetting the violation of, or 6189
conspiring to violate, any provision of this chapter, Chapter 6190
4731. of the Revised Code, or the rules adopted by the board; 6191

(27) Failure to practice in accordance with the 6192
supervising physician's supervision agreement with the advanced 6193
practice respiratory therapist, including the policies of the 6194

health care facility in which the supervising physician and 6195
advanced practice respiratory therapist are practicing; 6196

(28) Administering drugs for purposes other than those 6197
authorized under this chapter; 6198

(29) A plea of guilty to, a judicial finding of guilt of, 6199
or a judicial finding of eligibility for intervention in lieu of 6200
conviction for violating any state or federal law regulating the 6201
possession, distribution, or use of any drug, including 6202
trafficking in drugs; 6203

(30) Willfully betraying a professional confidence; 6204

(31) Failure to use universal blood and body fluid 6205
precautions established by rules adopted under section 4731.051 6206
of the Revised Code; 6207

(32) Having the individual's qualification to practice 6208
advanced practice respiratory care from an organization that is 6209
recognized by the board expire, lapse, or otherwise fail to be 6210
active. 6211

Disciplinary actions taken by the board under division (A) 6212
of this section shall be taken pursuant to an adjudication under 6213
Chapter 119. of the Revised Code, except that in lieu of an 6214
adjudication, the board may enter into a consent agreement with 6215
an individual to resolve an allegation of a violation of this 6216
chapter or any rule adopted under it. A consent agreement, when 6217
ratified by an affirmative vote of not fewer than six members of 6218
the board, shall constitute the findings and order of the board 6219
with respect to the matter addressed in the agreement. If the 6220
board refuses to ratify a consent agreement, the admissions and 6221
findings contained in the consent agreement shall be of no 6222
effect. 6223

A telephone conference call may be utilized for 6224
ratification of a consent agreement that revokes or suspends an 6225
individual's license or permit. The telephone conference call 6226
shall be considered a special meeting under division (F) of 6227
section 121.22 of the Revised Code. 6228

(B) The board shall not refuse to issue a license or 6229
limited permit to an applicant because of a plea of guilty to, a 6230
judicial finding of guilt of, or a judicial finding of 6231
eligibility for intervention in lieu of conviction for an 6232
offense unless the refusal is in accordance with section 9.79 of 6233
the Revised Code. 6234

(C) Any action taken by the board under division (A) of 6235
this section resulting in a suspension from practice shall be 6236
accompanied by a written statement of the conditions under which 6237
the individual's license or permit may be reinstated. The board 6238
shall adopt rules governing conditions to be imposed for 6239
reinstatement. Reinstatement of a license or permit suspended 6240
pursuant to division (A) of this section requires an affirmative 6241
vote of not fewer than six members of the board. 6242

(D) When the board refuses to grant or issue a license or 6243
permit to an applicant, revokes an individual's license or 6244
permit, refuses to renew an individual's license or permit, or 6245
refuses to reinstate an individual's license or permit, the 6246
board may specify that its action is permanent. An individual 6247
subject to a permanent action taken by the board is forever 6248
thereafter ineligible to hold a license or permit and the board 6249
shall not accept an application for reinstatement of the license 6250
or permit or for issuance of a new license or permit. 6251

(E) If the board is required by Chapter 119. of the 6252
Revised Code to give notice of an opportunity for a hearing and 6253

if the individual subject to the notice does not timely request 6254
a hearing in accordance with section 119.07 of the Revised Code, 6255
the board is not required to hold a hearing, but may adopt, by 6256
an affirmative vote of not fewer than six of its members, a 6257
final order that contains the board's findings. In the final 6258
order, the board may order any of the sanctions identified under 6259
division (A) of this section. 6260

(F) In enforcing division (A)(14) of this section, the 6261
board, upon a showing of a possible violation, may compel any 6262
individual authorized to practice by this chapter or who has 6263
submitted an application pursuant to this chapter to submit to a 6264
mental examination, physical examination, including an HIV test, 6265
or both a mental and a physical examination. The expense of the 6266
examination is the responsibility of the individual compelled to 6267
be examined. Failure to submit to a mental or physical 6268
examination or consent to an HIV test ordered by the board 6269
constitutes an admission of the allegations against the 6270
individual unless the failure is due to circumstances beyond the 6271
individual's control, and a default and final order may be 6272
entered without the taking of testimony or presentation of 6273
evidence. If the board finds an individual unable to practice 6274
because of the reasons set forth in division (A)(14) of this 6275
section, the board shall require the individual to submit to 6276
care, counseling, or treatment by physicians approved or 6277
designated by the board, as a condition for initial, continued, 6278
reinstated, or renewed authority to practice. An individual 6279
affected under this division shall be afforded an opportunity to 6280
demonstrate to the board the ability to resume practice in 6281
compliance with acceptable and prevailing standards under the 6282
provisions of the individual's license or permit. For the 6283
purpose of division (A)(14) of this section, any individual who 6284

applies for or receives a license or permit to practice under 6285
this chapter accepts the privilege of practicing in this state 6286
and, by so doing, shall be deemed to have given consent to 6287
submit to a mental or physical examination when directed to do 6288
so in writing by the board, and to have waived all objections to 6289
the admissibility of testimony or examination reports that 6290
constitute a privileged communication. 6291

(G) For the purposes of division (A) (18) of this section, 6292
any individual authorized to practice by this chapter accepts 6293
the privilege of practicing in this state subject to supervision 6294
by the board. By filing an application for or holding a license 6295
or permit under this chapter, an individual shall be deemed to 6296
have given consent to submit to a mental or physical examination 6297
when ordered to do so by the board in writing, and to have 6298
waived all objections to the admissibility of testimony or 6299
examination reports that constitute privileged communications. 6300

If it has reason to believe that any individual authorized 6301
to practice by this chapter or any applicant for a license or 6302
permit suffers such impairment, the board may compel the 6303
individual to submit to a mental or physical examination, or 6304
both. The expense of the examination is the responsibility of 6305
the individual compelled to be examined. Any mental or physical 6306
examination required under this division shall be undertaken by 6307
a treatment provider or physician who is qualified to conduct 6308
the examination and who is chosen by the board. 6309

Failure to submit to a mental or physical examination 6310
ordered by the board constitutes an admission of the allegations 6311
against the individual unless the failure is due to 6312
circumstances beyond the individual's control, and a default and 6313
final order may be entered without the taking of testimony or 6314

presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license or permit, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or permit. The demonstration shall include, but shall not be limited to, the following:

(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a license or permit suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board

shall require continued monitoring of the individual. The 6344
monitoring shall include, but not be limited to, compliance with 6345
the written consent agreement entered into before reinstatement 6346
or with conditions imposed by board order after a hearing, and, 6347
upon termination of the consent agreement, submission to the 6348
board for at least two years of annual written progress reports 6349
made under penalty of perjury stating whether the individual has 6350
maintained sobriety. 6351

(H) If the secretary and supervising member determine both 6352
of the following, they may recommend that the board suspend an 6353
individual's license or permit without a prior hearing: 6354

(1) That there is clear and convincing evidence that an 6355
individual has violated division (A) of this section; 6356

(2) That the individual's continued practice presents a 6357
danger of immediate and serious harm to the public. 6358

Written allegations shall be prepared for consideration by 6359
the board. The board, upon review of those allegations and by an 6360
affirmative vote of not fewer than six of its members, excluding 6361
the secretary and supervising member, may suspend a license or 6362
permit without a prior hearing. A telephone conference call may 6363
be utilized for reviewing the allegations and taking the vote on 6364
the summary suspension. 6365

The board shall issue a written order of suspension by 6366
certified mail or in person in accordance with section 119.07 of 6367
the Revised Code. The order shall not be subject to suspension 6368
by the court during pendency of any appeal filed under section 6369
119.12 of the Revised Code. If the individual subject to the 6370
summary suspension requests an adjudicatory hearing by the 6371
board, the date set for the hearing shall be within fifteen 6372

days, but not earlier than seven days, after the individual 6373
requests the hearing, unless otherwise agreed to by both the 6374
board and the individual. 6375

Any summary suspension imposed under this division shall 6376
remain in effect, unless reversed on appeal, until a final 6377
adjudicative order issued by the board pursuant to this section 6378
and Chapter 119. of the Revised Code becomes effective. The 6379
board shall issue its final adjudicative order within seventy- 6380
five days after completion of its hearing. A failure to issue 6381
the order within seventy-five days shall result in dissolution 6382
of the summary suspension order but shall not invalidate any 6383
subsequent, final adjudicative order. 6384

(I) For purposes of divisions (A) (2), (4), and (6) of this 6385
section, the commission of the act may be established by a 6386
finding by the board, pursuant to an adjudication under Chapter 6387
119. of the Revised Code, that the individual committed the act. 6388
The board does not have jurisdiction under those divisions if 6389
the trial court renders a final judgment in the individual's 6390
favor and that judgment is based upon an adjudication on the 6391
merits. The board has jurisdiction under those divisions if the 6392
trial court issues an order of dismissal upon technical or 6393
procedural grounds. 6394

(J) The sealing or expungement of conviction records by 6395
any court shall have no effect upon a prior board order entered 6396
under this section or upon the board's jurisdiction to take 6397
action under this section if, based upon a plea of guilty, a 6398
judicial finding of guilt, or a judicial finding of eligibility 6399
for intervention in lieu of conviction, the board issued a 6400
notice of opportunity for a hearing prior to the court's order 6401
to seal or expunge the records. The board shall not be required 6402

to seal, destroy, redact, or otherwise modify its records to 6403
reflect the court's sealing or expungement of conviction 6404
records. 6405

(K) If the board takes action under division (A) (1), (3), 6406
or (5) of this section, and the judicial finding of guilt, 6407
guilty plea, or judicial finding of eligibility for intervention 6408
in lieu of conviction is overturned on appeal, upon exhaustion 6409
of the criminal appeal, a petition for reconsideration of the 6410
order may be filed with the board along with appropriate court 6411
documents. Upon receipt of a petition for reconsideration and 6412
supporting court documents, the board shall reinstate the 6413
individual's license or permit. The board may then hold an 6414
adjudication under Chapter 119. of the Revised Code to determine 6415
whether the individual committed the act in question. Notice of 6416
an opportunity for a hearing shall be given in accordance with 6417
Chapter 119. of the Revised Code. If the board finds, pursuant 6418
to an adjudication held under this division, that the individual 6419
committed the act or if no hearing is requested, the board may 6420
order any of the sanctions identified under division (A) of this 6421
section. 6422

(L) The license or permit issued to an individual under 6423
this chapter and the individual's practice in this state are 6424
automatically suspended as of the date the individual pleads 6425
guilty to, is found by a judge or jury to be guilty of, or is 6426
subject to a judicial finding of eligibility for intervention in 6427
lieu of conviction in this state or treatment or intervention in 6428
lieu of conviction in another jurisdiction for any of the 6429
following criminal offenses in this state or a substantially 6430
equivalent criminal offense in another jurisdiction: aggravated 6431
murder, murder, voluntary manslaughter, felonious assault, 6432
kidnapping, rape, sexual battery, gross sexual imposition, 6433

aggravated arson, aggravated robbery, or aggravated burglary. 6434
Continued practice after suspension shall be considered 6435
practicing without a license or permit. 6436

The board shall notify the individual subject to the 6437
suspension by certified mail or in person in accordance with 6438
section 119.07 of the Revised Code. If an individual whose 6439
license or permit is automatically suspended under this division 6440
fails to make a timely request for an adjudication under Chapter 6441
119. of the Revised Code, the board shall enter a final order 6442
permanently revoking the individual's license or permit. 6443

(M) Notwithstanding any other provision of the Revised 6444
Code, all of the following apply: 6445

(1) The surrender of a license or permit issued under this 6446
chapter shall not be effective unless or until accepted by the 6447
board. A telephone conference call may be utilized for 6448
acceptance of the surrender of an individual's license or 6449
permit. The telephone conference call shall be considered a 6450
special meeting under division (F) of section 121.22 of the 6451
Revised Code. Reinstatement of a license or permit surrendered 6452
to the board requires an affirmative vote of not fewer than six 6453
members of the board. 6454

(2) An application for a license or permit made under the 6455
provisions of this chapter may not be withdrawn without approval 6456
of the board. 6457

(3) Failure by an individual to renew a license or permit 6458
in accordance with this chapter shall not remove or limit the 6459
board's jurisdiction to take any disciplinary action under this 6460
section against the individual. 6461

(4) At the request of the board, a license or permit 6462

holder shall immediately surrender to the board a license or 6463
permit that the board has suspended, revoked, or permanently 6464
revoked. 6465

Sec. 4761.13. (A) As used in this section, "prosecutor" 6466
has the same meaning as in section 2935.01 of the Revised Code. 6467

(B) The prosecutor in any case against any respiratory 6468
care professional, advanced practice respiratory therapist, or 6469
~~an~~ individual holding a limited permit issued under this chapter 6470
shall promptly notify the state medical board of any of the 6471
following: 6472

(1) A plea of guilty to, or a finding of guilt by a jury 6473
or court of, a felony, or a case in which the trial court issues 6474
an order of dismissal upon technical or procedural grounds of a 6475
felony charge; 6476

(2) A plea of guilty to, or a finding of guilt by a jury 6477
or court of, a misdemeanor committed in the course of practice, 6478
or a case in which the trial court issues an order of dismissal 6479
upon technical or procedural grounds of a charge of a 6480
misdemeanor, if the alleged act was committed in the course of 6481
practice; 6482

(3) A plea of guilty to, or a finding of guilt by a jury 6483
or court of, a misdemeanor involving moral turpitude, or a case 6484
in which the trial court issues an order of dismissal upon 6485
technical or procedural grounds of a charge of a misdemeanor 6486
involving moral turpitude. 6487

(C) The report shall include the name and address of the 6488
respiratory care professional, advanced practice respiratory 6489
therapist, or person holding a limited permit, the nature of the 6490
offense for which the action was taken, and the certified court 6491

documents recording the action. The board may prescribe and 6492
provide forms for prosecutors to make reports under this 6493
section. The form may be the same as the form required to be 6494
provided under section 2929.42 of the Revised Code. 6495

Sec. 4761.14. An employer that disciplines or terminates 6496
the employment of a respiratory care professional, advanced 6497
practice respiratory therapist, or individual holding a limited 6498
permit issued under this chapter because of conduct that would 6499
be grounds for disciplinary action under section 4761.09 of the 6500
Revised Code shall, not later than sixty days after the 6501
discipline or termination, report the action to the state 6502
medical board. The report shall state the name of the 6503
respiratory care professional, advanced practice respiratory 6504
therapist, or individual holding the limited permit and the 6505
reason the employer took the action. If an employer fails to 6506
report to the board, the board may seek an order from the 6507
Franklin county court of common pleas, or any other court of 6508
competent jurisdiction, compelling submission of the report. 6509

Sec. 4761.17. All of the following apply to the practice 6510
of respiratory care by a person who holds a license or limited 6511
permit issued under this chapter: 6512

(A) The person shall practice only pursuant to a 6513
prescription or other order for respiratory care issued by any 6514
of the following: 6515

(1) A physician; 6516

(2) A clinical nurse specialist, certified nurse-midwife, 6517
or certified nurse practitioner who holds a current, valid 6518
license issued under Chapter 4723. of the Revised Code to 6519
practice nursing as an advanced practice registered nurse and 6520

has entered into a standard care arrangement with a physician; 6521

(3) A certified registered nurse anesthetist who holds a 6522
current, valid license issued under Chapter 4723. of the Revised 6523
Code to practice nursing as an advanced practice registered 6524
nurse and acts in compliance with sections 4723.43, 4723.433, 6525
and 4723.434 of the Revised Code; 6526

(4) A physician assistant who holds a valid prescriber 6527
number issued by the state medical board, has been granted 6528
physician-delegated prescriptive authority, and has entered into 6529
a supervision agreement that allows the physician assistant to 6530
prescribe or order respiratory care services; 6531

(5) An advanced practice respiratory therapist who has 6532
been granted physician-delegated prescriptive authority and has 6533
entered into a supervision agreement that allows the advanced 6534
practice respiratory therapist to prescribe and order 6535
respiratory care services. 6536

(B) The person shall practice only under the supervision 6537
of any of the following: 6538

(1) A physician; 6539

(2) A certified nurse practitioner, certified nurse- 6540
midwife, or clinical nurse specialist; 6541

(3) A physician assistant who is authorized to prescribe 6542
or order respiratory care services as provided in division (A) 6543
(4) of this section; 6544

(4) An advanced practice respiratory therapist who is 6545
authorized to prescribe or order respiratory care services as 6546
provided in division (A) (5) of this section. 6547

(C) (1) When practicing under the prescription or order of 6548

a certified nurse practitioner, certified nurse midwife, or 6549
clinical nurse specialist or under the supervision of such a 6550
nurse, the person's administration of medication that requires a 6551
prescription is limited to the drugs that the nurse is 6552
authorized to prescribe pursuant to section 4723.481 of the 6553
Revised Code. 6554

(2) When practicing under the order of a certified 6555
registered nurse anesthetist, the person's administration of 6556
medication is limited to the drugs that the nurse is authorized 6557
to order or direct the person to administer, as provided in 6558
sections 4723.43, 4723.433, and 4723.434 of the Revised Code. 6559

(3) When practicing under the prescription or order of a 6560
physician assistant or under the supervision of a physician 6561
assistant, the person's administration of medication that 6562
requires a prescription is limited to the drugs that the 6563
physician assistant is authorized to prescribe pursuant to the 6564
physician assistant's physician-delegated prescriptive 6565
authority. 6566

(4) When practicing under the prescription or order of an 6567
advanced practice respiratory therapist or under the supervision 6568
of an advanced practice respiratory therapist, the person's 6569
administration of medication that requires a prescription is 6570
limited to the drugs that an advanced practice respiratory 6571
therapist is authorized to prescribe pursuant to the advanced 6572
practice respiratory therapist's physician-delegated 6573
prescriptive authority. 6574

Sec. 4761.20. If the state medical board has reason to 6575
believe that any person who has been granted a license or 6576
limited permit under this chapter is mentally ill or mentally 6577
incompetent, it may file in the probate court of the county in 6578

which such person has a legal residence an affidavit in the form 6579
prescribed in section 5122.11 of the Revised Code and signed by 6580
the board secretary or a member of the secretary's staff, 6581
whereupon the same proceedings shall be had as provided in 6582
Chapter 5122. of the Revised Code. The attorney general may 6583
represent the board in any proceeding commenced under this 6584
section. 6585

If the license holder or limited permit holder is adjudged 6586
by a probate court to be mentally ill or mentally incompetent, 6587
the individual's license or limited permit shall be 6588
automatically suspended until the individual has filed with the 6589
board a certified copy of an adjudication by a probate court of 6590
being restored to competency or has submitted to the board 6591
proof, satisfactory to the board, of having been discharged as 6592
being restored to competency in the manner and form provided in 6593
section 5122.38 of the Revised Code. The judge of the court 6594
shall immediately notify the board of an adjudication of 6595
incompetence and note any suspension of a license in the margin 6596
of the court's record of the license. 6597

Sec. 4761.21. In the absence of fraud or bad faith, the 6598
state medical board, the board's respiratory care advisory 6599
council, a current or former board or council member, an agent 6600
of the board or council, a person formally requested by the 6601
board to be the board's representative or by the council to be 6602
the council's representative, or an employee of the board or 6603
council shall not be held liable in damages to any person as the 6604
result of any act, omission, proceeding, conduct, or decision 6605
related to official duties undertaken or performed pursuant to 6606
this chapter. If any such person requests to be defended by the 6607
state against any claim or action arising out of any act, 6608
omission, proceeding, conduct, or decision related to the 6609

person's official duties, and if the request is made in writing 6610
at a reasonable time before trial and the person requesting 6611
defense cooperates in good faith in the defense of the claim or 6612
action, the state shall provide and pay for the person's defense 6613
and shall pay any resulting judgment, compromise, or settlement. 6614
At no time shall the state pay any part of a claim or judgment 6615
that is for punitive or exemplary damages. 6616

Sec. ~~4761.30~~ 4761.25. A respiratory care professional or 6617
advanced practice respiratory therapist may provide telehealth 6618
services in accordance with section 4743.09 of the Revised Code. 6619

Sec. 4761.30. (A) An individual seeking an initial license 6620
to practice as an advanced practice respiratory therapist shall 6621
file with the state medical board a written application on a 6622
form prescribed and supplied by the board. The application shall 6623
be accompanied by the initial license fee determined by the 6624
board. The board shall deposit the fees in accordance with 6625
section 4731.24 of the Revised Code. 6626

(B) To be eligible for licensure as an advanced practice 6627
respiratory therapist, the individual's application must show, 6628
to the satisfaction of the board, all of the following: 6629

(1) That the individual has been issued a license to 6630
practice respiratory care under section 4761.05 of the Revised 6631
Code; 6632

(2) That the individual has successfully completed the 6633
requirements of a master's or doctoral educational program 6634
approved by the board that includes instruction in the 6635
pathophysiology, symptomatology, differential diagnosis, disease 6636
management including the use and prescription of pharmacologic 6637
and nonpharmacologic interventions, health promotion and disease 6638

prevention of cardiopulmonary disease; 6639

(3) That the individual has passed an examination approved 6640
under rules adopted by the board that tests the applicant's 6641
knowledge of the biomedical and clinical sciences relating to 6642
advanced respiratory therapy theory and practice, professional 6643
skills and assessment, management and follow-up for 6644
cardiopulmonary disease, and such other subjects as the board 6645
considers useful in determining fitness to practice; 6646

(4) That the individual holds an active qualification to 6647
practice advanced practice respiratory care from an organization 6648
that is recognized by the board. 6649

Sec. 4761.301. An advanced practice respiratory therapist 6650
who fails to maintain an active qualification to practice 6651
advanced practice respiratory care from an organization that is 6652
recognized by the state medical board shall notify the board not 6653
later than fourteen days after the qualification is no longer 6654
active. 6655

Sec. 4761.31. (A) The state medical board shall review 6656
each application for a license to practice as an advanced 6657
practice respiratory therapist received under section 4761.30 of 6658
the Revised Code. Not later than sixty days after receiving a 6659
complete application, the board shall determine whether the 6660
applicant meets the requirements to receive the license, as 6661
specified in section 4761.30 of the Revised Code. 6662

(B) If the board determines that an applicant meets the 6663
requirements to receive the license, the secretary of the board 6664
shall register the applicant as an advanced practice respiratory 6665
therapist and issue to the applicant a license to practice as an 6666
advanced practice respiratory therapist. 6667

Sec. 4761.32. (A) A license to practice as an advanced practice respiratory therapist shall be valid for a two-year period unless revoked or suspended. The license shall expire on the date that is two years after the date of issuance and may be renewed for additional two-year periods in accordance with this section. A person seeking to renew a license shall apply to the state medical board for renewal prior to the license's expiration date. The board shall provide renewal notices to license holders at least one month prior to the expiration date.

Applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by the biennial renewal fee determined by the board. The board shall deposit the fees in accordance with section 4731.24 of the Revised Code.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a license to practice under section 4761.09 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as an advanced practice respiratory therapist.

(B) To be eligible for renewal of a license, an applicant is subject to both of the following:

(1) The applicant must certify to the board that the applicant has maintained an active qualification to practice advanced practice respiratory care from an organization that is recognized by the board.

(2) The applicant must comply with the renewal eligibility

requirements established under section 4761.48 of the Revised 6697
Code that pertain to the applicant. 6698

(C) If an applicant submits a complete renewal application 6699
and qualifies for renewal pursuant to division (B) of this 6700
section, the board shall issue to the applicant a renewed 6701
license to practice as an advanced practice respiratory 6702
therapist. 6703

Completion of the continuing education required for an 6704
advanced practice respiratory therapist to maintain an active 6705
qualification to practice advanced practice respiratory care 6706
from an organization that is recognized by the board shall 6707
constitute satisfactory completion of continuing education or 6708
reexamination requirements for renewal of a license to practice 6709
respiratory care as set forth in division (B) of section 4761.06 6710
of the Revised Code. 6711

(D) The board may require a random sample of advanced 6712
practice respiratory therapists to submit materials documenting 6713
both of the following: 6714

(1) Maintenance of an active qualification to practice 6715
advanced practice respiratory care from an organization that is 6716
recognized by the board. 6717

(2) Completion of the continuing education in pharmacology 6718
required by section 4761.48 of the Revised Code. 6719

Division (D) of this section does not limit the board's 6720
authority to conduct investigations pursuant to section 4761.09 6721
of the Revised Code. 6722

(E) (1) A license to practice that is not renewed on or 6723
before its expiration date is automatically suspended on its 6724
expiration date. Continued practice after suspension of the 6725

license shall be considered as practicing in violation of 6726
section 4761.33 of the Revised Code. 6727

(2) If an advanced practice respiratory therapist's 6728
license to practice as a respiratory care professional is 6729
classified as inactive for any cause, the advanced practice 6730
respiratory therapist's license to practice respiratory care as 6731
an advanced practice respiratory therapist is automatically 6732
classified as inactive while the license to practice as a 6733
respiratory care professional remains inactive. If either 6734
license held by an advanced practice respiratory therapist is 6735
revoked under this chapter, the other license is automatically 6736
revoked. If either license is suspended under this chapter, 6737
including for failure to renew under this section or section 6738
4761.06 of the Revised Code, the other license is automatically 6739
suspended while the suspension remains in effect. 6740

(F) If a license has been suspended pursuant to division 6741
(E) of this section for two years or less, it may be reinstated. 6742
The board shall reinstate a license suspended for failure to 6743
renew upon an applicant's submission of a renewal application, 6744
the biennial renewal fee, and any applicable monetary penalty. 6745

If a license has been suspended pursuant to division (E) 6746
of this section for more than two years, it may be restored. In 6747
accordance with section 4761.061 of the Revised Code, the board 6748
may restore a license suspended for failure to renew upon an 6749
applicant's submission of a restoration application, the 6750
biennial renewal fee, and any applicable monetary penalty, and 6751
compliance with sections 4776.01 to 4776.04 of the Revised Code. 6752
The board shall not restore to an applicant a license to 6753
practice as an advanced practice respiratory therapist unless 6754
the board, in its discretion, decides that the results of the 6755

criminal records check do not make the applicant ineligible for 6756
a license issued pursuant to section 4761.31 of the Revised 6757
Code. 6758

The penalty for reinstatement shall be fifty dollars and 6759
the penalty for restoration shall be one hundred dollars. The 6760
board shall deposit penalties in accordance with section 4731.24 6761
of the Revised Code. 6762

(G) (1) If, through a random sample conducted under 6763
division (D) of this section or any other means, the board finds 6764
that an individual who certified maintenance of an active 6765
qualification or completion of continuing education in 6766
pharmacology required to renew, reinstate, or restore a license 6767
to practice did not complete the requisite maintenance or 6768
continuing education, the board may do either of the following: 6769

(a) Take disciplinary action against the individual under 6770
section 4761.09 of the Revised Code, impose a civil penalty, or 6771
both; 6772

(b) Permit the individual to agree in writing to re- 6773
establish an active qualification or complete the continuing 6774
education and pay a civil penalty. 6775

(2) The board's finding in any disciplinary action taken 6776
under division (G) (1) (a) of this section shall be made pursuant 6777
to an adjudication under Chapter 119. of the Revised Code and by 6778
an affirmative vote of not fewer than six of its members. 6779

(3) A civil penalty imposed under division (G) (1) (a) of 6780
this section or paid under division (G) (1) (b) of this section 6781
shall be in an amount specified by the board of not more than 6782
five thousand dollars. The board shall deposit civil penalties 6783
in accordance with section 4731.24 of the Revised Code. 6784

Sec. 4761.33. (A) No person shall hold that person out as 6785
being able to function as an advanced practice respiratory 6786
therapist, or use any words or letters indicating or implying 6787
that the person is an advanced practice respiratory therapist, 6788
without a current, valid license to practice as an advanced 6789
practice respiratory therapist issued under this chapter. 6790

(B) No person shall practice as an advanced practice 6791
respiratory therapist without the supervision, control, and 6792
direction of a supervising physician who specializes in 6793
pulmonology, anesthesiology, critical care, or sleep medicine. 6794

(C) No person shall practice as an advanced practice 6795
respiratory therapist without having entered into a supervision 6796
agreement with a supervising physician under section 4761.37 of 6797
the Revised Code. 6798

(D) No person acting as the supervising physician of an 6799
advanced practice respiratory therapist shall authorize the 6800
advanced practice respiratory therapist to perform services if 6801
either of the following is the case: 6802

(1) The services are not within the physician's normal 6803
course of practice and expertise; 6804

(2) The services are inconsistent with the supervision 6805
agreement under which the advanced practice respiratory 6806
therapist is being supervised, including the policies of the 6807
health care facility in which the physician and the advanced 6808
practice respiratory therapist are practicing. 6809

(E) No person practicing as an advanced practice 6810
respiratory therapist shall perform general anesthesia, 6811
monitored anesthesia care, regional anesthesia, or neuraxial 6812
anesthesia. 6813

(F) No person shall advertise to provide services as an advanced practice respiratory therapist, except for the purpose of seeking employment. 6814
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6816

(G) No person practicing as an advanced practice respiratory therapist shall fail to wear at all times when on duty a placard, plate, or other device identifying that person as an advanced practice respiratory therapist. 6817
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6820

(H) No person practicing as an advanced practice respiratory therapist shall prescribe controlled substances to be used by an individual outside of the health care facility in which the advanced practice respiratory therapist is practicing. 6821
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(I) Division (A) of this section does not apply to a person who meets all of the following conditions: 6825
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(1) The person holds in good standing a valid license or other form of authority to practice as an advanced practice respiratory therapist issued by another state. 6827
6828
6829

(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days. 6830
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(3) The medical care provided by the person will be supervised by the medical director of the charitable event or by another physician. 6833
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When a person meets the conditions of this division, the person shall be deemed to hold, during the course of the charitable event, a license to practice as an advanced practice respiratory therapist from the state medical board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. Not less than seven calendar days before the first day of the charitable 6836
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event, the person or the event's organizer shall notify the 6843
board of the person's intent to practice as an advanced practice 6844
respiratory therapist at the event. During the course of the 6845
charitable event, the person's scope of practice is limited to 6846
the procedures that an advanced practice respiratory therapist 6847
licensed under this chapter is authorized to perform unless the 6848
person's scope of practice in the other state is more 6849
restrictive than in this state. If the latter is the case, the 6850
person's scope of practice is limited to the procedures that an 6851
advanced practice respiratory therapist in the other state may 6852
perform. 6853

Sec. 4761.34. Nothing in this chapter shall: 6854

(A) Be construed to affect or interfere with the 6855
performance of duties of any medical personnel who are either of 6856
the following: 6857

(1) In active service in the army, navy, coast guard, 6858
marine corps, air force, public health service, or marine 6859
hospital service of the United States while so serving; 6860

(2) Employed by the veterans administration of the United 6861
States while so employed. 6862

(B) Prevent any person from performing any of the services 6863
an advanced practice respiratory therapist may be authorized to 6864
perform, if the person's professional scope of practice 6865
established under any other chapter of the Revised Code 6866
authorizes the person to perform the services; 6867

(C) Prohibit a physician from delegating responsibilities 6868
to any nurse or other qualified person who does not hold a 6869
license to practice as an advanced practice respiratory 6870
therapist, provided that the individual does not hold the 6871

individual out to be an advanced practice respiratory therapist; 6872

(D) Be construed as authorizing an advanced practice 6873
respiratory therapist independently to order or direct the 6874
execution of procedures or techniques by a registered nurse or 6875
licensed practical nurse in the care and treatment of a person, 6876
except to the extent that an advanced practice respiratory 6877
therapist is authorized to do so by a physician who is 6878
responsible for supervising the advanced practice respiratory 6879
therapist and the policies of the health care facility in which 6880
the advanced practice respiratory therapist is practicing. 6881

Sec. 4761.35. (A) As used in this section: 6882

(1) "Disaster" means any imminent threat or actual 6883
occurrence of widespread or severe damage to or loss of 6884
property, personal hardship or injury, or loss of life that 6885
results from any natural phenomenon or act of a human. 6886

(2) "Emergency" means an occurrence or event that poses an 6887
imminent threat to the health or life of a human. 6888

(B) Nothing in this chapter prohibits any of the following 6889
individuals from providing medical care, to the extent the 6890
individual is able, in response to a need for medical care 6891
precipitated by a disaster or emergency: 6892

(1) An individual who holds a license to practice as an 6893
advanced practice respiratory therapist issued under this 6894
chapter; 6895

(2) An individual licensed or authorized to practice as an 6896
advanced practice respiratory therapist in another state; 6897

(3) An individual employed as an advanced practice 6898
respiratory therapist by an agency, office, or other 6899

instrumentality of the federal government. 6900

(C) For purposes of the medical care provided by an 6901
advanced practice respiratory therapist pursuant to division (B) 6902
(1) of this section, both of the following apply notwithstanding 6903
any supervision requirement of this chapter to the contrary: 6904

(1) The physician who supervises the advanced practice 6905
respiratory therapist pursuant to a supervision agreement 6906
entered into under section 4761.37 of the Revised Code is not 6907
required to meet the supervision requirements established under 6908
this chapter. 6909

(2) The physician designated as the medical director of 6910
the disaster or emergency may supervise the medical care 6911
provided by the advanced practice respiratory therapist. 6912

Sec. 4761.36. (A) A license to practice as an advanced 6913
practice respiratory therapist issued under this chapter 6914
authorizes the holder to practice as an advanced practice 6915
respiratory therapist as follows: 6916

(1) The advanced practice respiratory therapist shall 6917
practice only under the supervision, control, and direction of a 6918
physician with whom the advanced practice respiratory therapist 6919
has entered into a supervision agreement under section 4761.37 6920
of the Revised Code. 6921

(2) The advanced practice respiratory therapist shall 6922
practice in accordance with the supervision agreement entered 6923
into with the physician who is responsible for supervising the 6924
advanced practice respiratory therapist, including the policies 6925
of the health care facility in which the advanced practice 6926
respiratory therapist is practicing. 6927

(B) The state medical board may adopt rules designating 6928

facilities to be included as health care facilities that are in 6929
addition to the facilities specified in divisions (K) (1), (2), 6930
and (3) of section 4761.01 of the Revised Code. Any rules 6931
adopted shall be adopted in accordance with Chapter 119. of the 6932
Revised Code. 6933

Sec. 4761.37. (A) Before initiating supervision of an 6934
advanced practice respiratory therapist, a physician shall enter 6935
into a supervision agreement with the advanced practice 6936
respiratory therapist who will be supervised. A supervision 6937
agreement may not apply to more than one advanced practice 6938
respiratory therapist. Only a physician who specializes in one 6939
or more of the following areas is authorized to enter into a 6940
supervision agreement with an advanced practice respiratory 6941
therapist under this section: pulmonology, anesthesiology, 6942
critical care, or sleep medicine. 6943

The supervision agreement shall specify that the physician 6944
agrees to supervise the advanced practice respiratory therapist 6945
and the advanced practice respiratory therapist agrees to 6946
practice under that physician's supervision. The supervision 6947
agreement shall clearly state that the supervising physician is 6948
legally responsible and assumes legal liability for the services 6949
provided by the advanced practice respiratory therapist. The 6950
agreement shall be signed by the physician and the advanced 6951
practice respiratory therapist. 6952

(B) A supervision agreement shall include all of the 6953
following: 6954

(1) Terms that require the advanced practice respiratory 6955
therapist to practice in accordance with the policies of the 6956
health care facility in which the advanced practice respiratory 6957
therapist is practicing; 6958

(2) Any limitations on the responsibilities to be fulfilled by the advanced practice respiratory therapist; 6959
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(3) The circumstances under which the advanced practice respiratory therapist is required to refer a patient to the supervising physician; 6961
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(4) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity. 6964
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(C) The supervising physician who entered into a supervision agreement shall retain a copy of the agreement in the records maintained by the supervising physician. Each advanced practice respiratory therapist who entered into the supervision agreement shall retain a copy of the agreement in the records maintained by the advanced practice respiratory therapist. 6968
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(D) (1) If the board finds, through a review conducted under this section or through any other means, any of the following, the board may take disciplinary action against the individual under section 4731.22 or 4761.09 of the Revised Code, impose a civil penalty, or both: 6975
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(a) That an advanced practice respiratory therapist has practiced in a manner that departs from, or fails to conform to, the terms of a supervision agreement entered into under this section; 6980
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(b) That a physician has supervised an advanced practice respiratory therapist in a manner that departs from, or fails to conform to, the terms of a supervision agreement entered into under this section; 6984
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(c) That a physician or an advanced practice respiratory therapist failed to comply with division (A) or (B) of this section. 6988
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(2) If the board finds, through a review conducted under this section or through any other means, that a physician or advanced practice respiratory therapist failed to comply with division (C) of this section, the board may do either of the following: 6991
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(a) Take disciplinary action against the individual under section 4731.22 or 4761.09 of the Revised Code, impose a civil penalty, or both; 6996
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(b) Permit the individual to agree in writing to update the records to comply with division (C) of this section and pay a civil penalty. 6999
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(3) The board's finding in any disciplinary action taken under division (D) of this section shall be made pursuant to an adjudication conducted under Chapter 119. of the Revised Code. 7002
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(4) A civil penalty imposed under division (D) (1) or (2) (a) of this section or paid under division (D) (2) (b) of this section shall be in an amount specified by the board of not more than five thousand dollars and shall be deposited in accordance with section 4731.24 of the Revised Code. 7005
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Sec. 4761.38. (A) An advanced practice respiratory therapist licensed under this chapter may perform any of the following services authorized by the supervising physician that are part of the supervising physician's normal course of practice and expertise: 7010
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(1) Ordering diagnostic, therapeutic, and other medical services; 7015
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(2) Prescribing physical therapy or referring a patient to a physical therapist for physical therapy; 7017
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(3) Ordering occupational therapy or referring a patient to an occupational therapist for occupational therapy; 7019
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(4) If the advanced practice respiratory therapist has been granted physician-delegated prescriptive authority, ordering, prescribing, and administering drugs and medical devices; 7021
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(5) Any other services that are part of the supervising physician's normal course of practice and expertise. 7025
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(B) The services an advanced practice respiratory therapist may provide under the policies of a health care facility are limited to the services the facility authorizes the advanced practice respiratory therapist to provide for the facility. A facility shall not authorize an advanced practice respiratory therapist to perform a service that is prohibited under this chapter. A physician who is supervising an advanced practice respiratory therapist within a health care facility may impose limitations on the advanced practice respiratory therapist's practice that are in addition to any limitations applicable under the policies of the facility. 7027
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Sec. 4761.381. (A) Acting pursuant to a supervision agreement, an advanced practice respiratory therapist may delegate performance of a task to implement a patient's plan of care or, if the conditions in division (C) of this section are met, may delegate administration of a drug. Subject to division (D) of section 4761.34 of the Revised Code, delegation may be to any person. The advanced practice respiratory therapist must be physically present at the location where the task is performed 7038
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or the drug administered. 7046

(B) Prior to delegating a task or administration of a 7047
drug, an advanced practice respiratory therapist shall determine 7048
that the task or drug is appropriate for the patient and the 7049
person to whom the delegation is to be made may safely perform 7050
the task or administer the drug. 7051

(C) An advanced practice respiratory therapist may 7052
delegate administration of a drug only if all of the following 7053
conditions are met: 7054

(1) The advanced practice respiratory therapist has been 7055
granted physician-delegated prescriptive authority and is 7056
authorized to prescribe the drug. 7057

(2) The drug is not a controlled substance. 7058

(3) The drug will not be administered intravenously. 7059

(4) The drug will not be administered in a hospital 7060
inpatient care unit, as defined in section 3727.50 of the 7061
Revised Code; a hospital emergency department; a freestanding 7062
emergency department; or an ambulatory surgical facility 7063
licensed under section 3702.30 of the Revised Code. 7064

(D) A person not otherwise authorized to administer a drug 7065
or perform a specific task may do so in accordance with an 7066
advanced practice respiratory therapist's delegation under this 7067
section. 7068

Sec. 4761.39. (A) The supervising physician of an advanced 7069
practice respiratory therapist exercises supervision, control, 7070
and direction of the advanced practice respiratory therapist. An 7071
advanced practice respiratory therapist may practice in any 7072
health care facility within which the supervising physician has 7073

supervision, control, and direction of the advanced practice 7074
respiratory therapist. 7075

In supervising an advanced practice respiratory therapist, 7076
all of the following apply: 7077

(1) The supervising physician shall be continuously 7078
available for direct communication with the advanced practice 7079
respiratory therapist by either of the following means: 7080

(a) Being physically present at the location where the 7081
advanced practice respiratory therapist is practicing; 7082

(b) Being readily available to the advanced practice 7083
respiratory therapist through some means of telecommunication 7084
and being in a location that is a distance from the location 7085
where the advanced practice respiratory therapist is practicing 7086
that reasonably allows the physician to assure proper care of 7087
patients. 7088

(2) The supervising physician shall personally and 7089
actively review the advanced practice respiratory therapist's 7090
professional activities. 7091

(3) The supervising physician shall ensure that the 7092
quality assurance system established pursuant to division (F) of 7093
this section is implemented and maintained. 7094

(4) The supervising physician shall regularly perform any 7095
other reviews of the advanced practice respiratory therapist 7096
that the supervising physician considers necessary. 7097

(B) A physician may enter into supervision agreements with 7098
any number of advanced practice respiratory therapists, but the 7099
physician may not supervise more than five advanced practice 7100
respiratory therapists at any one time. An advanced practice 7101

respiratory therapist may enter into supervision agreements with 7102
any number of supervising physicians. 7103

(C) A supervising physician may authorize an advanced 7104
practice respiratory therapist to perform a service only if the 7105
physician is satisfied that the advanced practice respiratory 7106
therapist is capable of competently performing the service. A 7107
supervising physician shall not authorize an advanced practice 7108
respiratory therapist to perform any service that is beyond the 7109
physician's or the advanced practice respiratory therapist's 7110
normal course of practice and expertise. 7111

(D) In the case of a health care facility with an 7112
emergency department, the supervising physician may, on 7113
occasion, send the advanced practice respiratory therapist to 7114
the facility's emergency department to assess a patient. In 7115
supervising the advanced practice respiratory therapist's 7116
assessment of the patient, the supervising physician shall 7117
determine the appropriate level of supervision in compliance 7118
with the requirements of divisions (A) to (C) of this section, 7119
except that the supervising physician must be available to go to 7120
the emergency department to personally evaluate the patient and, 7121
at the request of an emergency department physician, the 7122
supervising physician shall go to the emergency department to 7123
personally evaluate the patient. 7124

(E) Each time an advanced practice respiratory therapist 7125
writes a medical order, including prescriptions written in the 7126
exercise of physician-delegated prescriptive authority, the 7127
advanced practice respiratory therapist shall sign the form on 7128
which the order is written and record on the form the time and 7129
date that the order is written. 7130

(F) (1) The supervising physician of an advanced practice 7131

respiratory therapist shall establish a quality assurance system 7132
to be used in supervising the advanced practice respiratory 7133
therapist. All or part of the system may be applied to other 7134
advanced practice respiratory therapists who are supervised by 7135
the supervising physician. The system shall be developed in 7136
consultation with each advanced practice respiratory therapist 7137
to be supervised by the physician. 7138

(2) In establishing the quality assurance system, the 7139
supervising physician shall describe a process to be used for 7140
all of the following: 7141

(a) Routine review by the physician of selected patient 7142
record entries made by the advanced practice respiratory 7143
therapist and selected medical orders issued by the advanced 7144
practice respiratory therapist; 7145

(b) Discussion of complex cases; 7146

(c) Discussion of new medical developments relevant to the 7147
practice of the physician and advanced practice respiratory 7148
therapist; 7149

(d) Performance of any quality assurance activities 7150
required in rules adopted by the state medical board pursuant to 7151
any recommendations made by the respiratory care advisory 7152
council under section 4761.032 of the Revised Code; 7153

(e) Performance of any other quality assurance activities 7154
that the supervising physician considers to be appropriate. 7155

(3) The supervising physician and advanced practice 7156
respiratory therapist shall keep records of their quality 7157
assurance activities. On request, the records shall be made 7158
available to the board. 7159

Sec. 4761.40. (A) When performing authorized services, an 7160
advanced practice respiratory therapist acts as the agent of the 7161
advanced practice respiratory therapist's supervising physician. 7162
The supervising physician is legally responsible and assumes 7163
legal liability for the services provided by the advanced 7164
practice respiratory therapist. 7165

The physician is not responsible or liable for any 7166
services provided by the advanced practice respiratory therapist 7167
after their supervision agreement expires or is terminated. 7168

(B) When a health care facility permits advanced practice 7169
respiratory therapists to practice within that facility or any 7170
other health care facility under its control, the health care 7171
facility shall make reasonable efforts to explain to each 7172
individual who may work with a particular advanced practice 7173
respiratory therapist the scope of that advanced practice 7174
respiratory therapist's practice within the facility. The 7175
appropriate credentialing body within the health care facility 7176
shall provide, on request of an individual practicing in the 7177
facility with an advanced practice respiratory therapist, a copy 7178
of the facility's policies on the practice of advanced practice 7179
respiratory therapists within the facility and a copy of each 7180
supervision agreement applicable to the advanced practice 7181
respiratory therapist. 7182

An individual who follows the orders of an advanced 7183
practice respiratory therapist practicing in a health care 7184
facility is not subject to disciplinary action by any 7185
administrative agency that governs that individual's conduct and 7186
is not liable in damages in a civil action for injury, death, or 7187
loss to person or property resulting from the individual's acts 7188
or omissions in the performance of any procedure, treatment, or 7189

other health care service if the individual reasonably believed 7190
that the advanced practice respiratory therapist was acting 7191
within the proper scope of practice or was relaying medical 7192
orders from a supervising physician, unless the act or omission 7193
constitutes willful or wanton misconduct. 7194

Sec. 4761.41. A license issued by the state medical board 7195
under section 4761.31 of the Revised Code authorizes the license 7196
holder to exercise physician-delegated prescriptive authority. 7197
The board shall issue a prescriber number to each advanced 7198
practice respiratory therapist licensed under this chapter. 7199

Sec. 4761.43. The state medical board shall adopt rules 7200
governing physician-delegated prescriptive authority for 7201
advanced practice respiratory therapists. The rules shall be 7202
adopted in accordance with Chapter 119. of the Revised Code and 7203
shall establish, at a minimum, requirements regarding the 7204
pharmacology courses that an advanced practice respiratory 7205
therapist is required to complete. 7206

Sec. 4761.44. (A) An advanced practice respiratory 7207
therapist is authorized to prescribe drugs and therapeutic 7208
devices in the exercise of physician-delegated prescriptive 7209
authority. 7210

(B) In exercising physician-delegated prescriptive 7211
authority, an advanced practice respiratory therapist is subject 7212
to all of the following: 7213

(1) The advanced practice respiratory therapist's 7214
physician-delegated prescriptive authority shall not include the 7215
authority to do either of the following: 7216

(a) Prescribe a controlled substance to be used by an 7217
individual outside of the health care facility in which the 7218

advanced practice respiratory therapist is practicing; 7219

(b) Personally furnish any drug. 7220

(2) The advanced practice respiratory therapist shall 7221
exercise physician-delegated prescriptive authority only to the 7222
extent that the physician supervising the advanced practice 7223
respiratory therapist has granted that authority. 7224

(3) The advanced practice respiratory therapist shall 7225
comply with all conditions placed on the physician-delegated 7226
prescriptive authority, as specified by the supervising 7227
physician who is supervising the advanced practice respiratory 7228
therapist in the exercise of physician-delegated prescriptive 7229
authority. 7230

(C) An advanced practice respiratory therapist shall not 7231
prescribe any drug in violation of state or federal law. 7232

Sec. 4761.45. (A) In granting physician-delegated 7233
prescriptive authority to a particular advanced practice 7234
respiratory therapist, the supervising physician shall supervise 7235
the advanced practice respiratory therapist in accordance with 7236
both of the following: 7237

(1) The supervision requirements specified in section 7238
4761.39 of the Revised Code; 7239

(2) The supervision agreement entered into with the 7240
advanced practice respiratory therapist under section 4761.37 of 7241
the Revised Code, including the policies of the health care 7242
facility in which the physician and advanced practice 7243
respiratory therapist are practicing. 7244

(B) (1) The supervising physician of an advanced practice 7245
respiratory therapist may place conditions on the physician- 7246

delegated prescriptive authority granted to the advanced 7247
practice respiratory therapist. If conditions are placed on that 7248
authority, the supervising physician shall maintain a written 7249
record of the conditions and make the record available to the 7250
state medical board on request. 7251

(2) The conditions that a supervising physician may place 7252
on the physician-delegated prescriptive authority granted to an 7253
advanced practice respiratory therapist include the following: 7254

(a) Identification by class and specific generic 7255
nomenclature of drugs and therapeutic devices that the physician 7256
chooses not to permit the advanced practice respiratory 7257
therapist to prescribe; 7258

(b) Limitations on the dosage units or refills that the 7259
advanced practice respiratory therapist is authorized to 7260
prescribe; 7261

(c) Specification of circumstances under which the 7262
advanced practice respiratory therapist is required to refer 7263
patients to the supervising physician or another physician when 7264
exercising physician-delegated prescriptive authority; 7265

(d) Responsibilities to be fulfilled by the physician in 7266
supervising the advanced practice respiratory therapist that are 7267
not otherwise specified in the supervision agreement or 7268
otherwise required by this chapter. 7269

Sec. 4761.48. (A) To be eligible for renewal of a license 7270
to practice as an advanced practice respiratory therapist, an 7271
applicant who has been granted physician-delegated prescriptive 7272
authority shall complete every two years at least twelve hours 7273
of continuing education in pharmacology obtained through a 7274
program or course approved by the state medical board or a 7275

person the board has authorized to approve continuing 7276
pharmacology education programs and courses. Except as provided 7277
in section 5903.12 of the Revised Code, the continuing education 7278
shall be completed not later than the date on which the 7279
applicant's license expires. 7280

(B) The state medical board shall provide for pro rata 7281
reductions by month of the number of hours of continuing 7282
education in pharmacology that is required to be completed for 7283
advanced practice respiratory therapists who have been disabled 7284
due to illness or accident or have been absent from the country. 7285
The board shall adopt rules, in accordance with Chapter 119. of 7286
the Revised Code, as necessary to implement this division. 7287

(C) The continuing education required by this section is 7288
in addition to the requirement of section 4761.32 of the Revised 7289
Code to maintain an active qualification to practice advanced 7290
practice respiratory care from an organization that is 7291
recognized by the state medical board. 7292

(D) If the state medical board chooses to authorize 7293
persons to approve continuing pharmacology education programs 7294
and courses, the board shall establish standards for granting 7295
that authority and grant the authority in accordance with the 7296
standards. 7297

Sec. 4761.99. Whoever violates division (A) of section 7298
4761.10 of the Revised Code is guilty of a minor misdemeanor on 7299
a first offense. On a second offense, the person is guilty of a 7300
misdemeanor of the fourth degree. On each subsequent offense, 7301
the person is guilty of a misdemeanor of the first degree. 7302

Whoever violates section 4761.33 of the Revised Code is 7303
guilty of a misdemeanor of the first degree on a first offense. 7304

On each subsequent offense, the person is guilty of a felony of the fourth degree. 7305
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Sec. 4765.51. Nothing in this chapter prevents or 7307
restricts the practice, services, or activities of any 7308
registered nurse practicing within the scope of the registered 7309
nurse's practice. 7310

Nothing in this chapter prevents or restricts the 7311
practice, services, or activities of any physician assistant 7312
practicing in accordance with a supervision agreement entered 7313
into under section 4730.19 of the Revised Code, including, if 7314
applicable, the policies of the health care facility in which 7315
the physician assistant is practicing. 7316

Nothing in this chapter prevents or restricts the practice, services, or activities of any advanced practice respiratory therapist practicing in accordance with a supervision agreement entered into under section 4761.37 of the Revised Code, including the policies of the health care facility in which the advanced practice respiratory therapist is practicing. 7317
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Sec. 4769.01. As used in this chapter: 7324

(A) "Medicare" means the program established by Title 7325
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 7326
U.S.C.A. 301, as amended. 7327

(B) "Balance billing" means charging or collecting from a 7328
medicare beneficiary an amount in excess of the medicare 7329
reimbursement rate for medicare-covered services or supplies 7330
provided to a medicare beneficiary, except when medicare is the 7331
secondary insurer. When medicare is the secondary insurer, the 7332
health care practitioner may pursue full reimbursement under the 7333

terms and conditions of the primary coverage and, if applicable, 7334
the charge allowed under the terms and conditions of the 7335
appropriate provider contract, from the primary insurer, but the 7336
medicare beneficiary cannot be balance billed above the medicare 7337
reimbursement rate for a medicare-covered service or supply. 7338
"Balance billing" does not include charging or collecting 7339
deductibles or coinsurance required by the program. 7340

(C) "Health care practitioner" means all of the following: 7341

(1) A dentist or dental hygienist licensed under Chapter 7342
4715. of the Revised Code; 7343

(2) A registered or licensed practical nurse licensed 7344
under Chapter 4723. of the Revised Code; 7345

(3) An optometrist licensed under Chapter 4725. of the 7346
Revised Code; 7347

(4) A dispensing optician, spectacle dispensing optician, 7348
or spectacle-contact lens dispensing optician licensed under 7349
Chapter 4725. of the Revised Code; 7350

(5) A pharmacist licensed under Chapter 4729. of the 7351
Revised Code; 7352

(6) A physician authorized under Chapter 4731. of the 7353
Revised Code to practice medicine and surgery, osteopathic 7354
medicine and surgery, or podiatry; 7355

(7) A physician assistant authorized under Chapter 4730. 7356
of the Revised Code to practice as a physician assistant; 7357

(8) A practitioner of a limited branch of medicine issued 7358
a certificate under Chapter 4731. of the Revised Code; 7359

(9) A psychologist licensed under Chapter 4732. of the 7360

Revised Code;	7361
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	7362 7363
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	7364 7365
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	7366 7367
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	7368 7369
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	7370 7371
(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	7372 7373 7374 7375
(16) A dietitian licensed under Chapter 4759. of the Revised Code;	7376 7377
(17) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	7378 7379 7380
(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	7381 7382 7383 7384
Sec. 5123.47. (A) As used in this section:	7385
(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability	7386 7387

who receives funding for the services through a county board of 7388
developmental disabilities, including any recipient of 7389
residential services funded as home and community-based 7390
services, family support services provided under section 5126.11 7391
of the Revised Code, or supported living provided in accordance 7392
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 7393
care" includes care that is provided outside an individual's 7394
home in places incidental to the home, and while traveling to 7395
places incidental to the home, except that "in-home care" does 7396
not include care provided in the facilities of a county board of 7397
developmental disabilities or care provided in schools. 7398

(2) "Parent" means either parent of a child, including an 7399
adoptive parent but not a foster parent. 7400

(3) "Unlicensed in-home care worker" means an individual 7401
who provides in-home care but is not a health care professional. 7402

(4) "Family member" means a parent, sibling, spouse, son, 7403
daughter, grandparent, aunt, uncle, cousin, or guardian of the 7404
individual with a developmental disability if the individual 7405
with a developmental disability lives with the person and is 7406
dependent on the person to the extent that, if the supports were 7407
withdrawn, another living arrangement would have to be found. 7408

(5) "Health care professional" means any of the following: 7409

(a) A dentist who holds a valid license issued under 7410
Chapter 4715. of the Revised Code; 7411

(b) A registered or licensed practical nurse who holds a 7412
valid license issued under Chapter 4723. of the Revised Code; 7413

(c) An optometrist who holds a valid license issued under 7414
Chapter 4725. of the Revised Code; 7415

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	7416 7417
(e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;	7418 7419 7420 7421
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	7422 7423
(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;	7424 7425 7426 7427
(h) A respiratory care professional <u>or advanced practice respiratory therapist</u> who holds a valid license issued under Chapter 4761. of the Revised Code.	7428 7429 7430
(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glycemc disorders through subcutaneous injections.	7431 7432 7433 7434 7435 7436 7437 7438 7439 7440 7441
(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform	7442 7443 7444

health care tasks as part of the in-home care the worker 7445
provides to the individual, if all of the following apply: 7446

(1) The family member is the primary supervisor of the 7447
care. 7448

(2) The unlicensed in-home care worker has been selected 7449
by the family member or the individual receiving care and is 7450
under the direct supervision of the family member. 7451

(3) The unlicensed in-home care worker is providing the 7452
care through an employment or other arrangement entered into 7453
directly with the family member and is not otherwise employed by 7454
or under contract with a person or government entity to provide 7455
services to individuals with developmental disabilities. 7456

(4) The health care task is completed in accordance with 7457
standard, written instructions. 7458

(5) Performance of the health care task requires no 7459
judgment based on specialized health care knowledge or 7460
expertise. 7461

(6) The outcome of the health care task is reasonably 7462
predictable. 7463

(7) Performance of the health care task requires no 7464
complex observation of the individual receiving the care. 7465

(8) Improper performance of the health care task will 7466
result in only minimal complications that are not life- 7467
threatening. 7468

(C) A family member shall obtain a prescription, if 7469
applicable, and written instructions from a health care 7470
professional for the care to be provided to the individual. The 7471
family member shall authorize the unlicensed in-home care worker 7472

to provide the care by preparing a written document granting the 7473
authority. The family member shall provide the unlicensed in- 7474
home care worker with appropriate training and written 7475
instructions in accordance with the instructions obtained from 7476
the health care professional. The family member or a health care 7477
professional shall be available to communicate with the 7478
unlicensed in-home care worker either in person or by 7479
telecommunication while the in-home care worker performs a 7480
health care task. 7481

(D) A family member who authorizes an unlicensed in-home 7482
care worker to administer oral and topical prescribed 7483
medications or perform other health care tasks retains full 7484
responsibility for the health and safety of the individual 7485
receiving the care and for ensuring that the worker provides the 7486
care appropriately and safely. No entity that funds or monitors 7487
the provision of in-home care may be held liable for the results 7488
of the care provided under this section by an unlicensed in-home 7489
care worker, including such entities as the county board of 7490
developmental disabilities and the department of developmental 7491
disabilities. 7492

An unlicensed in-home care worker who is authorized under 7493
this section by a family member to provide care to an individual 7494
may not be held liable for any injury caused in providing the 7495
care, unless the worker provides the care in a manner that is 7496
not in accordance with the training and instructions received or 7497
the worker acts in a manner that constitutes willful or wanton 7498
misconduct. 7499

(E) A county board of developmental disabilities may 7500
evaluate the authority granted by a family member under this 7501
section to an unlicensed in-home care worker at any time it 7502

considers necessary and shall evaluate the authority on receipt 7503
of a complaint. If the board determines that a family member has 7504
acted in a manner that is inappropriate for the health and 7505
safety of the individual receiving the care, the authorization 7506
granted by the family member to an unlicensed in-home care 7507
worker is void, and the family member may not authorize other 7508
unlicensed in-home care workers to provide the care. In making 7509
such a determination, the board shall use appropriately licensed 7510
health care professionals and shall provide the family member an 7511
opportunity to file a complaint under section 5126.06 of the 7512
Revised Code. 7513

Sec. 5164.95. (A) As used in this section, "telehealth 7514
service" means a health care service delivered to a patient 7515
through the use of interactive audio, video, or other 7516
telecommunications or electronic technology from a site other 7517
than the site where the patient is located. 7518

(B) The department of medicaid shall establish standards 7519
for medicaid payments for health care services the department 7520
determines are appropriate to be covered by the medicaid program 7521
when provided as telehealth services. The standards shall be 7522
established in rules adopted under section 5164.02 of the 7523
Revised Code. 7524

In accordance with section 5162.021 of the Revised Code, 7525
the medicaid director shall adopt rules authorizing the 7526
directors of other state agencies to adopt rules regarding the 7527
medicaid coverage of telehealth services under programs 7528
administered by the other state agencies. Any such rules adopted 7529
by the medicaid director or the directors of other state 7530
agencies are not subject to the requirements of division (F) of 7531
section 121.95 of the Revised Code. 7532

(C) (1) To the extent permitted under rules adopted under 7533
section 5164.02 of the Revised Code and applicable federal law, 7534
the following practitioners are eligible to provide telehealth 7535
services covered pursuant to this section: 7536

(a) A physician licensed under Chapter 4731. of the 7537
Revised Code to practice medicine and surgery, osteopathic 7538
medicine and surgery, or podiatric medicine and surgery; 7539

(b) A psychologist, independent school psychologist, or 7540
school psychologist licensed under Chapter 4732. of the Revised 7541
Code; 7542

(c) A physician assistant licensed under Chapter 4730. of 7543
the Revised Code; 7544

(d) A clinical nurse specialist, certified nurse-midwife, 7545
or certified nurse practitioner licensed under Chapter 4723. of 7546
the Revised Code; 7547

(e) An independent social worker, independent marriage and 7548
family therapist, or professional clinical counselor licensed 7549
under Chapter 4757. of the Revised Code; 7550

(f) An independent chemical dependency counselor licensed 7551
under Chapter 4758. of the Revised Code; 7552

(g) A supervised practitioner or supervised trainee; 7553

(h) An audiologist or speech-language pathologist licensed 7554
under Chapter 4753. of the Revised Code; 7555

(i) An audiology aide or speech-language pathology aide, 7556
as defined in section 4753.072 of the Revised Code, or an 7557
individual holding a conditional license under section 4753.071 7558
of the Revised Code; 7559

(j) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	7560 7561
(k) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code.	7562 7563 7564
(l) A dietitian licensed under Chapter 4759. of the Revised Code;	7565 7566
(m) A chiropractor licensed under Chapter 4734. of the Revised Code;	7567 7568
(n) A pharmacist licensed under Chapter 4729. of the Revised Code;	7569 7570
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	7571 7572
(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	7573 7574
(q) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	7575 7576 7577
(r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	7578 7579
(s) A practitioner who provides services through a medicaid school program;	7580 7581
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	7582 7583 7584 7585 7586

(u) Any other practitioner the medicaid director considers eligible to provide telehealth services.	7587 7588
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services:	7589 7590 7591 7592 7593
(a) Any practitioner described in division (C) (1) of this section, except for those described in divisions (C) (1) (g), (i), and (k) of this section;	7594 7595 7596
(b) A professional medical group;	7597
(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	7598 7599 7600
(d) A rural health clinic;	7601
(e) An ambulatory health care clinic;	7602
(f) An outpatient hospital;	7603
(g) A medicaid school program;	7604
(h) Subject to section 5119.368 of the Revised Code, a community mental health services provider or community addiction services provider that offers services and supports certified under section 5119.36 of the Revised Code;	7605 7606 7607 7608
(i) Any other provider type the medicaid director considers eligible to submit the claims for payment.	7609 7610
(D) (1) When providing telehealth services under this section, a practitioner shall comply with all requirements under state and federal law regarding the protection of patient	7611 7612 7613

information. A practitioner shall ensure that any username or 7614
password information and any electronic communications between 7615
the practitioner and a patient are securely transmitted and 7616
stored. 7617

(2) When providing telehealth services under this section, 7618
every practitioner site shall have access to the medical records 7619
of the patient at the time telehealth services are provided. 7620

Sec. 5903.12. (A) As used in this section: 7621

"Continuing education" means continuing education required 7622
of a licensee by law and includes, but is not limited to, the 7623
continuing education required of licensees under sections 7624
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 7625
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 7626
4735.141, 4736.11, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 7627
4757.33, 4759.06, 4761.06, 4761.48, and 4763.07 of the Revised 7628
Code. 7629

"Reporting period" means the period of time during which a 7630
licensee must complete the number of hours of continuing 7631
education required of the licensee by law. 7632

(B) A licensee may submit an application to a licensing 7633
agency, stating that the licensee requires an extension of the 7634
current reporting period because the licensee has served on 7635
active duty during the current or a prior reporting period. The 7636
licensee shall submit proper documentation certifying the active 7637
duty service and the length of that active duty service. Upon 7638
receiving the application and proper documentation, the 7639
licensing agency shall extend the current reporting period by an 7640
amount of time equal to the total number of months that the 7641
licensee spent on active duty during the current reporting 7642

period. For purposes of this division, any portion of a month
served on active duty shall be considered one full month.

Section 2. That existing sections 2305.234, 2925.01,
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36,
2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3715.872, 3719.06,
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4731.22, 4731.251,
4743.09, 4755.48, 4761.01, 4761.03, 4761.032, 4761.06, 4761.061,
4761.07, 4761.09, 4761.13, 4761.14, 4761.17, 4761.30, 4761.99,
4765.51, 4769.01, 5123.47, 5164.95, and 5903.12 of the Revised
Code are hereby repealed.

Section 3. That the version of section 4761.01 of the
Revised Code that is scheduled to take effect September 30,
2024, be amended to read as follows:

Sec. 4761.01. As used in this chapter:

(A) "Respiratory care" means rendering or offering to
render to individuals, groups, organizations, or the public any
service involving the evaluation of cardiopulmonary function,
the treatment of cardiopulmonary impairment, the assessment of
treatment effectiveness, and the care of patients with
deficiencies and abnormalities associated with the
cardiopulmonary system. The practice of respiratory care
includes:

(1) Obtaining, analyzing, testing, measuring, and
monitoring blood and gas samples in the determination of
cardiopulmonary parameters and related physiologic data,
including flows, pressures, and volumes, and the use of
equipment employed for this purpose;

(2) Administering, monitoring, recording the results of,
and instructing in the use of medical gases, aerosols, and

bronchopulmonary hygiene techniques, including drainage, 7672
aspiration, and sampling, and applying, maintaining, and 7673
instructing in the use of artificial airways, ventilators, and 7674
other life support equipment employed in the treatment of 7675
cardiopulmonary impairment and provided in collaboration with 7676
other licensed health care professionals responsible for 7677
providing care; 7678

(3) Performing cardiopulmonary resuscitation and 7679
respiratory rehabilitation techniques; 7680

(4) Administering medications for the testing or treatment 7681
of cardiopulmonary impairment. 7682

(B) "Respiratory care professional" means a person who is 7683
licensed under this chapter to practice the full range of 7684
services described in division (A) of this section. 7685

(C) "Physician" means an individual authorized under 7686
Chapter 4731. of the Revised Code to practice medicine and 7687
surgery or osteopathic medicine and surgery. 7688

(D) "Registered nurse" means an individual licensed under 7689
Chapter 4723. of the Revised Code to engage in the practice of 7690
nursing as a registered nurse. 7691

(E) "Hospital" has the same meaning as in section 3722.01 7692
of the Revised Code. 7693

(F) "Nursing facility" has the same meaning as in section 7694
5165.01 of the Revised Code. 7695

(G) "Advanced practice registered nurse" has the same 7696
meaning as in section 4723.01 of the Revised Code. 7697

(H) "Physician assistant" means an individual who holds a 7698
valid license to practice as a physician assistant issued under 7699

Chapter 4730. of the Revised Code. 7700

(I) "Advanced practice respiratory therapist" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of respiratory care as an advanced practice respiratory therapist. 7701
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(J) "Practice of respiratory care as an advanced practice respiratory therapist" means the performance of services delegated by a supervising physician to an advanced practice respiratory therapist in the diagnosis and treatment of patients with cardiopulmonary diseases or conditions, including prescribing, ordering, and administering drugs and medical devices. 7705
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(K) "Health care facility" means any of the following: 7712

(1) A hospital; 7713

(2) A site where a medical practice is operated and provides direct patient care; 7714
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(3) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals; 7716
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(4) Any other facility designated by the state medical board in rules adopted pursuant to division (B) of section 4761.36 of the Revised Code. 7719
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Section 4. That the existing version of section 4761.01 of the Revised Code that is scheduled to take effect September 30, 2024, is hereby repealed. 7722
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Section 5. Sections 3 and 4 of this act take effect September 30, 2024. 7725
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Section 6. The General Assembly, applying the principle 7727
stated in division (B) of section 1.52 of the Revised Code that 7728
amendments are to be harmonized if reasonably capable of 7729
simultaneous operation, finds that the following sections, 7730
presented in this act as composites of the sections as amended 7731
by the acts indicated, are the resulting versions of the 7732
sections in effect prior to the effective date of the sections 7733
as presented in this act: 7734

Section 2925.01 of the Revised Code as amended by H.B. 7735
281, H.B. 509, and S.B. 25, all of the 134th General Assembly. 7736

Section 3719.121 of the Revised Code as amended by both 7737
H.B. 216 and S.B. 319 of the 131st General Assembly. 7738

Section 4729.01 of the Revised Code as amended by H.B. 509 7739
and H.B. 558, both of the 134th General Assembly. 7740

Section 4731.22 of the Revised Code as amended by both 7741
H.B. 254 and S.B. 288 of the 134th General Assembly. 7742