

**As Passed by the House**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 100**

**Senators Manning, Antonio**

**Cosponsors: Senators Kunze, Blessing, Brenner, Cirino, Craig, DeMora, Dolan, Gavarone, Hackett, Hicks-Hudson, Huffman, S., Ingram, Johnson, Landis, Reineke, Reynolds, Roegner, Romanchuk, Rulli, Schaffer, Smith, Sykes, Wilkin, Wilson**

**Representatives Abrams, Hillyer, Brennan, Carruthers, Daniels, Dobos, Forhan, Ghanbari, Grim, Gross, Holmes, Jarrells, Jones, Lampton, Manning, Mathews, Miller, J., Miller, K., Mohamed, Oelslager, Patton, Pavliga, Plummer, Ray, Rogers, Russo, Schmidt, Seitz, Sims, White, Williams, Young, T.**

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**A BILL**

To amend sections 1547.11, 1547.111, 2317.02, 1  
2317.022, 2927.02, 3701.143, 3767.01, 4301.74, 2  
4506.17, 4511.19, 4511.191, and 4511.192 and to 3  
enact section 2903.216 of the Revised Code to 4  
generally prohibit a person from knowingly 5  
installing a tracking device or application on 6  
another person's property without the other 7  
person's consent or failing to remove or ensure 8  
removal of such a device or application from 9  
another person's property if the other person 10  
gave consent and subsequently revokes it, to 11  
authorize collecting oral fluid as evidence in 12  
suspected OVI cases, and to increase fines for 13  
repeatedly selling tobacco products to minors 14  
and to apply the public nuisance law to places 15  
where such sales occur. 16

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

**Section 1.** That sections 1547.11, 1547.111, 2317.02, 17  
2317.022, 2927.02, 3701.143, 3767.01, 4301.74, 4506.17, 4511.19, 18  
4511.191, and 4511.192 be amended and section 2903.216 of the 19  
Revised Code be enacted to read as follows: 20

**Sec. 1547.11.** (A) No person shall operate or be in 21  
physical control of any vessel underway or shall manipulate any 22  
water skis, aquaplane, or similar device on the waters in this 23  
state if, at the time of the operation, control, or 24  
manipulation, any of the following applies: 25

(1) The person is under the influence of alcohol, a drug 26  
of abuse, or a combination of them. 27

(2) The person has a concentration of eight-hundredths of 28  
one per cent or more by weight of alcohol per unit volume in the 29  
person's whole blood. 30

(3) The person has a concentration of ninety-six- 31  
thousandths of one per cent or more by weight per unit volume of 32  
alcohol in the person's blood serum or plasma. 33

(4) The person has a concentration of eleven-hundredths of 34  
one gram or more by weight of alcohol per one hundred 35  
milliliters of the person's urine. 36

(5) The person has a concentration of eight-hundredths of 37  
one gram or more by weight of alcohol per two hundred ten liters 38  
of the person's breath. 39

(6) Except as provided in division (H) of this section, 40  
the person has a concentration of any of the following 41  
controlled substances or metabolites of a controlled substance 42

in the person's whole blood, blood serum or plasma, or urine 43  
that equals or exceeds any of the following: 44

(a) The person has a concentration of amphetamine in the 45  
person's urine of at least five hundred nanograms of amphetamine 46  
per milliliter of the person's urine or has a concentration of 47  
amphetamine in the person's whole blood or blood serum or plasma 48  
of at least one hundred nanograms of amphetamine per milliliter 49  
of the person's whole blood or blood serum or plasma. 50

(b) The person has a concentration of cocaine in the 51  
person's urine of at least one hundred fifty nanograms of 52  
cocaine per milliliter of the person's urine or has a 53  
concentration of cocaine in the person's whole blood or blood 54  
serum or plasma of at least fifty nanograms of cocaine per 55  
milliliter of the person's whole blood or blood serum or plasma. 56

(c) The person has a concentration of cocaine metabolite 57  
in the person's urine of at least one hundred fifty nanograms of 58  
cocaine metabolite per milliliter of the person's urine or has a 59  
concentration of cocaine metabolite in the person's whole blood 60  
or blood serum or plasma of at least fifty nanograms of cocaine 61  
metabolite per milliliter of the person's whole blood or blood 62  
serum or plasma. 63

(d) The person has a concentration of heroin in the 64  
person's urine of at least two thousand nanograms of heroin per 65  
milliliter of the person's urine or has a concentration of 66  
heroin in the person's whole blood or blood serum or plasma of 67  
at least fifty nanograms of heroin per milliliter of the 68  
person's whole blood or blood serum or plasma. 69

(e) The person has a concentration of heroin metabolite 70  
(6-monoacetyl morphine) in the person's urine of at least ten 71

nanograms of heroin metabolite (6-monoacetyl morphine) per 72  
milliliter of the person's urine or has a concentration of 73  
heroin metabolite (6-monoacetyl morphine) in the person's whole 74  
blood or blood serum or plasma of at least ten nanograms of 75  
heroin metabolite (6-monoacetyl morphine) per milliliter of the 76  
person's whole blood or blood serum or plasma. 77

(f) The person has a concentration of L.S.D. in the 78  
person's urine of at least twenty-five nanograms of L.S.D. per 79  
milliliter of the person's urine or has a concentration of 80  
L.S.D. in the person's whole blood or blood serum or plasma of 81  
at least ten nanograms of L.S.D. per milliliter of the person's 82  
whole blood or blood serum or plasma. 83

(g) The person has a concentration of marihuana in the 84  
person's urine of at least ten nanograms of marihuana per 85  
milliliter of the person's urine or has a concentration of 86  
marihuana in the person's whole blood or blood serum or plasma 87  
of at least two nanograms of marihuana per milliliter of the 88  
person's whole blood or blood serum or plasma. 89

(h) The state board of pharmacy has adopted a rule 90  
pursuant to section 4729.041 of the Revised Code that specifies 91  
the amount of salvia divinorum and the amount of salvinorin A 92  
that constitute concentrations of salvia divinorum and 93  
salvinorin A in a person's urine, in a person's whole blood, or 94  
in a person's blood serum or plasma at or above which the person 95  
is impaired for purposes of operating or being in physical 96  
control of any vessel underway or manipulating any water skis, 97  
aquaplane, or similar device on the waters of this state, the 98  
rule is in effect, and the person has a concentration of salvia 99  
divinorum or salvinorin A of at least that amount so specified 100  
by rule in the person's urine, in the person's whole blood, or 101

in the person's blood serum or plasma. 102

(i) Either of the following applies: 103

(i) The person is under the influence of alcohol, a drug 104  
of abuse, or a combination of them, and, as measured by gas 105  
chromatography mass spectrometry, the person has a concentration 106  
of marihuana metabolite in the person's urine of at least 107  
fifteen nanograms of marihuana metabolite per milliliter of the 108  
person's urine or has a concentration of marihuana metabolite in 109  
the person's whole blood or blood serum or plasma of at least 110  
five nanograms of marihuana metabolite per milliliter of the 111  
person's whole blood or blood serum or plasma. 112

(ii) As measured by gas chromatography mass spectrometry, 113  
the person has a concentration of marihuana metabolite in the 114  
person's urine of at least thirty-five nanograms of marihuana 115  
metabolite per milliliter of the person's urine or has a 116  
concentration of marihuana metabolite in the person's whole 117  
blood or blood serum or plasma of at least fifty nanograms of 118  
marihuana metabolite per milliliter of the person's whole blood 119  
or blood serum or plasma. 120

(j) The person has a concentration of methamphetamine in 121  
the person's urine of at least five hundred nanograms of 122  
methamphetamine per milliliter of the person's urine or has a 123  
concentration of methamphetamine in the person's whole blood or 124  
blood serum or plasma of at least one hundred nanograms of 125  
methamphetamine per milliliter of the person's whole blood or 126  
blood serum or plasma. 127

(k) The person has a concentration of phencyclidine in the 128  
person's urine of at least twenty-five nanograms of 129  
phencyclidine per milliliter of the person's urine or has a 130

concentration of phencyclidine in the person's whole blood or 131  
blood serum or plasma of at least ten nanograms of phencyclidine 132  
per milliliter of the person's whole blood or blood serum or 133  
plasma. 134

(B) No person under twenty-one years of age shall operate 135  
or be in physical control of any vessel underway or shall 136  
manipulate any water skis, aquaplane, or similar device on the 137  
waters in this state if, at the time of the operation, control, 138  
or manipulation, any of the following applies: 139

(1) The person has a concentration of at least two- 140  
hundredths of one per cent, but less than eight-hundredths of 141  
one per cent by weight per unit volume of alcohol in the 142  
person's whole blood. 143

(2) The person has a concentration of at least three- 144  
hundredths of one per cent but less than ninety-six-thousandths 145  
of one per cent by weight per unit volume of alcohol in the 146  
person's blood serum or plasma. 147

(3) The person has a concentration of at least twenty- 148  
eight one-thousandths of one gram, but less than eleven- 149  
hundredths of one gram by weight of alcohol per one hundred 150  
milliliters of the person's urine. 151

(4) The person has a concentration of at least two- 152  
hundredths of one gram, but less than eight-hundredths of one 153  
gram by weight of alcohol per two hundred ten liters of the 154  
person's breath. 155

(C) In any proceeding arising out of one incident, a 156  
person may be charged with a violation of division (A) (1) and a 157  
violation of division (B) (1), (2), (3), or (4) of this section, 158  
but the person shall not be convicted of more than one violation 159

of those divisions. 160

(D) (1) (a) In any criminal prosecution or juvenile court 161  
proceeding for a violation of division (A) or (B) of this 162  
section or for an equivalent offense that is watercraft-related, 163  
the result of any test of any blood, oral fluid, or urine 164  
withdrawn and analyzed at any health care provider, as defined 165  
in section 2317.02 of the Revised Code, may be admitted with 166  
expert testimony to be considered with any other relevant and 167  
competent evidence in determining the guilt or innocence of the 168  
defendant. 169

(b) In any criminal prosecution or juvenile court 170  
proceeding for a violation of division (A) or (B) of this 171  
section or for an equivalent offense that is watercraft-related, 172  
the court may admit evidence on the presence and concentration 173  
of alcohol, drugs of abuse, controlled substances, metabolites 174  
of a controlled substance, or a combination of them in the 175  
defendant's or child's whole blood, blood serum or plasma, 176  
urine, oral fluid, or breath at the time of the alleged 177  
violation as shown by chemical analysis of the substance 178  
withdrawn, or specimen taken within three hours of the time of 179  
the alleged violation. The three-hour time limit specified in 180  
this division regarding the admission of evidence does not 181  
extend or affect the two-hour time limit specified in division 182  
(C) of section 1547.111 of the Revised Code as the maximum 183  
period of time during which a person may consent to a chemical 184  
test or tests as described in that section. The court may admit 185  
evidence on the presence and concentration of alcohol, drugs of 186  
abuse, or a combination of them as described in this division 187  
when a person submits to a blood, breath, urine, oral fluid, or 188  
other bodily substance test at the request of a law enforcement 189  
officer under section 1547.111 of the Revised Code or a blood or 190

urine sample is obtained pursuant to a search warrant. Only a 191  
physician, a registered nurse, an emergency medical technician- 192  
intermediate, an emergency medical technician-paramedic, or a 193  
qualified technician, chemist, or phlebotomist shall withdraw 194  
blood for the purpose of determining the alcohol, drug, 195  
controlled substance, metabolite of a controlled substance, or 196  
combination content of the whole blood, blood serum, or blood 197  
plasma. This limitation does not apply to the taking of breath, 198  
oral fluid, or urine specimens. A person authorized to withdraw 199  
blood under this division may refuse to withdraw blood under 200  
this division if, in that person's opinion, the physical welfare 201  
of the defendant or child would be endangered by withdrawing 202  
blood. 203

The whole blood, blood serum or plasma, urine, oral fluid, 204  
or breath withdrawn under division (D) (1) (b) of this section 205  
shall be analyzed in accordance with methods approved by the 206  
director of health by an individual possessing a valid permit 207  
issued by the director pursuant to section 3701.143 of the 208  
Revised Code. 209

(2) In a criminal prosecution or juvenile court proceeding 210  
for a violation of division (A) of this section or for an 211  
equivalent offense that is watercraft-related, if there was at 212  
the time the bodily substance was taken a concentration of less 213  
than the applicable concentration of alcohol specified for a 214  
violation of division (A) (2), (3), (4), or (5) of this section 215  
or less than the applicable concentration of a listed controlled 216  
substance or a listed metabolite of a controlled substance 217  
specified for a violation of division (A) (6) of this section, 218  
that fact may be considered with other competent evidence in 219  
determining the guilt or innocence of the defendant or in making 220  
an adjudication for the child. This division does not limit or 221



affect a criminal prosecution or juvenile court proceeding for a 222  
violation of division (B) of this section or for a violation of 223  
a prohibition that is substantially equivalent to that division. 224

(3) Upon the request of the person who was tested, the 225  
results of the chemical test shall be made available to the 226  
person or the person's attorney immediately upon completion of 227  
the test analysis. 228

If the chemical test was administered pursuant to division 229  
(D) (1) (b) of this section, the person tested may have a 230  
physician, a registered nurse, or a qualified technician, 231  
chemist, or phlebotomist of the person's own choosing administer 232  
a chemical test or tests in addition to any administered at the 233  
direction of a law enforcement officer, and shall be so advised. 234  
The failure or inability to obtain an additional test by a 235  
person shall not preclude the admission of evidence relating to 236  
the test or tests taken at the direction of a law enforcement 237  
officer. 238

(E) (1) In any criminal prosecution or juvenile court 239  
proceeding for a violation of division (A) or (B) of this 240  
section, of a municipal ordinance relating to operating or being 241  
in physical control of any vessel underway or to manipulating 242  
any water skis, aquaplane, or similar device on the waters of 243  
this state while under the influence of alcohol, a drug of 244  
abuse, or a combination of them, or of a municipal ordinance 245  
relating to operating or being in physical control of any vessel 246  
underway or to manipulating any water skis, aquaplane, or 247  
similar device on the waters of this state with a prohibited 248  
concentration of alcohol, a controlled substance, or a 249  
metabolite of a controlled substance in the whole blood, blood 250  
serum or plasma, breath, oral fluid, or urine, if a law 251

enforcement officer has administered a field sobriety test to 252  
the operator or person found to be in physical control of the 253  
vessel underway involved in the violation or the person 254  
manipulating the water skis, aquaplane, or similar device 255  
involved in the violation and if it is shown by clear and 256  
convincing evidence that the officer administered the test in 257  
substantial compliance with the testing standards for reliable, 258  
credible, and generally accepted field sobriety tests for 259  
vehicles that were in effect at the time the tests were 260  
administered, including, but not limited to, any testing 261  
standards then in effect that have been set by the national 262  
highway traffic safety administration, that by their nature are 263  
not clearly inapplicable regarding the operation or physical 264  
control of vessels underway or the manipulation of water skis, 265  
aquaplanes, or similar devices, all of the following apply: 266

(a) The officer may testify concerning the results of the 267  
field sobriety test so administered. 268

(b) The prosecution may introduce the results of the field 269  
sobriety test so administered as evidence in any proceedings in 270  
the criminal prosecution or juvenile court proceeding. 271

(c) If testimony is presented or evidence is introduced 272  
under division (E) (1) (a) or (b) of this section and if the 273  
testimony or evidence is admissible under the Rules of Evidence, 274  
the court shall admit the testimony or evidence, and the trier 275  
of fact shall give it whatever weight the trier of fact 276  
considers to be appropriate. 277

(2) Division (E) (1) of this section does not limit or 278  
preclude a court, in its determination of whether the arrest of 279  
a person was supported by probable cause or its determination of 280  
any other matter in a criminal prosecution or juvenile court 281

proceeding of a type described in that division, from 282  
considering evidence or testimony that is not otherwise 283  
disallowed by division (E) (1) of this section. 284

(F) (1) Subject to division (F) (3) of this section, in any 285  
criminal prosecution or juvenile court proceeding for a 286  
violation of division (A) or (B) of this section or for an 287  
equivalent offense that is substantially equivalent to either of 288  
those divisions, the court shall admit as prima-facie evidence a 289  
laboratory report from any laboratory personnel issued a permit 290  
by the department of health authorizing an analysis as described 291  
in this division that contains an analysis of the whole blood, 292  
blood serum or plasma, breath, urine, or other bodily substance 293  
tested and that contains all of the information specified in 294  
this division. The laboratory report shall contain all of the 295  
following: 296

(a) The signature, under oath, of any person who performed 297  
the analysis; 298

(b) Any findings as to the identity and quantity of 299  
alcohol, a drug of abuse, a controlled substance, a metabolite 300  
of a controlled substance, or a combination of them that was 301  
found; 302

(c) A copy of a notarized statement by the laboratory 303  
director or a designee of the director that contains the name of 304  
each certified analyst or test performer involved with the 305  
report, the analyst's or test performer's employment 306  
relationship with the laboratory that issued the report, and a 307  
notation that performing an analysis of the type involved is 308  
part of the analyst's or test performer's regular duties; 309

(d) An outline of the analyst's or test performer's 310

education, training, and experience in performing the type of 311  
analysis involved and a certification that the laboratory 312  
satisfies appropriate quality control standards in general and, 313  
in this particular analysis, under rules of the department of 314  
health. 315

(2) Notwithstanding any other provision of law regarding 316  
the admission of evidence, a report of the type described in 317  
division (F)(1) of this section is not admissible against the 318  
defendant or child to whom it pertains in any proceeding, other 319  
than a preliminary hearing or a grand jury proceeding, unless 320  
the prosecutor has served a copy of the report on the 321  
defendant's or child's attorney or, if the defendant or child 322  
has no attorney, on the defendant or child. 323

(3) A report of the type described in division (F)(1) of 324  
this section shall not be prima-facie evidence of the contents, 325  
identity, or amount of any substance if, within seven days after 326  
the defendant or child to whom the report pertains or the 327  
defendant's or child's attorney receives a copy of the report, 328  
the defendant or child or the defendant's or child's attorney 329  
demands the testimony of the person who signed the report. The 330  
judge in the case may extend the seven-day time limit in the 331  
interest of justice. 332

(G) Except as otherwise provided in this division, any 333  
physician, registered nurse, emergency medical technician- 334  
intermediate, emergency medical technician-paramedic, or 335  
qualified technician, chemist, or phlebotomist who withdraws 336  
blood from a person pursuant to this section or section 1547.111 337  
of the Revised Code, and a hospital, first-aid station, or 338  
clinic at which blood is withdrawn from a person pursuant to 339  
this section or section 1547.111 of the Revised Code, is immune 340

from criminal and civil liability based upon a claim of assault 341  
and battery or any other claim that is not a claim of 342  
malpractice, for any act performed in withdrawing blood from the 343  
person. The immunity provided in this division also extends to 344  
an emergency medical service organization that employs an 345  
emergency medical technician-intermediate or an emergency 346  
medical technician-paramedic who withdraws blood under this 347  
section. The immunity provided in this division is not available 348  
to a person who withdraws blood if the person engages in willful 349  
or wanton misconduct. 350

(H) Division (A) (6) of this section does not apply to a 351  
person who operates or is in physical control of a vessel 352  
underway or manipulates any water skis, aquaplane, or similar 353  
device while the person has a concentration of a listed 354  
controlled substance or a listed metabolite of a controlled 355  
substance in the person's whole blood, blood serum or plasma, or 356  
urine that equals or exceeds the amount specified in that 357  
division, if both of the following apply: 358

(1) The person obtained the controlled substance pursuant 359  
to a prescription issued by a licensed health professional 360  
authorized to prescribe drugs. 361

(2) The person injected, ingested, or inhaled the 362  
controlled substance in accordance with the health 363  
professional's directions. 364

(I) As used in this section and section 1547.111 of the 365  
Revised Code: 366

(1) "Equivalent offense" has the same meaning as in 367  
section 4511.181 of the Revised Code. 368

(2) "National highway traffic safety administration" has 369

the same meaning as in section 4511.19 of the Revised Code. 370

(3) "Operate" means that a vessel is being used on the 371  
waters in this state when the vessel is not securely affixed to 372  
a dock or to shore or to any permanent structure to which the 373  
vessel has the right to affix or that a vessel is not anchored 374  
in a designated anchorage area or boat camping area that is 375  
established by the United States coast guard, this state, or a 376  
political subdivision and in which the vessel has the right to 377  
anchor. 378

(4) "Controlled substance" and "marihuana" have the same 379  
meanings as in section 3719.01 of the Revised Code. 380

(5) "Cocaine" and "L.S.D." have the same meanings as in 381  
section 2925.01 of the Revised Code. 382

(6) "Equivalent offense that is watercraft-related" means 383  
an equivalent offense that is one of the following: 384

(a) A violation of division (A) of this section; 385

(b) A violation of a municipal ordinance prohibiting a 386  
person from operating or being in physical control of any vessel 387  
underway or from manipulating any water skis, aquaplane, or 388  
similar device on the waters of this state while under the 389  
influence of alcohol, a drug of abuse, or a combination of them 390  
or prohibiting a person from operating or being in physical 391  
control of any vessel underway or from manipulating any water 392  
skis, aquaplane, or similar device on the waters of this state 393  
with a prohibited concentration of alcohol, a controlled 394  
substance, or a metabolite of a controlled substance in the 395  
whole blood, blood serum or plasma, breath, or urine; 396

(c) A violation of an existing or former municipal 397  
ordinance, law of another state, or law of the United States 398

that is substantially equivalent to division (A) of this 399  
section; 400

(d) A violation of a former law of this state that was 401  
substantially equivalent to division (A) of this section. 402

(7) "Emergency medical technician-intermediate" and 403  
"emergency medical technician-paramedic" have the same meanings 404  
as in section 4765.01 of the Revised Code. 405

**Sec. 1547.111.** (A) (1) (a) Any person who operates or is in 406  
physical control of a vessel or manipulates any water skis, 407  
aquaplane, or similar device upon any waters in this state shall 408  
be deemed to have given consent to a chemical test or tests to 409  
determine the alcohol, drug of abuse, controlled substance, 410  
metabolite of a controlled substance, or combination content of 411  
the person's whole blood, blood serum or plasma, breath, oral 412  
fluid, or urine if arrested for operating or being in physical 413  
control of a vessel or manipulating any water skis, aquaplane, 414  
or similar device in violation of section 1547.11 of the Revised 415  
Code or a substantially equivalent municipal ordinance. 416

(b) The test or tests under division (A) (1) of this 417  
section shall be administered at the request of a law 418  
enforcement officer having reasonable grounds to believe the 419  
person was operating or in physical control of a vessel or 420  
manipulating any water skis, aquaplane, or similar device in 421  
violation of section 1547.11 of the Revised Code or a 422  
substantially equivalent municipal ordinance. The law 423  
enforcement agency by which the officer is employed shall 424  
designate which test or tests shall be administered. 425

(2) Any person who is dead or unconscious or who otherwise 426  
is in a condition rendering the person incapable of refusal 427

shall be deemed to have consented as provided in division (A) (1) 428  
of this section, and the test or tests may be administered, 429  
subject to sections 313.12 to 313.16 of the Revised Code. 430

(B) (1) If a law enforcement officer arrests a person for 431  
operating or being in physical control of a vessel or 432  
manipulating any water skis, aquaplane, or similar device in 433  
violation of section 1547.11 of the Revised Code or a 434  
substantially equivalent municipal ordinance and if the person 435  
previously has been convicted of or pleaded guilty to two or 436  
more violations of division (A) of section 1547.11 of the 437  
Revised Code or other equivalent offenses, the law enforcement 438  
officer shall request the person to submit, and the person shall 439  
submit, to a chemical test or tests of the person's whole blood, 440  
blood serum or plasma, breath, oral fluid, or urine for the 441  
purpose of determining the alcohol, drug of abuse, controlled 442  
substance, metabolite of a controlled substance, or combination 443  
content of the person's whole blood, blood serum or plasma, 444  
breath, oral fluid, or urine. A law enforcement officer who 445  
makes a request pursuant to this division that a person submit 446  
to a chemical test or tests is not required to advise the person 447  
of the consequences of refusing to submit to the test or tests 448  
and is not required to give the person the form described in 449  
division (C) of this section, but the officer shall advise the 450  
person at the time of the arrest that if the person refuses to 451  
take a chemical test the officer may employ whatever reasonable 452  
means are necessary to ensure that the person submits to a 453  
chemical test of the person's whole blood or blood serum or 454  
plasma. The officer shall also advise the person at the time of 455  
the arrest that the person may have an independent chemical test 456  
taken at the person's own expense. The advice shall be in 457  
written form prescribed by the chief of the division of parks 458



and watercraft and shall be read to the person. The form shall 459  
contain a statement that the form was shown to the person under 460  
arrest and read to the person by the arresting officer. The 461  
reading of the form shall be witnessed by one or more persons, 462  
and the witnesses shall certify to this fact by signing the 463  
form. Divisions (A) (1) (b) and (A) (2) of this section apply to 464  
the administration of a chemical test or tests pursuant to this 465  
division. 466

(2) If a person refuses to submit to a chemical test upon 467  
a request made pursuant to division (B) (1) of this section, the 468  
law enforcement officer who made the request may employ whatever 469  
reasonable means are necessary to ensure that the person submits 470  
to a chemical test of the person's whole blood or blood serum or 471  
plasma. A law enforcement officer who acts pursuant to this 472  
division to ensure that a person submits to a chemical test of 473  
the person's whole blood or blood serum or plasma is immune from 474  
criminal and civil liability based upon a claim for assault and 475  
battery or any other claim for the acts, unless the officer so 476  
acted with malicious purpose, in bad faith, or in a wanton or 477  
reckless manner. 478

(C) Except as provided in division (B) of this section, 479  
any person under arrest for violating section 1547.11 of the 480  
Revised Code or a substantially equivalent municipal ordinance 481  
shall be advised of the consequences of refusing to submit to a 482  
chemical test or tests designated as provided in division (A) of 483  
this section. The advice shall be in a written form prescribed 484  
by the chief of the division of parks and watercraft and shall 485  
be read to the person. The form shall contain a statement that 486  
the form was shown to the person under arrest and read to the 487  
person by the arresting officer. The reading of the form shall 488  
be witnessed by one or more persons, and the witnesses shall 489

certify to this fact by signing the form. The person must submit 490  
to the chemical test or tests, subsequent to the request of the 491  
arresting officer, within two hours of the time of the alleged 492  
violation, and if the person does not submit to the test or 493  
tests within that two-hour time limit, the failure to submit 494  
automatically constitutes a refusal to submit to the test or 495  
tests. 496

(D) Except as provided in division (B) of this section, if 497  
a law enforcement officer asks a person under arrest for 498  
violating section 1547.11 of the Revised Code or a substantially 499  
equivalent municipal ordinance to submit to a chemical test or 500  
tests as provided in division (A) of this section, if the 501  
arresting officer advises the person of the consequences of the 502  
person's refusal as provided in division (C) of this section, 503  
and if the person refuses to submit, no chemical test shall be 504  
given. Upon receipt of a sworn statement of the officer that the 505  
arresting law enforcement officer had reasonable grounds to 506  
believe the arrested person violated section 1547.11 of the 507  
Revised Code or a substantially equivalent municipal ordinance 508  
and that the person refused to submit to the chemical test upon 509  
the request of the officer, and upon receipt of the form as 510  
provided in division (C) of this section certifying that the 511  
arrested person was advised of the consequences of the refusal, 512  
the chief of the division of parks and watercraft shall inform 513  
the person by written notice that the person is prohibited from 514  
operating or being in physical control of a vessel, from 515  
manipulating any water skis, aquaplane, or similar device, and 516  
from registering any watercraft in accordance with section 517  
1547.54 of the Revised Code, for one year following the date of 518  
the alleged violation. The suspension of these operation, 519  
physical control, manipulation, and registration privileges 520

shall continue for the entire one-year period, subject to review 521  
as provided in this section. 522

If the person under arrest is the owner of the vessel 523  
involved in the alleged violation, the law enforcement officer 524  
who arrested the person shall seize the watercraft registration 525  
certificate and tags from the vessel involved in the violation 526  
and forward them to the chief. The chief shall retain the 527  
impounded registration certificate and tags and shall impound 528  
all other registration certificates and tags issued to the 529  
person in accordance with sections 1547.54 and 1547.57 of the 530  
Revised Code, for a period of one year following the date of the 531  
alleged violation, subject to review as provided in this 532  
section. 533

If the arrested person fails to surrender the registration 534  
certificate because it is not on the person of the arrested 535  
person or in the watercraft, the law enforcement officer who 536  
made the arrest shall order the person to surrender it within 537  
twenty-four hours to the law enforcement officer or the law 538  
enforcement agency that employs the law enforcement officer. If 539  
the person fails to do so, the law enforcement officer shall 540  
notify the chief of that fact in the statement the officer 541  
submits to the chief under this division. 542

(E) Upon suspending a person's operation, physical 543  
control, manipulation, and registration privileges in accordance 544  
with division (D) of this section, the chief shall notify the 545  
person in writing, at the person's last known address, and 546  
inform the person that the person may petition for a hearing in 547  
accordance with division (F) of this section. If a person whose 548  
operation, physical control, manipulation, and registration 549  
privileges have been suspended petitions for a hearing or 550

appeals any adverse decision, the suspension shall begin at the 551  
termination of any hearing or appeal unless the hearing or 552  
appeal results in a decision favorable to the person. 553

(F) Any person who has been notified by the chief that the 554  
person is prohibited from operating or being in physical control 555  
of a vessel or manipulating any water skis, aquaplane, or 556  
similar device and from registering any watercraft in accordance 557  
with section 1547.54 of the Revised Code, or who has had the 558  
registration certificate and tags of the person's watercraft 559  
impounded pursuant to division (D) of this section, within 560  
twenty days of the notification or impoundment, may file a 561  
petition in the municipal court or the county court, or if the 562  
person is a minor in juvenile court, with jurisdiction over the 563  
place at which the arrest occurred, agreeing to pay the cost of 564  
the proceedings and alleging error in the action taken by the 565  
chief under division (D) of this section or alleging one or more 566  
of the matters within the scope of the hearing as provided in 567  
this section, or both. The petitioner shall notify the chief of 568  
the filing of the petition and send the chief a copy of the 569  
petition. 570

The scope of the hearing is limited to the issues of 571  
whether the law enforcement officer had reasonable grounds to 572  
believe the petitioner was operating or in physical control of a 573  
vessel or manipulating any water skis, aquaplane, or similar 574  
device in violation of section 1547.11 of the Revised Code or a 575  
substantially equivalent municipal ordinance, whether the 576  
petitioner was placed under arrest, whether the petitioner 577  
refused to submit to the chemical test upon request of the 578  
officer, and whether the petitioner was advised of the 579  
consequences of the petitioner's refusal. 580

(G) (1) The chief shall furnish the court a copy of the affidavit as provided in division (C) of this section and any other relevant information requested by the court.

(2) In hearing the matter and in determining whether the person has shown error in the decision taken by the chief as provided in division (D) of this section, the court shall decide the issue upon the relevant, competent, and material evidence submitted by the chief or the person whose operation, physical control, manipulation, and registration privileges have been suspended.

In the proceedings, the chief shall be represented by the prosecuting attorney of the county in which the petition is filed if the petition is filed in a county court or juvenile court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the chief. If the petition is filed in the municipal court, the chief shall be represented as provided in section 1901.34 of the Revised Code.

(3) If the court finds from the evidence submitted that the person has failed to show error in the action taken by the chief under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the court shall assess the cost of the proceeding against the person and shall uphold the suspension of the operation, physical control, use, and registration privileges provided in division (D) of this section. If the court finds that the person has shown error in the action taken by the chief under division (D) of this section or in one or more of the matters within the scope of the hearing

as provided in division (F) of this section, or both, the cost 611  
of the proceedings shall be paid out of the county treasury of 612  
the county in which the proceedings were held, the chief shall 613  
reinstate the operation, physical control, manipulation, and 614  
registration privileges of the person without charge, and the 615  
chief shall return the registration certificate and tags, if 616  
impounded, without charge. 617

(4) The court shall give information in writing of any 618  
action taken under this section to the chief. 619

(H) At the end of any period of suspension or impoundment 620  
imposed under this section, and upon request of the person whose 621  
operation, physical control, use, and registration privileges 622  
were suspended or whose registration certificate and tags were 623  
impounded, the chief shall reinstate the person's operation, 624  
physical control, manipulation, and registration privileges by 625  
written notice and return the certificate and tags. 626

(I) No person who has received written notice from the 627  
chief that the person is prohibited from operating or being in 628  
physical control of a vessel, from manipulating any water skis, 629  
aquaplane, or similar device, and from registering a watercraft, 630  
or who has had the registration certificate and tags of the 631  
person's watercraft impounded, in accordance with division (D) 632  
of this section, shall operate or be in physical control of a 633  
vessel or manipulate any water skis, aquaplane, or similar 634  
device for a period of one year following the date of the 635  
person's alleged violation of section 1547.11 of the Revised 636  
Code or the substantially equivalent municipal ordinance. 637

**Sec. 2317.02.** The following persons shall not testify in 638  
certain respects: 639

(A) (1) An attorney, concerning a communication made to the attorney by a client in that relation or concerning the attorney's advice to a client, except that the attorney may testify by express consent of the client or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of the deceased client. However, if the client voluntarily reveals the substance of attorney-client communications in a nonprivileged context or is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the attorney may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply concerning either of the following:

(a) A communication between a client in a capital case, as defined in section 2901.02 of the Revised Code, and the client's attorney if the communication is relevant to a subsequent ineffective assistance of counsel claim by the client alleging that the attorney did not effectively represent the client in the case;

(b) A communication between a client who has since died and the deceased client's attorney if the communication is relevant to a dispute between parties who claim through that deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction, and the dispute addresses the competency of the deceased client when the deceased client executed a document that is the basis of the dispute or whether the deceased client was a victim of fraud, undue influence, or duress when the deceased client executed a document that is the basis of the dispute.

(2) An attorney, concerning a communication made to the

attorney by a client in that relationship or the attorney's 670  
advice to a client, except that if the client is an insurance 671  
company, the attorney may be compelled to testify, subject to an 672  
in camera inspection by a court, about communications made by 673  
the client to the attorney or by the attorney to the client that 674  
are related to the attorney's aiding or furthering an ongoing or 675  
future commission of bad faith by the client, if the party 676  
seeking disclosure of the communications has made a prima-facie 677  
showing of bad faith, fraud, or criminal misconduct by the 678  
client. 679

(B) (1) A physician, advanced practice registered nurse, or 680  
dentist concerning a communication made to the physician, 681  
advanced practice registered nurse, or dentist by a patient in 682  
that relation or the advice of a physician, advanced practice 683  
registered nurse, or dentist given to a patient, except as 684  
otherwise provided in this division, division (B) (2), and 685  
division (B) (3) of this section, and except that, if the patient 686  
is deemed by section 2151.421 of the Revised Code to have waived 687  
any testimonial privilege under this division, the physician or 688  
advanced practice registered nurse may be compelled to testify 689  
on the same subject. 690

The testimonial privilege established under this division 691  
does not apply, and a physician, advanced practice registered 692  
nurse, or dentist may testify or may be compelled to testify, in 693  
any of the following circumstances: 694

(a) In any civil action, in accordance with the discovery 695  
provisions of the Rules of Civil Procedure in connection with a 696  
civil action, or in connection with a claim under Chapter 4123. 697  
of the Revised Code, under any of the following circumstances: 698

(i) If the patient or the guardian or other legal 699



representative of the patient gives express consent; 700

(ii) If the patient is deceased, the spouse of the patient 701  
or the executor or administrator of the patient's estate gives 702  
express consent; 703

(iii) If a medical claim, dental claim, chiropractic 704  
claim, or optometric claim, as defined in section 2305.113 of 705  
the Revised Code, an action for wrongful death, any other type 706  
of civil action, or a claim under Chapter 4123. of the Revised 707  
Code is filed by the patient, the personal representative of the 708  
estate of the patient if deceased, or the patient's guardian or 709  
other legal representative. 710

(b) In any civil action concerning court-ordered treatment 711  
or services received by a patient, if the court-ordered 712  
treatment or services were ordered as part of a case plan 713  
journalized under section 2151.412 of the Revised Code or the 714  
court-ordered treatment or services are necessary or relevant to 715  
dependency, neglect, or abuse or temporary or permanent custody 716  
proceedings under Chapter 2151. of the Revised Code. 717

(c) In any criminal action concerning any test or the 718  
results of any test that determines the presence or 719  
concentration of alcohol, a drug of abuse, a combination of 720  
them, a controlled substance, or a metabolite of a controlled 721  
substance in the patient's whole blood, blood serum or plasma, 722  
breath, urine, oral fluid, or other bodily substance at any time 723  
relevant to the criminal offense in question. 724

(d) In any criminal action against a physician, advanced 725  
practice registered nurse, or dentist. In such an action, the 726  
testimonial privilege established under this division does not 727  
prohibit the admission into evidence, in accordance with the 728

Rules of Evidence, of a patient's medical or dental records or 729  
other communications between a patient and the physician, 730  
advanced practice registered nurse, or dentist that are related 731  
to the action and obtained by subpoena, search warrant, or other 732  
lawful means. A court that permits or compels a physician, 733  
advanced practice registered nurse, or dentist to testify in 734  
such an action or permits the introduction into evidence of 735  
patient records or other communications in such an action shall 736  
require that appropriate measures be taken to ensure that the 737  
confidentiality of any patient named or otherwise identified in 738  
the records is maintained. Measures to ensure confidentiality 739  
that may be taken by the court include sealing its records or 740  
deleting specific information from its records. 741

(e) (i) If the communication was between a patient who has 742  
since died and the deceased patient's physician, advanced 743  
practice registered nurse, or dentist, the communication is 744  
relevant to a dispute between parties who claim through that 745  
deceased patient, regardless of whether the claims are by 746  
testate or intestate succession or by inter vivos transaction, 747  
and the dispute addresses the competency of the deceased patient 748  
when the deceased patient executed a document that is the basis 749  
of the dispute or whether the deceased patient was a victim of 750  
fraud, undue influence, or duress when the deceased patient 751  
executed a document that is the basis of the dispute. 752

(ii) If neither the spouse of a patient nor the executor 753  
or administrator of that patient's estate gives consent under 754  
division (B) (1) (a) (ii) of this section, testimony or the 755  
disclosure of the patient's medical records by a physician, 756  
advanced practice registered nurse, dentist, or other health 757  
care provider under division (B) (1) (e) (i) of this section is a 758  
permitted use or disclosure of protected health information, as 759

defined in 45 C.F.R. 160.103, and an authorization or 760  
opportunity to be heard shall not be required. 761

(iii) Division (B) (1) (e) (i) of this section does not 762  
require a mental health professional to disclose psychotherapy 763  
notes, as defined in 45 C.F.R. 164.501. 764

(iv) An interested person who objects to testimony or 765  
disclosure under division (B) (1) (e) (i) of this section may seek 766  
a protective order pursuant to Civil Rule 26. 767

(v) A person to whom protected health information is 768  
disclosed under division (B) (1) (e) (i) of this section shall not 769  
use or disclose the protected health information for any purpose 770  
other than the litigation or proceeding for which the 771  
information was requested and shall return the protected health 772  
information to the covered entity or destroy the protected 773  
health information, including all copies made, at the conclusion 774  
of the litigation or proceeding. 775

(2) (a) If any law enforcement officer submits a written 776  
statement to a health care provider that states that an official 777  
criminal investigation has begun regarding a specified person or 778  
that a criminal action or proceeding has been commenced against 779  
a specified person, that requests the provider to supply to the 780  
officer copies of any records the provider possesses that 781  
pertain to any test or the results of any test administered to 782  
the specified person to determine the presence or concentration 783  
of alcohol, a drug of abuse, a combination of them, a controlled 784  
substance, or a metabolite of a controlled substance in the 785  
person's whole blood, blood serum or plasma, breath, oral fluid, 786  
or urine at any time relevant to the criminal offense in 787  
question, and that conforms to section 2317.022 of the Revised 788  
Code, the provider, except to the extent specifically prohibited 789

by any law of this state or of the United States, shall supply 790  
to the officer a copy of any of the requested records the 791  
provider possesses. If the health care provider does not possess 792  
any of the requested records, the provider shall give the 793  
officer a written statement that indicates that the provider 794  
does not possess any of the requested records. 795

(b) If a health care provider possesses any records of the 796  
type described in division (B) (2) (a) of this section regarding 797  
the person in question at any time relevant to the criminal 798  
offense in question, in lieu of personally testifying as to the 799  
results of the test in question, the custodian of the records 800  
may submit a certified copy of the records, and, upon its 801  
submission, the certified copy is qualified as authentic 802  
evidence and may be admitted as evidence in accordance with the 803  
Rules of Evidence. Division (A) of section 2317.422 of the 804  
Revised Code does not apply to any certified copy of records 805  
submitted in accordance with this division. Nothing in this 806  
division shall be construed to limit the right of any party to 807  
call as a witness the person who administered the test to which 808  
the records pertain, the person under whose supervision the test 809  
was administered, the custodian of the records, the person who 810  
made the records, or the person under whose supervision the 811  
records were made. 812

(3) (a) If the testimonial privilege described in division 813  
(B) (1) of this section does not apply as provided in division 814  
(B) (1) (a) (iii) of this section, a physician, advanced practice 815  
registered nurse, or dentist may be compelled to testify or to 816  
submit to discovery under the Rules of Civil Procedure only as 817  
to a communication made to the physician, advanced practice 818  
registered nurse, or dentist by the patient in question in that 819  
relation, or the advice of the physician, advanced practice 820

registered nurse, or dentist given to the patient in question, 821  
that related causally or historically to physical or mental 822  
injuries that are relevant to issues in the medical claim, 823  
dental claim, chiropractic claim, or optometric claim, action 824  
for wrongful death, other civil action, or claim under Chapter 825  
4123. of the Revised Code. 826

(b) If the testimonial privilege described in division (B) 827  
(1) of this section does not apply to a physician, advanced 828  
practice registered nurse, or dentist as provided in division 829  
(B)(1)(c) of this section, the physician, advanced practice 830  
registered nurse, or dentist, in lieu of personally testifying 831  
as to the results of the test in question, may submit a 832  
certified copy of those results, and, upon its submission, the 833  
certified copy is qualified as authentic evidence and may be 834  
admitted as evidence in accordance with the Rules of Evidence. 835  
Division (A) of section 2317.422 of the Revised Code does not 836  
apply to any certified copy of results submitted in accordance 837  
with this division. Nothing in this division shall be construed 838  
to limit the right of any party to call as a witness the person 839  
who administered the test in question, the person under whose 840  
supervision the test was administered, the custodian of the 841  
results of the test, the person who compiled the results, or the 842  
person under whose supervision the results were compiled. 843

(4) The testimonial privilege described in division (B)(1) 844  
of this section is not waived when a communication is made by a 845  
physician or advanced practice registered nurse to a pharmacist 846  
or when there is communication between a patient and a 847  
pharmacist in furtherance of the physician-patient or advanced 848  
practice registered nurse-patient relation. 849

(5)(a) As used in divisions (B)(1) to (4) of this section, 850

"communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a physician, advanced practice registered nurse, or dentist to diagnose, treat, prescribe, or act for a patient. A "communication" may include, but is not limited to, any medical or dental, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

(b) As used in division (B) (2) of this section, "health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.

(c) As used in division (B) (5) (b) of this section:

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

(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.

(iii) "Health care practitioner" has the same meaning as

in section 4769.01 of the Revised Code. 880

(iv) "Hospital" has the same meaning as in section 3727.01 881  
of the Revised Code. 882

(v) "Long-term care facility" means a nursing home, 883  
residential care facility, or home for the aging, as those terms 884  
are defined in section 3721.01 of the Revised Code; a 885  
residential facility licensed under section 5119.34 of the 886  
Revised Code that provides accommodations, supervision, and 887  
personal care services for three to sixteen unrelated adults; a 888  
nursing facility, as defined in section 5165.01 of the Revised 889  
Code; a skilled nursing facility, as defined in section 5165.01 890  
of the Revised Code; and an intermediate care facility for 891  
individuals with intellectual disabilities, as defined in 892  
section 5124.01 of the Revised Code. 893

(vi) "Pharmacy" has the same meaning as in section 4729.01 894  
of the Revised Code. 895

(d) As used in divisions (B) (1) and (2) of this section, 896  
"drug of abuse" has the same meaning as in section 4506.01 of 897  
the Revised Code. 898

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 899  
section apply to doctors of medicine, doctors of osteopathic 900  
medicine, doctors of podiatry, advanced practice registered 901  
nurses, and dentists. 902

(7) Nothing in divisions (B) (1) to (6) of this section 903  
affects, or shall be construed as affecting, the immunity from 904  
civil liability conferred by section 307.628 of the Revised Code 905  
or the immunity from civil liability conferred by section 906  
2305.33 of the Revised Code upon physicians or advanced practice 907  
registered nurses who report an employee's use of a drug of 908

abuse, or a condition of an employee other than one involving 909  
the use of a drug of abuse, to the employer of the employee in 910  
accordance with division (B) of that section. As used in 911  
division (B) (7) of this section, "employee," "employer," and 912  
"physician" have the same meanings as in section 2305.33 of the 913  
Revised Code and "advanced practice registered nurse" has the 914  
same meaning as in section 4723.01 of the Revised Code. 915

(C) (1) A cleric, when the cleric remains accountable to 916  
the authority of that cleric's church, denomination, or sect, 917  
concerning a confession made, or any information confidentially 918  
communicated, to the cleric for a religious counseling purpose 919  
in the cleric's professional character. The cleric may testify 920  
by express consent of the person making the communication, 921  
except when the disclosure of the information is in violation of 922  
a sacred trust and except that, if the person voluntarily 923  
testifies or is deemed by division (A) (4) (c) of section 2151.421 924  
of the Revised Code to have waived any testimonial privilege 925  
under this division, the cleric may be compelled to testify on 926  
the same subject except when disclosure of the information is in 927  
violation of a sacred trust. 928

(2) As used in division (C) of this section: 929

(a) "Cleric" means a member of the clergy, rabbi, priest, 930  
Christian Science practitioner, or regularly ordained, 931  
accredited, or licensed minister of an established and legally 932  
cognizable church, denomination, or sect. 933

(b) "Sacred trust" means a confession or confidential 934  
communication made to a cleric in the cleric's ecclesiastical 935  
capacity in the course of discipline enjoined by the church to 936  
which the cleric belongs, including, but not limited to, the 937  
Catholic Church, if both of the following apply: 938



(i) The confession or confidential communication was made directly to the cleric.	939 940
(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.	941 942 943 944
(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;	945 946 947 948 949 950
(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;	951 952 953
(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.	954 955 956 957 958 959
(G) (1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, marriage and family therapist or independent marriage and family therapist, or registered under Chapter 4757. of the Revised Code	960 961 962 963 964 965 966 967

as a social work assistant concerning a confidential 968  
communication received from a client in that relation or the 969  
person's advice to a client unless any of the following applies: 970

(a) The communication or advice indicates clear and 971  
present danger to the client or other persons. For the purposes 972  
of this division, cases in which there are indications of 973  
present or past child abuse or neglect of the client constitute 974  
a clear and present danger. 975

(b) The client gives express consent to the testimony. 976

(c) If the client is deceased, the surviving spouse or the 977  
executor or administrator of the estate of the deceased client 978  
gives express consent. 979

(d) The client voluntarily testifies, in which case the 980  
school guidance counselor or person licensed or registered under 981  
Chapter 4757. of the Revised Code may be compelled to testify on 982  
the same subject. 983

(e) The court in camera determines that the information 984  
communicated by the client is not germane to the counselor- 985  
client, marriage and family therapist-client, or social worker- 986  
client relationship. 987

(f) A court, in an action brought against a school, its 988  
administration, or any of its personnel by the client, rules 989  
after an in-camera inspection that the testimony of the school 990  
guidance counselor is relevant to that action. 991

(g) The testimony is sought in a civil action and concerns 992  
court-ordered treatment or services received by a patient as 993  
part of a case plan journalized under section 2151.412 of the 994  
Revised Code or the court-ordered treatment or services are 995  
necessary or relevant to dependency, neglect, or abuse or 996

temporary or permanent custody proceedings under Chapter 2151. 997  
of the Revised Code. 998

(2) Nothing in division (G)(1) of this section shall 999  
relieve a school guidance counselor or a person licensed or 1000  
registered under Chapter 4757. of the Revised Code from the 1001  
requirement to report information concerning child abuse or 1002  
neglect under section 2151.421 of the Revised Code. 1003

(H) A mediator acting under a mediation order issued under 1004  
division (A) of section 3109.052 of the Revised Code or 1005  
otherwise issued in any proceeding for divorce, dissolution, 1006  
legal separation, annulment, or the allocation of parental 1007  
rights and responsibilities for the care of children, in any 1008  
action or proceeding, other than a criminal, delinquency, child 1009  
abuse, child neglect, or dependent child action or proceeding, 1010  
that is brought by or against either parent who takes part in 1011  
mediation in accordance with the order and that pertains to the 1012  
mediation process, to any information discussed or presented in 1013  
the mediation process, to the allocation of parental rights and 1014  
responsibilities for the care of the parents' children, or to 1015  
the awarding of parenting time rights in relation to their 1016  
children; 1017

(I) A communications assistant, acting within the scope of 1018  
the communication assistant's authority, when providing 1019  
telecommunications relay service pursuant to section 4931.06 of 1020  
the Revised Code or Title II of the "Communications Act of 1021  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1022  
communication made through a telecommunications relay service. 1023  
Nothing in this section shall limit the obligation of a 1024  
communications assistant to divulge information or testify when 1025  
mandated by federal law or regulation or pursuant to subpoena in 1026

a criminal proceeding. 1027

Nothing in this section shall limit any immunity or 1028  
privilege granted under federal law or regulation. 1029

(J) (1) A chiropractor in a civil proceeding concerning a 1030  
communication made to the chiropractor by a patient in that 1031  
relation or the chiropractor's advice to a patient, except as 1032  
otherwise provided in this division. The testimonial privilege 1033  
established under this division does not apply, and a 1034  
chiropractor may testify or may be compelled to testify, in any 1035  
civil action, in accordance with the discovery provisions of the 1036  
Rules of Civil Procedure in connection with a civil action, or 1037  
in connection with a claim under Chapter 4123. of the Revised 1038  
Code, under any of the following circumstances: 1039

(a) If the patient or the guardian or other legal 1040  
representative of the patient gives express consent. 1041

(b) If the patient is deceased, the spouse of the patient 1042  
or the executor or administrator of the patient's estate gives 1043  
express consent. 1044

(c) If a medical claim, dental claim, chiropractic claim, 1045  
or optometric claim, as defined in section 2305.113 of the 1046  
Revised Code, an action for wrongful death, any other type of 1047  
civil action, or a claim under Chapter 4123. of the Revised Code 1048  
is filed by the patient, the personal representative of the 1049  
estate of the patient if deceased, or the patient's guardian or 1050  
other legal representative. 1051

(2) If the testimonial privilege described in division (J) 1052  
(1) of this section does not apply as provided in division (J) 1053  
(1) (c) of this section, a chiropractor may be compelled to 1054  
testify or to submit to discovery under the Rules of Civil 1055

Procedure only as to a communication made to the chiropractor by 1056  
the patient in question in that relation, or the chiropractor's 1057  
advice to the patient in question, that related causally or 1058  
historically to physical or mental injuries that are relevant to 1059  
issues in the medical claim, dental claim, chiropractic claim, 1060  
or optometric claim, action for wrongful death, other civil 1061  
action, or claim under Chapter 4123. of the Revised Code. 1062

(3) The testimonial privilege established under this 1063  
division does not apply, and a chiropractor may testify or be 1064  
compelled to testify, in any criminal action or administrative 1065  
proceeding. 1066

(4) As used in this division, "communication" means 1067  
acquiring, recording, or transmitting any information, in any 1068  
manner, concerning any facts, opinions, or statements necessary 1069  
to enable a chiropractor to diagnose, treat, or act for a 1070  
patient. A communication may include, but is not limited to, any 1071  
chiropractic, office, or hospital communication such as a 1072  
record, chart, letter, memorandum, laboratory test and results, 1073  
x-ray, photograph, financial statement, diagnosis, or prognosis. 1074

(K) (1) Except as provided under division (K) (2) of this 1075  
section, a critical incident stress management team member 1076  
concerning a communication received from an individual who 1077  
receives crisis response services from the team member, or the 1078  
team member's advice to the individual, during a debriefing 1079  
session. 1080

(2) The testimonial privilege established under division 1081  
(K) (1) of this section does not apply if any of the following 1082  
are true: 1083

(a) The communication or advice indicates clear and 1084

present danger to the individual who receives crisis response 1085  
services or to other persons. For purposes of this division, 1086  
cases in which there are indications of present or past child 1087  
abuse or neglect of the individual constitute a clear and 1088  
present danger. 1089

(b) The individual who received crisis response services 1090  
gives express consent to the testimony. 1091

(c) If the individual who received crisis response 1092  
services is deceased, the surviving spouse or the executor or 1093  
administrator of the estate of the deceased individual gives 1094  
express consent. 1095

(d) The individual who received crisis response services 1096  
voluntarily testifies, in which case the team member may be 1097  
compelled to testify on the same subject. 1098

(e) The court in camera determines that the information 1099  
communicated by the individual who received crisis response 1100  
services is not germane to the relationship between the 1101  
individual and the team member. 1102

(f) The communication or advice pertains or is related to 1103  
any criminal act. 1104

(3) As used in division (K) of this section: 1105

(a) "Crisis response services" means consultation, risk 1106  
assessment, referral, and on-site crisis intervention services 1107  
provided by a critical incident stress management team to 1108  
individuals affected by crisis or disaster. 1109

(b) "Critical incident stress management team member" or 1110  
"team member" means an individual specially trained to provide 1111  
crisis response services as a member of an organized community 1112

or local crisis response team that holds membership in the Ohio 1113  
critical incident stress management network. 1114

(c) "Debriefing session" means a session at which crisis 1115  
response services are rendered by a critical incident stress 1116  
management team member during or after a crisis or disaster. 1117

(L) (1) Subject to division (L) (2) of this section and 1118  
except as provided in division (L) (3) of this section, an 1119  
employee assistance professional, concerning a communication 1120  
made to the employee assistance professional by a client in the 1121  
employee assistance professional's official capacity as an 1122  
employee assistance professional. 1123

(2) Division (L) (1) of this section applies to an employee 1124  
assistance professional who meets either or both of the 1125  
following requirements: 1126

(a) Is certified by the employee assistance certification 1127  
commission to engage in the employee assistance profession; 1128

(b) Has education, training, and experience in all of the 1129  
following: 1130

(i) Providing workplace-based services designed to address 1131  
employer and employee productivity issues; 1132

(ii) Providing assistance to employees and employees' 1133  
dependents in identifying and finding the means to resolve 1134  
personal problems that affect the employees or the employees' 1135  
performance; 1136

(iii) Identifying and resolving productivity problems 1137  
associated with an employee's concerns about any of the 1138  
following matters: health, marriage, family, finances, substance 1139  
abuse or other addiction, workplace, law, and emotional issues; 1140

(iv) Selecting and evaluating available community resources;	1141 1142
(v) Making appropriate referrals;	1143
(vi) Local and national employee assistance agreements;	1144
(vii) Client confidentiality.	1145
(3) Division (L)(1) of this section does not apply to any of the following:	1146 1147
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	1148 1149 1150 1151 1152
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	1153 1154 1155
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	1156 1157 1158 1159
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	1160 1161 1162
(e) A civil or criminal malpractice action brought against the employee assistance professional;	1163 1164
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	1165 1166 1167



(g) When the testimonial privilege otherwise provided by 1168  
division (L)(1) of this section is abrogated under law. 1169

**Sec. 2317.022.** (A) As used in this section: 1170

(1) "Health care provider" has the same meaning as in 1171  
section 2317.02 of the Revised Code. 1172

(2) "Drug of abuse" has the same meaning as in section 1173  
4506.01 of the Revised Code. 1174

(B) If an official criminal investigation has begun 1175  
regarding a person or if a criminal action or proceeding is 1176  
commenced against a person, any law enforcement officer who 1177  
wishes to obtain from any health care provider a copy of any 1178  
records the provider possesses that pertain to any test or the 1179  
result of any test administered to the person to determine the 1180  
presence or concentration of alcohol, a drug of abuse, or 1181  
alcohol and a drug of abuse in the person's blood, breath, oral 1182  
fluid, or urine at any time relevant to the criminal offense in 1183  
question shall submit to the health care facility a written 1184  
statement in the following form: 1185

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 1186

To: \_\_\_\_\_ (insert name of the health care 1187  
provider in question). 1188

I hereby state that an official criminal investigation has 1189  
begun regarding, or a criminal action or proceeding has been 1190  
commenced against, \_\_\_\_\_ (insert the name of the 1191  
person in question), and that I believe that one or more tests 1192  
has been administered to that person by this health care 1193  
provider to determine the presence or concentration of alcohol, 1194  
a drug of abuse, a combination of them, a controlled substance, 1195  
or a metabolite of a controlled substance in that person's whole 1196

blood, blood serum or plasma, breath, oral fluid, or urine at a 1197  
time relevant to the criminal offense in question. Therefore, I 1198  
hereby request that, pursuant to division (B) (2) of section 1199  
2317.02 of the Revised Code, this health care provider supply me 1200  
with copies of any records the provider possesses that pertain 1201  
to any test or the results of any test administered to the 1202  
person specified above to determine the presence or 1203  
concentration of alcohol, a drug of abuse, a combination of 1204  
them, a controlled substance, or a metabolite of a controlled 1205  
substance in that person's whole blood, blood serum or plasma, 1206  
breath, oral fluid, or urine at any time relevant to the 1207  
criminal offense in question. 1208

\_\_\_\_\_ 1209

(Name of officer) 1210

\_\_\_\_\_ 1211

(Officer's title) 1212

\_\_\_\_\_ 1213

(Officer's employing agency) 1214

\_\_\_\_\_ 1215

(Officer's telephone number) 1216

\_\_\_\_\_ 1217

\_\_\_\_\_ 1218

\_\_\_\_\_ 1219

(Agency's address) 1220

\_\_\_\_\_ 1221

(Date written statement submitted) " 1222

(C) A health care provider that receives a written 1223  
statement of the type described in division (B) of this section 1224  
shall comply with division (B) (2) of section 2317.02 of the 1225  
Revised Code relative to the written statement. 1226

**Sec. 2903.216.** (A) As used in this section: 1227

(1) "Business entity" means any form of corporation, 1228  
partnership, association, cooperative, joint venture, business 1229  
trust, or sole proprietorship that conducts business in this 1230  
state. 1231

(2) "Business of private investigation" and "private 1232  
investigator" have the same meanings as in section 4749.01 of 1233  
the Revised Code. 1234

(3) "Disabled adult" and "elderly person" have the same 1235  
meanings as in section 2913.01 of the Revised Code. 1236

(4) "Electronic monitoring" and "electronic monitoring 1237  
device" have the same meanings as in section 2929.01 of the 1238  
Revised Code. 1239

(5) "Law enforcement agency" means any organization or 1240  
unit comprised of law enforcement officers, and also includes 1241  
any federal or military law enforcement agency. 1242

(6) "Person" means an individual, but does not include a 1243  
business entity. 1244

(7) "Ohio protection order" means a protection order filed 1245  
or issued or a consent agreement approved pursuant to section 1246  
2919.26 or 3113.31 of the Revised Code, a protection order filed 1247  
or issued pursuant to section 2151.34, 2903.213, or 2903.214 of 1248  
the Revised Code, or a no contact order issued as any of the 1249  
following: 1250

(a) As part of a person's sentence under a community control sanction imposed under section 2929.16, 2929.17, 2929.26, or 2929.27 of the Revised Code; 1251  
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(b) As a term or condition of a person's release under section 2929.20 of the Revised Code; 1254  
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(c) As a post-release control sanction imposed as a condition of a person's post-release control under section 2967.28 of the Revised Code; 1256  
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(d) As a term of supervision for a person transferred to transitional control under section 2967.26 of the Revised Code; 1259  
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(e) As a term or condition of the intervention plan of a person granted intervention in lieu of conviction under section 2951.041 of the Revised Code. 1261  
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(8) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. 1264  
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(9) "Tracking application" means any software program that permits a person to remotely determine or track the position or movement of another person or another person's property. 1266  
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(10) "Tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of another person or another person's property, including an electronic monitoring device. 1269  
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(B) Except as otherwise provided in division (D) of this section, no person shall knowingly do either of the following: 1273  
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(1) Install a tracking device or tracking application on another person's property without the other person's consent or cause a tracking device or tracking application to track the position or movement of another person or another person's 1275  
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property without the other person's consent; 1279

(2) If the person installed a tracking device or tracking 1280  
application on another's property with the other person's 1281  
consent and the other person subsequently revokes that consent, 1282  
fail to remove or ensure the removal of the device or 1283  
application after the other person revokes the consent. 1284

(C) (1) For purposes of this section, if a person has given 1285  
consent for another to install a tracking device or tracking 1286  
application on the consenting person's property, it is presumed 1287  
that the consenting person has revoked that consent if any of 1288  
the following applies: 1289

(a) The consenting person and the person to whom consent 1290  
was given are lawfully married and one of them files a complaint 1291  
for divorce or a petition for dissolution of marriage from the 1292  
other. Not later than seventy-two hours after being served with 1293  
a complaint for divorce or a petition for dissolution of 1294  
marriage, the person to whom consent was given shall lawfully 1295  
uninstall or discontinue use of the tracking device or tracking 1296  
application. If the person to whom consent was given cannot 1297  
lawfully uninstall or discontinue use of the tracking device or 1298  
tracking application, the person to whom consent was given shall 1299  
notify the court in which the complaint for divorce or the 1300  
petition for dissolution of marriage was filed in writing. 1301

(b) The consenting person or the person to whom consent 1302  
was given files an Ohio protection order against the other 1303  
person or an Ohio protection order is issued against the other 1304  
person, and the person to be protected under the order is the 1305  
consenting person. Not later than seventy-two hours after being 1306  
served with the Ohio protection order, the person to whom 1307  
consent was given shall lawfully uninstall or discontinue use of 1308

the tracking device or tracking application. If the person to 1309  
whom consent was given cannot lawfully uninstall or discontinue 1310  
use of the tracking device or tracking application, the person 1311  
to whom consent was given shall notify the court that issued the 1312  
Ohio protection order in writing that the person to whom consent 1313  
was given has installed or is using a tracking device or 1314  
tracking application on the previously consenting person's 1315  
person or the person's property and cannot uninstall or 1316  
discontinue its use without violating the Ohio protection order. 1317

(2) Revocation of consent under this division is effective 1318  
upon the service of the petition or motion or an Ohio protection 1319  
order. 1320

(D) This section does not apply to any of the following: 1321

(1) A law enforcement officer, or any law enforcement 1322  
agency, that installs a tracking device or tracking application 1323  
on another person's property or causes a tracking device or 1324  
tracking application to track the position or movement of 1325  
another person or another person's property as part of a 1326  
criminal investigation, or a probation officer, parole officer, 1327  
or employee of the department of rehabilitation and correction, 1328  
a halfway house, or a community-based correctional facility when 1329  
engaged in the lawful performance of the officer's or employee's 1330  
official duties; 1331

(2) A parent or legal guardian of a minor child who 1332  
installs or uses a tracking device or tracking application to 1333  
track the minor child if any of the following applies: 1334

(a) The parents or legal guardians of the child are 1335  
lawfully married to each other and are not separated or 1336  
otherwise living apart, and either of those parents or legal 1337

guardians consents to the installation of the tracking device or tracking application; 1338  
1339

(b) The parent or legal guardian of the child is the sole surviving parent or legal guardian of the child; 1340  
1341

(c) The parent or legal guardian of the child has sole custody of the child; 1342  
1343

(d) The parents or legal guardians of the child are divorced, separated, or otherwise living apart and neither parent has sole custody of the child, and both consent to the installation of the tracking device or tracking application; 1344  
1345  
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(e) The parents or legal guardians of the child are divorced, separated, or otherwise living apart, neither parent has sole custody of the child, and either only one parent consents to the installation of the tracking device or tracking application or one parent revokes consent, if the consenting parent only uses the tracking device or tracking application during that parent's parenting or custodial time and disables or removes the tracking device or application during the nonconsenting parent's parenting or custodial time. 1348  
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(3) A caregiver of an elderly person or disabled adult, if the elderly person's or disabled adult's treating physician certifies that the installation of a tracking device or tracking application onto the elderly person's or disabled adult's property is necessary to ensure the safety of the elderly person or disabled adult; 1357  
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(4) A person acting in good faith on behalf of a business entity for a legitimate business purpose, provided that this division does not apply to a private investigator engaged in the business of private investigation on behalf of another person; 1363  
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(5) (a) A private investigator or other person licensed 1367  
under section 4749.03 of the Revised Code, who is acting in the 1368  
normal course of the investigator's business of private 1369  
investigation on behalf of another person and who has the 1370  
consent of the owner of the property upon which the tracking 1371  
device or tracking application is installed, for the purpose of 1372  
obtaining information with reference to any of the following: 1373

(i) Criminal offenses committed, threatened, or suspected 1374  
against the United States, a territory of the United States, a 1375  
state, or any person or legal entity; 1376

(ii) Locating an individual known to be a fugitive from 1377  
justice; 1378

(iii) Locating lost or stolen property or other assets 1379  
that have been awarded by the court; 1380

(iv) Investigating claims related to workers' 1381  
compensation. 1382

(b) This division does not apply if the person on whose 1383  
behalf the private investigator is working is the subject of an 1384  
Ohio protection order or a protection order issued by a court of 1385  
another state or if the private investigator knows or reasonably 1386  
should know that the person on whose behalf the private 1387  
investigator is working seeks the investigator's services to aid 1388  
in the commission of a crime. 1389

(6) An owner or lessee of a motor vehicle who installs, or 1390  
directs the installation of, a tracking device or tracking 1391  
application on the vehicle during the period of ownership or 1392  
lease, if any of the following applies: 1393

(a) The tracking device or tracking application is removed 1394  
before the vehicle's title is transferred or the vehicle's lease 1395



expires; 1396

(b) The new owner of the vehicle, in the case of a sale, 1397  
or the lessor of the vehicle, in the case of an expired lease, 1398  
consents in writing to the non-removal of the tracking device or 1399  
tracking application; 1400

(c) The owner of the vehicle at the time of the 1401  
installation of the tracking device or tracking application was 1402  
the original manufacturer of the vehicle. 1403

(7) A person who installs a tracking device or application 1404  
on property in which the person has an ownership or contractual 1405  
interest, unless the person is the subject of a protective order 1406  
and the property is likely to be used by the person who obtained 1407  
the protective order; 1408

(8) A person or business entity that installs a tracking 1409  
device or tracking application on any fixed wing aircraft or 1410  
rotorcraft operated or managed by the person or business entity 1411  
pursuant to 14 C.F.R. part 91 or part 135 to track the position 1412  
or movement of the fixed wing aircraft or rotorcraft; 1413

(9) A surety bail bond agent, or any employee or 1414  
contractor of a surety bail bond agent, that installs a tracking 1415  
device or tracking application on another person's property or 1416  
causes a tracking device or tracking application to track the 1417  
position or movement of another person or another person's 1418  
property as part of the surety bail bond agent's, employee's, or 1419  
contractor's official responsibilities or duties. 1420

(E) For purposes of division (D) (1) of this section, a 1421  
probation officer, parole officer, or employee of the department 1422  
of rehabilitation and correction, a halfway house, or a 1423  
community-based correctional facility is engaged in the lawful 1424

performance of the officer's or employee's duties if both of the 1425  
following apply: 1426

(1) The court or the department of rehabilitation and 1427  
correction imposes electronic monitoring on a person. 1428

(2) The officer or employee installs or uses an electronic 1429  
monitoring device on that person in accordance with the court's 1430  
or department's imposition of electronic monitoring of that 1431  
person. 1432

(F) Whoever violates this section is guilty of illegal use 1433  
of a tracking device or application. 1434

(1) Except as otherwise provided in division (F)(2) of 1435  
this section, illegal use of a tracking device or application is 1436  
a misdemeanor of the first degree. 1437

(2) Illegal use of a tracking device or application is a 1438  
felony of the fourth degree if any of the following applies: 1439

(a) The offender previously has been convicted of or 1440  
pleaded guilty to a violation of this section or section 1441  
2903.211 of the Revised Code. 1442

(b) At the time of the commission of the offense, the 1443  
offender was the subject of a protection order issued under 1444  
section 2903.213 or 2903.214 of the Revised Code, regardless of 1445  
whether the person to be protected under the order is the victim 1446  
of the offense or another person. 1447

(c) Prior to committing the offense, the offender had been 1448  
determined to represent a substantial risk of physical harm to 1449  
others as manifested by evidence of then-recent homicidal or 1450  
other violent behavior, evidence of then-recent threats that 1451  
placed another in reasonable fear of violent behavior and 1452

serious physical harm, or other evidence of then-present 1453  
dangerousness. 1454

(d) The offender has a history of violence toward the 1455  
victim or a history of other violent acts towards the victim. 1456

**Sec. 2927.02.** (A) As used in this section and sections 1457  
2927.021 to 2927.024 of the Revised Code: 1458

(1) "Age verification" means a service provided by an 1459  
independent third party (other than a manufacturer, producer, 1460  
distributor, wholesaler, or retailer of cigarettes, other 1461  
tobacco products, alternative nicotine products, or papers used 1462  
to roll cigarettes) that compares information available from a 1463  
commercially available database, or aggregate of databases, that 1464  
regularly are used by government and businesses for the purpose 1465  
of age and identity verification to personal information 1466  
provided during an internet sale or other remote method of sale 1467  
to establish that the purchaser is twenty-one years of age or 1468  
older. 1469

(2) (a) "Alternative nicotine product" means, subject to 1470  
division (A) (2) (b) of this section, an electronic smoking 1471  
device, vapor product, or any other product or device that 1472  
consists of or contains nicotine that can be ingested into the 1473  
body by any means, including, but not limited to, chewing, 1474  
smoking, absorbing, dissolving, or inhaling. 1475

(b) "Alternative nicotine product" does not include any of 1476  
the following: 1477

(i) Any cigarette or other tobacco product; 1478

(ii) Any product that is a "drug" as that term is defined 1479  
in 21 U.S.C. 321(g) (1); 1480

(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h); 1481  
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(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g). 1483  
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(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes. 1485  
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(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes. 1487  
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(5) "Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. "Electronic smoking device" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). 1492  
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(6) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is twenty-one years of age or older. 1503  
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(7) "Tobacco product" means any product that is made or derived from tobacco or that contains any form of nicotine, if 1508  
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it is intended for human consumption or is likely to be 1510  
consumed, whether smoked, heated, chewed, absorbed, dissolved, 1511  
inhaled, or ingested by any other means, including, but not 1512  
limited to, a cigarette, an electronic smoking device, a cigar, 1513  
pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" 1514  
also means any component or accessory used in the consumption of 1515  
a tobacco product, such as filters, rolling papers, pipes, blunt 1516  
or hemp wraps, and liquids used in electronic smoking devices, 1517  
whether or not they contain nicotine. "Tobacco product" does not 1518  
include any product that is a drug, device, or combination 1519  
product, as those terms are defined or described in 21 U.S.C. 1520  
321 and 353(g). 1521

(8) "Vapor product" means a product, other than a 1522  
cigarette or other tobacco product as defined in Chapter 5743. 1523  
of the Revised Code, that contains or is made or derived from 1524  
nicotine and that is intended and marketed for human 1525  
consumption, including by smoking, inhaling, snorting, or 1526  
sniffing. "Vapor product" includes any component, part, or 1527  
additive that is intended for use in an electronic smoking 1528  
device, a mechanical heating element, battery, or electronic 1529  
circuit and is used to deliver the product. "Vapor product" does 1530  
not include any product that is a drug, device, or combination 1531  
product, as those terms are defined or described in 21 U.S.C. 1532  
321 and 353(g). "Vapor product" includes any product containing 1533  
nicotine, regardless of concentration. 1534

(9) "Vending machine" has the same meaning as "coin 1535  
machine" in section 2913.01 of the Revised Code. 1536

(B) No manufacturer, producer, distributor, wholesaler, or 1537  
retailer of cigarettes, other tobacco products, alternative 1538  
nicotine products, or papers used to roll cigarettes, no agent, 1539

employee, or representative of a manufacturer, producer, 1540  
distributor, wholesaler, or retailer of cigarettes, other 1541  
tobacco products, alternative nicotine products, or papers used 1542  
to roll cigarettes, and no other person shall do any of the 1543  
following: 1544

(1) Give, sell, or otherwise distribute cigarettes, other 1545  
tobacco products, alternative nicotine products, or papers used 1546  
to roll cigarettes: 1547

(a) To any person under twenty-one years of age; or 1548

(b) Without first verifying proof of age. 1549

(2) Give away, sell, or distribute cigarettes, other 1550  
tobacco products, alternative nicotine products, or papers used 1551  
to roll cigarettes in any place that does not have posted in a 1552  
conspicuous place a legibly printed sign in letters at least 1553  
one-half inch high stating that giving, selling, or otherwise 1554  
distributing cigarettes, other tobacco products, alternative 1555  
nicotine products, or papers used to roll cigarettes to a person 1556  
under twenty-one years of age is prohibited by law; 1557

(3) Knowingly furnish any false information regarding the 1558  
name, age, or other identification of any person under twenty- 1559  
one years of age with purpose to obtain cigarettes, other 1560  
tobacco products, alternative nicotine products, or papers used 1561  
to roll cigarettes for that person; 1562

(4) Manufacture, sell, or distribute in this state any 1563  
pack or other container of cigarettes containing fewer than 1564  
twenty cigarettes or any package of roll-your-own tobacco 1565  
containing less than six-tenths of one ounce of tobacco; 1566

(5) Sell cigarettes or alternative nicotine products in a 1567  
smaller quantity than that placed in the pack or other container 1568

by the manufacturer;	1569
(6) Give, sell, or otherwise distribute alternative	1570
nicotine products, papers used to roll cigarettes, or tobacco	1571
products other than cigarettes over the internet or through	1572
another remote method without age verification;	1573
(7) Allow an employee under eighteen years of age to sell	1574
any tobacco product;	1575
(8) Give away or otherwise distribute free samples of	1576
cigarettes, other tobacco products, alternative nicotine	1577
products, or coupons redeemable for cigarettes, other tobacco	1578
products, or alternative nicotine products.	1579
(C) No person shall sell or offer to sell cigarettes,	1580
other tobacco products, or alternative nicotine products by or	1581
from a vending machine, except in the following locations:	1582
(1) An area within a factory, business, office, or other	1583
place not open to the general public;	1584
(2) An area to which persons under twenty-one years of age	1585
are not generally permitted access;	1586
(3) Any other place not identified in division (C) (1) or	1587
(2) of this section, upon all of the following conditions:	1588
(a) The vending machine is located within the immediate	1589
vicinity, plain view, and control of the person who owns or	1590
operates the place, or an employee of that person, so that all	1591
cigarettes, other tobacco product, and alternative nicotine	1592
product purchases from the vending machine will be readily	1593
observed by the person who owns or operates the place or an	1594
employee of that person. For the purpose of this section, a	1595
vending machine located in any unmonitored area, including an	1596

unmonitored coatroom, restroom, hallway, or outer waiting area, 1597  
shall not be considered located within the immediate vicinity, 1598  
plain view, and control of the person who owns or operates the 1599  
place, or an employee of that person. 1600

(b) The vending machine is inaccessible to the public when 1601  
the place is closed. 1602

(c) A clearly visible notice is posted in the area where 1603  
the vending machine is located that states the following in 1604  
letters that are legibly printed and at least one-half inch 1605  
high: 1606

"It is illegal for any person under the age of 21 to 1607  
purchase tobacco or alternative nicotine products." 1608

(D) The following are affirmative defenses to a charge 1609  
under division (B) (1) of this section: 1610

(1) The person under twenty-one years of age was 1611  
accompanied by a parent, spouse who is twenty-one years of age 1612  
or older, or legal guardian of the person under twenty-one years 1613  
of age. 1614

(2) The person who gave, sold, or distributed cigarettes, 1615  
other tobacco products, alternative nicotine products, or papers 1616  
used to roll cigarettes to a person under twenty-one years of 1617  
age under division (B) (1) of this section is a parent, spouse 1618  
who is twenty-one years of age or older, or legal guardian of 1619  
the person under twenty-one years of age. 1620

(E) (1) It is not a violation of division (B) (1) or (2) of 1621  
this section for a person to give or otherwise distribute to a 1622  
person under twenty-one years of age cigarettes, other tobacco 1623  
products, alternative nicotine products, or papers used to roll 1624  
cigarettes while the person under twenty-one years of age is 1625



participating in a research protocol if all of the following 1626  
apply: 1627

(a) The parent, guardian, or legal custodian of the person 1628  
under twenty-one years of age has consented in writing to the 1629  
person under twenty-one years of age participating in the 1630  
research protocol. 1631

(b) An institutional human subjects protection review 1632  
board, or an equivalent entity, has approved the research 1633  
protocol. 1634

(c) The person under twenty-one years of age is 1635  
participating in the research protocol at the facility or 1636  
location specified in the research protocol. 1637

(2) It is not a violation of division (B)(1) or (2) of 1638  
this section for an employer to permit an employee eighteen, 1639  
nineteen, or twenty years of age to sell a tobacco product. 1640

(F)(1) No delivery service shall accept from, transport or 1641  
deliver to, or allow pick-up by, a person under twenty-one years 1642  
of age with respect to any of the following: 1643

(a) Alternative nicotine products; 1644

(b) Papers used to roll cigarettes; 1645

(c) Tobacco products other than cigarettes. 1646

(2) A delivery service shall require proof of age as a 1647  
condition of accepting, transporting, delivering, or allowing 1648  
pickup of the items described in divisions (F)(1)(a) to (c) of 1649  
this section. 1650

(G) Whoever violates division (B)(1), (2), (4), (5), (6), 1651  
(7), or (8), (C), or (F) of this section is guilty of illegal 1652

distribution of cigarettes, other tobacco products, or 1653  
alternative nicotine products. Except as otherwise provided in 1654  
this division, illegal distribution of cigarettes, other tobacco 1655  
products, or alternative nicotine products is a misdemeanor of 1656  
the fourth degree. If the offender previously has been convicted 1657  
of or pleaded guilty to illegal distribution of cigarettes, 1658  
other tobacco products, or alternative nicotine products is a 1659  
misdemeanor of the third degree. 1660

~~(H)~~(H) (1) Notwithstanding division (A) (2) of section 1661  
2929.28 of the Revised Code, if an offender is convicted of or 1662  
pleads guilty to a violation of division (B) (1) of this section, 1663  
the court shall impose a fine in the following amount: 1664

(a) Except as otherwise provided in divisions (H) (1) (b), 1665  
(c), (d), and (e) of this section, not more than two hundred 1666  
fifty dollars; 1667

(b) Except as otherwise provided in divisions (H) (1) (c), 1668  
(d), and (e) of this section, if an offender has previously been 1669  
convicted of or pleaded guilty to a violation of division (B) (1) 1670  
of this section, not more than five hundred dollars; 1671

(c) Except as otherwise provided in divisions (H) (1) (d) 1672  
and (e) of this section, if an offender previously has been 1673  
convicted of or pleaded guilty to two or more violations of 1674  
division (B) (1) of this section, five hundred dollars; 1675

(d) Except as otherwise provided in division (H) (1) (e) of 1676  
this section, if an offender previously has been convicted of or 1677  
pleaded guilty to three or more violations of division (B) (1) of 1678  
this section, one thousand dollars; 1679

(e) If an offender previously has been convicted of or 1680  
pleaded guilty to four or more violations of division (B) (1) of 1681

this section, one thousand five hundred dollars. 1682

(2) The financial sanctions required by division (H) (1) of this section are in lieu of the financial sanctions described in division (A) (2) of section 2929.28 of the Revised Code, but are in addition to any other sanctions or penalties that may apply to the offender, including other financial sanctions under that section or a jail term under section 2929.24 of the Revised Code. 1683  
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(I) Whoever violates division (B) (3) of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B) (3) of this section, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree. 1690  
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~~(I)~~ (J) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of section 2151.87 of the Revised Code are subject to seizure and forfeiture as contraband under Chapter 2981. of the Revised Code. 1701  
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**Sec. 3701.143.** For purposes of sections 1547.11, 4511.19, and 4511.194 of the Revised Code, the director of health shall determine, or cause to be determined, techniques or methods for 1709  
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1711

chemically analyzing a person's whole blood, blood serum or 1712  
plasma, urine, breath, oral fluid, or other bodily substance in 1713  
order to ascertain the presence or amount of alcohol, a drug of 1714  
abuse, controlled substance, metabolite of a controlled 1715  
substance, or combination of them in the person's whole blood, 1716  
blood serum or plasma, urine, breath, oral fluid, or other 1717  
bodily substance. The director shall approve satisfactory 1718  
techniques or methods, ascertain the qualifications of 1719  
individuals to conduct such analyses, and issue permits to 1720  
qualified persons authorizing them to perform such analyses. 1721  
Such permits shall be subject to termination or revocation at 1722  
the discretion of the director. 1723

As used in this section, "drug of abuse" has the same 1724  
meaning as in section 4506.01 of the Revised Code. 1725

**Sec. 3767.01.** As used in all sections of the Revised Code 1726  
relating to nuisances: 1727

(A) "Place" includes any building, erection, or place or 1728  
any separate part or portion thereof or the ground itself; 1729

(B) "Person" includes any individual, corporation, 1730  
association, partnership, trustee, lessee, agent, or assignee; 1731

(C) "Nuisance" means any of the following: 1732

(1) That which is defined and declared by statutes to be a 1733  
nuisance; 1734

(2) Any place in or upon which lewdness, assignation, or 1735  
prostitution is conducted, permitted, continued, or exists, or 1736  
any place, in or upon which lewd, indecent, lascivious, or 1737  
obscene films or plate negatives, film or plate positives, films 1738  
designed to be projected on a screen for exhibition films, or 1739  
glass slides either in negative or positive form designed for 1740

exhibition by projection on a screen, are photographed, 1741  
manufactured, developed, screened, exhibited, or otherwise 1742  
prepared or shown, and the personal property and contents used 1743  
in conducting and maintaining any such place for any such 1744  
purpose. This chapter shall not affect any newspaper, magazine, 1745  
or other publication entered as second class matter by the post- 1746  
office department. 1747

(3) Any room, house, building, boat, vehicle, structure, 1748  
or place where beer or intoxicating liquor is manufactured, 1749  
sold, bartered, possessed, or kept in violation of law and all 1750  
property kept and used in maintaining the same, and all property 1751  
designed for the unlawful manufacture of beer or intoxicating 1752  
liquor and beer or intoxicating liquor contained in the room, 1753  
house, building, boat, structure, or place, or the operation of 1754  
such a room, house, building, boat, structure, or place as 1755  
described in division (C) (3) of this section where the operation 1756  
of that place substantially interferes with public decency, 1757  
sobriety, peace, and good order. "Violation of law" includes, 1758  
but is not limited to, sales to any person under the legal 1759  
drinking age as prohibited in division (A) of section 4301.22 or 1760  
division (A) of section 4301.69 of the Revised Code and any 1761  
violation of section 2913.46 or 2925.03 of the Revised Code. 1762

(4) Any place in which a pattern of continuous or repeated 1763  
violations of division (B) (1) of section 2927.02 of the Revised 1764  
Code has occurred. 1765

**Sec. 4301.74.** Any person subject to an injunction, 1766  
temporary or permanent, granted pursuant to division (D) or (E) 1767  
of section 3767.05 of the Revised Code involving a condition 1768  
described in division (C) (3) ~~or (4)~~ of section 3767.01 of the 1769  
Revised Code shall obey such injunction. If such person violates 1770

such injunction, the court or in vacation a judge thereof, may 1771  
summarily try and punish the violator. The proceedings for 1772  
punishment for contempt shall be commenced by filing with the 1773  
clerk of the court from which such injunction issued information 1774  
under oath setting out the alleged facts constituting the 1775  
violation, whereupon the court shall forthwith cause a warrant 1776  
to issue under which the defendant shall be arrested. The trial 1777  
may be had upon affidavits, or either party may demand the 1778  
production and oral examination of the witnesses. 1779

**Sec. 4506.17.** (A) Both of the following are deemed to have 1780  
given consent to a test or tests of the person's whole blood, 1781  
blood serum or plasma, breath, oral fluid, or urine for the 1782  
purpose of determining the person's alcohol concentration or the 1783  
presence of any controlled substance or a metabolite of a 1784  
controlled substance: 1785

(1) A person while operating a commercial motor vehicle 1786  
that requires a commercial driver's license or commercial 1787  
driver's license temporary instruction permit; 1788

(2) A person who holds a commercial driver's license or 1789  
commercial driver's license temporary instruction permit while 1790  
operating a motor vehicle, including a commercial motor vehicle. 1791

(B) A test or tests as provided in division (A) of this 1792  
section may be administered at the direction of a peace officer 1793  
having reasonable ground to stop or detain the person and, after 1794  
investigating the circumstances surrounding the operation of the 1795  
motor vehicle, also having reasonable ground to believe the 1796  
person was driving the motor vehicle while having a measurable 1797  
or detectable amount of alcohol or of a controlled substance or 1798  
a metabolite of a controlled substance in the person's whole 1799  
blood, blood serum or plasma, breath, oral fluid, or urine. Any 1800

such test shall be given within two hours of the time of the 1801  
alleged violation. 1802

(C) A person requested by a peace officer to submit to a 1803  
test under division (A) of this section shall be advised by the 1804  
peace officer that a refusal to submit to the test will result 1805  
in the person immediately being placed out-of-service for a 1806  
period of twenty-four hours and being disqualified from 1807  
operating a commercial motor vehicle for a period of not less 1808  
than one year, and that the person is required to surrender the 1809  
person's commercial driver's license or permit to the peace 1810  
officer. 1811

(D) If a person refuses to submit to a test after being 1812  
warned as provided in division (C) of this section or submits to 1813  
a test that discloses the presence of an amount of alcohol or a 1814  
controlled substance prohibited by divisions (A) (1) to (6) of 1815  
section 4506.15 of the Revised Code or a metabolite of a 1816  
controlled substance, the person immediately shall surrender the 1817  
person's commercial driver's license or permit to the peace 1818  
officer. The peace officer shall forward the license or permit, 1819  
together with a sworn report, to the registrar of motor vehicles 1820  
certifying that the test was requested pursuant to division (A) 1821  
of this section and that the person either refused to submit to 1822  
testing or submitted to a test that disclosed the presence of 1823  
one of the prohibited concentrations of a substance listed in 1824  
divisions (A) (1) to (6) of section 4506.15 of the Revised Code 1825  
or a metabolite of a controlled substance. The form and contents 1826  
of the report required by this section shall be established by 1827  
the registrar by rule, but shall contain the advice to be read 1828  
to the driver and a statement to be signed by the driver 1829  
acknowledging that the driver has been read the advice and that 1830  
the form was shown to the driver. 1831

(E) Upon receipt of a sworn report from a peace officer as 1832  
provided in division (D) of this section, or upon receipt of 1833  
notification that a person has been disqualified under a similar 1834  
law of another state or foreign jurisdiction, the registrar 1835  
shall disqualify the person named in the report from driving a 1836  
commercial motor vehicle for the period described below: 1837

(1) Upon a first incident, one year; 1838

(2) Upon an incident of refusal or of a prohibited 1839  
concentration of alcohol, a controlled substance, or a 1840  
metabolite of a controlled substance after one or more previous 1841  
incidents of either refusal or of a prohibited concentration of 1842  
alcohol, a controlled substance, or a metabolite of a controlled 1843  
substance, the person shall be disqualified for life or such 1844  
lesser period as prescribed by rule by the registrar. 1845

(F) A test of a person's whole blood or a person's blood 1846  
serum or plasma given under this section shall comply with the 1847  
applicable provisions of division (D) of section 4511.19 of the 1848  
Revised Code and any physician, registered nurse, emergency 1849  
medical technician-intermediate, emergency medical technician- 1850  
paramedic, or qualified technician, chemist, or phlebotomist who 1851  
withdraws whole blood or blood serum or plasma from a person 1852  
under this section, and any hospital, first-aid station, clinic, 1853  
or other facility at which whole blood or blood serum or plasma 1854  
is withdrawn from a person pursuant to this section, is immune 1855  
from criminal liability, and from civil liability that is based 1856  
upon a claim of assault and battery or based upon any other 1857  
claim of malpractice, for any act performed in withdrawing whole 1858  
blood or blood serum or plasma from the person. The immunity 1859  
provided in this division also extends to an emergency medical 1860  
service organization that employs an emergency medical 1861



technician-intermediate or emergency medical technician- 1862  
paramedic who withdraws blood under this section. 1863

(G) When a person submits to a test under this section, 1864  
the results of the test, at the person's request, shall be made 1865  
available to the person, the person's attorney, or the person's 1866  
agent, immediately upon completion of the chemical test 1867  
analysis. The person also may have an additional test 1868  
administered by a physician, a registered nurse, or a qualified 1869  
technician, chemist, or phlebotomist of the person's own 1870  
choosing as provided in division (D) of section 4511.19 of the 1871  
Revised Code for tests administered under that section, and the 1872  
failure to obtain such a test has the same effect as in that 1873  
division. 1874

(H) No person shall refuse to immediately surrender the 1875  
person's commercial driver's license or permit to a peace 1876  
officer when required to do so by this section. 1877

(I) A peace officer issuing an out-of-service order or 1878  
receiving a commercial driver's license or permit surrendered 1879  
under this section may remove or arrange for the removal of any 1880  
commercial motor vehicle affected by the issuance of that order 1881  
or the surrender of that license. 1882

(J) (1) Except for civil actions arising out of the 1883  
operation of a motor vehicle and civil actions in which the 1884  
state is a plaintiff, no peace officer of any law enforcement 1885  
agency within this state is liable in compensatory damages in 1886  
any civil action that arises under the Revised Code or common 1887  
law of this state for an injury, death, or loss to person or 1888  
property caused in the performance of official duties under this 1889  
section and rules adopted under this section, unless the 1890  
officer's actions were manifestly outside the scope of the 1891

officer's employment or official responsibilities, or unless the 1892  
officer acted with malicious purpose, in bad faith, or in a 1893  
wanton or reckless manner. 1894

(2) Except for civil actions that arise out of the 1895  
operation of a motor vehicle and civil actions in which the 1896  
state is a plaintiff, no peace officer of any law enforcement 1897  
agency within this state is liable in punitive or exemplary 1898  
damages in any civil action that arises under the Revised Code 1899  
or common law of this state for any injury, death, or loss to 1900  
person or property caused in the performance of official duties 1901  
under this section of the Revised Code and rules adopted under 1902  
this section, unless the officer's actions were manifestly 1903  
outside the scope of the officer's employment or official 1904  
responsibilities, or unless the officer acted with malicious 1905  
purpose, in bad faith, or in a wanton or reckless manner. 1906

(K) When disqualifying a driver, the registrar shall cause 1907  
the records of the bureau of motor vehicles to be updated to 1908  
reflect the disqualification within ten days after it occurs. 1909

(L) The registrar immediately shall notify a driver who is 1910  
subject to disqualification of the disqualification, of the 1911  
length of the disqualification, and that the driver may request 1912  
a hearing within thirty days of the mailing of the notice to 1913  
show cause why the driver should not be disqualified from 1914  
operating a commercial motor vehicle. If a request for such a 1915  
hearing is not made within thirty days of the mailing of the 1916  
notice, the order of disqualification is final. The registrar 1917  
may designate hearing examiners who, after affording all parties 1918  
reasonable notice, shall conduct a hearing to determine whether 1919  
the disqualification order is supported by reliable evidence. 1920  
The registrar shall adopt rules to implement this division. 1921

(M) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license or permit is not otherwise suspended. A person whose commercial driver's license or permit is suspended shall not apply to the registrar for or receive a driver's license under Chapter 4507. of the Revised Code during the period of suspension.

(N) Whoever violates division (H) of this section is guilty of a misdemeanor of the first degree.

(O) As used in this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

**Sec. 4511.19.** (A) (1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(d) The person has a concentration of eight-hundredths of

one gram or more but less than seventeen-hundredths of one gram 1951  
by weight of alcohol per two hundred ten liters of the person's 1952  
breath. 1953

(e) The person has a concentration of eleven-hundredths of 1954  
one gram or more but less than two hundred thirty-eight- 1955  
thousandths of one gram by weight of alcohol per one hundred 1956  
milliliters of the person's urine. 1957

(f) The person has a concentration of seventeen-hundredths 1958  
of one per cent or more by weight per unit volume of alcohol in 1959  
the person's whole blood. 1960

(g) The person has a concentration of two hundred four- 1961  
thousandths of one per cent or more by weight per unit volume of 1962  
alcohol in the person's blood serum or plasma. 1963

(h) The person has a concentration of seventeen-hundredths 1964  
of one gram or more by weight of alcohol per two hundred ten 1965  
liters of the person's breath. 1966

(i) The person has a concentration of two hundred thirty- 1967  
eight-thousandths of one gram or more by weight of alcohol per 1968  
one hundred milliliters of the person's urine. 1969

(j) Except as provided in division (K) of this section, 1970  
the person has a concentration of any of the following 1971  
controlled substances or metabolites of a controlled substance 1972  
in the person's whole blood, blood serum or plasma, or urine 1973  
that equals or exceeds any of the following: 1974

(i) The person has a concentration of amphetamine in the 1975  
person's urine of at least five hundred nanograms of amphetamine 1976  
per milliliter of the person's urine or has a concentration of 1977  
amphetamine in the person's whole blood or blood serum or plasma 1978  
of at least one hundred nanograms of amphetamine per milliliter 1979

of the person's whole blood or blood serum or plasma.	1980
(ii) The person has a concentration of cocaine in the	1981
person's urine of at least one hundred fifty nanograms of	1982
cocaine per milliliter of the person's urine or has a	1983
concentration of cocaine in the person's whole blood or blood	1984
serum or plasma of at least fifty nanograms of cocaine per	1985
milliliter of the person's whole blood or blood serum or plasma.	1986
(iii) The person has a concentration of cocaine metabolite	1987
in the person's urine of at least one hundred fifty nanograms of	1988
cocaine metabolite per milliliter of the person's urine or has a	1989
concentration of cocaine metabolite in the person's whole blood	1990
or blood serum or plasma of at least fifty nanograms of cocaine	1991
metabolite per milliliter of the person's whole blood or blood	1992
serum or plasma.	1993
(iv) The person has a concentration of heroin in the	1994
person's urine of at least two thousand nanograms of heroin per	1995
milliliter of the person's urine or has a concentration of	1996
heroin in the person's whole blood or blood serum or plasma of	1997
at least fifty nanograms of heroin per milliliter of the	1998
person's whole blood or blood serum or plasma.	1999
(v) The person has a concentration of heroin metabolite	2000
(6-monoacetyl morphine) in the person's urine of at least ten	2001
nanograms of heroin metabolite (6-monoacetyl morphine) per	2002
milliliter of the person's urine or has a concentration of	2003
heroin metabolite (6-monoacetyl morphine) in the person's whole	2004
blood or blood serum or plasma of at least ten nanograms of	2005
heroin metabolite (6-monoacetyl morphine) per milliliter of the	2006
person's whole blood or blood serum or plasma.	2007
(vi) The person has a concentration of L.S.D. in the	2008

person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

(vii) The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

(viii) Either of the following applies:

(I) The person is under the influence of alcohol, a drug of abuse, or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(II) The person has a concentration of marihuana metabolite in the person's urine of at least thirty-five nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(ix) The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of

methamphetamine per milliliter of the person's urine or has a 2038  
concentration of methamphetamine in the person's whole blood or 2039  
blood serum or plasma of at least one hundred nanograms of 2040  
methamphetamine per milliliter of the person's whole blood or 2041  
blood serum or plasma. 2042

(x) The person has a concentration of phencyclidine in the 2043  
person's urine of at least twenty-five nanograms of 2044  
phencyclidine per milliliter of the person's urine or has a 2045  
concentration of phencyclidine in the person's whole blood or 2046  
blood serum or plasma of at least ten nanograms of phencyclidine 2047  
per milliliter of the person's whole blood or blood serum or 2048  
plasma. 2049

(xi) The state board of pharmacy has adopted a rule 2050  
pursuant to section 4729.041 of the Revised Code that specifies 2051  
the amount of salvia divinorum and the amount of salvinorin A 2052  
that constitute concentrations of salvia divinorum and 2053  
salvinorin A in a person's urine, in a person's whole blood, or 2054  
in a person's blood serum or plasma at or above which the person 2055  
is impaired for purposes of operating any vehicle, streetcar, or 2056  
trackless trolley within this state, the rule is in effect, and 2057  
the person has a concentration of salvia divinorum or salvinorin 2058  
A of at least that amount so specified by rule in the person's 2059  
urine, in the person's whole blood, or in the person's blood 2060  
serum or plasma. 2061

(2) No person who, within twenty years of the conduct 2062  
described in division (A)(2)(a) of this section, previously has 2063  
been convicted of or pleaded guilty to a violation of this 2064  
division, a violation of division (A)(1) of this section, or any 2065  
other equivalent offense shall do both of the following: 2066

(a) Operate any vehicle, streetcar, or trackless trolley 2067

within this state while under the influence of alcohol, a drug 2068  
of abuse, or a combination of them; 2069

(b) Subsequent to being arrested for operating the 2070  
vehicle, streetcar, or trackless trolley as described in 2071  
division (A)(2)(a) of this section, being asked by a law 2072  
enforcement officer to submit to a chemical test or tests under 2073  
section 4511.191 of the Revised Code, and being advised by the 2074  
officer in accordance with section 4511.192 of the Revised Code 2075  
of the consequences of the person's refusal or submission to the 2076  
test or tests, refuse to submit to the test or tests. 2077

(B) No person under twenty-one years of age shall operate 2078  
any vehicle, streetcar, or trackless trolley within this state, 2079  
if, at the time of the operation, any of the following apply: 2080

(1) The person has a concentration of at least two- 2081  
hundredths of one per cent but less than eight-hundredths of one 2082  
per cent by weight per unit volume of alcohol in the person's 2083  
whole blood. 2084

(2) The person has a concentration of at least three- 2085  
hundredths of one per cent but less than ninety-six-thousandths 2086  
of one per cent by weight per unit volume of alcohol in the 2087  
person's blood serum or plasma. 2088

(3) The person has a concentration of at least two- 2089  
hundredths of one gram but less than eight-hundredths of one 2090  
gram by weight of alcohol per two hundred ten liters of the 2091  
person's breath. 2092

(4) The person has a concentration of at least twenty- 2093  
eight one-thousandths of one gram but less than eleven- 2094  
hundredths of one gram by weight of alcohol per one hundred 2095  
milliliters of the person's urine. 2096



(C) In any proceeding arising out of one incident, a 2097  
person may be charged with a violation of division (A) (1) (a) or 2098  
(A) (2) and a violation of division (B) (1), (2), or (3) of this 2099  
section, but the person may not be convicted of more than one 2100  
violation of these divisions. 2101

(D) (1) (a) In any criminal prosecution or juvenile court 2102  
proceeding for a violation of division (A) (1) (a) of this section 2103  
or for an equivalent offense that is vehicle-related, the result 2104  
of any test of any blood, oral fluid, or urine withdrawn and 2105  
analyzed at any health care provider, as defined in section 2106  
2317.02 of the Revised Code, may be admitted with expert 2107  
testimony to be considered with any other relevant and competent 2108  
evidence in determining the guilt or innocence of the defendant. 2109

(b) In any criminal prosecution or juvenile court 2110  
proceeding for a violation of division (A) or (B) of this 2111  
section or for an equivalent offense that is vehicle-related, 2112  
the court may admit evidence on the presence and concentration 2113  
of alcohol, drugs of abuse, controlled substances, metabolites 2114  
of a controlled substance, or a combination of them in the 2115  
defendant's whole blood, blood serum or plasma, breath, urine, 2116  
oral fluid, or other bodily substance at the time of the alleged 2117  
violation as shown by chemical analysis of the substance 2118  
withdrawn within three hours of the time of the alleged 2119  
violation. The three-hour time limit specified in this division 2120  
regarding the admission of evidence does not extend or affect 2121  
the two-hour time limit specified in division (A) of section 2122  
4511.192 of the Revised Code as the maximum period of time 2123  
during which a person may consent to a chemical test or tests as 2124  
described in that section. The court may admit evidence on the 2125  
presence and concentration of alcohol, drugs of abuse, or a 2126  
combination of them as described in this division when a person 2127

submits to a blood, breath, urine, oral fluid, or other bodily 2128  
substance test at the request of a law enforcement officer under 2129  
section 4511.191 of the Revised Code or a blood or urine sample 2130  
is obtained pursuant to a search warrant. Only a physician, a 2131  
registered nurse, an emergency medical technician-intermediate, 2132  
an emergency medical technician-paramedic, or a qualified 2133  
technician, chemist, or phlebotomist shall withdraw a blood 2134  
sample for the purpose of determining the alcohol, drug, 2135  
controlled substance, metabolite of a controlled substance, or 2136  
combination content of the whole blood, blood serum, or blood 2137  
plasma. This limitation does not apply to the taking of breath, 2138  
oral fluid, or urine specimens. A person authorized to withdraw 2139  
blood under this division may refuse to withdraw blood under 2140  
this division, if in that person's opinion, the physical welfare 2141  
of the person would be endangered by the withdrawing of blood. 2142

The bodily substance withdrawn under division (D) (1) (b) of 2143  
this section shall be analyzed in accordance with methods 2144  
approved by the director of health by an individual possessing a 2145  
valid permit issued by the director pursuant to section 3701.143 2146  
of the Revised Code. 2147

(c) As used in division (D) (1) (b) of this section, 2148  
"emergency medical technician-intermediate" and "emergency 2149  
medical technician-paramedic" have the same meanings as in 2150  
section 4765.01 of the Revised Code. 2151

(2) In a criminal prosecution or juvenile court proceeding 2152  
for a violation of division (A) of this section or for an 2153  
equivalent offense that is vehicle-related, if there was at the 2154  
time the bodily substance was withdrawn a concentration of less 2155  
than the applicable concentration of alcohol specified in 2156  
divisions (A) (1) (b), (c), (d), and (e) of this section or less 2157

than the applicable concentration of a listed controlled 2158  
substance or a listed metabolite of a controlled substance 2159  
specified for a violation of division (A) (1) (j) of this section, 2160  
that fact may be considered with other competent evidence in 2161  
determining the guilt or innocence of the defendant. This 2162  
division does not limit or affect a criminal prosecution or 2163  
juvenile court proceeding for a violation of division (B) of 2164  
this section or for an equivalent offense that is substantially 2165  
equivalent to that division. 2166

(3) Upon the request of the person who was tested, the 2167  
results of the chemical test shall be made available to the 2168  
person or the person's attorney, immediately upon the completion 2169  
of the chemical test analysis. 2170

If the chemical test was obtained pursuant to division (D) 2171  
(1) (b) of this section, the person tested may have a physician, 2172  
a registered nurse, or a qualified technician, chemist, or 2173  
phlebotomist of the person's own choosing administer a chemical 2174  
test or tests, at the person's expense, in addition to any 2175  
administered at the request of a law enforcement officer. If the 2176  
person was under arrest as described in division (A) (5) of 2177  
section 4511.191 of the Revised Code, the arresting officer 2178  
shall advise the person at the time of the arrest that the 2179  
person may have an independent chemical test taken at the 2180  
person's own expense. If the person was under arrest other than 2181  
described in division (A) (5) of section 4511.191 of the Revised 2182  
Code, the form to be read to the person to be tested, as 2183  
required under section 4511.192 of the Revised Code, shall state 2184  
that the person may have an independent test performed at the 2185  
person's expense. The failure or inability to obtain an 2186  
additional chemical test by a person shall not preclude the 2187  
admission of evidence relating to the chemical test or tests 2188

taken at the request of a law enforcement officer. 2189

(4) (a) As used in divisions (D) (4) (b) and (c) of this 2190  
section, "national highway traffic safety administration" means 2191  
the national highway traffic safety administration established 2192  
as an administration of the United States department of 2193  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 2194

(b) In any criminal prosecution or juvenile court 2195  
proceeding for a violation of division (A) or (B) of this 2196  
section, of a municipal ordinance relating to operating a 2197  
vehicle while under the influence of alcohol, a drug of abuse, 2198  
or alcohol and a drug of abuse, or of a municipal ordinance 2199  
relating to operating a vehicle with a prohibited concentration 2200  
of alcohol, a controlled substance, or a metabolite of a 2201  
controlled substance in the whole blood, blood serum or plasma, 2202  
breath, oral fluid, or urine, if a law enforcement officer has 2203  
administered a field sobriety test to the operator of the 2204  
vehicle involved in the violation and if it is shown by clear 2205  
and convincing evidence that the officer administered the test 2206  
in substantial compliance with the testing standards for any 2207  
reliable, credible, and generally accepted field sobriety tests 2208  
that were in effect at the time the tests were administered, 2209  
including, but not limited to, any testing standards then in 2210  
effect that were set by the national highway traffic safety 2211  
administration, all of the following apply: 2212

(i) The officer may testify concerning the results of the 2213  
field sobriety test so administered. 2214

(ii) The prosecution may introduce the results of the 2215  
field sobriety test so administered as evidence in any 2216  
proceedings in the criminal prosecution or juvenile court 2217  
proceeding. 2218

(iii) If testimony is presented or evidence is introduced 2219  
under division (D) (4) (b) (i) or (ii) of this section and if the 2220  
testimony or evidence is admissible under the Rules of Evidence, 2221  
the court shall admit the testimony or evidence and the trier of 2222  
fact shall give it whatever weight the trier of fact considers 2223  
to be appropriate. 2224

(c) Division (D) (4) (b) of this section does not limit or 2225  
preclude a court, in its determination of whether the arrest of 2226  
a person was supported by probable cause or its determination of 2227  
any other matter in a criminal prosecution or juvenile court 2228  
proceeding of a type described in that division, from 2229  
considering evidence or testimony that is not otherwise 2230  
disallowed by division (D) (4) (b) of this section. 2231

(E) (1) Subject to division (E) (3) of this section, in any 2232  
criminal prosecution or juvenile court proceeding for a 2233  
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 2234  
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 2235  
an equivalent offense that is substantially equivalent to any of 2236  
those divisions, a laboratory report from any laboratory 2237  
personnel issued a permit by the department of health 2238  
authorizing an analysis as described in this division that 2239  
contains an analysis of the whole blood, blood serum or plasma, 2240  
breath, urine, or other bodily substance tested and that 2241  
contains all of the information specified in this division shall 2242  
be admitted as prima-facie evidence of the information and 2243  
statements that the report contains. The laboratory report shall 2244  
contain all of the following: 2245

(a) The signature, under oath, of any person who performed 2246  
the analysis; 2247

(b) Any findings as to the identity and quantity of 2248

alcohol, a drug of abuse, a controlled substance, a metabolite 2249  
of a controlled substance, or a combination of them that was 2250  
found; 2251

(c) A copy of a notarized statement by the laboratory 2252  
director or a designee of the director that contains the name of 2253  
each certified analyst or test performer involved with the 2254  
report, the analyst's or test performer's employment 2255  
relationship with the laboratory that issued the report, and a 2256  
notation that performing an analysis of the type involved is 2257  
part of the analyst's or test performer's regular duties; 2258

(d) An outline of the analyst's or test performer's 2259  
education, training, and experience in performing the type of 2260  
analysis involved and a certification that the laboratory 2261  
satisfies appropriate quality control standards in general and, 2262  
in this particular analysis, under rules of the department of 2263  
health. 2264

(2) Notwithstanding any other provision of law regarding 2265  
the admission of evidence, a report of the type described in 2266  
division (E)(1) of this section is not admissible against the 2267  
defendant to whom it pertains in any proceeding, other than a 2268  
preliminary hearing or a grand jury proceeding, unless the 2269  
prosecutor has served a copy of the report on the defendant's 2270  
attorney or, if the defendant has no attorney, on the defendant. 2271

(3) A report of the type described in division (E)(1) of 2272  
this section shall not be prima-facie evidence of the contents, 2273  
identity, or amount of any substance if, within seven days after 2274  
the defendant to whom the report pertains or the defendant's 2275  
attorney receives a copy of the report, the defendant or the 2276  
defendant's attorney demands the testimony of the person who 2277  
signed the report. The judge in the case may extend the seven- 2278

day time limit in the interest of justice. 2279

(F) Except as otherwise provided in this division, any 2280  
physician, registered nurse, emergency medical technician- 2281  
intermediate, emergency medical technician-paramedic, or 2282  
qualified technician, chemist, or phlebotomist who withdraws 2283  
blood from a person pursuant to this section or section 4511.191 2284  
or 4511.192 of the Revised Code, and any hospital, first-aid 2285  
station, or clinic at which blood is withdrawn from a person 2286  
pursuant to this section or section 4511.191 or 4511.192 of the 2287  
Revised Code, is immune from criminal liability and civil 2288  
liability based upon a claim of assault and battery or any other 2289  
claim that is not a claim of malpractice, for any act performed 2290  
in withdrawing blood from the person. The immunity provided in 2291  
this division also extends to an emergency medical service 2292  
organization that employs an emergency medical technician- 2293  
intermediate or emergency medical technician-paramedic who 2294  
withdraws blood under this section. The immunity provided in 2295  
this division is not available to a person who withdraws blood 2296  
if the person engages in willful or wanton misconduct. 2297

As used in this division, "emergency medical technician- 2298  
intermediate" and "emergency medical technician-paramedic" have 2299  
the same meanings as in section 4765.01 of the Revised Code. 2300

(G) (1) Whoever violates any provision of divisions (A) (1) 2301  
(a) to (i) or (A) (2) of this section is guilty of operating a 2302  
vehicle under the influence of alcohol, a drug of abuse, or a 2303  
combination of them. Whoever violates division (A) (1) (j) of this 2304  
section is guilty of operating a vehicle while under the 2305  
influence of a listed controlled substance or a listed 2306  
metabolite of a controlled substance. The court shall sentence 2307  
the offender for either offense under Chapter 2929. of the 2308

Revised Code, except as otherwise authorized or required by 2309  
divisions (G) (1) (a) to (e) of this section: 2310

(a) Except as otherwise provided in division (G) (1) (b), 2311  
(c), (d), or (e) of this section, the offender is guilty of a 2312  
misdemeanor of the first degree, and the court shall sentence 2313  
the offender to all of the following: 2314

(i) If the sentence is being imposed for a violation of 2315  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 2316  
a mandatory jail term of three consecutive days. As used in this 2317  
division, three consecutive days means seventy-two consecutive 2318  
hours. The court may sentence an offender to both an 2319  
intervention program and a jail term. The court may impose a 2320  
jail term in addition to the three-day mandatory jail term or 2321  
intervention program. However, in no case shall the cumulative 2322  
jail term imposed for the offense exceed six months. 2323

The court may suspend the execution of the three-day jail 2324  
term under this division if the court, in lieu of that suspended 2325  
term, places the offender under a community control sanction 2326  
pursuant to section 2929.25 of the Revised Code and requires the 2327  
offender to attend, for three consecutive days, a drivers' 2328  
intervention program certified under section 5119.38 of the 2329  
Revised Code. The court also may suspend the execution of any 2330  
part of the three-day jail term under this division if it places 2331  
the offender under a community control sanction pursuant to 2332  
section 2929.25 of the Revised Code for part of the three days, 2333  
requires the offender to attend for the suspended part of the 2334  
term a drivers' intervention program so certified, and sentences 2335  
the offender to a jail term equal to the remainder of the three 2336  
consecutive days that the offender does not spend attending the 2337  
program. The court may require the offender, as a condition of 2338



community control and in addition to the required attendance at 2339  
a drivers' intervention program, to attend and satisfactorily 2340  
complete any treatment or education programs that comply with 2341  
the minimum standards adopted pursuant to Chapter 5119. of the 2342  
Revised Code by the director of mental health and addiction 2343  
services that the operators of the drivers' intervention program 2344  
determine that the offender should attend and to report 2345  
periodically to the court on the offender's progress in the 2346  
programs. The court also may impose on the offender any other 2347  
conditions of community control that it considers necessary. 2348

If the court grants unlimited driving privileges to a 2349  
first-time offender under section 4510.022 of the Revised Code, 2350  
all penalties imposed upon the offender by the court under 2351  
division (G) (1) (a) (i) of this section for the offense apply, 2352  
except that the court shall suspend any mandatory or additional 2353  
jail term imposed by the court under division (G) (1) (a) (i) of 2354  
this section upon granting unlimited driving privileges in 2355  
accordance with section 4510.022 of the Revised Code. 2356

(ii) If the sentence is being imposed for a violation of 2357  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 2358  
section, except as otherwise provided in this division, a 2359  
mandatory jail term of at least three consecutive days and a 2360  
requirement that the offender attend, for three consecutive 2361  
days, a drivers' intervention program that is certified pursuant 2362  
to section 5119.38 of the Revised Code. As used in this 2363  
division, three consecutive days means seventy-two consecutive 2364  
hours. If the court determines that the offender is not 2365  
conducive to treatment in a drivers' intervention program, if 2366  
the offender refuses to attend a drivers' intervention program, 2367  
or if the jail at which the offender is to serve the jail term 2368  
imposed can provide a driver's intervention program, the court 2369

shall sentence the offender to a mandatory jail term of at least 2370  
six consecutive days. 2371

If the court grants unlimited driving privileges to a 2372  
first-time offender under section 4510.022 of the Revised Code, 2373  
all penalties imposed upon the offender by the court under 2374  
division (G) (1) (a) (ii) of this section for the offense apply, 2375  
except that the court shall suspend any mandatory or additional 2376  
jail term imposed by the court under division (G) (1) (a) (ii) of 2377  
this section upon granting unlimited driving privileges in 2378  
accordance with section 4510.022 of the Revised Code. 2379

The court may require the offender, under a community 2380  
control sanction imposed under section 2929.25 of the Revised 2381  
Code, to attend and satisfactorily complete any treatment or 2382  
education programs that comply with the minimum standards 2383  
adopted pursuant to Chapter 5119. of the Revised Code by the 2384  
director of mental health and addiction services, in addition to 2385  
the required attendance at drivers' intervention program, that 2386  
the operators of the drivers' intervention program determine 2387  
that the offender should attend and to report periodically to 2388  
the court on the offender's progress in the programs. The court 2389  
also may impose any other conditions of community control on the 2390  
offender that it considers necessary. 2391

(iii) In all cases, a fine of not less than three hundred 2392  
seventy-five and not more than one thousand seventy-five 2393  
dollars; 2394

(iv) In all cases, a suspension of the offender's driver's 2395  
or commercial driver's license or permit or nonresident 2396  
operating privilege for a definite period of one to three years. 2397  
The court may grant limited driving privileges relative to the 2398  
suspension under sections 4510.021 and 4510.13 of the Revised 2399

Code. The court may grant unlimited driving privileges with an 2400  
ignition interlock device relative to the suspension and may 2401  
reduce the period of suspension as authorized under section 2402  
4510.022 of the Revised Code. 2403

(b) Except as otherwise provided in division (G)(1)(e) of 2404  
this section, an offender who, within ten years of the offense, 2405  
previously has been convicted of or pleaded guilty to one 2406  
violation of division (A) of this section or one other 2407  
equivalent offense is guilty of a misdemeanor of the first 2408  
degree. The court shall sentence the offender to all of the 2409  
following: 2410

(i) If the sentence is being imposed for a violation of 2411  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 2412  
a mandatory jail term of ten consecutive days. The court shall 2413  
impose the ten-day mandatory jail term under this division 2414  
unless, subject to division (G)(3) of this section, it instead 2415  
imposes a sentence under that division consisting of both a jail 2416  
term and a term of house arrest with electronic monitoring, with 2417  
continuous alcohol monitoring, or with both electronic 2418  
monitoring and continuous alcohol monitoring. The court may 2419  
impose a jail term in addition to the ten-day mandatory jail 2420  
term. The cumulative jail term imposed for the offense shall not 2421  
exceed six months. 2422

In addition to the jail term or the term of house arrest 2423  
with electronic monitoring or continuous alcohol monitoring or 2424  
both types of monitoring and jail term, the court shall require 2425  
the offender to be assessed by a community addiction services 2426  
provider that is authorized by section 5119.21 of the Revised 2427  
Code, subject to division (I) of this section, and shall order 2428  
the offender to follow the treatment recommendations of the 2429

services provider. The purpose of the assessment is to determine 2430  
the degree of the offender's alcohol usage and to determine 2431  
whether or not treatment is warranted. Upon the request of the 2432  
court, the services provider shall submit the results of the 2433  
assessment to the court, including all treatment recommendations 2434  
and clinical diagnoses related to alcohol use. 2435

(ii) If the sentence is being imposed for a violation of 2436  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2437  
section, except as otherwise provided in this division, a 2438  
mandatory jail term of twenty consecutive days. The court shall 2439  
impose the twenty-day mandatory jail term under this division 2440  
unless, subject to division (G)(3) of this section, it instead 2441  
imposes a sentence under that division consisting of both a jail 2442  
term and a term of house arrest with electronic monitoring, with 2443  
continuous alcohol monitoring, or with both electronic 2444  
monitoring and continuous alcohol monitoring. The court may 2445  
impose a jail term in addition to the twenty-day mandatory jail 2446  
term. The cumulative jail term imposed for the offense shall not 2447  
exceed six months. 2448

In addition to the jail term or the term of house arrest 2449  
with electronic monitoring or continuous alcohol monitoring or 2450  
both types of monitoring and jail term, the court shall require 2451  
the offender to be assessed by a community addiction service 2452  
provider that is authorized by section 5119.21 of the Revised 2453  
Code, subject to division (I) of this section, and shall order 2454  
the offender to follow the treatment recommendations of the 2455  
services provider. The purpose of the assessment is to determine 2456  
the degree of the offender's alcohol usage and to determine 2457  
whether or not treatment is warranted. Upon the request of the 2458  
court, the services provider shall submit the results of the 2459  
assessment to the court, including all treatment recommendations 2460

and clinical diagnoses related to alcohol use. 2461

(iii) In all cases, notwithstanding the fines set forth in 2462  
Chapter 2929. of the Revised Code, a fine of not less than five 2463  
hundred twenty-five and not more than one thousand six hundred 2464  
twenty-five dollars; 2465

(iv) In all cases, a suspension of the offender's driver's 2466  
license, commercial driver's license, temporary instruction 2467  
permit, probationary license, or nonresident operating privilege 2468  
for a definite period of one to seven years. The court may grant 2469  
limited driving privileges relative to the suspension under 2470  
sections 4510.021 and 4510.13 of the Revised Code. 2471

(v) In all cases, if the vehicle is registered in the 2472  
offender's name, immobilization of the vehicle involved in the 2473  
offense for ninety days in accordance with section 4503.233 of 2474  
the Revised Code and impoundment of the license plates of that 2475  
vehicle for ninety days. 2476

(c) Except as otherwise provided in division (G)(1)(e) of 2477  
this section, an offender who, within ten years of the offense, 2478  
previously has been convicted of or pleaded guilty to two 2479  
violations of division (A) of this section or other equivalent 2480  
offenses is guilty of a misdemeanor. The court shall sentence 2481  
the offender to all of the following: 2482

(i) If the sentence is being imposed for a violation of 2483  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 2484  
a mandatory jail term of thirty consecutive days. The court 2485  
shall impose the thirty-day mandatory jail term under this 2486  
division unless, subject to division (G)(3) of this section, it 2487  
instead imposes a sentence under that division consisting of 2488  
both a jail term and a term of house arrest with electronic 2489

monitoring, with continuous alcohol monitoring, or with both 2490  
electronic monitoring and continuous alcohol monitoring. The 2491  
court may impose a jail term in addition to the thirty-day 2492  
mandatory jail term. Notwithstanding the jail terms set forth in 2493  
sections 2929.21 to 2929.28 of the Revised Code, the additional 2494  
jail term shall not exceed one year, and the cumulative jail 2495  
term imposed for the offense shall not exceed one year. 2496

(ii) If the sentence is being imposed for a violation of 2497  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2498  
section, a mandatory jail term of sixty consecutive days. The 2499  
court shall impose the sixty-day mandatory jail term under this 2500  
division unless, subject to division (G)(3) of this section, it 2501  
instead imposes a sentence under that division consisting of 2502  
both a jail term and a term of house arrest with electronic 2503  
monitoring, with continuous alcohol monitoring, or with both 2504  
electronic monitoring and continuous alcohol monitoring. The 2505  
court may impose a jail term in addition to the sixty-day 2506  
mandatory jail term. Notwithstanding the jail terms set forth in 2507  
sections 2929.21 to 2929.28 of the Revised Code, the additional 2508  
jail term shall not exceed one year, and the cumulative jail 2509  
term imposed for the offense shall not exceed one year. 2510

(iii) In all cases, notwithstanding the fines set forth in 2511  
Chapter 2929. of the Revised Code, a fine of not less than eight 2512  
hundred fifty and not more than two thousand seven hundred fifty 2513  
dollars; 2514

(iv) In all cases, a suspension of the offender's driver's 2515  
license, commercial driver's license, temporary instruction 2516  
permit, probationary license, or nonresident operating privilege 2517  
for a definite period of two to twelve years. The court may 2518  
grant limited driving privileges relative to the suspension 2519

under sections 4510.021 and 4510.13 of the Revised Code. 2520

(v) In all cases, if the vehicle is registered in the 2521  
offender's name, criminal forfeiture of the vehicle involved in 2522  
the offense in accordance with section 4503.234 of the Revised 2523  
Code. Division (G) (6) of this section applies regarding any 2524  
vehicle that is subject to an order of criminal forfeiture under 2525  
this division. 2526

(vi) In all cases, the court shall order the offender to 2527  
participate with a community addiction services provider 2528  
authorized by section 5119.21 of the Revised Code, subject to 2529  
division (I) of this section, and shall order the offender to 2530  
follow the treatment recommendations of the services provider. 2531  
The operator of the services provider shall determine and assess 2532  
the degree of the offender's alcohol dependency and shall make 2533  
recommendations for treatment. Upon the request of the court, 2534  
the services provider shall submit the results of the assessment 2535  
to the court, including all treatment recommendations and 2536  
clinical diagnoses related to alcohol use. 2537

(d) Except as otherwise provided in division (G) (1) (e) of 2538  
this section, an offender who, within ten years of the offense, 2539  
previously has been convicted of or pleaded guilty to three or 2540  
four violations of division (A) of this section or other 2541  
equivalent offenses, an offender who, within twenty years of the 2542  
offense, previously has been convicted of or pleaded guilty to 2543  
five or more violations of that nature, or an offender who 2544  
previously has been convicted of or pleaded guilty to a 2545  
specification of the type described in section 2941.1413 of the 2546  
Revised Code is guilty of a felony of the fourth degree. The 2547  
court shall sentence the offender to all of the following: 2548

(i) If the sentence is being imposed for a violation of 2549

division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 2550  
a mandatory prison term of one, two, three, four, or five years 2551  
as required by and in accordance with division (G)(2) of section 2552  
2929.13 of the Revised Code if the offender also is convicted of 2553  
or also pleads guilty to a specification of the type described 2554  
in section 2941.1413 of the Revised Code or, in the discretion 2555  
of the court, either a mandatory term of local incarceration of 2556  
sixty consecutive days in accordance with division (G)(1) of 2557  
section 2929.13 of the Revised Code or a mandatory prison term 2558  
of sixty consecutive days in accordance with division (G)(2) of 2559  
that section if the offender is not convicted of and does not 2560  
plead guilty to a specification of that type. If the court 2561  
imposes a mandatory term of local incarceration, it may impose a 2562  
jail term in addition to the sixty-day mandatory term, the 2563  
cumulative total of the mandatory term and the jail term for the 2564  
offense shall not exceed one year, and, except as provided in 2565  
division (A)(1) of section 2929.13 of the Revised Code, no 2566  
prison term is authorized for the offense. If the court imposes 2567  
a mandatory prison term, notwithstanding division (A)(4) of 2568  
section 2929.14 of the Revised Code, it also may sentence the 2569  
offender to a definite prison term that shall be not less than 2570  
six months and not more than thirty months and the prison terms 2571  
shall be imposed as described in division (G)(2) of section 2572  
2929.13 of the Revised Code. If the court imposes a mandatory 2573  
prison term or mandatory prison term and additional prison term, 2574  
in addition to the term or terms so imposed, the court also may 2575  
sentence the offender to a community control sanction for the 2576  
offense, but the offender shall serve all of the prison terms so 2577  
imposed prior to serving the community control sanction. 2578

(ii) If the sentence is being imposed for a violation of 2579  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2580



section, a mandatory prison term of one, two, three, four, or 2581  
five years as required by and in accordance with division (G) (2) 2582  
of section 2929.13 of the Revised Code if the offender also is 2583  
convicted of or also pleads guilty to a specification of the 2584  
type described in section 2941.1413 of the Revised Code or, in 2585  
the discretion of the court, either a mandatory term of local 2586  
incarceration of one hundred twenty consecutive days in 2587  
accordance with division (G) (1) of section 2929.13 of the 2588  
Revised Code or a mandatory prison term of one hundred twenty 2589  
consecutive days in accordance with division (G) (2) of that 2590  
section if the offender is not convicted of and does not plead 2591  
guilty to a specification of that type. If the court imposes a 2592  
mandatory term of local incarceration, it may impose a jail term 2593  
in addition to the one hundred twenty-day mandatory term, the 2594  
cumulative total of the mandatory term and the jail term for the 2595  
offense shall not exceed one year, and, except as provided in 2596  
division (A) (1) of section 2929.13 of the Revised Code, no 2597  
prison term is authorized for the offense. If the court imposes 2598  
a mandatory prison term, notwithstanding division (A) (4) of 2599  
section 2929.14 of the Revised Code, it also may sentence the 2600  
offender to a definite prison term that shall be not less than 2601  
six months and not more than thirty months and the prison terms 2602  
shall be imposed as described in division (G) (2) of section 2603  
2929.13 of the Revised Code. If the court imposes a mandatory 2604  
prison term or mandatory prison term and additional prison term, 2605  
in addition to the term or terms so imposed, the court also may 2606  
sentence the offender to a community control sanction for the 2607  
offense, but the offender shall serve all of the prison terms so 2608  
imposed prior to serving the community control sanction. 2609

(iii) In all cases, notwithstanding section 2929.18 of the 2610  
Revised Code, a fine of not less than one thousand three hundred 2611

fifty nor more than ten thousand five hundred dollars; 2612

(iv) In all cases, a class two license suspension of the 2613  
offender's driver's license, commercial driver's license, 2614  
temporary instruction permit, probationary license, or 2615  
nonresident operating privilege from the range specified in 2616  
division (A) (2) of section 4510.02 of the Revised Code. The 2617  
court may grant limited driving privileges relative to the 2618  
suspension under sections 4510.021 and 4510.13 of the Revised 2619  
Code. 2620

(v) In all cases, if the vehicle is registered in the 2621  
offender's name, criminal forfeiture of the vehicle involved in 2622  
the offense in accordance with section 4503.234 of the Revised 2623  
Code. Division (G) (6) of this section applies regarding any 2624  
vehicle that is subject to an order of criminal forfeiture under 2625  
this division. 2626

(vi) In all cases, the court shall order the offender to 2627  
participate with a community addiction services provider 2628  
authorized by section 5119.21 of the Revised Code, subject to 2629  
division (I) of this section, and shall order the offender to 2630  
follow the treatment recommendations of the services provider. 2631  
The operator of the services provider shall determine and assess 2632  
the degree of the offender's alcohol dependency and shall make 2633  
recommendations for treatment. Upon the request of the court, 2634  
the services provider shall submit the results of the assessment 2635  
to the court, including all treatment recommendations and 2636  
clinical diagnoses related to alcohol use. 2637

(vii) In all cases, if the court sentences the offender to 2638  
a mandatory term of local incarceration, in addition to the 2639  
mandatory term, the court, pursuant to section 2929.17 of the 2640  
Revised Code, may impose a term of house arrest with electronic 2641

monitoring. The term shall not commence until after the offender 2642  
has served the mandatory term of local incarceration. 2643

(e) An offender who previously has been convicted of or 2644  
pleaded guilty to a violation of division (A) of this section 2645  
that was a felony, regardless of when the violation and the 2646  
conviction or guilty plea occurred, is guilty of a felony of the 2647  
third degree. The court shall sentence the offender to all of 2648  
the following: 2649

(i) If the offender is being sentenced for a violation of 2650  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 2651  
a mandatory prison term of one, two, three, four, or five years 2652  
as required by and in accordance with division (G)(2) of section 2653  
2929.13 of the Revised Code if the offender also is convicted of 2654  
or also pleads guilty to a specification of the type described 2655  
in section 2941.1413 of the Revised Code or a mandatory prison 2656  
term of sixty consecutive days in accordance with division (G) 2657  
(2) of section 2929.13 of the Revised Code if the offender is 2658  
not convicted of and does not plead guilty to a specification of 2659  
that type. The court may impose a prison term in addition to the 2660  
mandatory prison term. The cumulative total of a sixty-day 2661  
mandatory prison term and the additional prison term for the 2662  
offense shall not exceed five years. In addition to the 2663  
mandatory prison term or mandatory prison term and additional 2664  
prison term the court imposes, the court also may sentence the 2665  
offender to a community control sanction for the offense, but 2666  
the offender shall serve all of the prison terms so imposed 2667  
prior to serving the community control sanction. 2668

(ii) If the sentence is being imposed for a violation of 2669  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2670  
section, a mandatory prison term of one, two, three, four, or 2671

five years as required by and in accordance with division (G) (2) 2672  
of section 2929.13 of the Revised Code if the offender also is 2673  
convicted of or also pleads guilty to a specification of the 2674  
type described in section 2941.1413 of the Revised Code or a 2675  
mandatory prison term of one hundred twenty consecutive days in 2676  
accordance with division (G) (2) of section 2929.13 of the 2677  
Revised Code if the offender is not convicted of and does not 2678  
plead guilty to a specification of that type. The court may 2679  
impose a prison term in addition to the mandatory prison term. 2680  
The cumulative total of a one hundred twenty-day mandatory 2681  
prison term and the additional prison term for the offense shall 2682  
not exceed five years. In addition to the mandatory prison term 2683  
or mandatory prison term and additional prison term the court 2684  
imposes, the court also may sentence the offender to a community 2685  
control sanction for the offense, but the offender shall serve 2686  
all of the prison terms so imposed prior to serving the 2687  
community control sanction. 2688

(iii) In all cases, notwithstanding section 2929.18 of the 2689  
Revised Code, a fine of not less than one thousand three hundred 2690  
fifty nor more than ten thousand five hundred dollars; 2691

(iv) In all cases, a class two license suspension of the 2692  
offender's driver's license, commercial driver's license, 2693  
temporary instruction permit, probationary license, or 2694  
nonresident operating privilege from the range specified in 2695  
division (A) (2) of section 4510.02 of the Revised Code. The 2696  
court may grant limited driving privileges relative to the 2697  
suspension under sections 4510.021 and 4510.13 of the Revised 2698  
Code. 2699

(v) In all cases, if the vehicle is registered in the 2700  
offender's name, criminal forfeiture of the vehicle involved in 2701

the offense in accordance with section 4503.234 of the Revised Code. Division (G) (6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F) (2) of section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative

sentence under this division that includes a term of house 2732  
arrest with electronic monitoring, with continuous alcohol 2733  
monitoring, or with both electronic monitoring and continuous 2734  
alcohol monitoring. 2735

As an alternative to a mandatory jail term of ten 2736  
consecutive days required by division (G)(1)(b)(i) of this 2737  
section, the court, under this division, may sentence the 2738  
offender to five consecutive days in jail and not less than 2739  
eighteen consecutive days of house arrest with electronic 2740  
monitoring, with continuous alcohol monitoring, or with both 2741  
electronic monitoring and continuous alcohol monitoring. The 2742  
cumulative total of the five consecutive days in jail and the 2743  
period of house arrest with electronic monitoring, continuous 2744  
alcohol monitoring, or both types of monitoring shall not exceed 2745  
six months. The five consecutive days in jail do not have to be 2746  
served prior to or consecutively to the period of house arrest. 2747

As an alternative to the mandatory jail term of twenty 2748  
consecutive days required by division (G)(1)(b)(ii) of this 2749  
section, the court, under this division, may sentence the 2750  
offender to ten consecutive days in jail and not less than 2751  
thirty-six consecutive days of house arrest with electronic 2752  
monitoring, with continuous alcohol monitoring, or with both 2753  
electronic monitoring and continuous alcohol monitoring. The 2754  
cumulative total of the ten consecutive days in jail and the 2755  
period of house arrest with electronic monitoring, continuous 2756  
alcohol monitoring, or both types of monitoring shall not exceed 2757  
six months. The ten consecutive days in jail do not have to be 2758  
served prior to or consecutively to the period of house arrest. 2759

As an alternative to a mandatory jail term of thirty 2760  
consecutive days required by division (G)(1)(c)(i) of this 2761

section, the court, under this division, may sentence the 2762  
offender to fifteen consecutive days in jail and not less than 2763  
fifty-five consecutive days of house arrest with electronic 2764  
monitoring, with continuous alcohol monitoring, or with both 2765  
electronic monitoring and continuous alcohol monitoring. The 2766  
cumulative total of the fifteen consecutive days in jail and the 2767  
period of house arrest with electronic monitoring, continuous 2768  
alcohol monitoring, or both types of monitoring shall not exceed 2769  
one year. The fifteen consecutive days in jail do not have to be 2770  
served prior to or consecutively to the period of house arrest. 2771

As an alternative to the mandatory jail term of sixty 2772  
consecutive days required by division (G)(1)(c)(ii) of this 2773  
section, the court, under this division, may sentence the 2774  
offender to thirty consecutive days in jail and not less than 2775  
one hundred ten consecutive days of house arrest with electronic 2776  
monitoring, with continuous alcohol monitoring, or with both 2777  
electronic monitoring and continuous alcohol monitoring. The 2778  
cumulative total of the thirty consecutive days in jail and the 2779  
period of house arrest with electronic monitoring, continuous 2780  
alcohol monitoring, or both types of monitoring shall not exceed 2781  
one year. The thirty consecutive days in jail do not have to be 2782  
served prior to or consecutively to the period of house arrest. 2783

(4) If an offender's driver's or occupational driver's 2784  
license or permit or nonresident operating privilege is 2785  
suspended under division (G) of this section and if section 2786  
4510.13 of the Revised Code permits the court to grant limited 2787  
driving privileges, the court may grant the limited driving 2788  
privileges in accordance with that section. If division (A)(7) 2789  
of that section requires that the court impose as a condition of 2790  
the privileges that the offender must display on the vehicle 2791  
that is driven subject to the privileges restricted license 2792

plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of section 4503.231 of the Revised Code.

(5) Fines imposed under this section for a violation of division (A) of this section shall be distributed as follows:

(a) Twenty-five dollars of the fine imposed under division (G) (1) (a) (iii), thirty-five dollars of the fine imposed under division (G) (1) (b) (iii), one hundred twenty-three dollars of the fine imposed under division (G) (1) (c) (iii), and two hundred ten dollars of the fine imposed under division (G) (1) (d) (iii) or (e) (iii) of this section shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. The agency shall use this share to pay only those costs it incurs in enforcing this section or a municipal OVI ordinance and in informing the public of the laws governing the operation of a vehicle while under the influence of alcohol, the dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

(b) Fifty dollars of the fine imposed under division (G) (1) (a) (iii) of this section shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration. If the offender is being sentenced for a violation of division (A) (1) (a), (b), (c), (d),



(e), or (j) of this section and was confined as a result of the 2823  
offense prior to being sentenced for the offense but is not 2824  
sentenced to a term of incarceration, the fifty dollars shall be 2825  
paid to the political subdivision that paid the cost of housing 2826  
the offender during that period of confinement. The political 2827  
subdivision shall use the share under this division to pay or 2828  
reimburse incarceration or treatment costs it incurs in housing 2829  
or providing drug and alcohol treatment to persons who violate 2830  
this section or a municipal OVI ordinance, costs of any 2831  
immobilizing or disabling device used on the offender's vehicle, 2832  
and costs of electronic house arrest equipment needed for 2833  
persons who violate this section. 2834

(c) Twenty-five dollars of the fine imposed under division 2835  
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 2836  
division (G) (1) (b) (iii) of this section shall be deposited into 2837  
the county or municipal indigent drivers' alcohol treatment fund 2838  
under the control of that court, as created by the county or 2839  
municipal corporation under division (F) of section 4511.191 of 2840  
the Revised Code. 2841

(d) One hundred fifteen dollars of the fine imposed under 2842  
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 2843  
the fine imposed under division (G) (1) (c) (iii), and four hundred 2844  
forty dollars of the fine imposed under division (G) (1) (d) (iii) 2845  
or (e) (iii) of this section shall be paid to the political 2846  
subdivision that pays the cost of housing the offender during 2847  
the offender's term of incarceration. The political subdivision 2848  
shall use this share to pay or reimburse incarceration or 2849  
treatment costs it incurs in housing or providing drug and 2850  
alcohol treatment to persons who violate this section or a 2851  
municipal OVI ordinance, costs for any immobilizing or disabling 2852  
device used on the offender's vehicle, and costs of electronic 2853

house arrest equipment needed for persons who violate this 2854  
section. 2855

(e) Fifty dollars of the fine imposed under divisions (G) 2856  
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 2857  
(G) (1) (e) (iii) of this section shall be deposited into the 2858  
special projects fund of the court in which the offender was 2859  
convicted and that is established under division (E) (1) of 2860  
section 2303.201, division (B) (1) of section 1901.26, or 2861  
division (B) (1) of section 1907.24 of the Revised Code, to be 2862  
used exclusively to cover the cost of immobilizing or disabling 2863  
devices, including certified ignition interlock devices, and 2864  
remote alcohol monitoring devices for indigent offenders who are 2865  
required by a judge to use either of these devices. If the court 2866  
in which the offender was convicted does not have a special 2867  
projects fund that is established under division (E) (1) of 2868  
section 2303.201, division (B) (1) of section 1901.26, or 2869  
division (B) (1) of section 1907.24 of the Revised Code, the 2870  
fifty dollars shall be deposited into the indigent drivers 2871  
interlock and alcohol monitoring fund under division (I) of 2872  
section 4511.191 of the Revised Code. 2873

(f) Seventy-five dollars of the fine imposed under 2874  
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 2875  
fine imposed under division (G) (1) (b) (iii), two hundred fifty 2876  
dollars of the fine imposed under division (G) (1) (c) (iii), and 2877  
five hundred dollars of the fine imposed under division (G) (1) 2878  
(d) (iii) or (e) (iii) of this section shall be transmitted to the 2879  
treasurer of state for deposit into the indigent defense support 2880  
fund established under section 120.08 of the Revised Code. 2881

(g) The balance of the fine imposed under division (G) (1) 2882  
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 2883

section shall be disbursed as otherwise provided by law. 2884

(6) If title to a motor vehicle that is subject to an 2885  
order of criminal forfeiture under division (G) (1) (c), (d), or 2886  
(e) of this section is assigned or transferred and division (B) 2887  
(2) or (3) of section 4503.234 of the Revised Code applies, in 2888  
addition to or independent of any other penalty established by 2889  
law, the court may fine the offender the value of the vehicle as 2890  
determined by publications of the national automobile dealers 2891  
association. The proceeds of any fine so imposed shall be 2892  
distributed in accordance with division (C) (2) of that section. 2893

(7) In all cases in which an offender is sentenced under 2894  
division (G) of this section, the offender shall provide the 2895  
court with proof of financial responsibility as defined in 2896  
section 4509.01 of the Revised Code. If the offender fails to 2897  
provide that proof of financial responsibility, the court, in 2898  
addition to any other penalties provided by law, may order 2899  
restitution pursuant to section 2929.18 or 2929.28 of the 2900  
Revised Code in an amount not exceeding five thousand dollars 2901  
for any economic loss arising from an accident or collision that 2902  
was the direct and proximate result of the offender's operation 2903  
of the vehicle before, during, or after committing the offense 2904  
for which the offender is sentenced under division (G) of this 2905  
section. 2906

(8) A court may order an offender to reimburse a law 2907  
enforcement agency for any costs incurred by the agency with 2908  
respect to a chemical test or tests administered to the offender 2909  
if all of the following apply: 2910

(a) The offender is convicted of or pleads guilty to a 2911  
violation of division (A) of this section. 2912

(b) The test or tests were of the offender's whole blood, 2913  
blood serum or plasma, oral fluid, or urine. 2914

(c) The test or tests indicated that the offender had ~~a~~ 2915  
one of the following at the time of the offense: 2916

(i) A prohibited concentration of a controlled substance 2917  
or a metabolite of a controlled substance in the offender's 2918  
whole blood, blood serum or plasma, or urine ~~at the time of the~~ 2919  
~~offense;~~ 2920

(ii) A drug of abuse or a metabolite of a drug of abuse in 2921  
the offender's oral fluid. 2922

(9) As used in division (G) of this section, "electronic 2923  
monitoring," "mandatory prison term," and "mandatory term of 2924  
local incarceration" have the same meanings as in section 2925  
2929.01 of the Revised Code. 2926

(H) Whoever violates division (B) of this section is 2927  
guilty of operating a vehicle after underage alcohol consumption 2928  
and shall be punished as follows: 2929

(1) Except as otherwise provided in division (H) (2) of 2930  
this section, the offender is guilty of a misdemeanor of the 2931  
fourth degree. In addition to any other sanction imposed for the 2932  
offense, the court shall impose a class six suspension of the 2933  
offender's driver's license, commercial driver's license, 2934  
temporary instruction permit, probationary license, or 2935  
nonresident operating privilege from the range specified in 2936  
division (A) (6) of section 4510.02 of the Revised Code. The 2937  
court may grant limited driving privileges relative to the 2938  
suspension under sections 4510.021 and 4510.13 of the Revised 2939  
Code. The court may grant unlimited driving privileges with an 2940  
ignition interlock device relative to the suspension and may 2941

reduce the period of suspension as authorized under section 2942  
4510.022 of the Revised Code. If the court grants unlimited 2943  
driving privileges under section 4510.022 of the Revised Code, 2944  
the court shall suspend any jail term imposed under division (H) 2945  
(1) of this section as required under that section. 2946

(2) If, within one year of the offense, the offender 2947  
previously has been convicted of or pleaded guilty to one or 2948  
more violations of division (A) of this section or other 2949  
equivalent offenses, the offender is guilty of a misdemeanor of 2950  
the third degree. In addition to any other sanction imposed for 2951  
the offense, the court shall impose a class four suspension of 2952  
the offender's driver's license, commercial driver's license, 2953  
temporary instruction permit, probationary license, or 2954  
nonresident operating privilege from the range specified in 2955  
division (A)(4) of section 4510.02 of the Revised Code. The 2956  
court may grant limited driving privileges relative to the 2957  
suspension under sections 4510.021 and 4510.13 of the Revised 2958  
Code. 2959

(3) The offender shall provide the court with proof of 2960  
financial responsibility as defined in section 4509.01 of the 2961  
Revised Code. If the offender fails to provide that proof of 2962  
financial responsibility, then, in addition to any other 2963  
penalties provided by law, the court may order restitution 2964  
pursuant to section 2929.28 of the Revised Code in an amount not 2965  
exceeding five thousand dollars for any economic loss arising 2966  
from an accident or collision that was the direct and proximate 2967  
result of the offender's operation of the vehicle before, 2968  
during, or after committing the violation of division (B) of 2969  
this section. 2970

(I)(1) No court shall sentence an offender to an alcohol 2971

treatment program under this section unless the treatment 2972  
program complies with the minimum standards for alcohol 2973  
treatment programs adopted under Chapter 5119. of the Revised 2974  
Code by the director of mental health and addiction services. 2975

(2) An offender who stays in a drivers' intervention 2976  
program or in an alcohol treatment program under an order issued 2977  
under this section shall pay the cost of the stay in the 2978  
program. However, if the court determines that an offender who 2979  
stays in an alcohol treatment program under an order issued 2980  
under this section is unable to pay the cost of the stay in the 2981  
program, the court may order that the cost be paid from the 2982  
court's indigent drivers' alcohol treatment fund. 2983

(J) If a person whose driver's or commercial driver's 2984  
license or permit or nonresident operating privilege is 2985  
suspended under this section files an appeal regarding any 2986  
aspect of the person's trial or sentence, the appeal itself does 2987  
not stay the operation of the suspension. 2988

(K) Division (A)(1)(j) of this section does not apply to a 2989  
person who operates a vehicle, streetcar, or trackless trolley 2990  
while the person has a concentration of a listed controlled 2991  
substance or a listed metabolite of a controlled substance in 2992  
the person's whole blood, blood serum or plasma, or urine that 2993  
equals or exceeds the amount specified in that division, if both 2994  
of the following apply: 2995

(1) The person obtained the controlled substance pursuant 2996  
to a prescription issued by a licensed health professional 2997  
authorized to prescribe drugs. 2998

(2) The person injected, ingested, or inhaled the 2999  
controlled substance in accordance with the health 3000

professional's directions. 3001

(L) The prohibited concentrations of a controlled 3002  
substance or a metabolite of a controlled substance listed in 3003  
division (A)(1)(j) of this section also apply in a prosecution 3004  
of a violation of division (D) of section 2923.16 of the Revised 3005  
Code in the same manner as if the offender is being prosecuted 3006  
for a prohibited concentration of alcohol. 3007

(M) All terms defined in section 4510.01 of the Revised 3008  
Code apply to this section. If the meaning of a term defined in 3009  
section 4510.01 of the Revised Code conflicts with the meaning 3010  
of the same term as defined in section 4501.01 or 4511.01 of the 3011  
Revised Code, the term as defined in section 4510.01 of the 3012  
Revised Code applies to this section. 3013

(N)(1) The Ohio Traffic Rules in effect on January 1, 3014  
2004, as adopted by the supreme court under authority of section 3015  
2937.46 of the Revised Code, do not apply to felony violations 3016  
of this section. Subject to division (N)(2) of this section, the 3017  
Rules of Criminal Procedure apply to felony violations of this 3018  
section. 3019

(2) If, on or after January 1, 2004, the supreme court 3020  
modifies the Ohio Traffic Rules to provide procedures to govern 3021  
felony violations of this section, the modified rules shall 3022  
apply to felony violations of this section. 3023

**Sec. 4511.191.** (A)(1) As used in this section: 3024

(a) "Physical control" has the same meaning as in section 3025  
4511.194 of the Revised Code. 3026

(b) "Alcohol monitoring device" means any device that 3027  
provides for continuous alcohol monitoring, any ignition 3028  
interlock device, any immobilizing or disabling device other 3029

than an ignition interlock device that is constantly available 3030  
to monitor the concentration of alcohol in a person's system, or 3031  
any other device that provides for the automatic testing and 3032  
periodic reporting of alcohol consumption by a person and that a 3033  
court orders a person to use as a sanction imposed as a result 3034  
of the person's conviction of or plea of guilty to an offense. 3035

(c) "Community addiction services provider" has the same 3036  
meaning as in section 5119.01 of the Revised Code. 3037

(2) Any person who operates a vehicle, streetcar, or 3038  
trackless trolley upon a highway or any public or private 3039  
property used by the public for vehicular travel or parking 3040  
within this state or who is in physical control of a vehicle, 3041  
streetcar, or trackless trolley shall be deemed to have given 3042  
consent to a chemical test or tests of the person's whole blood, 3043  
blood serum or plasma, breath, oral fluid, or urine to determine 3044  
the alcohol, drug of abuse, controlled substance, metabolite of 3045  
a controlled substance, or combination content of the person's 3046  
whole blood, blood serum or plasma, breath, oral fluid, or urine 3047  
if arrested for a violation of division (A) or (B) of section 3048  
4511.19 of the Revised Code, section 4511.194 of the Revised 3049  
Code or a substantially equivalent municipal ordinance, or a 3050  
municipal OVI ordinance. 3051

(3) The chemical test or tests under division (A) (2) of 3052  
this section shall be administered at the request of a law 3053  
enforcement officer having reasonable grounds to believe the 3054  
person was operating or in physical control of a vehicle, 3055  
streetcar, or trackless trolley in violation of a division, 3056  
section, or ordinance identified in division (A) (2) of this 3057  
section. The law enforcement agency by which the officer is 3058  
employed shall designate which of the tests shall be 3059



administered. 3060

(4) Any person who is dead or unconscious, or who 3061  
otherwise is in a condition rendering the person incapable of 3062  
refusal, shall be deemed to have consented as provided in 3063  
division (A) (2) of this section, and the test or tests may be 3064  
administered, subject to sections 313.12 to 313.16 of the 3065  
Revised Code. 3066

(5) (a) If a law enforcement officer arrests a person for a 3067  
violation of division (A) or (B) of section 4511.19 of the 3068  
Revised Code, section 4511.194 of the Revised Code or a 3069  
substantially equivalent municipal ordinance, or a municipal OVI 3070  
ordinance and if the person if convicted would be required to be 3071  
sentenced under division (G) (1) (c), (d), or (e) of section 3072  
4511.19 of the Revised Code, the law enforcement officer shall 3073  
request the person to submit, and the person shall submit, to a 3074  
chemical test or tests of the person's whole blood, blood serum 3075  
or plasma, breath, oral fluid, or urine for the purpose of 3076  
determining the alcohol, drug of abuse, controlled substance, 3077  
metabolite of a controlled substance, or combination content of 3078  
the person's whole blood, blood serum or plasma, breath, oral 3079  
fluid, or urine. A law enforcement officer who makes a request 3080  
pursuant to this division that a person submit to a chemical 3081  
test or tests is not required to advise the person of the 3082  
consequences of submitting to, or refusing to submit to, the 3083  
test or tests and is not required to give the person the form 3084  
described in division (B) of section 4511.192 of the Revised 3085  
Code, but the officer shall advise the person at the time of the 3086  
arrest that if the person refuses to take a chemical test the 3087  
officer may employ whatever reasonable means are necessary to 3088  
ensure that the person submits to a chemical test of the 3089  
person's whole blood or blood serum or plasma. The officer shall 3090

also advise the person at the time of the arrest that the person 3091  
may have an independent chemical test taken at the person's own 3092  
expense. Divisions (A) (3) and (4) of this section apply to the 3093  
administration of a chemical test or tests pursuant to this 3094  
division. 3095

(b) If a person refuses to submit to a chemical test upon 3096  
a request made pursuant to division (A) (5) (a) of this section, 3097  
the law enforcement officer who made the request may employ 3098  
whatever reasonable means are necessary to ensure that the 3099  
person submits to a chemical test of the person's whole blood or 3100  
blood serum or plasma. A law enforcement officer who acts 3101  
pursuant to this division to ensure that a person submits to a 3102  
chemical test of the person's whole blood or blood serum or 3103  
plasma is immune from criminal and civil liability based upon a 3104  
claim for assault and battery or any other claim for the acts, 3105  
unless the officer so acted with malicious purpose, in bad 3106  
faith, or in a wanton or reckless manner. 3107

(B) (1) Upon receipt of the sworn report of a law 3108  
enforcement officer who arrested a person for a violation of 3109  
division (A) or (B) of section 4511.19 of the Revised Code, 3110  
section 4511.194 of the Revised Code or a substantially 3111  
equivalent municipal ordinance, or a municipal OVI ordinance 3112  
that was completed and sent to the registrar of motor vehicles 3113  
and a court pursuant to section 4511.192 of the Revised Code in 3114  
regard to a person who refused to take the designated chemical 3115  
test, the registrar shall enter into the registrar's records the 3116  
fact that the person's driver's or commercial driver's license 3117  
or permit or nonresident operating privilege was suspended by 3118  
the arresting officer under this division and that section and 3119  
the period of the suspension, as determined under this section. 3120  
The suspension shall be subject to appeal as provided in section 3121

4511.197 of the Revised Code. The suspension shall be for 3122  
whichever of the following periods applies: 3123

(a) Except when division (B) (1) (b), (c), or (d) of this 3124  
section applies and specifies a different class or length of 3125  
suspension, the suspension shall be a class C suspension for the 3126  
period of time specified in division (B) (3) of section 4510.02 3127  
of the Revised Code. 3128

(b) If the arrested person, within ten years of the date 3129  
on which the person refused the request to consent to the 3130  
chemical test, had refused one previous request to consent to a 3131  
chemical test or had been convicted of or pleaded guilty to one 3132  
violation of division (A) of section 4511.19 of the Revised Code 3133  
or one other equivalent offense, the suspension shall be a class 3134  
B suspension imposed for the period of time specified in 3135  
division (B) (2) of section 4510.02 of the Revised Code. 3136

(c) If the arrested person, within ten years of the date 3137  
on which the person refused the request to consent to the 3138  
chemical test, had refused two previous requests to consent to a 3139  
chemical test, had been convicted of or pleaded guilty to two 3140  
violations of division (A) of section 4511.19 of the Revised 3141  
Code or other equivalent offenses, or had refused one previous 3142  
request to consent to a chemical test and also had been 3143  
convicted of or pleaded guilty to one violation of division (A) 3144  
of section 4511.19 of the Revised Code or other equivalent 3145  
offenses, which violation or offense arose from an incident 3146  
other than the incident that led to the refusal, the suspension 3147  
shall be a class A suspension imposed for the period of time 3148  
specified in division (B) (1) of section 4510.02 of the Revised 3149  
Code. 3150

(d) If the arrested person, within ten years of the date 3151

on which the person refused the request to consent to the 3152  
chemical test, had refused three or more previous requests to 3153  
consent to a chemical test, had been convicted of or pleaded 3154  
guilty to three or more violations of division (A) of section 3155  
4511.19 of the Revised Code or other equivalent offenses, or had 3156  
refused a number of previous requests to consent to a chemical 3157  
test and also had been convicted of or pleaded guilty to a 3158  
number of violations of division (A) of section 4511.19 of the 3159  
Revised Code or other equivalent offenses that cumulatively 3160  
total three or more such refusals, convictions, and guilty 3161  
pleas, the suspension shall be for five years. 3162

(2) The registrar shall terminate a suspension of the 3163  
driver's or commercial driver's license or permit of a resident 3164  
or of the operating privilege of a nonresident, or a denial of a 3165  
driver's or commercial driver's license or permit, imposed 3166  
pursuant to division (B)(1) of this section upon receipt of 3167  
notice that the person has entered a plea of guilty to, or that 3168  
the person has been convicted after entering a plea of no 3169  
contest to, operating a vehicle in violation of section 4511.19 3170  
of the Revised Code or in violation of a municipal OVI 3171  
ordinance, if the offense for which the conviction is had or the 3172  
plea is entered arose from the same incident that led to the 3173  
suspension or denial. 3174

The registrar shall credit against any judicial suspension 3175  
of a person's driver's or commercial driver's license or permit 3176  
or nonresident operating privilege imposed pursuant to section 3177  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 3178  
the Revised Code for a violation of a municipal OVI ordinance, 3179  
any time during which the person serves a related suspension 3180  
imposed pursuant to division (B)(1) of this section. 3181

(C) (1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A) (1) (j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C) (1) (a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C) (1) (b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B) (5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the 3213  
period of time specified in division (B) (3) of section 4510.02 3214  
of the Revised Code if the person has been convicted of or 3215  
pleaded guilty to, within ten years of the date the test was 3216  
conducted, one violation of division (A) of section 4511.19 of 3217  
the Revised Code or one other equivalent offense. 3218

(c) If, within ten years of the date the test was 3219  
conducted, the person has been convicted of or pleaded guilty to 3220  
two violations of a statute or ordinance described in division 3221  
(C) (1) (b) of this section, the suspension shall be a class B 3222  
suspension imposed for the period of time specified in division 3223  
(B) (2) of section 4510.02 of the Revised Code. 3224

(d) If, within ten years of the date the test was 3225  
conducted, the person has been convicted of or pleaded guilty to 3226  
more than two violations of a statute or ordinance described in 3227  
division (C) (1) (b) of this section, the suspension shall be a 3228  
class A suspension imposed for the period of time specified in 3229  
division (B) (1) of section 4510.02 of the Revised Code. 3230

(2) The registrar shall terminate a suspension of the 3231  
driver's or commercial driver's license or permit of a resident 3232  
or of the operating privilege of a nonresident, or a denial of a 3233  
driver's or commercial driver's license or permit, imposed 3234  
pursuant to division (C) (1) of this section upon receipt of 3235  
notice that the person has entered a plea of guilty to, or that 3236  
the person has been convicted after entering a plea of no 3237  
contest to, operating a vehicle in violation of section 4511.19 3238  
of the Revised Code or in violation of a municipal OVI 3239  
ordinance, if the offense for which the conviction is had or the 3240  
plea is entered arose from the same incident that led to the 3241  
suspension or denial. 3242

The registrar shall credit against any judicial suspension 3243  
of a person's driver's or commercial driver's license or permit 3244  
or nonresident operating privilege imposed pursuant to section 3245  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 3246  
the Revised Code for a violation of a municipal OVI ordinance, 3247  
any time during which the person serves a related suspension 3248  
imposed pursuant to division (C) (1) of this section. 3249

(D) (1) A suspension of a person's driver's or commercial 3250  
driver's license or permit or nonresident operating privilege 3251  
under this section for the time described in division (B) or (C) 3252  
of this section is effective immediately from the time at which 3253  
the arresting officer serves the notice of suspension upon the 3254  
arrested person. Any subsequent finding that the person is not 3255  
guilty of the charge that resulted in the person being requested 3256  
to take the chemical test or tests under division (A) of this 3257  
section does not affect the suspension. 3258

(2) If a person is arrested for operating a vehicle, 3259  
streetcar, or trackless trolley in violation of division (A) or 3260  
(B) of section 4511.19 of the Revised Code or a municipal OVI 3261  
ordinance, or for being in physical control of a vehicle, 3262  
streetcar, or trackless trolley in violation of section 4511.194 3263  
of the Revised Code or a substantially equivalent municipal 3264  
ordinance, regardless of whether the person's driver's or 3265  
commercial driver's license or permit or nonresident operating 3266  
privilege is or is not suspended under division (B) or (C) of 3267  
this section or Chapter 4510. of the Revised Code, the person's 3268  
initial appearance on the charge resulting from the arrest shall 3269  
be held within five days of the person's arrest or the issuance 3270  
of the citation to the person, subject to any continuance 3271  
granted by the court pursuant to section 4511.197 of the Revised 3272  
Code regarding the issues specified in that division. 3273

(E) When it finally has been determined under the 3274  
procedures of this section and sections 4511.192 to 4511.197 of 3275  
the Revised Code that a nonresident's privilege to operate a 3276  
vehicle within this state has been suspended, the registrar 3277  
shall give information in writing of the action taken to the 3278  
motor vehicle administrator of the state of the person's 3279  
residence and of any state in which the person has a license. 3280

(F) At the end of a suspension period under this section, 3281  
under section 4511.194, section 4511.196, or division (G) of 3282  
section 4511.19 of the Revised Code, or under section 4510.07 of 3283  
the Revised Code for a violation of a municipal OVI ordinance 3284  
and upon the request of the person whose driver's or commercial 3285  
driver's license or permit was suspended and who is not 3286  
otherwise subject to suspension, cancellation, or 3287  
disqualification, the registrar shall return the driver's or 3288  
commercial driver's license or permit to the person upon the 3289  
occurrence of all of the conditions specified in divisions (F) 3290  
(1) and (2) of this section: 3291

(1) A showing that the person has proof of financial 3292  
responsibility, a policy of liability insurance in effect that 3293  
meets the minimum standards set forth in section 4509.51 of the 3294  
Revised Code, or proof, to the satisfaction of the registrar, 3295  
that the person is able to respond in damages in an amount at 3296  
least equal to the minimum amounts specified in section 4509.51 3297  
of the Revised Code. 3298

(2) Subject to the limitation contained in division (F) (3) 3299  
of this section, payment by the person to the registrar or an 3300  
eligible deputy registrar of a license reinstatement fee of four 3301  
hundred seventy-five dollars, which fee shall be deposited in 3302  
the state treasury and credited as follows: 3303



(a) One hundred twelve dollars and fifty cents shall be 3304  
credited to the statewide treatment and prevention fund created 3305  
by section 4301.30 of the Revised Code. Money credited to the 3306  
fund under this section shall be used for purposes identified 3307  
under section 5119.22 of the Revised Code. 3308

(b) Seventy-five dollars shall be credited to the 3309  
reparations fund created by section 2743.191 of the Revised 3310  
Code. 3311

(c) Thirty-seven dollars and fifty cents shall be credited 3312  
to the indigent drivers alcohol treatment fund, which is hereby 3313  
established in the state treasury. The department of mental 3314  
health and addiction services shall distribute the moneys in 3315  
that fund to the county indigent drivers alcohol treatment 3316  
funds, the county juvenile indigent drivers alcohol treatment 3317  
funds, and the municipal indigent drivers alcohol treatment 3318  
funds that are required to be established by counties and 3319  
municipal corporations pursuant to division (H) of this section 3320  
to be used only as provided in division (H) (3) of this section. 3321  
Moneys in the fund that are not distributed to a county indigent 3322  
drivers alcohol treatment fund, a county juvenile indigent 3323  
drivers alcohol treatment fund, or a municipal indigent drivers 3324  
alcohol treatment fund under division (H) of this section 3325  
because the director of mental health and addiction services 3326  
does not have the information necessary to identify the county 3327  
or municipal corporation where the offender or juvenile offender 3328  
was arrested may be transferred by the director of budget and 3329  
management to the statewide treatment and prevention fund 3330  
created by section 4301.30 of the Revised Code, upon 3331  
certification of the amount by the director of mental health and 3332  
addiction services. 3333

(d) Seventy-five dollars shall be credited to the 3334  
opportunities for Ohioans with disabilities agency established 3335  
by section 3304.15 of the Revised Code, to the services for 3336  
rehabilitation fund, which is hereby established. The fund shall 3337  
be used to match available federal matching funds where 3338  
appropriate or for any other purpose or program of the agency. 3339

(e) Seventy-five dollars shall be deposited into the state 3340  
treasury and credited to the drug abuse resistance education 3341  
programs fund, which is hereby established, to be used by the 3342  
attorney general for the purposes specified in division (F) (4) 3343  
of this section. 3344

(f) Thirty dollars shall be credited to the public safety 3345  
- highway purposes fund created by section 4501.06 of the 3346  
Revised Code. 3347

(g) Twenty dollars shall be credited to the trauma and 3348  
emergency medical services fund created by section 4513.263 of 3349  
the Revised Code. 3350

(h) Fifty dollars shall be credited to the indigent 3351  
drivers interlock and alcohol monitoring fund, which is hereby 3352  
established in the state treasury. Moneys in the fund shall be 3353  
distributed by the department of public safety to the county 3354  
indigent drivers interlock and alcohol monitoring funds, the 3355  
county juvenile indigent drivers interlock and alcohol 3356  
monitoring funds, and the municipal indigent drivers interlock 3357  
and alcohol monitoring funds that are required to be established 3358  
by counties and municipal corporations pursuant to this section, 3359  
and shall be used only to pay the cost of an immobilizing or 3360  
disabling device, including a certified ignition interlock 3361  
device, or an alcohol monitoring device used by an offender or 3362  
juvenile offender who is ordered to use the device by a county, 3363

juvenile, or municipal court judge and who is determined by the 3364  
county, juvenile, or municipal court judge not to have the means 3365  
to pay for the person's use of the device. 3366

(3) If a person's driver's or commercial driver's license 3367  
or permit is suspended under this section, under section 3368  
4511.196 or division (G) of section 4511.19 of the Revised Code, 3369  
under section 4510.07 of the Revised Code for a violation of a 3370  
municipal OVI ordinance or under any combination of the 3371  
suspensions described in division (F) (3) of this section, and if 3372  
the suspensions arise from a single incident or a single set of 3373  
facts and circumstances, the person is liable for payment of, 3374  
and shall be required to pay to the registrar or an eligible 3375  
deputy registrar, only one reinstatement fee of four hundred 3376  
seventy-five dollars. The reinstatement fee shall be distributed 3377  
by the bureau in accordance with division (F) (2) of this 3378  
section. 3379

(4) The attorney general shall use amounts in the drug 3380  
abuse resistance education programs fund to award grants to law 3381  
enforcement agencies to establish and implement drug abuse 3382  
resistance education programs in public schools. Grants awarded 3383  
to a law enforcement agency under this section shall be used by 3384  
the agency to pay for not more than fifty per cent of the amount 3385  
of the salaries of law enforcement officers who conduct drug 3386  
abuse resistance education programs in public schools. The 3387  
attorney general shall not use more than six per cent of the 3388  
amounts the attorney general's office receives under division 3389  
(F) (2) (e) of this section to pay the costs it incurs in 3390  
administering the grant program established by division (F) (2) 3391  
(e) of this section and in providing training and materials 3392  
relating to drug abuse resistance education programs. 3393

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section, if the person pays the reinstatement fee to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H) (1) Each county shall establish an indigent drivers alcohol treatment fund and a juvenile indigent drivers alcohol treatment fund. Each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol

treatment fund. All revenue that the general assembly 3424  
appropriates to the indigent drivers alcohol treatment fund for 3425  
transfer to a county indigent drivers alcohol treatment fund, a 3426  
county juvenile indigent drivers alcohol treatment fund, or a 3427  
municipal indigent drivers alcohol treatment fund, all portions 3428  
of fees that are paid under division (F) of this section and 3429  
that are credited under that division to the indigent drivers 3430  
alcohol treatment fund in the state treasury for a county 3431  
indigent drivers alcohol treatment fund, a county juvenile 3432  
indigent drivers alcohol treatment fund, or a municipal indigent 3433  
drivers alcohol treatment fund, all portions of additional costs 3434  
imposed under section 2949.094 of the Revised Code that are 3435  
specified for deposit into a county, county juvenile, or 3436  
municipal indigent drivers alcohol treatment fund by that 3437  
section, and all portions of fines that are specified for 3438  
deposit into a county or municipal indigent drivers alcohol 3439  
treatment fund by section 4511.193 of the Revised Code shall be 3440  
deposited into that county indigent drivers alcohol treatment 3441  
fund, county juvenile indigent drivers alcohol treatment fund, 3442  
or municipal indigent drivers alcohol treatment fund. The 3443  
portions of the fees paid under division (F) of this section 3444  
that are to be so deposited shall be determined in accordance 3445  
with division (H) (2) of this section. Additionally, all portions 3446  
of fines that are paid for a violation of section 4511.19 of the 3447  
Revised Code or of any prohibition contained in Chapter 4510. of 3448  
the Revised Code, and that are required under section 4511.19 or 3449  
any provision of Chapter 4510. of the Revised Code to be 3450  
deposited into a county indigent drivers alcohol treatment fund 3451  
or municipal indigent drivers alcohol treatment fund shall be 3452  
deposited into the appropriate fund in accordance with the 3453  
applicable division of the section or provision. 3454

(2) That portion of the license reinstatement fee that is 3455  
paid under division (F) of this section and that is credited 3456  
under that division to the indigent drivers alcohol treatment 3457  
fund shall be deposited into a county indigent drivers alcohol 3458  
treatment fund, a county juvenile indigent drivers alcohol 3459  
treatment fund, or a municipal indigent drivers alcohol 3460  
treatment fund as follows: 3461

(a) Regarding a suspension imposed under this section, 3462  
that portion of the fee shall be deposited as follows: 3463

(i) If the fee is paid by a person who was charged in a 3464  
county court with the violation that resulted in the suspension 3465  
or in the imposition of the court costs, the portion shall be 3466  
deposited into the county indigent drivers alcohol treatment 3467  
fund under the control of that court; 3468

(ii) If the fee is paid by a person who was charged in a 3469  
juvenile court with the violation that resulted in the 3470  
suspension or in the imposition of the court costs, the portion 3471  
shall be deposited into the county juvenile indigent drivers 3472  
alcohol treatment fund established in the county served by the 3473  
court; 3474

(iii) If the fee is paid by a person who was charged in a 3475  
municipal court with the violation that resulted in the 3476  
suspension or in the imposition of the court costs, the portion 3477  
shall be deposited into the municipal indigent drivers alcohol 3478  
treatment fund under the control of that court. 3479

(b) Regarding a suspension imposed under section 4511.19 3480  
of the Revised Code or under section 4510.07 of the Revised Code 3481  
for a violation of a municipal OVI ordinance, that portion of 3482  
the fee shall be deposited as follows: 3483

(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3) (a) As used in division (H) (3) of this section, "indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H) (5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

(b) A county, juvenile, or municipal court judge, by order, may make expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund with respect to an indigent person for any of the following:

(i) To pay the cost of an assessment that is conducted by an appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised Code or at a community addiction services provider whose alcohol and drug addiction services are certified under

section 5119.36 of the Revised Code; 3514

(ii) To pay the cost of alcohol addiction services, drug 3515  
addiction services, or integrated alcohol and drug addiction 3516  
services at a community addiction services provider whose 3517  
alcohol and drug addiction services are certified under section 3518  
5119.36 of the Revised Code; 3519

(iii) To pay the cost of transportation to attend an 3520  
assessment as provided under division (H) (3) (b) (i) of this 3521  
section or addiction services as provided under division (H) (3) 3522  
(b) (ii) of this section. 3523

The alcohol and drug addiction services board or the board 3524  
of alcohol, drug addiction, and mental health services 3525  
established pursuant to section 340.02 or 340.021 of the Revised 3526  
Code and serving the alcohol, drug addiction, and mental health 3527  
service district in which the court is located shall administer 3528  
the indigent drivers alcohol treatment program of the court. 3529  
When a court orders an offender or juvenile traffic offender to 3530  
obtain an assessment or attend an alcohol and drug addiction 3531  
treatment program, the board shall determine which program is 3532  
suitable to meet the needs of the offender or juvenile traffic 3533  
offender, and when a suitable program is located and space is 3534  
available at the program, the offender or juvenile traffic 3535  
offender shall attend the program designated by the board. A 3536  
reasonable amount not to exceed five per cent of the amounts 3537  
credited to and deposited into the county indigent drivers 3538  
alcohol treatment fund, the county juvenile indigent drivers 3539  
alcohol treatment fund, or the municipal indigent drivers 3540  
alcohol treatment fund serving every court whose program is 3541  
administered by that board shall be paid to the board to cover 3542  
the costs it incurs in administering those indigent drivers 3543



alcohol treatment programs. 3544

(c) Upon exhaustion of moneys in the indigent drivers 3545  
interlock and alcohol monitoring fund for the use of an alcohol 3546  
monitoring device, a county, juvenile, or municipal court judge 3547  
may use moneys in the county indigent drivers alcohol treatment 3548  
fund, county juvenile indigent drivers alcohol treatment fund, 3549  
or municipal indigent drivers alcohol treatment fund in either 3550  
of the following manners: 3551

(i) If the source of the moneys was an appropriation of 3552  
the general assembly, a portion of a fee that was paid under 3553  
division (F) of this section, a portion of a fine that was 3554  
specified for deposit into the fund by section 4511.193 of the 3555  
Revised Code, or a portion of a fine that was paid for a 3556  
violation of section 4511.19 of the Revised Code or of a 3557  
provision contained in Chapter 4510. of the Revised Code that 3558  
was required to be deposited into the fund, to pay for the 3559  
continued use of an alcohol monitoring device by an offender or 3560  
juvenile traffic offender, in conjunction with a treatment 3561  
program approved by the department of mental health and 3562  
addiction services, when such use is determined clinically 3563  
necessary by the treatment program and when the court determines 3564  
that the offender or juvenile traffic offender is unable to pay 3565  
all or part of the daily monitoring or cost of the device; 3566

(ii) If the source of the moneys was a portion of an 3567  
additional court cost imposed under section 2949.094 of the 3568  
Revised Code, to pay for the continued use of an alcohol 3569  
monitoring device by an offender or juvenile traffic offender 3570  
when the court determines that the offender or juvenile traffic 3571  
offender is unable to pay all or part of the daily monitoring or 3572  
cost of the device. The moneys may be used for a device as 3573

described in this division if the use of the device is in 3574  
conjunction with a treatment program approved by the department 3575  
of mental health and addiction services, when the use of the 3576  
device is determined clinically necessary by the treatment 3577  
program, but the use of a device is not required to be in 3578  
conjunction with a treatment program approved by the department 3579  
in order for the moneys to be used for the device as described 3580  
in this division. 3581

(4) If a county, juvenile, or municipal court determines, 3582  
in consultation with the alcohol and drug addiction services 3583  
board or the board of alcohol, drug addiction, and mental health 3584  
services established pursuant to section 340.02 or 340.021 of 3585  
the Revised Code and serving the alcohol, drug addiction, and 3586  
mental health district in which the court is located, that the 3587  
funds in the county indigent drivers alcohol treatment fund, the 3588  
county juvenile indigent drivers alcohol treatment fund, or the 3589  
municipal indigent drivers alcohol treatment fund under the 3590  
control of the court are more than sufficient to satisfy the 3591  
purpose for which the fund was established, as specified in 3592  
divisions (H) (1) to (3) of this section, the court may declare a 3593  
surplus in the fund. If the court declares a surplus in the 3594  
fund, the court may take one or more of the following actions 3595  
with regard to the amount of the surplus in the fund: 3596

(a) Expend any of the surplus amount for alcohol and drug 3597  
abuse assessment and treatment, and for the cost of 3598  
transportation related to assessment and treatment, of persons 3599  
who are charged in the court with committing a criminal offense 3600  
or with being a delinquent child or juvenile traffic offender 3601  
and in relation to whom both of the following apply: 3602

(i) The court determines that substance abuse was a 3603

contributing factor leading to the criminal or delinquent 3604  
activity or the juvenile traffic offense with which the person 3605  
is charged. 3606

(ii) The court determines that the person is unable to pay 3607  
the cost of the alcohol and drug abuse assessment and treatment 3608  
for which the surplus money will be used. 3609

(b) Expend any of the surplus amount to pay all or part of 3610  
the cost of purchasing alcohol monitoring devices to be used in 3611  
conjunction with division (H) (3) (c) of this section, upon 3612  
exhaustion of moneys in the indigent drivers interlock and 3613  
alcohol monitoring fund for the use of an alcohol monitoring 3614  
device. 3615

(c) Transfer to another court in the same county any of 3616  
the surplus amount to be utilized in a manner consistent with 3617  
division (H) (3) of this section. If surplus funds are 3618  
transferred to another court, the court that transfers the funds 3619  
shall notify the alcohol and drug addiction services board or 3620  
the board of alcohol, drug addiction, and mental health services 3621  
that serves the alcohol, drug addiction, and mental health 3622  
service district in which that court is located. 3623

(d) Transfer to the alcohol and drug addiction services 3624  
board or the board of alcohol, drug addiction, and mental health 3625  
services that serves the alcohol, drug addiction, and mental 3626  
health service district in which the court is located any of the 3627  
surplus amount to be utilized in a manner consistent with 3628  
division (H) (3) of this section or for board contracted recovery 3629  
support services. 3630

(e) Expend any of the surplus amount for the cost of 3631  
staffing, equipment, training, drug testing, supplies, and other 3632

expenses of any specialized docket program established within 3633  
the court and certified by the supreme court. 3634

(5) In order to determine if an offender does not have the 3635  
means to pay for the offender's attendance at an alcohol and 3636  
drug addiction treatment program for purposes of division (H) (3) 3637  
of this section or if an alleged offender or delinquent child is 3638  
unable to pay the costs specified in division (H) (4) of this 3639  
section, the court shall use the indigent client eligibility 3640  
guidelines and the standards of indigency established by the 3641  
state public defender to make the determination. 3642

(6) The court shall identify and refer any community 3643  
addiction services provider that intends to provide alcohol and 3644  
drug addiction services and has not had its alcohol and drug 3645  
addiction services certified under section 5119.36 of the 3646  
Revised Code and that is interested in receiving amounts from 3647  
the surplus in the fund declared under division (H) (4) of this 3648  
section to the department of mental health and addiction 3649  
services in order for the community addiction services provider 3650  
to have its alcohol and drug addiction services certified by the 3651  
department. The department shall keep a record of applicant 3652  
referrals received pursuant to this division and shall submit a 3653  
report on the referrals each year to the general assembly. If a 3654  
community addiction services provider interested in having its 3655  
alcohol and drug addiction services certified makes an 3656  
application pursuant to section 5119.36 of the Revised Code, the 3657  
community addiction services provider is eligible to receive 3658  
surplus funds as long as the application is pending with the 3659  
department. The department of mental health and addiction 3660  
services must offer technical assistance to the applicant. If 3661  
the interested community addiction services provider withdraws 3662  
the certification application, the department must notify the 3663

court, and the court shall not provide the interested community 3664  
addiction services provider with any further surplus funds. 3665

(7) (a) Each alcohol and drug addiction services board and 3666  
board of alcohol, drug addiction, and mental health services 3667  
established pursuant to section 340.02 or 340.021 of the Revised 3668  
Code shall submit to the department of mental health and 3669  
addiction services an annual report for each indigent drivers 3670  
alcohol treatment fund in that board's area. 3671

(b) The report, which shall be submitted not later than 3672  
sixty days after the end of the state fiscal year, shall provide 3673  
the total payment that was made from the fund, including the 3674  
number of indigent consumers that received treatment services 3675  
and the number of indigent consumers that received an alcohol 3676  
monitoring device. The report shall identify the treatment 3677  
program and expenditure for an alcohol monitoring device for 3678  
which that payment was made. The report shall include the fiscal 3679  
year balance of each indigent drivers alcohol treatment fund 3680  
located in that board's area. In the event that a surplus is 3681  
declared in the fund pursuant to division (H) (4) of this 3682  
section, the report also shall provide the total payment that 3683  
was made from the surplus moneys and identify the authorized 3684  
purpose for which that payment was made. 3685

(c) If a board is unable to obtain adequate information to 3686  
develop the report to submit to the department for a particular 3687  
indigent drivers alcohol treatment fund, the board shall submit 3688  
a report detailing the effort made in obtaining the information. 3689

(I) (1) Each county shall establish an indigent drivers 3690  
interlock and alcohol monitoring fund and a juvenile indigent 3691  
drivers interlock and alcohol treatment fund. Each municipal 3692  
corporation in which there is a municipal court shall establish 3693

an indigent drivers interlock and alcohol monitoring fund. All 3694  
revenue that the general assembly appropriates to the indigent 3695  
drivers interlock and alcohol monitoring fund for transfer to a 3696  
county indigent drivers interlock and alcohol monitoring fund, a 3697  
county juvenile indigent drivers interlock and alcohol 3698  
monitoring fund, or a municipal indigent drivers interlock and 3699  
alcohol monitoring fund, all portions of license reinstatement 3700  
fees that are paid under division (F) (2) of this section and 3701  
that are credited under that division to the indigent drivers 3702  
interlock and alcohol monitoring fund in the state treasury, and 3703  
all portions of fines that are paid under division (G) of 3704  
section 4511.19 of the Revised Code and that are credited by 3705  
division (G) (5) (e) of that section to the indigent drivers 3706  
interlock and alcohol monitoring fund in the state treasury 3707  
shall be deposited in the appropriate fund in accordance with 3708  
division (I) (2) of this section. 3709

(2) That portion of the license reinstatement fee that is 3710  
paid under division (F) of this section and that portion of the 3711  
fine paid under division (G) of section 4511.19 of the Revised 3712  
Code and that is credited under either division to the indigent 3713  
drivers interlock and alcohol monitoring fund shall be deposited 3714  
into a county indigent drivers interlock and alcohol monitoring 3715  
fund, a county juvenile indigent drivers interlock and alcohol 3716  
monitoring fund, or a municipal indigent drivers interlock and 3717  
alcohol monitoring fund as follows: 3718

(a) If the fee or fine is paid by a person who was charged 3719  
in a county court with the violation that resulted in the 3720  
suspension or fine, the portion shall be deposited into the 3721  
county indigent drivers interlock and alcohol monitoring fund 3722  
under the control of that court. 3723

(b) If the fee or fine is paid by a person who was charged 3724  
in a juvenile court with the violation that resulted in the 3725  
suspension or fine, the portion shall be deposited into the 3726  
county juvenile indigent drivers interlock and alcohol 3727  
monitoring fund established in the county served by the court. 3728

(c) If the fee or fine is paid by a person who was charged 3729  
in a municipal court with the violation that resulted in the 3730  
suspension, the portion shall be deposited into the municipal 3731  
indigent drivers interlock and alcohol monitoring fund under the 3732  
control of that court. 3733

(3) If a county, juvenile, or municipal court determines 3734  
that the funds in the county indigent drivers interlock and 3735  
alcohol monitoring fund, the county juvenile indigent drivers 3736  
interlock and alcohol monitoring fund, or the municipal indigent 3737  
drivers interlock and alcohol monitoring fund under the control 3738  
of that court are more than sufficient to satisfy the purpose 3739  
for which the fund was established as specified in division (F) 3740  
(2)(h) of this section, the court may declare a surplus in the 3741  
fund. The court then may order the transfer of a specified 3742  
amount into the county indigent drivers alcohol treatment fund, 3743  
the county juvenile indigent drivers alcohol treatment fund, or 3744  
the municipal indigent drivers alcohol treatment fund under the 3745  
control of that court to be utilized in accordance with division 3746  
(H) of this section. 3747

**Sec. 4511.192.** (A) Except as provided in division (A)(5) 3748  
of section 4511.191 of the Revised Code, the arresting law 3749  
enforcement officer shall give advice in accordance with this 3750  
section to any person under arrest for a violation of division 3751  
(A) or (B) of section 4511.19 of the Revised Code, section 3752  
4511.194 of the Revised Code or a substantially equivalent 3753

municipal ordinance, or a municipal OVI ordinance. The officer 3754  
shall give that advice in a written form that contains the 3755  
information described in division (B) of this section and shall 3756  
read the advice to the person. The form shall contain a 3757  
statement that the form was shown to the person under arrest and 3758  
read to the person by the arresting officer. One or more persons 3759  
shall witness the arresting officer's reading of the form, and 3760  
the witnesses shall certify to this fact by signing the form. 3761  
The person must submit to the chemical test or tests, subsequent 3762  
to the request of the arresting officer, within two hours of the 3763  
time of the alleged violation and, if the person does not submit 3764  
to the test or tests within that two-hour time limit, the 3765  
failure to submit automatically constitutes a refusal to submit 3766  
to the test or tests. 3767

(B) Except as provided in division (A) (5) of section 3768  
4511.191 of the Revised Code, if a person is under arrest as 3769  
described in division (A) of this section, before the person may 3770  
be requested to submit to a chemical test or tests to determine 3771  
the alcohol, drug of abuse, controlled substance, metabolite of 3772  
a controlled substance, or combination content of the person's 3773  
whole blood, blood serum or plasma, breath, oral fluid, or 3774  
urine, the arresting officer shall read the following form to 3775  
the person: 3776

"You now are under arrest for (specifically state the 3777  
offense under state law or a substantially equivalent municipal 3778  
ordinance for which the person was arrested - operating a 3779  
vehicle under the influence of alcohol, a drug, or a combination 3780  
of them; operating a vehicle while under the influence of a 3781  
listed controlled substance or a listed metabolite of a 3782  
controlled substance; operating a vehicle after underage alcohol 3783  
consumption; or having physical control of a vehicle while under 3784



the influence). 3785

If you refuse to take any chemical test required by law, 3786  
your Ohio driving privileges will be suspended immediately, and 3787  
you will have to pay a fee to have the privileges reinstated. If 3788  
you have a prior conviction of OVI or operating a vehicle while 3789  
under the influence of a listed controlled substance or a listed 3790  
metabolite of a controlled substance under state or municipal 3791  
law within the preceding twenty years, you now are under arrest 3792  
for state OVI, and, if you refuse to take a chemical test, you 3793  
will face increased penalties if you subsequently are convicted 3794  
of the state OVI. 3795

(Read this part unless the person is under arrest for 3796  
solely having physical control of a vehicle while under the 3797  
influence.) If you take any chemical test required by law and 3798  
are found to be at or over the prohibited amount of alcohol, a 3799  
controlled substance, or a metabolite of a controlled substance 3800  
in your whole blood, blood serum or plasma, breath, or urine as 3801  
set by law, your Ohio driving privileges will be suspended 3802  
immediately, and you will have to pay a fee to have the 3803  
privileges reinstated. 3804

If you take a chemical test, you may have an independent 3805  
chemical test taken at your own expense." 3806

(C) If the arresting law enforcement officer does not ask 3807  
a person under arrest as described in division (A) of this 3808  
section or division (A) (5) of section 4511.191 of the Revised 3809  
Code to submit to a chemical test or tests under section 3810  
4511.191 of the Revised Code, the arresting officer shall seize 3811  
the Ohio or out-of-state driver's or commercial driver's license 3812  
or permit of the person and immediately forward it to the court 3813  
in which the arrested person is to appear on the charge. If the 3814

arrested person is not in possession of the person's license or 3815  
permit or it is not in the person's vehicle, the officer shall 3816  
order the person to surrender it to the law enforcement agency 3817  
that employs the officer within twenty-four hours after the 3818  
arrest, and, upon the surrender, the agency immediately shall 3819  
forward the license or permit to the court in which the person 3820  
is to appear on the charge. Upon receipt of the license or 3821  
permit, the court shall retain it pending the arrested person's 3822  
initial appearance and any action taken under section 4511.196 3823  
of the Revised Code. 3824

(D) (1) If a law enforcement officer asks a person under 3825  
arrest as described in division (A) (5) of section 4511.191 of 3826  
the Revised Code to submit to a chemical test or tests under 3827  
that section and the test results indicate a prohibited 3828  
concentration of alcohol, a controlled substance, or a 3829  
metabolite of a controlled substance in the person's whole 3830  
blood, blood serum or plasma, breath, or urine at the time of 3831  
the alleged offense, or if a law enforcement officer asks a 3832  
person under arrest as described in division (A) of this section 3833  
to submit to a chemical test or tests under section 4511.191 of 3834  
the Revised Code, the officer advises the person in accordance 3835  
with this section of the consequences of the person's refusal or 3836  
submission, and either the person refuses to submit to the test 3837  
or tests or, unless the arrest was for a violation of section 3838  
4511.194 of the Revised Code or a substantially equivalent 3839  
municipal ordinance, the person submits to the test or tests and 3840  
the test results indicate a prohibited concentration of alcohol, 3841  
a controlled substance, or a metabolite of a controlled 3842  
substance in the person's whole blood, blood serum or plasma, 3843  
breath, or urine at the time of the alleged offense, the 3844  
arresting officer shall do all of the following: 3845

(a) On behalf of the registrar of motor vehicles, notify 3846  
the person that, independent of any penalties or sanctions 3847  
imposed upon the person, the person's Ohio driver's or 3848  
commercial driver's license or permit or nonresident operating 3849  
privilege is suspended immediately, that the suspension will 3850  
last at least until the person's initial appearance on the 3851  
charge, which will be held within five days after the date of 3852  
the person's arrest or the issuance of a citation to the person, 3853  
and that the person may appeal the suspension at the initial 3854  
appearance or during the period of time ending thirty days after 3855  
that initial appearance; 3856

(b) Seize the driver's or commercial driver's license or 3857  
permit of the person and immediately forward it to the 3858  
registrar. If the arrested person is not in possession of the 3859  
person's license or permit or it is not in the person's vehicle, 3860  
the officer shall order the person to surrender it to the law 3861  
enforcement agency that employs the officer within twenty-four 3862  
hours after the person is given notice of the suspension, and, 3863  
upon the surrender, the officer's employing agency immediately 3864  
shall forward the license or permit to the registrar. 3865

(c) Verify the person's current residence and, if it 3866  
differs from that on the person's driver's or commercial 3867  
driver's license or permit, notify the registrar of the change; 3868

(d) Send to the registrar, within forty-eight hours after 3869  
the arrest of the person, a sworn report that includes all of 3870  
the following statements: 3871

(i) That the officer had reasonable grounds to believe 3872  
that, at the time of the arrest, the arrested person was 3873  
operating a vehicle, streetcar, or trackless trolley in 3874  
violation of division (A) or (B) of section 4511.19 of the 3875

Revised Code or a municipal OVI ordinance or for being in 3876  
physical control of a stationary vehicle, streetcar, or 3877  
trackless trolley in violation of section 4511.194 of the 3878  
Revised Code or a substantially equivalent municipal ordinance; 3879

(ii) That the person was arrested and charged with a 3880  
violation of division (A) or (B) of section 4511.19 of the 3881  
Revised Code, section 4511.194 of the Revised Code or a 3882  
substantially equivalent municipal ordinance, or a municipal OVI 3883  
ordinance; 3884

(iii) Unless division (D) (1) (d) (v) of this section 3885  
applies, that the officer asked the person to take the 3886  
designated chemical test or tests, advised the person in 3887  
accordance with this section of the consequences of submitting 3888  
to, or refusing to take, the test or tests, and gave the person 3889  
the form described in division (B) of this section; 3890

(iv) Unless division (D) (1) (d) (v) of this section applies, 3891  
that either the person refused to submit to the chemical test or 3892  
tests or, unless the arrest was for a violation of section 3893  
4511.194 of the Revised Code or a substantially equivalent 3894  
municipal ordinance, the person submitted to the chemical test 3895  
or tests and the test results indicate a prohibited 3896  
concentration of alcohol, a controlled substance, or a 3897  
metabolite of a controlled substance in the person's whole 3898  
blood, blood serum or plasma, breath, or urine at the time of 3899  
the alleged offense; 3900

(v) If the person was under arrest as described in 3901  
division (A) (5) of section 4511.191 of the Revised Code and the 3902  
chemical test or tests were performed in accordance with that 3903  
division, that the person was under arrest as described in that 3904  
division, that the chemical test or tests were performed in 3905

accordance with that division, and that test results indicated a 3906  
prohibited concentration of alcohol, a controlled substance, or 3907  
a metabolite of a controlled substance in the person's whole 3908  
blood, blood serum or plasma, breath, or urine at the time of 3909  
the alleged offense. 3910

(2) Division (D)(1) of this section does not apply to a 3911  
person who is arrested for a violation of section 4511.194 of 3912  
the Revised Code or a substantially equivalent municipal 3913  
ordinance, who is asked by a law enforcement officer to submit 3914  
to a chemical test or tests under section 4511.191 of the 3915  
Revised Code, and who submits to the test or tests, regardless 3916  
of the amount of alcohol, a controlled substance, or a 3917  
metabolite of a controlled substance that the test results 3918  
indicate is present in the person's whole blood, blood serum or 3919  
plasma, breath, oral fluid, or urine. 3920

(E) The arresting officer shall give the officer's sworn 3921  
report that is completed under this section to the arrested 3922  
person at the time of the arrest, or the registrar of motor 3923  
vehicles shall send the report to the person by regular first 3924  
class mail as soon as possible after receipt of the report, but 3925  
not later than fourteen days after receipt of it. An arresting 3926  
officer may give an unsworn report to the arrested person at the 3927  
time of the arrest provided the report is complete when given to 3928  
the arrested person and subsequently is sworn to by the 3929  
arresting officer. As soon as possible, but not later than 3930  
forty-eight hours after the arrest of the person, the arresting 3931  
officer shall send a copy of the sworn report to the court in 3932  
which the arrested person is to appear on the charge for which 3933  
the person was arrested. 3934

(F) The sworn report of an arresting officer completed 3935

under this section is prima-facie proof of the information and 3936  
statements that it contains. It shall be admitted and considered 3937  
as prima-facie proof of the information and statements that it 3938  
contains in any appeal under section 4511.197 of the Revised 3939  
Code relative to any suspension of a person's driver's or 3940  
commercial driver's license or permit or nonresident operating 3941  
privilege that results from the arrest covered by the report. 3942

**Section 2.** That existing sections 1547.11, 1547.111, 3943  
2317.02, 2317.022, 2927.02, 3701.143, 3767.01, 4301.74, 4506.17, 3944  
4511.19, 4511.191, and 4511.192 of the Revised Code are hereby 3945  
repealed. 3946