

**As Reported by the Senate Workforce and Higher Education Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 60**

**Senator Gavarone**

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**A BILL**

To amend sections 2305.234, 2305.51, 2925.01, 1  
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2  
2925.23, 2925.36, 2925.55, 2925.56, 2929.42, 3  
3701.048, 3701.74, 3709.161, 3715.50, 3715.501, 4  
3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 5  
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 6  
4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 7  
4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 8  
4765.51, 4769.01, 4776.01, 5123.47, 5164.95, and 9  
5903.12 and to enact sections 4772.01, 4772.02, 10  
4772.03, 4772.04, 4772.041, 4772.05, 4772.06, 11  
4772.07, 4772.08, 4772.081, 4772.082, 4772.09, 12  
4772.091, 4772.092, 4772.10, 4772.11, 4772.12, 13  
4772.13, 4772.14, 4772.15, 4772.19, 4772.20, 14  
4772.201, 4772.202, 4772.203, 4772.21, 4772.22, 15  
4772.23, 4772.24, 4772.25, 4772.26, 4772.27, 16  
4772.28, and 4772.99 of the Revised Code to 17  
license certified mental health assistants. 18

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

**Section 1.** That sections 2305.234, 2305.51, 2925.01, 19  
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 20

2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 21  
3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 22  
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4731.051, 4731.07, 23  
4731.071, 4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 24  
4734.99, 4743.09, 4765.51, 4769.01, 4776.01, 5123.47, 5164.95, 25  
and 5903.12 be amended and sections 4772.01, 4772.02, 4772.03, 26  
4772.04, 4772.041, 4772.05, 4772.06, 4772.07, 4772.08, 4772.081, 27  
4772.082, 4772.09, 4772.091, 4772.092, 4772.10, 4772.11, 28  
4772.12, 4772.13, 4772.14, 4772.15, 4772.19, 4772.20, 4772.201, 29  
4772.202, 4772.203, 4772.21, 4772.22, 4772.23, 4772.24, 4772.25, 30  
4772.26, 4772.27, 4772.28, and 4772.99 of the Revised Code be 31  
enacted to read as follows: 32

**Sec. 2305.234.** (A) As used in this section: 33

(1) "Chiropractic claim," "medical claim," and "optometric 34  
claim" have the same meanings as in section 2305.113 of the 35  
Revised Code. 36

(2) "Dental claim" has the same meaning as in section 37  
2305.113 of the Revised Code, except that it does not include 38  
any claim arising out of a dental operation or any derivative 39  
claim for relief that arises out of a dental operation. 40

(3) "Governmental health care program" has the same 41  
meaning as in section 4731.65 of the Revised Code. 42

(4) "Health care facility or location" means a hospital, 43  
clinic, ambulatory surgical facility, office of a health care 44  
professional or associated group of health care professionals, 45  
training institution for health care professionals, a free 46  
clinic or other nonprofit shelter or health care facility as 47  
those terms are defined in section 3701.071 of the Revised Code, 48  
or any other place where medical, dental, or other health- 49

related diagnosis, care, or treatment is provided to a person.	50
(5) "Health care professional" means any of the following	51
who provide medical, dental, or other health-related diagnosis,	52
care, or treatment:	53
(a) Physicians authorized under Chapter 4731. of the	54
Revised Code to practice medicine and surgery or osteopathic	55
medicine and surgery;	56
(b) Advanced practice registered nurses, registered	57
nurses, and licensed practical nurses licensed under Chapter	58
4723. of the Revised Code;	59
(c) Physician assistants authorized to practice under	60
Chapter 4730. of the Revised Code;	61
(d) Dentists and dental hygienists licensed under Chapter	62
4715. of the Revised Code;	63
(e) Physical therapists, physical therapist assistants,	64
occupational therapists, occupational therapy assistants, and	65
athletic trainers licensed under Chapter 4755. of the Revised	66
Code;	67
(f) Chiropractors licensed under Chapter 4734. of the	68
Revised Code;	69
(g) Optometrists licensed under Chapter 4725. of the	70
Revised Code;	71
(h) Podiatrists authorized under Chapter 4731. of the	72
Revised Code to practice podiatry;	73
(i) Dietitians licensed under Chapter 4759. of the Revised	74
Code;	75
(j) Pharmacists licensed under Chapter 4729. of the	76

Revised Code;	77
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	78 79 80
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	81 82
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	83 84
(n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	85 86 87 88 89
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	90 91
(p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants, certified under that chapter;	92 93 94 95 96 97 98 99
<u>(q) Certified mental health assistants licensed under Chapter 4772. of the Revised Code.</u>	100 101
(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health	102 103 104

care professional with the authority to direct that individual's 105  
activities, including medical technicians, medical assistants, 106  
dental assistants, orderlies, aides, and individuals acting in 107  
similar capacities. 108

(7) "Indigent and uninsured person" means a person who 109  
meets both of the following requirements: 110

(a) Relative to being indigent, the person's income is not 111  
greater than two hundred per cent of the federal poverty line, 112  
as defined by the United States office of management and budget 113  
and revised in accordance with section 673(2) of the "Omnibus 114  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 115  
9902, as amended, except in any case in which division (A) (7) (b) 116  
(iii) of this section includes a person whose income is greater 117  
than two hundred per cent of the federal poverty line. 118

(b) Relative to being uninsured, one of the following 119  
applies: 120

(i) The person is not a policyholder, certificate holder, 121  
insured, contract holder, subscriber, enrollee, member, 122  
beneficiary, or other covered individual under a health 123  
insurance or health care policy, contract, or plan. 124

(ii) The person is a policyholder, certificate holder, 125  
insured, contract holder, subscriber, enrollee, member, 126  
beneficiary, or other covered individual under a health 127  
insurance or health care policy, contract, or plan, but the 128  
insurer, policy, contract, or plan denies coverage or is the 129  
subject of insolvency or bankruptcy proceedings in any 130  
jurisdiction. 131

(iii) Until June 30, 2019, the person is eligible for the 132  
medicaid program or is a medicaid recipient. 133

(iv) Except as provided in division (A) (7) (b) (iii) of this section, the person is not eligible for or a recipient, enrollee, or beneficiary of any governmental health care program.

(8) "Nonprofit health care referral organization" means an entity that is not operated for profit and refers patients to, or arranges for the provision of, health-related diagnosis, care, or treatment by a health care professional or health care worker.

(9) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection. "Operation" does not include routine dental restorative procedures, the scaling of teeth, or extractions of teeth that are not impacted.

(10) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons or government entities.

(11) "Volunteer" means an individual who provides any medical, dental, or other health-care related diagnosis, care, or treatment without the expectation of receiving and without receipt of any compensation or other form of remuneration from an indigent and uninsured person, another person on behalf of an indigent and uninsured person, any health care facility or

location, any nonprofit health care referral organization, or 164  
any other person or government entity. 165

(12) "Community control sanction" has the same meaning as 166  
in section 2929.01 of the Revised Code. 167

(13) "Deep sedation" means a drug-induced depression of 168  
consciousness during which a patient cannot be easily aroused 169  
but responds purposefully following repeated or painful 170  
stimulation, a patient's ability to independently maintain 171  
ventilatory function may be impaired, a patient may require 172  
assistance in maintaining a patent airway and spontaneous 173  
ventilation may be inadequate, and cardiovascular function is 174  
usually maintained. 175

(14) "General anesthesia" means a drug-induced loss of 176  
consciousness during which a patient is not arousable, even by 177  
painful stimulation, the ability to independently maintain 178  
ventilatory function is often impaired, a patient often requires 179  
assistance in maintaining a patent airway, positive pressure 180  
ventilation may be required because of depressed spontaneous 181  
ventilation or drug-induced depression of neuromuscular 182  
function, and cardiovascular function may be impaired. 183

(B)(1) Subject to divisions (F) and (G)(3) of this 184  
section, a health care professional who is a volunteer and 185  
complies with division (B)(2) of this section is not liable in 186  
damages to any person or government entity in a tort or other 187  
civil action, including an action on a medical, dental, 188  
chiropractic, optometric, or other health-related claim, for 189  
injury, death, or loss to person or property that allegedly 190  
arises from an action or omission of the volunteer in the 191  
provision to an indigent and uninsured person of medical, 192  
dental, or other health-related diagnosis, care, or treatment, 193

including the provision of samples of medicine and other medical products, unless the action or omission constitutes willful or wanton misconduct.

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

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

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

(c) Obtain the informed consent of the person and a written waiver, signed by the person or by another individual on behalf of and in the presence of the person, that states that the person is mentally competent to give informed consent and, without being subject to duress or under undue influence, gives informed consent to the provision of the diagnosis, care, or treatment subject to the provisions of this section. A written waiver under division (B) (2) (c) of this section shall state clearly and in conspicuous type that the person or other individual who signs the waiver is signing it with full knowledge that, by giving informed consent to the provision of the diagnosis, care, or treatment, the person cannot bring a



tort or other civil action, including an action on a medical, 224  
dental, chiropractic, optometric, or other health-related claim, 225  
against the health care professional unless the action or 226  
omission of the health care professional constitutes willful or 227  
wanton misconduct. 228

(3) A physician or podiatrist who is not covered by 229  
medical malpractice insurance, but complies with division (B) (2) 230  
of this section, is not required to comply with division (A) of 231  
section 4731.143 of the Revised Code. 232

(C) Subject to divisions (F) and (G) (3) of this section, 233  
health care workers who are volunteers are not liable in damages 234  
to any person or government entity in a tort or other civil 235  
action, including an action upon a medical, dental, 236  
chiropractic, optometric, or other health-related claim, for 237  
injury, death, or loss to person or property that allegedly 238  
arises from an action or omission of the health care worker in 239  
the provision to an indigent and uninsured person of medical, 240  
dental, or other health-related diagnosis, care, or treatment, 241  
unless the action or omission constitutes willful or wanton 242  
misconduct. 243

(D) Subject to divisions (F) and (G) (3) of this section, a 244  
nonprofit health care referral organization is not liable in 245  
damages to any person or government entity in a tort or other 246  
civil action, including an action on a medical, dental, 247  
chiropractic, optometric, or other health-related claim, for 248  
injury, death, or loss to person or property that allegedly 249  
arises from an action or omission of the nonprofit health care 250  
referral organization in referring indigent and uninsured 251  
persons to, or arranging for the provision of, medical, dental, 252  
or other health-related diagnosis, care, or treatment by a 253

health care professional described in division (B) (1) of this 254  
section or a health care worker described in division (C) of 255  
this section, unless the action or omission constitutes willful 256  
or wanton misconduct. 257

(E) Subject to divisions (F) and (G) (3) of this section 258  
and to the extent that the registration requirements of section 259  
3701.071 of the Revised Code apply, a health care facility or 260  
location associated with a health care professional described in 261  
division (B) (1) of this section, a health care worker described 262  
in division (C) of this section, or a nonprofit health care 263  
referral organization described in division (D) of this section 264  
is not liable in damages to any person or government entity in a 265  
tort or other civil action, including an action on a medical, 266  
dental, chiropractic, optometric, or other health-related claim, 267  
for injury, death, or loss to person or property that allegedly 268  
arises from an action or omission of the health care 269  
professional or worker or nonprofit health care referral 270  
organization relative to the medical, dental, or other health- 271  
related diagnosis, care, or treatment provided to an indigent 272  
and uninsured person on behalf of or at the health care facility 273  
or location, unless the action or omission constitutes willful 274  
or wanton misconduct. 275

(F) (1) Except as provided in division (F) (2) of this 276  
section, the immunities provided by divisions (B), (C), (D), and 277  
(E) of this section are not available to a health care 278  
professional, health care worker, nonprofit health care referral 279  
organization, or health care facility or location if, at the 280  
time of an alleged injury, death, or loss to person or property, 281  
the health care professionals or health care workers involved 282  
are providing one of the following: 283

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

Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment.

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

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

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

(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

**Sec. 2305.51.** (A) (1) As used in this section:

(a) "Civil Rights" has the same meaning as in section 5122.301 of the Revised Code.	341 342
(b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization.	343 344 345
(c) "Mental health organization" means an organization that engages one or more mental health professionals to provide mental health services to one or more mental health clients or patients.	346 347 348 349
(d) "Mental health professional" means an individual who is licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, to provide mental health services for compensation, remuneration, or other personal gain.	350 351 352 353
(e) "Mental health service" means a service provided to an individual or group of individuals involving the application of medical, psychiatric, psychological, professional counseling, social work, marriage and family therapy, or nursing principles or procedures to either of the following:	354 355 356 357 358
(i) The assessment, diagnosis, prevention, treatment, or amelioration of mental, emotional, psychiatric, psychological, or psychosocial disorders or diseases, as described in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association;	359 360 361 362 363 364
(ii) The assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease.	365 366 367 368
(f) "Knowledgeable person" means an individual who has	369

reason to believe that a mental health client or patient has the 370  
intent and ability to carry out an explicit threat of inflicting 371  
imminent and serious physical harm to or causing the death of a 372  
clearly identifiable potential victim or victims and who is 373  
either an immediate family member of the client or patient or an 374  
individual who otherwise personally knows the client or patient. 375

(g) "Advanced practice registered nurse" has the same 376  
meaning as in section 4723.01 of the Revised Code. 377

(h) "Hospital" has the same meaning as in section 2305.25 378  
of the Revised Code. 379

(i) "Physician" means an individual authorized under 380  
Chapter 4731. of the Revised Code to practice medicine and 381  
surgery or osteopathic medicine and surgery. 382

(j) "Physician assistant" has the same meaning as in 383  
section 4730.01 of the Revised Code. 384

(k) "Certified mental health assistant" has the same 385  
meaning as in section 4772.01 of the Revised Code. 386

(2) For the purpose of this section, in the case of a 387  
threat to a readily identifiable structure, "clearly 388  
identifiable potential victim" includes any potential occupant 389  
of the structure. 390

(B) A mental health professional or mental health 391  
organization may be held liable in damages in a civil action, or 392  
may be made subject to disciplinary action by an entity with 393  
licensing or other regulatory authority over the professional or 394  
organization, for serious physical harm or death resulting from 395  
failing to predict, warn of, or take precautions to provide 396  
protection from the violent behavior of a mental health client 397  
or patient, only if the client or patient or a knowledgeable 398

person has communicated to the professional or organization an 399  
explicit threat of inflicting imminent and serious physical harm 400  
to or causing the death of one or more clearly identifiable 401  
potential victims, the professional or organization has reason 402  
to believe that the client or patient has the intent and ability 403  
to carry out the threat, and the professional or organization 404  
fails to take one or more of the following actions in a timely 405  
manner: 406

(1) Exercise any authority the professional or 407  
organization possesses to hospitalize the client or patient on 408  
an emergency basis pursuant to section 5122.10 of the Revised 409  
Code; 410

(2) Exercise any authority the professional or 411  
organization possesses to have the client or patient 412  
involuntarily or voluntarily hospitalized under Chapter 5122. of 413  
the Revised Code; 414

(3) Establish and undertake a documented treatment plan 415  
that is reasonably calculated, according to appropriate 416  
standards of professional practice, to eliminate the possibility 417  
that the client or patient will carry out the threat, and, 418  
concurrent with establishing and undertaking the treatment plan, 419  
initiate arrangements for a second opinion risk assessment 420  
through a management consultation about the treatment plan with, 421  
in the case of a mental health organization, the clinical 422  
director of the organization, or, in the case of a mental health 423  
professional who is not acting as part of a mental health 424  
organization, any mental health professional who is licensed to 425  
engage in independent practice; 426

(4) Communicate to a law enforcement agency with 427  
jurisdiction in the area where each potential victim resides, 428

where a structure threatened by a mental health client or 429  
patient is located, or where the mental health client or patient 430  
resides, and if feasible, communicate to each potential victim 431  
or a potential victim's parent or guardian if the potential 432  
victim is a minor or has been adjudicated incompetent, all of 433  
the following information: 434

(a) The nature of the threat; 435

(b) The identity of the mental health client or patient 436  
making the threat; 437

(c) The identity of each potential victim of the threat. 438

(C) All of the following apply when a mental health 439  
professional or organization takes one or more of the actions 440  
set forth in divisions (B) (1) to (4) of this section: 441

(1) The mental health professional or organization shall 442  
consider each of the alternatives set forth and shall document 443  
the reasons for choosing or rejecting each alternative. 444

(2) The mental health professional or organization may 445  
give special consideration to those alternatives which, 446  
consistent with public safety, would least abridge the rights of 447  
the mental health client or patient established under the 448  
Revised Code, including the rights specified in sections 5122.27 449  
to 5122.31 of the Revised Code. 450

(3) The mental health professional or organization is not 451  
required to take an action that, in the exercise of reasonable 452  
professional judgment, would physically endanger the 453  
professional or organization, increase the danger to a potential 454  
victim, or increase the danger to the mental health client or 455  
patient. 456



(4) The mental health professional or organization is not 457  
liable in damages in a civil action, and shall not be made 458  
subject to disciplinary action by any entity with licensing or 459  
other regulatory authority over the professional or 460  
organization, for disclosing any confidential information about 461  
a mental health client or patient that is disclosed for the 462  
purpose of taking any of the actions. 463

(D) Notwithstanding any other provision of the Revised 464  
Code, a physician, physician assistant, advanced practice 465  
registered nurse, certified mental health assistant, or hospital 466  
is not liable in damages in a civil action, and shall not be 467  
made subject to disciplinary action by any entity with licensing 468  
or other regulatory authority, for doing either of the 469  
following: 470

(1) Failing to discharge or to allow a patient to leave 471  
the facility if the physician, physician assistant, advanced 472  
practice registered nurse, certified mental health assistant, or 473  
hospital believes in the good faith exercise of professional 474  
medical, advanced practice registered nursing, ~~or~~ physician 475  
assistant, or certified mental health assistant judgment 476  
according to appropriate standards of professional practice that 477  
the patient has a mental health condition that threatens the 478  
safety of the patient or others; 479

(2) Discharging a patient whom the physician, physician 480  
assistant, advanced practice registered nurse, certified mental 481  
health assistant, or hospital believes in the good faith 482  
exercise of professional medical, advanced practice registered 483  
nursing, ~~or~~ physician assistant, or certified mental health 484  
assistant judgment according to appropriate standards of 485  
professional practice not to have a mental health condition that 486

threatens the safety of the patient or others.	487
(E) The immunities from civil liability and disciplinary	488
action conferred by this section are in addition to and not in	489
limitation of any immunity conferred on a mental health	490
professional or organization or on a physician, physician	491
assistant, advanced practice registered nurse, <u>certified mental</u>	492
<u>health assistant,</u> or hospital by any other section of the	493
Revised Code or by judicial precedent.	494
(F) This section does not affect the civil rights of a	495
mental health client or patient under Ohio or federal law.	496
<b>Sec. 2925.01.</b> As used in this chapter:	497
(A) "Administer," "controlled substance," "controlled	498
substance analog," "dispense," "distribute," "hypodermic,"	499
"manufacturer," "official written order," "person,"	500
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II,"	501
"schedule III," "schedule IV," "schedule V," and "wholesaler"	502
have the same meanings as in section 3719.01 of the Revised	503
Code.	504
(B) "Drug of abuse" and "person with a drug dependency"	505
have the same meanings as in section 3719.011 of the Revised	506
Code.	507
(C) "Drug," "dangerous drug," "licensed health	508
professional authorized to prescribe drugs," and "prescription"	509
have the same meanings as in section 4729.01 of the Revised	510
Code.	511
(D) "Bulk amount" of a controlled substance means any of	512
the following:	513
(1) For any compound, mixture, preparation, or substance	514

included in schedule I, schedule II, or schedule III, with the 515  
exception of any controlled substance analog, marihuana, 516  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 517  
hashish and except as provided in division (D) (2), (5), or (6) 518  
of this section, whichever of the following is applicable: 519

(a) An amount equal to or exceeding ten grams or twenty- 520  
five unit doses of a compound, mixture, preparation, or 521  
substance that is or contains any amount of a schedule I opiate 522  
or opium derivative; 523

(b) An amount equal to or exceeding ten grams of a 524  
compound, mixture, preparation, or substance that is or contains 525  
any amount of raw or gum opium; 526

(c) An amount equal to or exceeding thirty grams or ten 527  
unit doses of a compound, mixture, preparation, or substance 528  
that is or contains any amount of a schedule I hallucinogen 529  
other than tetrahydrocannabinol or lysergic acid amide, or a 530  
schedule I stimulant or depressant; 531

(d) An amount equal to or exceeding twenty grams or five 532  
times the maximum daily dose in the usual dose range specified 533  
in a standard pharmaceutical reference manual of a compound, 534  
mixture, preparation, or substance that is or contains any 535  
amount of a schedule II opiate or opium derivative; 536

(e) An amount equal to or exceeding five grams or ten unit 537  
doses of a compound, mixture, preparation, or substance that is 538  
or contains any amount of phencyclidine; 539

(f) An amount equal to or exceeding one hundred twenty 540  
grams or thirty times the maximum daily dose in the usual dose 541  
range specified in a standard pharmaceutical reference manual of 542  
a compound, mixture, preparation, or substance that is or 543

contains any amount of a schedule II stimulant that is in a 544  
final dosage form manufactured by a person authorized by the 545  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 546  
U.S.C.A. 301, as amended, and the federal drug abuse control 547  
laws, as defined in section 3719.01 of the Revised Code, that is 548  
or contains any amount of a schedule II depressant substance or 549  
a schedule II hallucinogenic substance; 550

(g) An amount equal to or exceeding three grams of a 551  
compound, mixture, preparation, or substance that is or contains 552  
any amount of a schedule II stimulant, or any of its salts or 553  
isomers, that is not in a final dosage form manufactured by a 554  
person authorized by the Federal Food, Drug, and Cosmetic Act 555  
and the federal drug abuse control laws. 556

(2) An amount equal to or exceeding one hundred twenty 557  
grams or thirty times the maximum daily dose in the usual dose 558  
range specified in a standard pharmaceutical reference manual of 559  
a compound, mixture, preparation, or substance that is or 560  
contains any amount of a schedule III or IV substance other than 561  
an anabolic steroid or a schedule III opiate or opium 562  
derivative; 563

(3) An amount equal to or exceeding twenty grams or five 564  
times the maximum daily dose in the usual dose range specified 565  
in a standard pharmaceutical reference manual of a compound, 566  
mixture, preparation, or substance that is or contains any 567  
amount of a schedule III opiate or opium derivative; 568

(4) An amount equal to or exceeding two hundred fifty 569  
milliliters or two hundred fifty grams of a compound, mixture, 570  
preparation, or substance that is or contains any amount of a 571  
schedule V substance; 572

(5) An amount equal to or exceeding two hundred solid 573  
dosage units, sixteen grams, or sixteen milliliters of a 574  
compound, mixture, preparation, or substance that is or contains 575  
any amount of a schedule III anabolic steroid; 576

(6) For any compound, mixture, preparation, or substance 577  
that is a combination of a fentanyl-related compound and any 578  
other compound, mixture, preparation, or substance included in 579  
schedule III, schedule IV, or schedule V, if the defendant is 580  
charged with a violation of section 2925.11 of the Revised Code 581  
and the sentencing provisions set forth in divisions (C) (10) (b) 582  
and (C) (11) of that section will not apply regarding the 583  
defendant and the violation, the bulk amount of the controlled 584  
substance for purposes of the violation is the amount specified 585  
in division (D) (1), (2), (3), (4), or (5) of this section for 586  
the other schedule III, IV, or V controlled substance that is 587  
combined with the fentanyl-related compound. 588

(E) "Unit dose" means an amount or unit of a compound, 589  
mixture, or preparation containing a controlled substance that 590  
is separately identifiable and in a form that indicates that it 591  
is the amount or unit by which the controlled substance is 592  
separately administered to or taken by an individual. 593

(F) "Cultivate" includes planting, watering, fertilizing, 594  
or tilling. 595

(G) "Drug abuse offense" means any of the following: 596

(1) A violation of division (A) of section 2913.02 that 597  
constitutes theft of drugs, or a violation of section 2925.02, 598  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 599  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 600  
or 2925.37 of the Revised Code; 601

(2) A violation of an existing or former law of this or 602  
any other state or of the United States that is substantially 603  
equivalent to any section listed in division (G) (1) of this 604  
section; 605

(3) An offense under an existing or former law of this or 606  
any other state, or of the United States, of which planting, 607  
cultivating, harvesting, processing, making, manufacturing, 608  
producing, shipping, transporting, delivering, acquiring, 609  
possessing, storing, distributing, dispensing, selling, inducing 610  
another to use, administering to another, using, or otherwise 611  
dealing with a controlled substance is an element; 612

(4) A conspiracy to commit, attempt to commit, or 613  
complicity in committing or attempting to commit any offense 614  
under division (G) (1), (2), or (3) of this section. 615

(H) "Felony drug abuse offense" means any drug abuse 616  
offense that would constitute a felony under the laws of this 617  
state, any other state, or the United States. 618

(I) "Harmful intoxicant" does not include beer or 619  
intoxicating liquor but means any of the following: 620

(1) Any compound, mixture, preparation, or substance the 621  
gas, fumes, or vapor of which when inhaled can induce 622  
intoxication, excitement, giddiness, irrational behavior, 623  
depression, stupefaction, paralysis, unconsciousness, 624  
asphyxiation, or other harmful physiological effects, and 625  
includes, but is not limited to, any of the following: 626

(a) Any volatile organic solvent, plastic cement, model 627  
cement, fingernail polish remover, lacquer thinner, cleaning 628  
fluid, gasoline, or other preparation containing a volatile 629  
organic solvent; 630

(b) Any aerosol propellant;	631
(c) Any fluorocarbon refrigerant;	632
(d) Any anesthetic gas.	633
(2) Gamma Butyrolactone;	634
(3) 1,4 Butanediol.	635
(J) "Manufacture" means to plant, cultivate, harvest,	636
process, make, prepare, or otherwise engage in any part of the	637
production of a drug, by propagation, extraction, chemical	638
synthesis, or compounding, or any combination of the same, and	639
includes packaging, repackaging, labeling, and other activities	640
incident to production.	641
(K) "Possess" or "possession" means having control over a	642
thing or substance, but may not be inferred solely from mere	643
access to the thing or substance through ownership or occupation	644
of the premises upon which the thing or substance is found.	645
(L) "Sample drug" means a drug or pharmaceutical	646
preparation that would be hazardous to health or safety if used	647
without the supervision of a licensed health professional	648
authorized to prescribe drugs, or a drug of abuse, and that, at	649
one time, had been placed in a container plainly marked as a	650
sample by a manufacturer.	651
(M) "Standard pharmaceutical reference manual" means the	652
current edition, with cumulative changes if any, of references	653
that are approved by the state board of pharmacy.	654
(N) "Juvenile" means a person under eighteen years of age.	655
(O) "Counterfeit controlled substance" means any of the	656
following:	657

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

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

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

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

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

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by



the school is being conducted at the time a criminal offense is 687  
committed. 688

(R) "School premises" means either of the following: 689

(1) The parcel of real property on which any school is 690  
situated, whether or not any instruction, extracurricular 691  
activities, or training provided by the school is being 692  
conducted on the premises at the time a criminal offense is 693  
committed; 694

(2) Any other parcel of real property that is owned or 695  
leased by a board of education of a school, the governing 696  
authority of a community school established under Chapter 3314. 697  
of the Revised Code, or the governing body of a nonpublic school 698  
for which the director of education and workforce prescribes 699  
minimum standards under section 3301.07 of the Revised Code and 700  
on which some of the instruction, extracurricular activities, or 701  
training of the school is conducted, whether or not any 702  
instruction, extracurricular activities, or training provided by 703  
the school is being conducted on the parcel of real property at 704  
the time a criminal offense is committed. 705

(S) "School building" means any building in which any of 706  
the instruction, extracurricular activities, or training 707  
provided by a school is conducted, whether or not any 708  
instruction, extracurricular activities, or training provided by 709  
the school is being conducted in the school building at the time 710  
a criminal offense is committed. 711

(T) "Disciplinary counsel" means the disciplinary counsel 712  
appointed by the board of commissioners on grievances and 713  
discipline of the supreme court under the Rules for the 714  
Government of the Bar of Ohio. 715

(U) "Certified grievance committee" means a duly 716  
constituted and organized committee of the Ohio state bar 717  
association or of one or more local bar associations of the 718  
state of Ohio that complies with the criteria set forth in Rule 719  
V, section 6 of the Rules for the Government of the Bar of Ohio. 720

(V) "Professional license" means any license, permit, 721  
certificate, registration, qualification, admission, temporary 722  
license, temporary permit, temporary certificate, or temporary 723  
registration that is described in divisions (W) (1) to (37) of 724  
this section and that qualifies a person as a professionally 725  
licensed person. 726

(W) "Professionally licensed person" means any of the 727  
following: 728

(1) A person who has received a certificate or temporary 729  
certificate as a certified public accountant or who has 730  
registered as a public accountant under Chapter 4701. of the 731  
Revised Code and who holds an Ohio permit issued under that 732  
chapter; 733

(2) A person who holds a certificate of qualification to 734  
practice architecture issued or renewed and registered under 735  
Chapter 4703. of the Revised Code; 736

(3) A person who is registered as a landscape architect 737  
under Chapter 4703. of the Revised Code or who holds a permit as 738  
a landscape architect issued under that chapter; 739

(4) A person licensed under Chapter 4707. of the Revised 740  
Code; 741

(5) A person who has been issued a certificate of 742  
registration as a registered barber under Chapter 4709. of the 743  
Revised Code; 744

(6) A person licensed and regulated to engage in the	745
business of a debt pooling company by a legislative authority,	746
under authority of Chapter 4710. of the Revised Code;	747
(7) A person who has been issued a cosmetologist's	748
license, hair designer's license, manicurist's license,	749
esthetician's license, natural hair stylist's license, advanced	750
cosmetologist's license, advanced hair designer's license,	751
advanced manicurist's license, advanced esthetician's license,	752
advanced natural hair stylist's license, cosmetology	753
instructor's license, hair design instructor's license,	754
manicurist instructor's license, esthetics instructor's license,	755
natural hair style instructor's license, independent	756
contractor's license, or tanning facility permit under Chapter	757
4713. of the Revised Code;	758
(8) A person who has been issued a license to practice	759
dentistry, a general anesthesia permit, a conscious sedation	760
permit, a limited resident's license, a limited teaching	761
license, a dental hygienist's license, or a dental hygienist's	762
teacher's certificate under Chapter 4715. of the Revised Code;	763
(9) A person who has been issued an embalmer's license, a	764
funeral director's license, a funeral home license, or a	765
crematory license, or who has been registered for an embalmer's	766
or funeral director's apprenticeship under Chapter 4717. of the	767
Revised Code;	768
(10) A person who has been licensed as a registered nurse	769
or practical nurse, or who has been issued a certificate for the	770
practice of nurse-midwifery under Chapter 4723. of the Revised	771
Code;	772
(11) A person who has been licensed to practice optometry	773

or to engage in optical dispensing under Chapter 4725. of the Revised Code;	774 775
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	776 777
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	778 779
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	780 781 782 783
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	784 785 786 787 788
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	789 790
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	791 792 793 794 795
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	796 797 798
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	799 800 801

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	802 803
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	804 805
(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code;	806 807
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	808 809
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	810 811
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	812 813
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	814 815 816 817
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	818 819 820
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	821 822 823
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	824 825
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	826 827 828

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	829 830 831
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	832 833 834 835 836 837
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	838 839
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	840 841 842
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	843 844
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	845 846
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules;	847 848 849
<u>(38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772. of the Revised Code.</u>	850 851 852
(X) "Cocaine" means any of the following:	853
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	854 855

(2) Coca leaves or a salt, compound, derivative, or 856  
preparation of coca leaves, including ecgonine, a salt, isomer, 857  
or derivative of ecgonine, or a salt of an isomer or derivative 858  
of ecgonine; 859

(3) A salt, compound, derivative, or preparation of a 860  
substance identified in division (X)(1) or (2) of this section 861  
that is chemically equivalent to or identical with any of those 862  
substances, except that the substances shall not include 863  
decocainized coca leaves or extraction of coca leaves if the 864  
extractions do not contain cocaine or ecgonine. 865

(Y) "L.S.D." means lysergic acid diethylamide. 866

(Z) "Hashish" means a resin or a preparation of a resin to 867  
which both of the following apply: 868

(1) It is contained in or derived from any part of the 869  
plant of the genus cannabis, whether in solid form or in a 870  
liquid concentrate, liquid extract, or liquid distillate form. 871

(2) It has a delta-9 tetrahydrocannabinol concentration of 872  
more than three-tenths per cent. 873

"Hashish" does not include a hemp byproduct in the 874  
possession of a licensed hemp processor under Chapter 928. of 875  
the Revised Code, provided that the hemp byproduct is being 876  
produced, stored, and disposed of in accordance with rules 877  
adopted under section 928.03 of the Revised Code. 878

(AA) "Marihuana" has the same meaning as in section 879  
3719.01 of the Revised Code, except that it does not include 880  
hashish. 881

(BB) An offense is "committed in the vicinity of a 882  
juvenile" if the offender commits the offense within one hundred 883

feet of a juvenile or within the view of a juvenile, regardless 884  
of whether the offender knows the age of the juvenile, whether 885  
the offender knows the offense is being committed within one 886  
hundred feet of or within view of the juvenile, or whether the 887  
juvenile actually views the commission of the offense. 888

(CC) "Presumption for a prison term" or "presumption that 889  
a prison term shall be imposed" means a presumption, as 890  
described in division (D) of section 2929.13 of the Revised 891  
Code, that a prison term is a necessary sanction for a felony in 892  
order to comply with the purposes and principles of sentencing 893  
under section 2929.11 of the Revised Code. 894

(DD) "Major drug offender" has the same meaning as in 895  
section 2929.01 of the Revised Code. 896

(EE) "Minor drug possession offense" means either of the 897  
following: 898

(1) A violation of section 2925.11 of the Revised Code as 899  
it existed prior to July 1, 1996; 900

(2) A violation of section 2925.11 of the Revised Code as 901  
it exists on and after July 1, 1996, that is a misdemeanor or a 902  
felony of the fifth degree. 903

(FF) "Mandatory prison term" has the same meaning as in 904  
section 2929.01 of the Revised Code. 905

(GG) "Adulterate" means to cause a drug to be adulterated 906  
as described in section 3715.63 of the Revised Code. 907

(HH) "Public premises" means any hotel, restaurant, 908  
tavern, store, arena, hall, or other place of public 909  
accommodation, business, amusement, or resort. 910

(II) "Methamphetamine" means methamphetamine, any salt, 911



isomer, or salt of an isomer of methamphetamine, or any 912  
compound, mixture, preparation, or substance containing 913  
methamphetamine or any salt, isomer, or salt of an isomer of 914  
methamphetamine. 915

(JJ) "Deception" has the same meaning as in section 916  
2913.01 of the Revised Code. 917

(KK) "Fentanyl-related compound" means any of the 918  
following: 919

(1) Fentanyl; 920

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 921  
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 922  
phenylethyl)-4-(N-propanilido) piperidine); 923

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 924  
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 925

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 926  
piperidinyl] -N-phenylpropanamide); 927

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 928  
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 929  
phenylpropanamide); 930

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 931  
piperidyl]-N- phenylpropanamide); 932

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 933  
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 934

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 935  
phenethyl)-4- piperidinyl]propanamide; 936

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- 937  
piperidinyl]- propanamide; 938

(10) Alfentanil;	939
(11) Carfentanil;	940
(12) Remifentanil;	941
(13) Sufentanil;	942
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	943 944
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	945 946 947 948 949 950 951
(a) A chemical scaffold consisting of both of the following:	952 953
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	954 955
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	956 957 958
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	959 960 961
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	962 963
(d) The compound has not been approved for medical use by the United States food and drug administration.	964 965

(LL) "First degree felony mandatory prison term" means one 966  
of the definite prison terms prescribed in division (A) (1) (b) of 967  
section 2929.14 of the Revised Code for a felony of the first 968  
degree, except that if the violation for which sentence is being 969  
imposed is committed on or after March 22, 2019, it means one of 970  
the minimum prison terms prescribed in division (A) (1) (a) of 971  
that section for a felony of the first degree. 972

(MM) "Second degree felony mandatory prison term" means 973  
one of the definite prison terms prescribed in division (A) (2) 974  
(b) of section 2929.14 of the Revised Code for a felony of the 975  
second degree, except that if the violation for which sentence 976  
is being imposed is committed on or after March 22, 2019, it 977  
means one of the minimum prison terms prescribed in division (A) 978  
(2) (a) of that section for a felony of the second degree. 979

(NN) "Maximum first degree felony mandatory prison term" 980  
means the maximum definite prison term prescribed in division 981  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 982  
the first degree, except that if the violation for which 983  
sentence is being imposed is committed on or after March 22, 984  
2019, it means the longest minimum prison term prescribed in 985  
division (A) (1) (a) of that section for a felony of the first 986  
degree. 987

(OO) "Maximum second degree felony mandatory prison term" 988  
means the maximum definite prison term prescribed in division 989  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 990  
the second degree, except that if the violation for which 991  
sentence is being imposed is committed on or after March 22, 992  
2019, it means the longest minimum prison term prescribed in 993  
division (A) (2) (a) of that section for a felony of the second 994  
degree. 995

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning	996
as in section 928.01 of the Revised Code.	997
(QQ) An offense is "committed in the vicinity of a	998
substance addiction services provider or a recovering addict" if	999
either of the following apply:	1000
(1) The offender commits the offense on the premises of a	1001
substance addiction services provider's facility, including a	1002
facility licensed prior to June 29, 2019, under section 5119.391	1003
of the Revised Code to provide methadone treatment or an opioid	1004
treatment program licensed on or after that date under section	1005
5119.37 of the Revised Code, or within five hundred feet of the	1006
premises of a substance addiction services provider's facility	1007
and the offender knows or should know that the offense is being	1008
committed within the vicinity of the substance addiction	1009
services provider's facility.	1010
(2) The offender sells, offers to sell, delivers, or	1011
distributes the controlled substance or controlled substance	1012
analog to a person who is receiving treatment at the time of the	1013
commission of the offense, or received treatment within thirty	1014
days prior to the commission of the offense, from a substance	1015
addiction services provider and the offender knows that the	1016
person is receiving or received that treatment.	1017
(RR) "Substance addiction services provider" means an	1018
agency, association, corporation or other legal entity,	1019
individual, or program that provides one or more of the	1020
following at a facility:	1021
(1) Either alcohol addiction services, or drug addiction	1022
services, or both such services that are certified by the	1023
director of mental health and addiction services under section	1024

5119.36 of the Revised Code;	1025
(2) Recovery supports that are related to either alcohol	1026
addiction services, or drug addiction services, or both such	1027
services and paid for with federal, state, or local funds	1028
administered by the department of mental health and addiction	1029
services or a board of alcohol, drug addiction, and mental	1030
health services.	1031
(SS) "Premises of a substance addiction services	1032
provider's facility" means the parcel of real property on which	1033
any substance addiction service provider's facility is situated.	1034
(TT) "Alcohol and drug addiction services" has the same	1035
meaning as in section 5119.01 of the Revised Code.	1036
<b>Sec. 2925.02.</b> (A) No person shall knowingly do any of the	1037
following:	1038
(1) By force, threat, or deception, administer to another	1039
or induce or cause another to use a controlled substance;	1040
(2) By any means, administer or furnish to another or	1041
induce or cause another to use a controlled substance with	1042
purpose to cause serious physical harm to the other person, or	1043
with purpose to cause the other person to become a person with	1044
drug dependency;	1045
(3) By any means, administer or furnish to another or	1046
induce or cause another to use a controlled substance, and	1047
thereby cause serious physical harm to the other person, or	1048
cause the other person to become a person with drug dependency;	1049
(4) By any means, do any of the following:	1050
(a) Furnish or administer a controlled substance to a	1051
juvenile who is at least two years the offender's junior, when	1052

the offender knows the age of the juvenile or is reckless in 1053  
that regard; 1054

(b) Induce or cause a juvenile who is at least two years 1055  
the offender's junior to use a controlled substance, when the 1056  
offender knows the age of the juvenile or is reckless in that 1057  
regard; 1058

(c) Induce or cause a juvenile who is at least two years 1059  
the offender's junior to commit a felony drug abuse offense, 1060  
when the offender knows the age of the juvenile or is reckless 1061  
in that regard; 1062

(d) Use a juvenile, whether or not the offender knows the 1063  
age of the juvenile, to perform any surveillance activity that 1064  
is intended to prevent the detection of the offender or any 1065  
other person in the commission of a felony drug abuse offense or 1066  
to prevent the arrest of the offender or any other person for 1067  
the commission of a felony drug abuse offense. 1068

(5) By any means, furnish or administer a controlled 1069  
substance to a pregnant woman or induce or cause a pregnant 1070  
woman to use a controlled substance, when the offender knows 1071  
that the woman is pregnant or is reckless in that regard. 1072

(B) Division (A) (1), (3), (4), or (5) of this section does 1073  
not apply to manufacturers, wholesalers, licensed health 1074  
professionals authorized to prescribe drugs, pharmacists, owners 1075  
of pharmacies, and other persons whose conduct is in accordance 1076  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 1077  
4741., and 4772. of the Revised Code. 1078

(C) Whoever violates this section is guilty of corrupting 1079  
another with drugs. The penalty for the offense shall be 1080  
determined as follows: 1081

(1) If the offense is a violation of division (A) (1), (2), 1082  
(3), or (4) of this section and the drug involved is any 1083  
compound, mixture, preparation, or substance included in 1084  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 1085  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1086  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1087  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1088  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1089  
offender shall be punished as follows: 1090

(a) Except as otherwise provided in division (C) (1) (b) of 1091  
this section, corrupting another with drugs committed in those 1092  
circumstances is a felony of the second degree and, subject to 1093  
division (E) of this section, the court shall impose as a 1094  
mandatory prison term a second degree felony mandatory prison 1095  
term. 1096

(b) If the offense was committed in the vicinity of a 1097  
school, corrupting another with drugs committed in those 1098  
circumstances is a felony of the first degree, and, subject to 1099  
division (E) of this section, the court shall impose as a 1100  
mandatory prison term a first degree felony mandatory prison 1101  
term. 1102

(2) If the offense is a violation of division (A) (1), (2), 1103  
(3), or (4) of this section and the drug involved is any 1104  
compound, mixture, preparation, or substance included in 1105  
schedule III, IV, or V, the offender shall be punished as 1106  
follows: 1107

(a) Except as otherwise provided in division (C) (2) (b) of 1108  
this section, corrupting another with drugs committed in those 1109  
circumstances is a felony of the second degree and there is a 1110  
presumption for a prison term for the offense. 1111

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

(3) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

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

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

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



felony of the first degree and, subject to division (E) of this 1142  
section, the court shall impose as a mandatory prison term a 1143  
first degree felony mandatory prison term. 1144

(5) If the offense is a violation of division (A) (5) of 1145  
this section and the drug involved is any compound, mixture, 1146  
preparation, or substance included in schedule III, IV, or V, 1147  
corrupting another with drugs is a felony of the second degree 1148  
and the court shall impose as a mandatory prison term a second 1149  
degree felony mandatory prison term. 1150

(6) If the offense is a violation of division (A) (5) of 1151  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 1152  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1153  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1154  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1155  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1156  
corrupting another with drugs is a felony of the third degree 1157  
and division (C) of section 2929.13 of the Revised Code applies 1158  
in determining whether to impose a prison term on the offender. 1159

(D) In addition to any prison term authorized or required 1160  
by division (C) or (E) of this section and sections 2929.13 and 1161  
2929.14 of the Revised Code and in addition to any other 1162  
sanction imposed for the offense under this section or sections 1163  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1164  
an offender who is convicted of or pleads guilty to a violation 1165  
of division (A) of this section may suspend for not more than 1166  
five years the offender's driver's or commercial driver's 1167  
license or permit. However, if the offender pleaded guilty to or 1168  
was convicted of a violation of section 4511.19 of the Revised 1169  
Code or a substantially similar municipal ordinance or the law 1170  
of another state or the United States arising out of the same 1171

set of circumstances as the violation, the court shall suspend 1172  
the offender's driver's or commercial driver's license or permit 1173  
for not more than five years. The court also shall do all of the 1174  
following that are applicable regarding the offender: 1175

(1) (a) If the violation is a felony of the first, second, 1176  
or third degree, the court shall impose upon the offender the 1177  
mandatory fine specified for the offense under division (B) (1) 1178  
of section 2929.18 of the Revised Code unless, as specified in 1179  
that division, the court determines that the offender is 1180  
indigent. 1181

(b) Notwithstanding any contrary provision of section 1182  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 1183  
to division (D) (1) (a) of this section and any fine imposed for a 1184  
violation of this section pursuant to division (A) of section 1185  
2929.18 of the Revised Code shall be paid by the clerk of the 1186  
court in accordance with and subject to the requirements of, and 1187  
shall be used as specified in, division (F) of section 2925.03 1188  
of the Revised Code. 1189

(c) If a person is charged with any violation of this 1190  
section that is a felony of the first, second, or third degree, 1191  
posts bail, and forfeits the bail, the forfeited bail shall be 1192  
paid by the clerk of the court pursuant to division (D) (1) (b) of 1193  
this section as if it were a fine imposed for a violation of 1194  
this section. 1195

(2) If the offender is a professionally licensed person, 1196  
in addition to any other sanction imposed for a violation of 1197  
this section, the court immediately shall comply with section 1198  
2925.38 of the Revised Code. 1199

(E) Notwithstanding the prison term otherwise authorized 1200

or required for the offense under division (C) of this section 1201  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1202  
violation of division (A) of this section involves the sale, 1203  
offer to sell, or possession of a schedule I or II controlled 1204  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 1205  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1206  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1207  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1208  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1209  
if the court imposing sentence upon the offender finds that the 1210  
offender as a result of the violation is a major drug offender 1211  
and is guilty of a specification of the type described in 1212  
division (A) of section 2941.1410 of the Revised Code, the 1213  
court, in lieu of the prison term that otherwise is authorized 1214  
or required, shall impose upon the offender the mandatory prison 1215  
term specified in division (B) (3) (a) of section 2929.14 of the 1216  
Revised Code. 1217

(F) (1) If the sentencing court suspends the offender's 1218  
driver's or commercial driver's license or permit under division 1219  
(D) of this section, the offender, at any time after the 1220  
expiration of two years from the day on which the offender's 1221  
sentence was imposed or from the day on which the offender 1222  
finally was released from a prison term under the sentence, 1223  
whichever is later, may file a motion with the sentencing court 1224  
requesting termination of the suspension. Upon the filing of the 1225  
motion and the court's finding of good cause for the 1226  
determination, the court may terminate the suspension. 1227

(2) Any offender who received a mandatory suspension of 1228  
the offender's driver's or commercial driver's license or permit 1229  
under this section prior to September 13, 2016, may file a 1230  
motion with the sentencing court requesting the termination of 1231

the suspension. However, an offender who pleaded guilty to or 1232  
was convicted of a violation of section 4511.19 of the Revised 1233  
Code or a substantially similar municipal ordinance or law of 1234  
another state or the United States that arose out of the same 1235  
set of circumstances as the violation for which the offender's 1236  
license or permit was suspended under this section shall not 1237  
file such a motion. 1238

Upon the filing of a motion under division (F) (2) of this 1239  
section, the sentencing court, in its discretion, may terminate 1240  
the suspension. 1241

**Sec. 2925.03.** (A) No person shall knowingly do any of the 1242  
following: 1243

(1) Sell or offer to sell a controlled substance or a 1244  
controlled substance analog; 1245

(2) Prepare for shipment, ship, transport, deliver, 1246  
prepare for distribution, or distribute a controlled substance 1247  
or a controlled substance analog, when the offender knows or has 1248  
reasonable cause to believe that the controlled substance or a 1249  
controlled substance analog is intended for sale or resale by 1250  
the offender or another person. 1251

(B) This section does not apply to any of the following: 1252

(1) Manufacturers, licensed health professionals 1253  
authorized to prescribe drugs, pharmacists, owners of 1254  
pharmacies, and other persons whose conduct is in accordance 1255  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 1256  
4741., and 4772. of the Revised Code; 1257

(2) If the offense involves an anabolic steroid, any 1258  
person who is conducting or participating in a research project 1259  
involving the use of an anabolic steroid if the project has been 1260

approved by the United States food and drug administration; 1261

(3) Any person who sells, offers for sale, prescribes, 1262  
dispenses, or administers for livestock or other nonhuman 1263  
species an anabolic steroid that is expressly intended for 1264  
administration through implants to livestock or other nonhuman 1265  
species and approved for that purpose under the "Federal Food, 1266  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1267  
as amended, and is sold, offered for sale, prescribed, 1268  
dispensed, or administered for that purpose in accordance with 1269  
that act. 1270

(C) Whoever violates division (A) of this section is 1271  
guilty of one of the following: 1272

(1) If the drug involved in the violation is any compound, 1273  
mixture, preparation, or substance included in schedule I or 1274  
schedule II, with the exception of marihuana, cocaine, L.S.D., 1275  
heroin, any fentanyl-related compound, hashish, and any 1276  
controlled substance analog, whoever violates division (A) of 1277  
this section is guilty of aggravated trafficking in drugs. The 1278  
penalty for the offense shall be determined as follows: 1279

(a) Except as otherwise provided in division (C) (1) (b), 1280  
(c), (d), (e), or (f) of this section, aggravated trafficking in 1281  
drugs is a felony of the fourth degree, and division (C) of 1282  
section 2929.13 of the Revised Code applies in determining 1283  
whether to impose a prison term on the offender. 1284

(b) Except as otherwise provided in division (C) (1) (c), 1285  
(d), (e), or (f) of this section, if the offense was committed 1286  
in the vicinity of a school, in the vicinity of a juvenile, or 1287  
in the vicinity of a substance addiction services provider or a 1288  
recovering addict, aggravated trafficking in drugs is a felony 1289

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

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

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

is a felony of the first degree, and the court shall impose as a 1321  
mandatory prison term a first degree felony mandatory prison 1322  
term. 1323

(e) If the amount of the drug involved equals or exceeds 1324  
fifty times the bulk amount but is less than one hundred times 1325  
the bulk amount and regardless of whether the offense was 1326  
committed in the vicinity of a school, in the vicinity of a 1327  
juvenile, or in the vicinity of a substance addiction services 1328  
provider or a recovering addict, aggravated trafficking in drugs 1329  
is a felony of the first degree, and the court shall impose as a 1330  
mandatory prison term a first degree felony mandatory prison 1331  
term. 1332

(f) If the amount of the drug involved equals or exceeds 1333  
one hundred times the bulk amount and regardless of whether the 1334  
offense was committed in the vicinity of a school, in the 1335  
vicinity of a juvenile, or in the vicinity of a substance 1336  
addiction services provider or a recovering addict, aggravated 1337  
trafficking in drugs is a felony of the first degree, the 1338  
offender is a major drug offender, and the court shall impose as 1339  
a mandatory prison term a maximum first degree felony mandatory 1340  
prison term. 1341

(2) If the drug involved in the violation is any compound, 1342  
mixture, preparation, or substance included in schedule III, IV, 1343  
or V, whoever violates division (A) of this section is guilty of 1344  
trafficking in drugs. The penalty for the offense shall be 1345  
determined as follows: 1346

(a) Except as otherwise provided in division (C) (2) (b), 1347  
(c), (d), or (e) of this section, trafficking in drugs is a 1348  
felony of the fifth degree, and division (B) of section 2929.13 1349  
of the Revised Code applies in determining whether to impose a 1350

prison term on the offender. 1351

(b) Except as otherwise provided in division (C) (2) (c), 1352  
(d), or (e) of this section, if the offense was committed in the 1353  
vicinity of a school or in the vicinity of a juvenile, 1354  
trafficking in drugs is a felony of the fourth degree, and 1355  
division (C) of section 2929.13 of the Revised Code applies in 1356  
determining whether to impose a prison term on the offender. 1357

(c) Except as otherwise provided in this division, if the 1358  
amount of the drug involved equals or exceeds the bulk amount 1359  
but is less than five times the bulk amount, trafficking in 1360  
drugs is a felony of the fourth degree, and division (B) of 1361  
section 2929.13 of the Revised Code applies in determining 1362  
whether to impose a prison term for the offense. If the amount 1363  
of the drug involved is within that range and if the offense was 1364  
committed in the vicinity of a school or in the vicinity of a 1365  
juvenile, trafficking in drugs is a felony of the third degree, 1366  
and there is a presumption for a prison term for the offense. 1367

(d) Except as otherwise provided in this division, if the 1368  
amount of the drug involved equals or exceeds five times the 1369  
bulk amount but is less than fifty times the bulk amount, 1370  
trafficking in drugs is a felony of the third degree, and there 1371  
is a presumption for a prison term for the offense. If the 1372  
amount of the drug involved is within that range and if the 1373  
offense was committed in the vicinity of a school or in the 1374  
vicinity of a juvenile, trafficking in drugs is a felony of the 1375  
second degree, and there is a presumption for a prison term for 1376  
the offense. 1377

(e) Except as otherwise provided in this division, if the 1378  
amount of the drug involved equals or exceeds fifty times the 1379  
bulk amount, trafficking in drugs is a felony of the second 1380



degree, and the court shall impose as a mandatory prison term a 1381  
second degree felony mandatory prison term. If the amount of the 1382  
drug involved equals or exceeds fifty times the bulk amount and 1383  
if the offense was committed in the vicinity of a school or in 1384  
the vicinity of a juvenile, trafficking in drugs is a felony of 1385  
the first degree, and the court shall impose as a mandatory 1386  
prison term a first degree felony mandatory prison term. 1387

(3) If the drug involved in the violation is marihuana or 1388  
a compound, mixture, preparation, or substance containing 1389  
marihuana other than hashish, whoever violates division (A) of 1390  
this section is guilty of trafficking in marihuana. The penalty 1391  
for the offense shall be determined as follows: 1392

(a) Except as otherwise provided in division (C) (3) (b), 1393  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1394  
marihuana is a felony of the fifth degree, and division (B) of 1395  
section 2929.13 of the Revised Code applies in determining 1396  
whether to impose a prison term on the offender. 1397

(b) Except as otherwise provided in division (C) (3) (c), 1398  
(d), (e), (f), (g), or (h) of this section, if the offense was 1399  
committed in the vicinity of a school or in the vicinity of a 1400  
juvenile, trafficking in marihuana is a felony of the fourth 1401  
degree, and division (B) of section 2929.13 of the Revised Code 1402  
applies in determining whether to impose a prison term on the 1403  
offender. 1404

(c) Except as otherwise provided in this division, if the 1405  
amount of the drug involved equals or exceeds two hundred grams 1406  
but is less than one thousand grams, trafficking in marihuana is 1407  
a felony of the fourth degree, and division (B) of section 1408  
2929.13 of the Revised Code applies in determining whether to 1409  
impose a prison term on the offender. If the amount of the drug 1410

involved is within that range and if the offense was committed 1411  
in the vicinity of a school or in the vicinity of a juvenile, 1412  
trafficking in marihuana is a felony of the third degree, and 1413  
division (C) of section 2929.13 of the Revised Code applies in 1414  
determining whether to impose a prison term on the offender. 1415

(d) Except as otherwise provided in this division, if the 1416  
amount of the drug involved equals or exceeds one thousand grams 1417  
but is less than five thousand grams, trafficking in marihuana 1418  
is a felony of the third degree, and division (C) of section 1419  
2929.13 of the Revised Code applies in determining whether to 1420  
impose a prison term on the offender. If the amount of the drug 1421  
involved is within that range and if the offense was committed 1422  
in the vicinity of a school or in the vicinity of a juvenile, 1423  
trafficking in marihuana is a felony of the second degree, and 1424  
there is a presumption that a prison term shall be imposed for 1425  
the offense. 1426

(e) Except as otherwise provided in this division, if the 1427  
amount of the drug involved equals or exceeds five thousand 1428  
grams but is less than twenty thousand grams, trafficking in 1429  
marihuana is a felony of the third degree, and there is a 1430  
presumption that a prison term shall be imposed for the offense. 1431  
If the amount of the drug involved is within that range and if 1432  
the offense was committed in the vicinity of a school or in the 1433  
vicinity of a juvenile, trafficking in marihuana is a felony of 1434  
the second degree, and there is a presumption that a prison term 1435  
shall be imposed for the offense. 1436

(f) Except as otherwise provided in this division, if the 1437  
amount of the drug involved equals or exceeds twenty thousand 1438  
grams but is less than forty thousand grams, trafficking in 1439  
marihuana is a felony of the second degree, and the court shall 1440

impose as a mandatory prison term a second degree felony 1441  
mandatory prison term of five, six, seven, or eight years. If 1442  
the amount of the drug involved is within that range and if the 1443  
offense was committed in the vicinity of a school or in the 1444  
vicinity of a juvenile, trafficking in marihuana is a felony of 1445  
the first degree, and the court shall impose as a mandatory 1446  
prison term a maximum first degree felony mandatory prison term. 1447

(g) Except as otherwise provided in this division, if the 1448  
amount of the drug involved equals or exceeds forty thousand 1449  
grams, trafficking in marihuana is a felony of the second 1450  
degree, and the court shall impose as a mandatory prison term a 1451  
maximum second degree felony mandatory prison term. If the 1452  
amount of the drug involved equals or exceeds forty thousand 1453  
grams and if the offense was committed in the vicinity of a 1454  
school or in the vicinity of a juvenile, trafficking in 1455  
marihuana is a felony of the first degree, and the court shall 1456  
impose as a mandatory prison term a maximum first degree felony 1457  
mandatory prison term. 1458

(h) Except as otherwise provided in this division, if the 1459  
offense involves a gift of twenty grams or less of marihuana, 1460  
trafficking in marihuana is a minor misdemeanor upon a first 1461  
offense and a misdemeanor of the third degree upon a subsequent 1462  
offense. If the offense involves a gift of twenty grams or less 1463  
of marihuana and if the offense was committed in the vicinity of 1464  
a school or in the vicinity of a juvenile, trafficking in 1465  
marihuana is a misdemeanor of the third degree. 1466

(4) If the drug involved in the violation is cocaine or a 1467  
compound, mixture, preparation, or substance containing cocaine, 1468  
whoever violates division (A) of this section is guilty of 1469  
trafficking in cocaine. The penalty for the offense shall be 1470

determined as follows: 1471

(a) Except as otherwise provided in division (C) (4) (b), 1472  
(c), (d), (e), (f), or (g) of this section, trafficking in 1473  
cocaine is a felony of the fifth degree, and division (B) of 1474  
section 2929.13 of the Revised Code applies in determining 1475  
whether to impose a prison term on the offender. 1476

(b) Except as otherwise provided in division (C) (4) (c), 1477  
(d), (e), (f), or (g) of this section, if the offense was 1478  
committed in the vicinity of a school, in the vicinity of a 1479  
juvenile, or in the vicinity of a substance addiction services 1480  
provider or a recovering addict, trafficking in cocaine is a 1481  
felony of the fourth degree, and division (C) of section 2929.13 1482  
of the Revised Code applies in determining whether to impose a 1483  
prison term on the offender. 1484

(c) Except as otherwise provided in this division, if the 1485  
amount of the drug involved equals or exceeds five grams but is 1486  
less than ten grams of cocaine, trafficking in cocaine is a 1487  
felony of the fourth degree, and division (B) of section 2929.13 1488  
of the Revised Code applies in determining whether to impose a 1489  
prison term for the offense. If the amount of the drug involved 1490  
is within that range and if the offense was committed in the 1491  
vicinity of a school, in the vicinity of a juvenile, or in the 1492  
vicinity of a substance addiction services provider or a 1493  
recovering addict, trafficking in cocaine is a felony of the 1494  
third degree, and there is a presumption for a prison term for 1495  
the offense. 1496

(d) Except as otherwise provided in this division, if the 1497  
amount of the drug involved equals or exceeds ten grams but is 1498  
less than twenty grams of cocaine, trafficking in cocaine is a 1499  
felony of the third degree, and, except as otherwise provided in 1500

this division, there is a presumption for a prison term for the 1501  
offense. If trafficking in cocaine is a felony of the third 1502  
degree under this division and if the offender two or more times 1503  
previously has been convicted of or pleaded guilty to a felony 1504  
drug abuse offense, the court shall impose as a mandatory prison 1505  
term one of the prison terms prescribed for a felony of the 1506  
third degree. If the amount of the drug involved is within that 1507  
range and if the offense was committed in the vicinity of a 1508  
school, in the vicinity of a juvenile, or in the vicinity of a 1509  
substance addiction services provider or a recovering addict, 1510  
trafficking in cocaine is a felony of the second degree, and the 1511  
court shall impose as a mandatory prison term a second degree 1512  
felony mandatory prison term. 1513

(e) Except as otherwise provided in this division, if the 1514  
amount of the drug involved equals or exceeds twenty grams but 1515  
is less than twenty-seven grams of cocaine, trafficking in 1516  
cocaine is a felony of the second degree, and the court shall 1517  
impose as a mandatory prison term a second degree felony 1518  
mandatory prison term. If the amount of the drug involved is 1519  
within that range and if the offense was committed in the 1520  
vicinity of a school, in the vicinity of a juvenile, or in the 1521  
vicinity of a substance addiction services provider or a 1522  
recovering addict, trafficking in cocaine is a felony of the 1523  
first degree, and the court shall impose as a mandatory prison 1524  
term a first degree felony mandatory prison term. 1525

(f) If the amount of the drug involved equals or exceeds 1526  
twenty-seven grams but is less than one hundred grams of cocaine 1527  
and regardless of whether the offense was committed in the 1528  
vicinity of a school, in the vicinity of a juvenile, or in the 1529  
vicinity of a substance addiction services provider or a 1530  
recovering addict, trafficking in cocaine is a felony of the 1531

first degree, and the court shall impose as a mandatory prison 1532  
term a first degree felony mandatory prison term. 1533

(g) If the amount of the drug involved equals or exceeds 1534  
one hundred grams of cocaine and regardless of whether the 1535  
offense was committed in the vicinity of a school, in the 1536  
vicinity of a juvenile, or in the vicinity of a substance 1537  
addiction services provider or a recovering addict, trafficking 1538  
in cocaine is a felony of the first degree, the offender is a 1539  
major drug offender, and the court shall impose as a mandatory 1540  
prison term a maximum first degree felony mandatory prison term. 1541

(5) If the drug involved in the violation is L.S.D. or a 1542  
compound, mixture, preparation, or substance containing L.S.D., 1543  
whoever violates division (A) of this section is guilty of 1544  
trafficking in L.S.D. The penalty for the offense shall be 1545  
determined as follows: 1546

(a) Except as otherwise provided in division (C) (5) (b), 1547  
(c), (d), (e), (f), or (g) of this section, trafficking in 1548  
L.S.D. is a felony of the fifth degree, and division (B) of 1549  
section 2929.13 of the Revised Code applies in determining 1550  
whether to impose a prison term on the offender. 1551

(b) Except as otherwise provided in division (C) (5) (c), 1552  
(d), (e), (f), or (g) of this section, if the offense was 1553  
committed in the vicinity of a school, in the vicinity of a 1554  
juvenile, or in the vicinity of a substance addiction services 1555  
provider or a recovering addict, trafficking in L.S.D. is a 1556  
felony of the fourth degree, and division (C) of section 2929.13 1557  
of the Revised Code applies in determining whether to impose a 1558  
prison term on the offender. 1559

(c) Except as otherwise provided in this division, if the 1560

amount of the drug involved equals or exceeds ten unit doses but 1561  
is less than fifty unit doses of L.S.D. in a solid form or 1562  
equals or exceeds one gram but is less than five grams of L.S.D. 1563  
in a liquid concentrate, liquid extract, or liquid distillate 1564  
form, trafficking in L.S.D. is a felony of the fourth degree, 1565  
and division (B) of section 2929.13 of the Revised Code applies 1566  
in determining whether to impose a prison term for the offense. 1567  
If the amount of the drug involved is within that range and if 1568  
the offense was committed in the vicinity of a school, in the 1569  
vicinity of a juvenile, or in the vicinity of a substance 1570  
addiction services provider or a recovering addict, trafficking 1571  
in L.S.D. is a felony of the third degree, and there is a 1572  
presumption for a prison term for the offense. 1573

(d) Except as otherwise provided in this division, if the 1574  
amount of the drug involved equals or exceeds fifty unit doses 1575  
but is less than two hundred fifty unit doses of L.S.D. in a 1576  
solid form or equals or exceeds five grams but is less than 1577  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1578  
extract, or liquid distillate form, trafficking in L.S.D. is a 1579  
felony of the third degree, and, except as otherwise provided in 1580  
this division, there is a presumption for a prison term for the 1581  
offense. If trafficking in L.S.D. is a felony of the third 1582  
degree under this division and if the offender two or more times 1583  
previously has been convicted of or pleaded guilty to a felony 1584  
drug abuse offense, the court shall impose as a mandatory prison 1585  
term one of the prison terms prescribed for a felony of the 1586  
third degree. If the amount of the drug involved is within that 1587  
range and if the offense was committed in the vicinity of a 1588  
school, in the vicinity of a juvenile, or in the vicinity of a 1589  
substance addiction services provider or a recovering addict, 1590  
trafficking in L.S.D. is a felony of the second degree, and the 1591

court shall impose as a mandatory prison term a second degree 1592  
felony mandatory prison term. 1593

(e) Except as otherwise provided in this division, if the 1594  
amount of the drug involved equals or exceeds two hundred fifty 1595  
unit doses but is less than one thousand unit doses of L.S.D. in 1596  
a solid form or equals or exceeds twenty-five grams but is less 1597  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1598  
extract, or liquid distillate form, trafficking in L.S.D. is a 1599  
felony of the second degree, and the court shall impose as a 1600  
mandatory prison term a second degree felony mandatory prison 1601  
term. If the amount of the drug involved is within that range 1602  
and if the offense was committed in the vicinity of a school, in 1603  
the vicinity of a juvenile, or in the vicinity of a substance 1604  
addiction services provider or a recovering addict, trafficking 1605  
in L.S.D. is a felony of the first degree, and the court shall 1606  
impose as a mandatory prison term a first degree felony 1607  
mandatory prison term. 1608

(f) If the amount of the drug involved equals or exceeds 1609  
one thousand unit doses but is less than five thousand unit 1610  
doses of L.S.D. in a solid form or equals or exceeds one hundred 1611  
grams but is less than five hundred grams of L.S.D. in a liquid 1612  
concentrate, liquid extract, or liquid distillate form and 1613  
regardless of whether the offense was committed in the vicinity 1614  
of a school, in the vicinity of a juvenile, or in the vicinity 1615  
of a substance addiction services provider or a recovering 1616  
addict, trafficking in L.S.D. is a felony of the first degree, 1617  
and the court shall impose as a mandatory prison term a first 1618  
degree felony mandatory prison term. 1619

(g) If the amount of the drug involved equals or exceeds 1620  
five thousand unit doses of L.S.D. in a solid form or equals or 1621



exceeds five hundred grams of L.S.D. in a liquid concentrate, 1622  
liquid extract, or liquid distillate form and regardless of 1623  
whether the offense was committed in the vicinity of a school, 1624  
in the vicinity of a juvenile, or in the vicinity of a substance 1625  
addiction services provider or a recovering addict, trafficking 1626  
in L.S.D. is a felony of the first degree, the offender is a 1627  
major drug offender, and the court shall impose as a mandatory 1628  
prison term a maximum first degree felony mandatory prison term. 1629

(6) If the drug involved in the violation is heroin or a 1630  
compound, mixture, preparation, or substance containing heroin, 1631  
whoever violates division (A) of this section is guilty of 1632  
trafficking in heroin. The penalty for the offense shall be 1633  
determined as follows: 1634

(a) Except as otherwise provided in division (C) (6) (b), 1635  
(c), (d), (e), (f), or (g) of this section, trafficking in 1636  
heroin is a felony of the fifth degree, and division (B) of 1637  
section 2929.13 of the Revised Code applies in determining 1638  
whether to impose a prison term on the offender. 1639

(b) Except as otherwise provided in division (C) (6) (c), 1640  
(d), (e), (f), or (g) of this section, if the offense was 1641  
committed in the vicinity of a school, in the vicinity of a 1642  
juvenile, or in the vicinity of a substance addiction services 1643  
provider or a recovering addict, trafficking in heroin is a 1644  
felony of the fourth degree, and division (C) of section 2929.13 1645  
of the Revised Code applies in determining whether to impose a 1646  
prison term on the offender. 1647

(c) Except as otherwise provided in this division, if the 1648  
amount of the drug involved equals or exceeds ten unit doses but 1649  
is less than fifty unit doses or equals or exceeds one gram but 1650  
is less than five grams, trafficking in heroin is a felony of 1651

the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

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

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a

recovering addict, trafficking in heroin is a felony of the 1683  
first degree, and the court shall impose as a mandatory prison 1684  
term a first degree felony mandatory prison term. 1685

(f) If the amount of the drug involved equals or exceeds 1686  
five hundred unit doses but is less than one thousand unit doses 1687  
or equals or exceeds fifty grams but is less than one hundred 1688  
grams and regardless of whether the offense was committed in the 1689  
vicinity of a school, in the vicinity of a juvenile, or in the 1690  
vicinity of a substance addiction services provider or a 1691  
recovering addict, trafficking in heroin is a felony of the 1692  
first degree, and the court shall impose as a mandatory prison 1693  
term a first degree felony mandatory prison term. 1694

(g) If the amount of the drug involved equals or exceeds 1695  
one thousand unit doses or equals or exceeds one hundred grams 1696  
and regardless of whether the offense was committed in the 1697  
vicinity of a school, in the vicinity of a juvenile, or in the 1698  
vicinity of a substance addiction services provider or a 1699  
recovering addict, trafficking in heroin is a felony of the 1700  
first degree, the offender is a major drug offender, and the 1701  
court shall impose as a mandatory prison term a maximum first 1702  
degree felony mandatory prison term. 1703

(7) If the drug involved in the violation is hashish or a 1704  
compound, mixture, preparation, or substance containing hashish, 1705  
whoever violates division (A) of this section is guilty of 1706  
trafficking in hashish. The penalty for the offense shall be 1707  
determined as follows: 1708

(a) Except as otherwise provided in division (C) (7) (b), 1709  
(c), (d), (e), (f), or (g) of this section, trafficking in 1710  
hashish is a felony of the fifth degree, and division (B) of 1711  
section 2929.13 of the Revised Code applies in determining 1712

whether to impose a prison term on the offender. 1713

(b) Except as otherwise provided in division (C) (7) (c), 1714  
(d), (e), (f), or (g) of this section, if the offense was 1715  
committed in the vicinity of a school, in the vicinity of a 1716  
juvenile, or in the vicinity of a substance addiction services 1717  
provider or a recovering addict, trafficking in hashish is a 1718  
felony of the fourth degree, and division (B) of section 2929.13 1719  
of the Revised Code applies in determining whether to impose a 1720  
prison term on the offender. 1721

(c) Except as otherwise provided in this division, if the 1722  
amount of the drug involved equals or exceeds ten grams but is 1723  
less than fifty grams of hashish in a solid form or equals or 1724  
exceeds two grams but is less than ten grams of hashish in a 1725  
liquid concentrate, liquid extract, or liquid distillate form, 1726  
trafficking in hashish is a felony of the fourth degree, and 1727  
division (B) of section 2929.13 of the Revised Code applies in 1728  
determining whether to impose a prison term on the offender. If 1729  
the amount of the drug involved is within that range and if the 1730  
offense was committed in the vicinity of a school, in the 1731  
vicinity of a juvenile, or in the vicinity of a substance 1732  
addiction services provider or a recovering addict, trafficking 1733  
in hashish is a felony of the third degree, and division (C) of 1734  
section 2929.13 of the Revised Code applies in determining 1735  
whether to impose a prison term on the offender. 1736

(d) Except as otherwise provided in this division, if the 1737  
amount of the drug involved equals or exceeds fifty grams but is 1738  
less than two hundred fifty grams of hashish in a solid form or 1739  
equals or exceeds ten grams but is less than fifty grams of 1740  
hashish in a liquid concentrate, liquid extract, or liquid 1741  
distillate form, trafficking in hashish is a felony of the third 1742

degree, and division (C) of section 2929.13 of the Revised Code 1743  
applies in determining whether to impose a prison term on the 1744  
offender. If the amount of the drug involved is within that 1745  
range and if the offense was committed in the vicinity of a 1746  
school, in the vicinity of a juvenile, or in the vicinity of a 1747  
substance addiction services provider or a recovering addict, 1748  
trafficking in hashish is a felony of the second degree, and 1749  
there is a presumption that a prison term shall be imposed for 1750  
the offense. 1751

(e) Except as otherwise provided in this division, if the 1752  
amount of the drug involved equals or exceeds two hundred fifty 1753  
grams but is less than one thousand grams of hashish in a solid 1754  
form or equals or exceeds fifty grams but is less than two 1755  
hundred grams of hashish in a liquid concentrate, liquid 1756  
extract, or liquid distillate form, trafficking in hashish is a 1757  
felony of the third degree, and there is a presumption that a 1758  
prison term shall be imposed for the offense. If the amount of 1759  
the drug involved is within that range and if the offense was 1760  
committed in the vicinity of a school, in the vicinity of a 1761  
juvenile, or in the vicinity of a substance addiction services 1762  
provider or a recovering addict, trafficking in hashish is a 1763  
felony of the second degree, and there is a presumption that a 1764  
prison term shall be imposed for the offense. 1765

(f) Except as otherwise provided in this division, if the 1766  
amount of the drug involved equals or exceeds one thousand grams 1767  
but is less than two thousand grams of hashish in a solid form 1768  
or equals or exceeds two hundred grams but is less than four 1769  
hundred grams of hashish in a liquid concentrate, liquid 1770  
extract, or liquid distillate form, trafficking in hashish is a 1771  
felony of the second degree, and the court shall impose as a 1772  
mandatory prison term a second degree felony mandatory prison 1773

term of five, six, seven, or eight years. If the amount of the 1774  
drug involved is within that range and if the offense was 1775  
committed in the vicinity of a school, in the vicinity of a 1776  
juvenile, or in the vicinity of a substance addiction services 1777  
provider or a recovering addict, trafficking in hashish is a 1778  
felony of the first degree, and the court shall impose as a 1779  
mandatory prison term a maximum first degree felony mandatory 1780  
prison term. 1781

(g) Except as otherwise provided in this division, if the 1782  
amount of the drug involved equals or exceeds two thousand grams 1783  
of hashish in a solid form or equals or exceeds four hundred 1784  
grams of hashish in a liquid concentrate, liquid extract, or 1785  
liquid distillate form, trafficking in hashish is a felony of 1786  
the second degree, and the court shall impose as a mandatory 1787  
prison term a maximum second degree felony mandatory prison 1788  
term. If the amount of the drug involved equals or exceeds two 1789  
thousand grams of hashish in a solid form or equals or exceeds 1790  
four hundred grams of hashish in a liquid concentrate, liquid 1791  
extract, or liquid distillate form and if the offense was 1792  
committed in the vicinity of a school, in the vicinity of a 1793  
juvenile, or in the vicinity of a substance addiction services 1794  
provider or a recovering addict, trafficking in hashish is a 1795  
felony of the first degree, and the court shall impose as a 1796  
mandatory prison term a maximum first degree felony mandatory 1797  
prison term. 1798

(8) If the drug involved in the violation is a controlled 1799  
substance analog or compound, mixture, preparation, or substance 1800  
that contains a controlled substance analog, whoever violates 1801  
division (A) of this section is guilty of trafficking in a 1802  
controlled substance analog. The penalty for the offense shall 1803  
be determined as follows: 1804

(a) Except as otherwise provided in division (C) (8) (b), 1805  
(c), (d), (e), (f), or (g) of this section, trafficking in a 1806  
controlled substance analog is a felony of the fifth degree, and 1807  
division (C) of section 2929.13 of the Revised Code applies in 1808  
determining whether to impose a prison term on the offender. 1809

(b) Except as otherwise provided in division (C) (8) (c), 1810  
(d), (e), (f), or (g) of this section, if the offense was 1811  
committed in the vicinity of a school, in the vicinity of a 1812  
juvenile, or in the vicinity of a substance addiction services 1813  
provider or a recovering addict, trafficking in a controlled 1814  
substance analog is a felony of the fourth degree, and division 1815  
(C) of section 2929.13 of the Revised Code applies in 1816  
determining whether to impose a prison term on the offender. 1817

(c) Except as otherwise provided in this division, if the 1818  
amount of the drug involved equals or exceeds ten grams but is 1819  
less than twenty grams, trafficking in a controlled substance 1820  
analog is a felony of the fourth degree, and division (B) of 1821  
section 2929.13 of the Revised Code applies in determining 1822  
whether to impose a prison term for the offense. If the amount 1823  
of the drug involved is within that range and if the offense was 1824  
committed in the vicinity of a school, in the vicinity of a 1825  
juvenile, or in the vicinity of a substance addiction services 1826  
provider or a recovering addict, trafficking in a controlled 1827  
substance analog is a felony of the third degree, and there is a 1828  
presumption for a prison term for the offense. 1829

(d) Except as otherwise provided in this division, if the 1830  
amount of the drug involved equals or exceeds twenty grams but 1831  
is less than thirty grams, trafficking in a controlled substance 1832  
analog is a felony of the third degree, and there is a 1833  
presumption for a prison term for the offense. If the amount of 1834

the drug involved is within that range and if the offense was 1835  
committed in the vicinity of a school, in the vicinity of a 1836  
juvenile, or in the vicinity of a substance addiction services 1837  
provider or a recovering addict, trafficking in a controlled 1838  
substance analog is a felony of the second degree, and there is 1839  
a presumption for a prison term for the offense. 1840

(e) Except as otherwise provided in this division, if the 1841  
amount of the drug involved equals or exceeds thirty grams but 1842  
is less than forty grams, trafficking in a controlled substance 1843  
analog is a felony of the second degree, and the court shall 1844  
impose as a mandatory prison term a second degree felony 1845  
mandatory prison term. If the amount of the drug involved is 1846  
within that range and if the offense was committed in the 1847  
vicinity of a school, in the vicinity of a juvenile, or in the 1848  
vicinity of a substance addiction services provider or a 1849  
recovering addict, trafficking in a controlled substance analog 1850  
is a felony of the first degree, and the court shall impose as a 1851  
mandatory prison term a first degree felony mandatory prison 1852  
term. 1853

(f) If the amount of the drug involved equals or exceeds 1854  
forty grams but is less than fifty grams and regardless of 1855  
whether the offense was committed in the vicinity of a school, 1856  
in the vicinity of a juvenile, or in the vicinity of a substance 1857  
addiction services provider or a recovering addict, trafficking 1858  
in a controlled substance analog is a felony of the first 1859  
degree, and the court shall impose as a mandatory prison term a 1860  
first degree felony mandatory prison term. 1861

(g) If the amount of the drug involved equals or exceeds 1862  
fifty grams and regardless of whether the offense was committed 1863  
in the vicinity of a school, in the vicinity of a juvenile, or 1864



in the vicinity of a substance addiction services provider or a 1865  
recovering addict, trafficking in a controlled substance analog 1866  
is a felony of the first degree, the offender is a major drug 1867  
offender, and the court shall impose as a mandatory prison term 1868  
a maximum first degree felony mandatory prison term. 1869

(9) If the drug involved in the violation is a fentanyl- 1870  
related compound or a compound, mixture, preparation, or 1871  
substance containing a fentanyl-related compound and division 1872  
(C) (10) (a) of this section does not apply to the drug involved, 1873  
whoever violates division (A) of this section is guilty of 1874  
trafficking in a fentanyl-related compound. The penalty for the 1875  
offense shall be determined as follows: 1876

(a) Except as otherwise provided in division (C) (9) (b), 1877  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1878  
a fentanyl-related compound is a felony of the fifth degree, and 1879  
division (B) of section 2929.13 of the Revised Code applies in 1880  
determining whether to impose a prison term on the offender. 1881

(b) Except as otherwise provided in division (C) (9) (c), 1882  
(d), (e), (f), (g), or (h) of this section, if the offense was 1883  
committed in the vicinity of a school, in the vicinity of a 1884  
juvenile, or in the vicinity of a substance addiction services 1885  
provider or a recovering addict, trafficking in a fentanyl- 1886  
related compound is a felony of the fourth degree, and division 1887  
(C) of section 2929.13 of the Revised Code applies in 1888  
determining whether to impose a prison term on the offender. 1889

(c) Except as otherwise provided in this division, if the 1890  
amount of the drug involved equals or exceeds ten unit doses but 1891  
is less than fifty unit doses or equals or exceeds one gram but 1892  
is less than five grams, trafficking in a fentanyl-related 1893  
compound is a felony of the fourth degree, and division (B) of 1894

section 2929.13 of the Revised Code applies in determining 1895  
whether to impose a prison term for the offense. If the amount 1896  
of the drug involved is within that range and if the offense was 1897  
committed in the vicinity of a school, in the vicinity of a 1898  
juvenile, or in the vicinity of a substance addiction services 1899  
provider or a recovering addict, trafficking in a fentanyl- 1900  
related compound is a felony of the third degree, and there is a 1901  
presumption for a prison term for the offense. 1902

(d) Except as otherwise provided in this division, if the 1903  
amount of the drug involved equals or exceeds fifty unit doses 1904  
but is less than one hundred unit doses or equals or exceeds 1905  
five grams but is less than ten grams, trafficking in a 1906  
fentanyl-related compound is a felony of the third degree, and 1907  
there is a presumption for a prison term for the offense. If the 1908  
amount of the drug involved is within that range and if the 1909  
offense was committed in the vicinity of a school, in the 1910  
vicinity of a juvenile, or in the vicinity of a substance 1911  
addiction services provider or a recovering addict, trafficking 1912  
in a fentanyl-related compound is a felony of the second degree, 1913  
and there is a presumption for a prison term for the offense. 1914

(e) Except as otherwise provided in this division, if the 1915  
amount of the drug involved equals or exceeds one hundred unit 1916  
doses but is less than two hundred unit doses or equals or 1917  
exceeds ten grams but is less than twenty grams, trafficking in 1918  
a fentanyl-related compound is a felony of the second degree, 1919  
and the court shall impose as a mandatory prison term one of the 1920  
prison terms prescribed for a felony of the second degree. If 1921  
the amount of the drug involved is within that range and if the 1922  
offense was committed in the vicinity of a school, in the 1923  
vicinity of a juvenile, or in the vicinity of a substance 1924  
addiction services provider or a recovering addict, trafficking 1925

in a fentanyl-related compound is a felony of the first degree, 1926  
and the court shall impose as a mandatory prison term one of the 1927  
prison terms prescribed for a felony of the first degree. 1928

(f) If the amount of the drug involved equals or exceeds 1929  
two hundred unit doses but is less than five hundred unit doses 1930  
or equals or exceeds twenty grams but is less than fifty grams 1931  
and regardless of whether the offense was committed in the 1932  
vicinity of a school, in the vicinity of a juvenile, or in the 1933  
vicinity of a substance addiction services provider or a 1934  
recovering addict, trafficking in a fentanyl-related compound is 1935  
a felony of the first degree, and the court shall impose as a 1936  
mandatory prison term one of the prison terms prescribed for a 1937  
felony of the first degree. 1938

(g) If the amount of the drug involved equals or exceeds 1939  
five hundred unit doses but is less than one thousand unit doses 1940  
or equals or exceeds fifty grams but is less than one hundred 1941  
grams and regardless of whether the offense was committed in the 1942  
vicinity of a school, in the vicinity of a juvenile, or in the 1943  
vicinity of a substance addiction services provider or a 1944  
recovering addict, trafficking in a fentanyl-related compound is 1945  
a felony of the first degree, and the court shall impose as a 1946  
mandatory prison term the maximum prison term prescribed for a 1947  
felony of the first degree. 1948

(h) If the amount of the drug involved equals or exceeds 1949  
one thousand unit doses or equals or exceeds one hundred grams 1950  
and regardless of whether the offense was committed in the 1951  
vicinity of a school, in the vicinity of a juvenile, or in the 1952  
vicinity of a substance addiction services provider or a 1953  
recovering addict, trafficking in a fentanyl-related compound is 1954  
a felony of the first degree, the offender is a major drug 1955

offender, and the court shall impose as a mandatory prison term 1956  
the maximum prison term prescribed for a felony of the first 1957  
degree. 1958

(10) If the drug involved in the violation is a compound, 1959  
mixture, preparation, or substance that is a combination of a 1960  
fentanyl-related compound and marihuana, one of the following 1961  
applies: 1962

(a) Except as otherwise provided in division (C) (10) (b) of 1963  
this section, the offender is guilty of trafficking in marihuana 1964  
and shall be punished under division (C) (3) of this section. The 1965  
offender is not guilty of trafficking in a fentanyl-related 1966  
compound and shall not be charged with, convicted of, or 1967  
punished under division (C) (9) of this section for trafficking 1968  
in a fentanyl-related compound. 1969

(b) If the offender knows or has reason to know that the 1970  
compound, mixture, preparation, or substance that is the drug 1971  
involved contains a fentanyl-related compound, the offender is 1972  
guilty of trafficking in a fentanyl-related compound and shall 1973  
be punished under division (C) (9) of this section. 1974

(D) In addition to any prison term authorized or required 1975  
by division (C) of this section and sections 2929.13 and 2929.14 1976  
of the Revised Code, and in addition to any other sanction 1977  
imposed for the offense under this section or sections 2929.11 1978  
to 2929.18 of the Revised Code, the court that sentences an 1979  
offender who is convicted of or pleads guilty to a violation of 1980  
division (A) of this section may suspend the driver's or 1981  
commercial driver's license or permit of the offender in 1982  
accordance with division (G) of this section. However, if the 1983  
offender pleaded guilty to or was convicted of a violation of 1984  
section 4511.19 of the Revised Code or a substantially similar 1985

municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of this section. If applicable, the court also shall do the following:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H) (1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D) (1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H) (1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H) (2) and (3) of this section, as if that remaining amount was a fine imposed under division (H) (1) of this section.

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

(E) When a person is charged with the sale of or offer to

sell a bulk amount or a multiple of a bulk amount of a 2016  
controlled substance, the jury, or the court trying the accused, 2017  
shall determine the amount of the controlled substance involved 2018  
at the time of the offense and, if a guilty verdict is returned, 2019  
shall return the findings as part of the verdict. In any such 2020  
case, it is unnecessary to find and return the exact amount of 2021  
the controlled substance involved, and it is sufficient if the 2022  
finding and return is to the effect that the amount of the 2023  
controlled substance involved is the requisite amount, or that 2024  
the amount of the controlled substance involved is less than the 2025  
requisite amount. 2026

(F) (1) Notwithstanding any contrary provision of section 2027  
3719.21 of the Revised Code and except as provided in division 2028  
(H) of this section, the clerk of the court shall pay any 2029  
mandatory fine imposed pursuant to division (D) (1) of this 2030  
section and any fine other than a mandatory fine that is imposed 2031  
for a violation of this section pursuant to division (A) or (B) 2032  
(5) of section 2929.18 of the Revised Code to the county, 2033  
township, municipal corporation, park district, as created 2034  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2035  
state law enforcement agencies in this state that primarily were 2036  
responsible for or involved in making the arrest of, and in 2037  
prosecuting, the offender. However, the clerk shall not pay a 2038  
mandatory fine so imposed to a law enforcement agency unless the 2039  
agency has adopted a written internal control policy under 2040  
division (F) (2) of this section that addresses the use of the 2041  
fine moneys that it receives. Each agency shall use the 2042  
mandatory fines so paid to subsidize the agency's law 2043  
enforcement efforts that pertain to drug offenses, in accordance 2044  
with the written internal control policy adopted by the 2045  
recipient agency under division (F) (2) of this section. 2046

(2) Prior to receiving any fine moneys under division (F) 2047  
(1) of this section or division (B) of section 2925.42 of the 2048  
Revised Code, a law enforcement agency shall adopt a written 2049  
internal control policy that addresses the agency's use and 2050  
disposition of all fine moneys so received and that provides for 2051  
the keeping of detailed financial records of the receipts of 2052  
those fine moneys, the general types of expenditures made out of 2053  
those fine moneys, and the specific amount of each general type 2054  
of expenditure. The policy shall not provide for or permit the 2055  
identification of any specific expenditure that is made in an 2056  
ongoing investigation. All financial records of the receipts of 2057  
those fine moneys, the general types of expenditures made out of 2058  
those fine moneys, and the specific amount of each general type 2059  
of expenditure by an agency are public records open for 2060  
inspection under section 149.43 of the Revised Code. 2061  
Additionally, a written internal control policy adopted under 2062  
this division is such a public record, and the agency that 2063  
adopted it shall comply with it. 2064

(3) As used in division (F) of this section: 2065

(a) "Law enforcement agencies" includes, but is not 2066  
limited to, the state board of pharmacy and the office of a 2067  
prosecutor. 2068

(b) "Prosecutor" has the same meaning as in section 2069  
2935.01 of the Revised Code. 2070

(G) (1) If the sentencing court suspends the offender's 2071  
driver's or commercial driver's license or permit under division 2072  
(D) of this section or any other provision of this chapter, the 2073  
court shall suspend the license, by order, for not more than 2074  
five years. If an offender's driver's or commercial driver's 2075  
license or permit is suspended pursuant to this division, the 2076

offender, at any time after the expiration of two years from the 2077  
day on which the offender's sentence was imposed or from the day 2078  
on which the offender finally was released from a prison term 2079  
under the sentence, whichever is later, may file a motion with 2080  
the sentencing court requesting termination of the suspension; 2081  
upon the filing of such a motion and the court's finding of good 2082  
cause for the termination, the court may terminate the 2083  
suspension. 2084

(2) Any offender who received a mandatory suspension of 2085  
the offender's driver's or commercial driver's license or permit 2086  
under this section prior to September 13, 2016, may file a 2087  
motion with the sentencing court requesting the termination of 2088  
the suspension. However, an offender who pleaded guilty to or 2089  
was convicted of a violation of section 4511.19 of the Revised 2090  
Code or a substantially similar municipal ordinance or law of 2091  
another state or the United States that arose out of the same 2092  
set of circumstances as the violation for which the offender's 2093  
license or permit was suspended under this section shall not 2094  
file such a motion. 2095

Upon the filing of a motion under division (G)(2) of this 2096  
section, the sentencing court, in its discretion, may terminate 2097  
the suspension. 2098

(H)(1) In addition to any prison term authorized or 2099  
required by division (C) of this section and sections 2929.13 2100  
and 2929.14 of the Revised Code, in addition to any other 2101  
penalty or sanction imposed for the offense under this section 2102  
or sections 2929.11 to 2929.18 of the Revised Code, and in 2103  
addition to the forfeiture of property in connection with the 2104  
offense as prescribed in Chapter 2981. of the Revised Code, the 2105  
court that sentences an offender who is convicted of or pleads 2106



guilty to a violation of division (A) of this section may impose 2107  
upon the offender an additional fine specified for the offense 2108  
in division (B) (4) of section 2929.18 of the Revised Code. A 2109  
fine imposed under division (H) (1) of this section is not 2110  
subject to division (F) of this section and shall be used solely 2111  
for the support of one or more eligible community addiction 2112  
services providers in accordance with divisions (H) (2) and (3) 2113  
of this section. 2114

(2) The court that imposes a fine under division (H) (1) of 2115  
this section shall specify in the judgment that imposes the fine 2116  
one or more eligible community addiction services providers for 2117  
the support of which the fine money is to be used. No community 2118  
addiction services provider shall receive or use money paid or 2119  
collected in satisfaction of a fine imposed under division (H) 2120  
(1) of this section unless the services provider is specified in 2121  
the judgment that imposes the fine. No community addiction 2122  
services provider shall be specified in the judgment unless the 2123  
services provider is an eligible community addiction services 2124  
provider and, except as otherwise provided in division (H) (2) of 2125  
this section, unless the services provider is located in the 2126  
county in which the court that imposes the fine is located or in 2127  
a county that is immediately contiguous to the county in which 2128  
that court is located. If no eligible community addiction 2129  
services provider is located in any of those counties, the 2130  
judgment may specify an eligible community addiction services 2131  
provider that is located anywhere within this state. 2132

(3) Notwithstanding any contrary provision of section 2133  
3719.21 of the Revised Code, the clerk of the court shall pay 2134  
any fine imposed under division (H) (1) of this section to the 2135  
eligible community addiction services provider specified 2136  
pursuant to division (H) (2) of this section in the judgment. The 2137

eligible community addiction services provider that receives the 2138  
fine moneys shall use the moneys only for the alcohol and drug 2139  
addiction services identified in the application for 2140  
certification of services under section 5119.36 of the Revised 2141  
Code or in the application for a license under section 5119.37 2142  
of the Revised Code filed with the department of mental health 2143  
and addiction services by the community addiction services 2144  
provider specified in the judgment. 2145

(4) Each community addiction services provider that 2146  
receives in a calendar year any fine moneys under division (H) 2147  
(3) of this section shall file an annual report covering that 2148  
calendar year with the court of common pleas and the board of 2149  
county commissioners of the county in which the services 2150  
provider is located, with the court of common pleas and the 2151  
board of county commissioners of each county from which the 2152  
services provider received the moneys if that county is 2153  
different from the county in which the services provider is 2154  
located, and with the attorney general. The community addiction 2155  
services provider shall file the report no later than the first 2156  
day of March in the calendar year following the calendar year in 2157  
which the services provider received the fine moneys. The report 2158  
shall include statistics on the number of persons served by the 2159  
community addiction services provider, identify the types of 2160  
alcohol and drug addiction services provided to those persons, 2161  
and include a specific accounting of the purposes for which the 2162  
fine moneys received were used. No information contained in the 2163  
report shall identify, or enable a person to determine the 2164  
identity of, any person served by the community addiction 2165  
services provider. Each report received by a court of common 2166  
pleas, a board of county commissioners, or the attorney general 2167  
is a public record open for inspection under section 149.43 of 2168

the Revised Code.	2169
(5) As used in divisions (H)(1) to (5) of this section:	2170
(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.	2171 2172 2173
(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.	2174 2175 2176 2177
(I) As used in this section, "drug" includes any substance that is represented to be a drug.	2178 2179
(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C)(8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:	2180 2181 2182 2183 2184 2185 2186 2187
(1) A controlled substance;	2188
(2) Any substance for which there is an approved new drug application;	2189 2190
(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.	2191 2192 2193 2194
<b>Sec. 2925.11.</b> (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance	2195 2196

analog.	2197
(B) (1) This section does not apply to any of the	2198
following:	2199
(a) Manufacturers, licensed health professionals	2200
authorized to prescribe drugs, pharmacists, owners of	2201
pharmacies, and other persons whose conduct was in accordance	2202
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., <del>and</del>	2203
<u>4741., and 4772.</u> of the Revised Code;	2204
(b) If the offense involves an anabolic steroid, any	2205
person who is conducting or participating in a research project	2206
involving the use of an anabolic steroid if the project has been	2207
approved by the United States food and drug administration;	2208
(c) Any person who sells, offers for sale, prescribes,	2209
dispenses, or administers for livestock or other nonhuman	2210
species an anabolic steroid that is expressly intended for	2211
administration through implants to livestock or other nonhuman	2212
species and approved for that purpose under the "Federal Food,	2213
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	2214
as amended, and is sold, offered for sale, prescribed,	2215
dispensed, or administered for that purpose in accordance with	2216
that act;	2217
(d) Any person who obtained the controlled substance	2218
pursuant to a prescription issued by a licensed health	2219
professional authorized to prescribe drugs if the prescription	2220
was issued for a legitimate medical purpose and not altered,	2221
forged, or obtained through deception or commission of a theft	2222
offense.	2223
As used in division (B) (1) (d) of this section, "deception"	2224
and "theft offense" have the same meanings as in section 2913.01	2225

of the Revised Code.	2226
(2) (a) As used in division (B) (2) of this section:	2227
(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	2228 2229
(ii) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	2230 2231
(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.	2232 2233
(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.	2234 2235 2236
(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.	2237 2238
(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2239 2240
(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	2241 2242
(viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	2243 2244 2245 2246 2247 2248 2249
(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or	2250 2251 2252

presenting a person to a health care facility. 2253

(b) Subject to division (B)(2)(e) of this section, a 2254  
qualified individual shall not be arrested, charged, prosecuted, 2255  
convicted, or penalized pursuant to this chapter for a minor 2256  
drug possession offense or a violation of section 2925.12, 2257  
division (C)(1) of section 2925.14, or section 2925.141 of the 2258  
Revised Code if all of the following apply: 2259

(i) The evidence of the obtaining, possession, or use of 2260  
the controlled substance or controlled substance analog, drug 2261  
abuse instruments, or drug paraphernalia that would be the basis 2262  
of the offense was obtained as a result of the qualified 2263  
individual seeking the medical assistance or experiencing an 2264  
overdose and needing medical assistance. 2265

(ii) Subject to division (B)(2)(f) of this section, within 2266  
thirty days after seeking or obtaining the medical assistance, 2267  
the qualified individual seeks and obtains a screening and 2268  
receives a referral for treatment from a community addiction 2269  
services provider or a properly credentialed addiction treatment 2270  
professional. 2271

(iii) Subject to division (B)(2)(f) of this section, the 2272  
qualified individual who obtains a screening and receives a 2273  
referral for treatment under division (B)(2)(b)(ii) of this 2274  
section, upon the request of any prosecuting attorney, submits 2275  
documentation to the prosecuting attorney that verifies that the 2276  
qualified individual satisfied the requirements of that 2277  
division. The documentation shall be limited to the date and 2278  
time of the screening obtained and referral received. 2279

(c) If a person who is serving a community control 2280  
sanction or is under a sanction on post-release control acts 2281

pursuant to division (B) (2) (b) of this section, then division 2282  
(B) of section 2929.141, division (B) (2) of section 2929.15, 2283  
division (D) (3) of section 2929.25, or division (F) (3) of 2284  
section 2967.28 of the Revised Code applies to the person with 2285  
respect to any violation of the sanction or post-release control 2286  
sanction based on a minor drug possession offense, as defined in 2287  
section 2925.11 of the Revised Code, or a violation of section 2288  
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2289  
of the Revised Code. 2290

(d) Nothing in division (B) (2) (b) of this section shall be 2291  
construed to do any of the following: 2292

(i) Limit the admissibility of any evidence in connection 2293  
with the investigation or prosecution of a crime with regards to 2294  
a defendant who does not qualify for the protections of division 2295  
(B) (2) (b) of this section or with regards to any crime other 2296  
than a minor drug possession offense or a violation of section 2297  
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2298  
of the Revised Code committed by a person who qualifies for 2299  
protection pursuant to division (B) (2) (b) of this section; 2300

(ii) Limit any seizure of evidence or contraband otherwise 2301  
permitted by law; 2302

(iii) Limit or abridge the authority of a peace officer to 2303  
detain or take into custody a person in the course of an 2304  
investigation or to effectuate an arrest for any offense except 2305  
as provided in that division; 2306

(iv) Limit, modify, or remove any immunity from liability 2307  
available pursuant to law in effect prior to September 13, 2016, 2308  
to any public agency or to an employee of any public agency. 2309

(e) Division (B) (2) (b) of this section does not apply to 2310

any person who twice previously has been granted an immunity 2311  
under division (B) (2) (b) of this section. No person shall be 2312  
granted an immunity under division (B) (2) (b) of this section 2313  
more than two times. 2314

(f) Nothing in this section shall compel any qualified 2315  
individual to disclose protected health information in a way 2316  
that conflicts with the requirements of the "Health Insurance 2317  
Portability and Accountability Act of 1996," 104 Pub. L. No. 2318  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2319  
regulations promulgated by the United States department of 2320  
health and human services to implement the act or the 2321  
requirements of 42 C.F.R. Part 2. 2322

(C) Whoever violates division (A) of this section is 2323  
guilty of one of the following: 2324

(1) If the drug involved in the violation is a compound, 2325  
mixture, preparation, or substance included in schedule I or II, 2326  
with the exception of marihuana, cocaine, L.S.D., heroin, any 2327  
fentanyl-related compound, hashish, and any controlled substance 2328  
analog, whoever violates division (A) of this section is guilty 2329  
of aggravated possession of drugs. The penalty for the offense 2330  
shall be determined as follows: 2331

(a) Except as otherwise provided in division (C) (1) (b), 2332  
(c), (d), or (e) of this section, aggravated possession of drugs 2333  
is a felony of the fifth degree, and division (B) of section 2334  
2929.13 of the Revised Code applies in determining whether to 2335  
impose a prison term on the offender. 2336

(b) If the amount of the drug involved equals or exceeds 2337  
the bulk amount but is less than five times the bulk amount, 2338  
aggravated possession of drugs is a felony of the third degree, 2339



and there is a presumption for a prison term for the offense. 2340

(c) If the amount of the drug involved equals or exceeds 2341  
five times the bulk amount but is less than fifty times the bulk 2342  
amount, aggravated possession of drugs is a felony of the second 2343  
degree, and the court shall impose as a mandatory prison term a 2344  
second degree felony mandatory prison term. 2345

(d) If the amount of the drug involved equals or exceeds 2346  
fifty times the bulk amount but is less than one hundred times 2347  
the bulk amount, aggravated possession of drugs is a felony of 2348  
the first degree, and the court shall impose as a mandatory 2349  
prison term a first degree felony mandatory prison term. 2350

(e) If the amount of the drug involved equals or exceeds 2351  
one hundred times the bulk amount, aggravated possession of 2352  
drugs is a felony of the first degree, the offender is a major 2353  
drug offender, and the court shall impose as a mandatory prison 2354  
term a maximum first degree felony mandatory prison term. 2355

(2) If the drug involved in the violation is a compound, 2356  
mixture, preparation, or substance included in schedule III, IV, 2357  
or V, whoever violates division (A) of this section is guilty of 2358  
possession of drugs. The penalty for the offense shall be 2359  
determined as follows: 2360

(a) Except as otherwise provided in division (C) (2) (b), 2361  
(c), or (d) of this section, possession of drugs is a 2362  
misdemeanor of the first degree or, if the offender previously 2363  
has been convicted of a drug abuse offense, a felony of the 2364  
fifth degree. 2365

(b) If the amount of the drug involved equals or exceeds 2366  
the bulk amount but is less than five times the bulk amount, 2367  
possession of drugs is a felony of the fourth degree, and 2368

division (C) of section 2929.13 of the Revised Code applies in 2369  
determining whether to impose a prison term on the offender. 2370

(c) If the amount of the drug involved equals or exceeds 2371  
five times the bulk amount but is less than fifty times the bulk 2372  
amount, possession of drugs is a felony of the third degree, and 2373  
there is a presumption for a prison term for the offense. 2374

(d) If the amount of the drug involved equals or exceeds 2375  
fifty times the bulk amount, possession of drugs is a felony of 2376  
the second degree, and the court shall impose upon the offender 2377  
as a mandatory prison term a second degree felony mandatory 2378  
prison term. 2379

(3) If the drug involved in the violation is marihuana or 2380  
a compound, mixture, preparation, or substance containing 2381  
marihuana other than hashish, whoever violates division (A) of 2382  
this section is guilty of possession of marihuana. The penalty 2383  
for the offense shall be determined as follows: 2384

(a) Except as otherwise provided in division (C) (3) (b), 2385  
(c), (d), (e), (f), or (g) of this section, possession of 2386  
marihuana is a minor misdemeanor. 2387

(b) If the amount of the drug involved equals or exceeds 2388  
one hundred grams but is less than two hundred grams, possession 2389  
of marihuana is a misdemeanor of the fourth degree. 2390

(c) If the amount of the drug involved equals or exceeds 2391  
two hundred grams but is less than one thousand grams, 2392  
possession of marihuana is a felony of the fifth degree, and 2393  
division (B) of section 2929.13 of the Revised Code applies in 2394  
determining whether to impose a prison term on the offender. 2395

(d) If the amount of the drug involved equals or exceeds 2396  
one thousand grams but is less than five thousand grams, 2397

possession of marihuana is a felony of the third degree, and 2398  
division (C) of section 2929.13 of the Revised Code applies in 2399  
determining whether to impose a prison term on the offender. 2400

(e) If the amount of the drug involved equals or exceeds 2401  
five thousand grams but is less than twenty thousand grams, 2402  
possession of marihuana is a felony of the third degree, and 2403  
there is a presumption that a prison term shall be imposed for 2404  
the offense. 2405

(f) If the amount of the drug involved equals or exceeds 2406  
twenty thousand grams but is less than forty thousand grams, 2407  
possession of marihuana is a felony of the second degree, and 2408  
the court shall impose as a mandatory prison term a second 2409  
degree felony mandatory prison term of five, six, seven, or 2410  
eight years. 2411

(g) If the amount of the drug involved equals or exceeds 2412  
forty thousand grams, possession of marihuana is a felony of the 2413  
second degree, and the court shall impose as a mandatory prison 2414  
term a maximum second degree felony mandatory prison term. 2415

(4) If the drug involved in the violation is cocaine or a 2416  
compound, mixture, preparation, or substance containing cocaine, 2417  
whoever violates division (A) of this section is guilty of 2418  
possession of cocaine. The penalty for the offense shall be 2419  
determined as follows: 2420

(a) Except as otherwise provided in division (C) (4) (b), 2421  
(c), (d), (e), or (f) of this section, possession of cocaine is 2422  
a felony of the fifth degree, and division (B) of section 2423  
2929.13 of the Revised Code applies in determining whether to 2424  
impose a prison term on the offender. 2425

(b) If the amount of the drug involved equals or exceeds 2426

five grams but is less than ten grams of cocaine, possession of 2427  
cocaine is a felony of the fourth degree, and division (B) of 2428  
section 2929.13 of the Revised Code applies in determining 2429  
whether to impose a prison term on the offender. 2430

(c) If the amount of the drug involved equals or exceeds 2431  
ten grams but is less than twenty grams of cocaine, possession 2432  
of cocaine is a felony of the third degree, and, except as 2433  
otherwise provided in this division, there is a presumption for 2434  
a prison term for the offense. If possession of cocaine is a 2435  
felony of the third degree under this division and if the 2436  
offender two or more times previously has been convicted of or 2437  
pleaded guilty to a felony drug abuse offense, the court shall 2438  
impose as a mandatory prison term one of the prison terms 2439  
prescribed for a felony of the third degree. 2440

(d) If the amount of the drug involved equals or exceeds 2441  
twenty grams but is less than twenty-seven grams of cocaine, 2442  
possession of cocaine is a felony of the second degree, and the 2443  
court shall impose as a mandatory prison term a second degree 2444  
felony mandatory prison term. 2445

(e) If the amount of the drug involved equals or exceeds 2446  
twenty-seven grams but is less than one hundred grams of 2447  
cocaine, possession of cocaine is a felony of the first degree, 2448  
and the court shall impose as a mandatory prison term a first 2449  
degree felony mandatory prison term. 2450

(f) If the amount of the drug involved equals or exceeds 2451  
one hundred grams of cocaine, possession of cocaine is a felony 2452  
of the first degree, the offender is a major drug offender, and 2453  
the court shall impose as a mandatory prison term a maximum 2454  
first degree felony mandatory prison term. 2455

(5) If the drug involved in the violation is L.S.D., 2456  
whoever violates division (A) of this section is guilty of 2457  
possession of L.S.D. The penalty for the offense shall be 2458  
determined as follows: 2459

(a) Except as otherwise provided in division (C) (5) (b), 2460  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2461  
felony of the fifth degree, and division (B) of section 2929.13 2462  
of the Revised Code applies in determining whether to impose a 2463  
prison term on the offender. 2464

(b) If the amount of L.S.D. involved equals or exceeds ten 2465  
unit doses but is less than fifty unit doses of L.S.D. in a 2466  
solid form or equals or exceeds one gram but is less than five 2467  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2468  
liquid distillate form, possession of L.S.D. is a felony of the 2469  
fourth degree, and division (C) of section 2929.13 of the 2470  
Revised Code applies in determining whether to impose a prison 2471  
term on the offender. 2472

(c) If the amount of L.S.D. involved equals or exceeds 2473  
fifty unit doses, but is less than two hundred fifty unit doses 2474  
of L.S.D. in a solid form or equals or exceeds five grams but is 2475  
less than twenty-five grams of L.S.D. in a liquid concentrate, 2476  
liquid extract, or liquid distillate form, possession of L.S.D. 2477  
is a felony of the third degree, and there is a presumption for 2478  
a prison term for the offense. 2479

(d) If the amount of L.S.D. involved equals or exceeds two 2480  
hundred fifty unit doses but is less than one thousand unit 2481  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2482  
grams but is less than one hundred grams of L.S.D. in a liquid 2483  
concentrate, liquid extract, or liquid distillate form, 2484  
possession of L.S.D. is a felony of the second degree, and the 2485

court shall impose as a mandatory prison term a second degree 2486  
felony mandatory prison term. 2487

(e) If the amount of L.S.D. involved equals or exceeds one 2488  
thousand unit doses but is less than five thousand unit doses of 2489  
L.S.D. in a solid form or equals or exceeds one hundred grams 2490  
but is less than five hundred grams of L.S.D. in a liquid 2491  
concentrate, liquid extract, or liquid distillate form, 2492  
possession of L.S.D. is a felony of the first degree, and the 2493  
court shall impose as a mandatory prison term a first degree 2494  
felony mandatory prison term. 2495

(f) If the amount of L.S.D. involved equals or exceeds 2496  
five thousand unit doses of L.S.D. in a solid form or equals or 2497  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2498  
liquid extract, or liquid distillate form, possession of L.S.D. 2499  
is a felony of the first degree, the offender is a major drug 2500  
offender, and the court shall impose as a mandatory prison term 2501  
a maximum first degree felony mandatory prison term. 2502

(6) If the drug involved in the violation is heroin or a 2503  
compound, mixture, preparation, or substance containing heroin, 2504  
whoever violates division (A) of this section is guilty of 2505  
possession of heroin. The penalty for the offense shall be 2506  
determined as follows: 2507

(a) Except as otherwise provided in division (C) (6) (b), 2508  
(c), (d), (e), or (f) of this section, possession of heroin is a 2509  
felony of the fifth degree, and division (B) of section 2929.13 2510  
of the Revised Code applies in determining whether to impose a 2511  
prison term on the offender. 2512

(b) If the amount of the drug involved equals or exceeds 2513  
ten unit doses but is less than fifty unit doses or equals or 2514

exceeds one gram but is less than five grams, possession of 2515  
heroin is a felony of the fourth degree, and division (C) of 2516  
section 2929.13 of the Revised Code applies in determining 2517  
whether to impose a prison term on the offender. 2518

(c) If the amount of the drug involved equals or exceeds 2519  
fifty unit doses but is less than one hundred unit doses or 2520  
equals or exceeds five grams but is less than ten grams, 2521  
possession of heroin is a felony of the third degree, and there 2522  
is a presumption for a prison term for the offense. 2523

(d) If the amount of the drug involved equals or exceeds 2524  
one hundred unit doses but is less than five hundred unit doses 2525  
or equals or exceeds ten grams but is less than fifty grams, 2526  
possession of heroin is a felony of the second degree, and the 2527  
court shall impose as a mandatory prison term a second degree 2528  
felony mandatory prison term. 2529

(e) If the amount of the drug involved equals or exceeds 2530  
five hundred unit doses but is less than one thousand unit doses 2531  
or equals or exceeds fifty grams but is less than one hundred 2532  
grams, possession of heroin is a felony of the first degree, and 2533  
the court shall impose as a mandatory prison term a first degree 2534  
felony mandatory prison term. 2535

(f) If the amount of the drug involved equals or exceeds 2536  
one thousand unit doses or equals or exceeds one hundred grams, 2537  
possession of heroin is a felony of the first degree, the 2538  
offender is a major drug offender, and the court shall impose as 2539  
a mandatory prison term a maximum first degree felony mandatory 2540  
prison term. 2541

(7) If the drug involved in the violation is hashish or a 2542  
compound, mixture, preparation, or substance containing hashish, 2543

whoever violates division (A) of this section is guilty of 2544  
possession of hashish. The penalty for the offense shall be 2545  
determined as follows: 2546

(a) Except as otherwise provided in division (C) (7) (b), 2547  
(c), (d), (e), (f), or (g) of this section, possession of 2548  
hashish is a minor misdemeanor. 2549

(b) If the amount of the drug involved equals or exceeds 2550  
five grams but is less than ten grams of hashish in a solid form 2551  
or equals or exceeds one gram but is less than two grams of 2552  
hashish in a liquid concentrate, liquid extract, or liquid 2553  
distillate form, possession of hashish is a misdemeanor of the 2554  
fourth degree. 2555

(c) If the amount of the drug involved equals or exceeds 2556  
ten grams but is less than fifty grams of hashish in a solid 2557  
form or equals or exceeds two grams but is less than ten grams 2558  
of hashish in a liquid concentrate, liquid extract, or liquid 2559  
distillate form, possession of hashish is a felony of the fifth 2560  
degree, and division (B) of section 2929.13 of the Revised Code 2561  
applies in determining whether to impose a prison term on the 2562  
offender. 2563

(d) If the amount of the drug involved equals or exceeds 2564  
fifty grams but is less than two hundred fifty grams of hashish 2565  
in a solid form or equals or exceeds ten grams but is less than 2566  
fifty grams of hashish in a liquid concentrate, liquid extract, 2567  
or liquid distillate form, possession of hashish is a felony of 2568  
the third degree, and division (C) of section 2929.13 of the 2569  
Revised Code applies in determining whether to impose a prison 2570  
term on the offender. 2571

(e) If the amount of the drug involved equals or exceeds 2572



two hundred fifty grams but is less than one thousand grams of 2573  
hashish in a solid form or equals or exceeds fifty grams but is 2574  
less than two hundred grams of hashish in a liquid concentrate, 2575  
liquid extract, or liquid distillate form, possession of hashish 2576  
is a felony of the third degree, and there is a presumption that 2577  
a prison term shall be imposed for the offense. 2578

(f) If the amount of the drug involved equals or exceeds 2579  
one thousand grams but is less than two thousand grams of 2580  
hashish in a solid form or equals or exceeds two hundred grams 2581  
but is less than four hundred grams of hashish in a liquid 2582  
concentrate, liquid extract, or liquid distillate form, 2583  
possession of hashish is a felony of the second degree, and the 2584  
court shall impose as a mandatory prison term a second degree 2585  
felony mandatory prison term of five, six, seven, or eight 2586  
years. 2587

(g) If the amount of the drug involved equals or exceeds 2588  
two thousand grams of hashish in a solid form or equals or 2589  
exceeds four hundred grams of hashish in a liquid concentrate, 2590  
liquid extract, or liquid distillate form, possession of hashish 2591  
is a felony of the second degree, and the court shall impose as 2592  
a mandatory prison term a maximum second degree felony mandatory 2593  
prison term. 2594

(8) If the drug involved is a controlled substance analog 2595  
or compound, mixture, preparation, or substance that contains a 2596  
controlled substance analog, whoever violates division (A) of 2597  
this section is guilty of possession of a controlled substance 2598  
analog. The penalty for the offense shall be determined as 2599  
follows: 2600

(a) Except as otherwise provided in division (C) (8) (b), 2601  
(c), (d), (e), or (f) of this section, possession of a 2602

controlled substance analog is a felony of the fifth degree, and 2603  
division (B) of section 2929.13 of the Revised Code applies in 2604  
determining whether to impose a prison term on the offender. 2605

(b) If the amount of the drug involved equals or exceeds 2606  
ten grams but is less than twenty grams, possession of a 2607  
controlled substance analog is a felony of the fourth degree, 2608  
and there is a presumption for a prison term for the offense. 2609

(c) If the amount of the drug involved equals or exceeds 2610  
twenty grams but is less than thirty grams, possession of a 2611  
controlled substance analog is a felony of the third degree, and 2612  
there is a presumption for a prison term for the offense. 2613

(d) If the amount of the drug involved equals or exceeds 2614  
thirty grams but is less than forty grams, possession of a 2615  
controlled substance analog is a felony of the second degree, 2616  
and the court shall impose as a mandatory prison term a second 2617  
degree felony mandatory prison term. 2618

(e) If the amount of the drug involved equals or exceeds 2619  
forty grams but is less than fifty grams, possession of a 2620  
controlled substance analog is a felony of the first degree, and 2621  
the court shall impose as a mandatory prison term a first degree 2622  
felony mandatory prison term. 2623

(f) If the amount of the drug involved equals or exceeds 2624  
fifty grams, possession of a controlled substance analog is a 2625  
felony of the first degree, the offender is a major drug 2626  
offender, and the court shall impose as a mandatory prison term 2627  
a maximum first degree felony mandatory prison term. 2628

(9) If the drug involved in the violation is a compound, 2629  
mixture, preparation, or substance that is a combination of a 2630  
fentanyl-related compound and marihuana, one of the following 2631

applies: 2632

(a) Except as otherwise provided in division (C) (9) (b) of 2633  
this section, the offender is guilty of possession of marihuana 2634  
and shall be punished as provided in division (C) (3) of this 2635  
section. Except as otherwise provided in division (C) (9) (b) of 2636  
this section, the offender is not guilty of possession of a 2637  
fentanyl-related compound under division (C) (11) of this section 2638  
and shall not be charged with, convicted of, or punished under 2639  
division (C) (11) of this section for possession of a fentanyl- 2640  
related compound. 2641

(b) If the offender knows or has reason to know that the 2642  
compound, mixture, preparation, or substance that is the drug 2643  
involved contains a fentanyl-related compound, the offender is 2644  
guilty of possession of a fentanyl-related compound and shall be 2645  
punished under division (C) (11) of this section. 2646

(10) If the drug involved in the violation is a compound, 2647  
mixture, preparation, or substance that is a combination of a 2648  
fentanyl-related compound and any schedule III, schedule IV, or 2649  
schedule V controlled substance that is not a fentanyl-related 2650  
compound, one of the following applies: 2651

(a) Except as otherwise provided in division (C) (10) (b) of 2652  
this section, the offender is guilty of possession of drugs and 2653  
shall be punished as provided in division (C) (2) of this 2654  
section. Except as otherwise provided in division (C) (10) (b) of 2655  
this section, the offender is not guilty of possession of a 2656  
fentanyl-related compound under division (C) (11) of this section 2657  
and shall not be charged with, convicted of, or punished under 2658  
division (C) (11) of this section for possession of a fentanyl- 2659  
related compound. 2660

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

(11) If the drug involved in the violation is a fentanyl-related compound and neither division (C)(9)(a) nor division (C)(10)(a) of this section applies to the drug involved, or is a compound, mixture, preparation, or substance that contains a fentanyl-related compound or is a combination of a fentanyl-related compound and any other controlled substance and neither division (C)(9)(a) nor division (C)(10)(a) of this section applies to the drug involved, whoever violates division (A) of this section is guilty of possession of a fentanyl-related compound. The penalty for the offense shall be determined as follows:

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

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

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams,

possession of a fentanyl-related compound is a felony of the 2691  
third degree, and there is a presumption for a prison term for 2692  
the offense. 2693

(d) If the amount of the drug involved equals or exceeds 2694  
one hundred unit doses but is less than two hundred unit doses 2695  
or equals or exceeds ten grams but is less than twenty grams, 2696  
possession of a fentanyl-related compound is a felony of the 2697  
second degree, and the court shall impose as a mandatory prison 2698  
term one of the prison terms prescribed for a felony of the 2699  
second degree. 2700

(e) If the amount of the drug involved equals or exceeds 2701  
two hundred unit doses but is less than five hundred unit doses 2702  
or equals or exceeds twenty grams but is less than fifty grams, 2703  
possession of a fentanyl-related compound is a felony of the 2704  
first degree, and the court shall impose as a mandatory prison 2705  
term one of the prison terms prescribed for a felony of the 2706  
first degree. 2707

(f) If the amount of the drug involved equals or exceeds 2708  
five hundred unit doses but is less than one thousand unit doses 2709  
or equals or exceeds fifty grams but is less than one hundred 2710  
grams, possession of a fentanyl-related compound is a felony of 2711  
the first degree, and the court shall impose as a mandatory 2712  
prison term the maximum prison term prescribed for a felony of 2713  
the first degree. 2714

(g) If the amount of the drug involved equals or exceeds 2715  
one thousand unit doses or equals or exceeds one hundred grams, 2716  
possession of a fentanyl-related compound is a felony of the 2717  
first degree, the offender is a major drug offender, and the 2718  
court shall impose as a mandatory prison term the maximum prison 2719  
term prescribed for a felony of the first degree. 2720

(D) Arrest or conviction for a minor misdemeanor violation 2721  
of this section does not constitute a criminal record and need 2722  
not be reported by the person so arrested or convicted in 2723  
response to any inquiries about the person's criminal record, 2724  
including any inquiries contained in any application for 2725  
employment, license, or other right or privilege, or made in 2726  
connection with the person's appearance as a witness. 2727

(E) In addition to any prison term or jail term authorized 2728  
or required by division (C) of this section and sections 2729  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2730  
Code and in addition to any other sanction that is imposed for 2731  
the offense under this section, sections 2929.11 to 2929.18, or 2732  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2733  
sentences an offender who is convicted of or pleads guilty to a 2734  
violation of division (A) of this section may suspend the 2735  
offender's driver's or commercial driver's license or permit for 2736  
not more than five years. However, if the offender pleaded 2737  
guilty to or was convicted of a violation of section 4511.19 of 2738  
the Revised Code or a substantially similar municipal ordinance 2739  
or the law of another state or the United States arising out of 2740  
the same set of circumstances as the violation, the court shall 2741  
suspend the offender's driver's or commercial driver's license 2742  
or permit for not more than five years. If applicable, the court 2743  
also shall do the following: 2744

(1) (a) If the violation is a felony of the first, second, 2745  
or third degree, the court shall impose upon the offender the 2746  
mandatory fine specified for the offense under division (B) (1) 2747  
of section 2929.18 of the Revised Code unless, as specified in 2748  
that division, the court determines that the offender is 2749  
indigent. 2750

(b) Notwithstanding any contrary provision of section 2751  
3719.21 of the Revised Code, the clerk of the court shall pay a 2752  
mandatory fine or other fine imposed for a violation of this 2753  
section pursuant to division (A) of section 2929.18 of the 2754  
Revised Code in accordance with and subject to the requirements 2755  
of division (F) of section 2925.03 of the Revised Code. The 2756  
agency that receives the fine shall use the fine as specified in 2757  
division (F) of section 2925.03 of the Revised Code. 2758

(c) If a person is charged with a violation of this 2759  
section that is a felony of the first, second, or third degree, 2760  
posts bail, and forfeits the bail, the clerk shall pay the 2761  
forfeited bail pursuant to division (E)(1)(b) of this section as 2762  
if it were a mandatory fine imposed under division (E)(1)(a) of 2763  
this section. 2764

(2) If the offender is a professionally licensed person, 2765  
in addition to any other sanction imposed for a violation of 2766  
this section, the court immediately shall comply with section 2767  
2925.38 of the Revised Code. 2768

(F) It is an affirmative defense, as provided in section 2769  
2901.05 of the Revised Code, to a charge of a fourth degree 2770  
felony violation under this section that the controlled 2771  
substance that gave rise to the charge is in an amount, is in a 2772  
form, is prepared, compounded, or mixed with substances that are 2773  
not controlled substances in a manner, or is possessed under any 2774  
other circumstances, that indicate that the substance was 2775  
possessed solely for personal use. Notwithstanding any contrary 2776  
provision of this section, if, in accordance with section 2777  
2901.05 of the Revised Code, an accused who is charged with a 2778  
fourth degree felony violation of division (C)(2), (4), (5), or 2779  
(6) of this section sustains the burden of going forward with 2780

evidence of and establishes by a preponderance of the evidence 2781  
the affirmative defense described in this division, the accused 2782  
may be prosecuted for and may plead guilty to or be convicted of 2783  
a misdemeanor violation of division (C) (2) of this section or a 2784  
fifth degree felony violation of division (C) (4), (5), or (6) of 2785  
this section respectively. 2786

(G) When a person is charged with possessing a bulk amount 2787  
or multiple of a bulk amount, division (E) of section 2925.03 of 2788  
the Revised Code applies regarding the determination of the 2789  
amount of the controlled substance involved at the time of the 2790  
offense. 2791

(H) It is an affirmative defense to a charge of possession 2792  
of a controlled substance analog under division (C) (8) of this 2793  
section that the person charged with violating that offense 2794  
obtained, possessed, or used one of the following items that are 2795  
excluded from the meaning of "controlled substance analog" under 2796  
section 3719.01 of the Revised Code: 2797

(1) A controlled substance; 2798

(2) Any substance for which there is an approved new drug 2799  
application; 2800

(3) With respect to a particular person, any substance if 2801  
an exemption is in effect for investigational use for that 2802  
person pursuant to federal law to the extent that conduct with 2803  
respect to that substance is pursuant to that exemption. 2804

(I) Any offender who received a mandatory suspension of 2805  
the offender's driver's or commercial driver's license or permit 2806  
under this section prior to September 13, 2016, may file a 2807  
motion with the sentencing court requesting the termination of 2808  
the suspension. However, an offender who pleaded guilty to or 2809



was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

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

**Sec. 2925.12.** (A) No person shall knowingly make, obtain, possess, or use any instrument, article, or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article, or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

(B) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code.

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

medical assistance for that overdose. 2840

(C) Whoever violates this section is guilty of possessing 2841  
drug abuse instruments, a misdemeanor of the second degree. If 2842  
the offender previously has been convicted of a drug abuse 2843  
offense, a violation of this section is a misdemeanor of the 2844  
first degree. 2845

(D) (1) In addition to any other sanction imposed upon an 2846  
offender for a violation of this section, the court may suspend 2847  
for not more than five years the offender's driver's or 2848  
commercial driver's license or permit. However, if the offender 2849  
pleaded guilty to or was convicted of a violation of section 2850  
4511.19 of the Revised Code or a substantially similar municipal 2851  
ordinance or the law of another state or the United States 2852  
arising out of the same set of circumstances as the violation, 2853  
the court shall suspend the offender's driver's or commercial 2854  
driver's license or permit for not more than five years. If the 2855  
offender is a professionally licensed person, in addition to any 2856  
other sanction imposed for a violation of this section, the 2857  
court immediately shall comply with section 2925.38 of the 2858  
Revised Code. 2859

(2) Any offender who received a mandatory suspension of 2860  
the offender's driver's or commercial driver's license or permit 2861  
under this section prior to September 13, 2016, may file a 2862  
motion with the sentencing court requesting the termination of 2863  
the suspension. However, an offender who pleaded guilty to or 2864  
was convicted of a violation of section 4511.19 of the Revised 2865  
Code or a substantially similar municipal ordinance or law of 2866  
another state or the United States that arose out of the same 2867  
set of circumstances as the violation for which the offender's 2868  
license or permit was suspended under this section shall not 2869

file such a motion. 2870

Upon the filing of a motion under division (D)(2) of this 2871  
section, the sentencing court, in its discretion, may terminate 2872  
the suspension. 2873

**Sec. 2925.14.** (A) As used in this section, "drug 2874  
paraphernalia" means any equipment, product, or material of any 2875  
kind that is used by the offender, intended by the offender for 2876  
use, or designed for use, in propagating, cultivating, growing, 2877  
harvesting, manufacturing, compounding, converting, producing, 2878  
processing, preparing, testing, analyzing, packaging, 2879  
repackaging, storing, containing, concealing, injecting, 2880  
ingesting, inhaling, or otherwise introducing into the human 2881  
body, a controlled substance in violation of this chapter. "Drug 2882  
paraphernalia" includes, but is not limited to, any of the 2883  
following equipment, products, or materials that are used by the 2884  
offender, intended by the offender for use, or designed by the 2885  
offender for use, in any of the following manners: 2886

(1) A kit for propagating, cultivating, growing, or 2887  
harvesting any species of a plant that is a controlled substance 2888  
or from which a controlled substance can be derived; 2889

(2) A kit for manufacturing, compounding, converting, 2890  
producing, processing, or preparing a controlled substance; 2891

(3) Any object, instrument, or device for manufacturing, 2892  
compounding, converting, producing, processing, or preparing 2893  
methamphetamine; 2894

(4) An isomerization device for increasing the potency of 2895  
any species of a plant that is a controlled substance; 2896

(5) Testing equipment for identifying, or analyzing the 2897  
strength, effectiveness, or purity of, a controlled substance, 2898

except for those exempted in division (D) (4) of this section;	2899
(6) A scale or balance for weighing or measuring a controlled substance;	2900 2901
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	2902 2903 2904
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	2905 2906
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	2907 2908
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	2909 2910
(11) A container or device for storing or concealing a controlled substance;	2911 2912
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	2913 2914 2915
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburation tube or device; smoking or carburation mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	2916 2917 2918 2919 2920 2921 2922 2923 2924 2925 2926

(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;

(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;

(3) The proximity of the equipment, product, or material to any controlled substance;

(4) The existence of any residue of a controlled substance on the equipment, product, or material;

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;

(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;

(8) National or local advertising concerning the use of	2955
the equipment, product, or material;	2956
(9) The manner and circumstances in which the equipment,	2957
product, or material is displayed for sale;	2958
(10) Direct or circumstantial evidence of the ratio of the	2959
sales of the equipment, product, or material to the total sales	2960
of the business enterprise;	2961
(11) The existence and scope of legitimate uses of the	2962
equipment, product, or material in the community;	2963
(12) Expert testimony concerning the use of the equipment,	2964
product, or material.	2965
(C) (1) Subject to divisions (D) (2), (3), and (4) of this	2966
section, no person shall knowingly use, or possess with purpose	2967
to use, drug paraphernalia.	2968
(2) No person shall knowingly sell, or possess or	2969
manufacture with purpose to sell, drug paraphernalia, if the	2970
person knows or reasonably should know that the equipment,	2971
product, or material will be used as drug paraphernalia.	2972
(3) No person shall place an advertisement in any	2973
newspaper, magazine, handbill, or other publication that is	2974
published and printed and circulates primarily within this	2975
state, if the person knows that the purpose of the advertisement	2976
is to promote the illegal sale in this state of the equipment,	2977
product, or material that the offender intended or designed for	2978
use as drug paraphernalia.	2979
(D) (1) This section does not apply to manufacturers,	2980
licensed health professionals authorized to prescribe drugs,	2981
pharmacists, owners of pharmacies, and other persons whose	2982

conduct is in accordance with Chapters 3719., 4715., 4723., 2983  
4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code. 2984  
This section shall not be construed to prohibit the possession 2985  
or use of a hypodermic as authorized by section 3719.172 of the 2986  
Revised Code. 2987

(2) Division (C)(1) of this section does not apply to a 2988  
person's use, or possession with purpose to use, any drug 2989  
paraphernalia that is equipment, a product, or material of any 2990  
kind that is used by the person, intended by the person for use, 2991  
or designed for use in storing, containing, concealing, 2992  
injecting, ingesting, inhaling, or otherwise introducing into 2993  
the human body marihuana. 2994

(3) Division (B)(2) of section 2925.11 of the Revised Code 2995  
applies with respect to a violation of division (C)(1) of this 2996  
section when a person seeks or obtains medical assistance for 2997  
another person who is experiencing a drug overdose, a person 2998  
experiences a drug overdose and seeks medical assistance for 2999  
that overdose, or a person is the subject of another person 3000  
seeking or obtaining medical assistance for that overdose. 3001

(4) Division (C)(1) of this section does not apply to a 3002  
person's use, or possession with purpose to use, any drug 3003  
testing strips to determine the presence of fentanyl or a 3004  
fentanyl-related compound. 3005

(E) Notwithstanding Chapter 2981. of the Revised Code, any 3006  
drug paraphernalia that was used, possessed, sold, or 3007  
manufactured in a violation of this section shall be seized, 3008  
after a conviction for that violation shall be forfeited, and 3009  
upon forfeiture shall be disposed of pursuant to division (B) of 3010  
section 2981.12 of the Revised Code. 3011

(F) (1) Whoever violates division (C) (1) of this section is 3012  
guilty of illegal use or possession of drug paraphernalia, a 3013  
misdemeanor of the fourth degree. 3014

(2) Except as provided in division (F) (3) of this section, 3015  
whoever violates division (C) (2) of this section is guilty of 3016  
dealing in drug paraphernalia, a misdemeanor of the second 3017  
degree. 3018

(3) Whoever violates division (C) (2) of this section by 3019  
selling drug paraphernalia to a juvenile is guilty of selling 3020  
drug paraphernalia to juveniles, a misdemeanor of the first 3021  
degree. 3022

(4) Whoever violates division (C) (3) of this section is 3023  
guilty of illegal advertising of drug paraphernalia, a 3024  
misdemeanor of the second degree. 3025

(G) (1) In addition to any other sanction imposed upon an 3026  
offender for a violation of this section, the court may suspend 3027  
for not more than five years the offender's driver's or 3028  
commercial driver's license or permit. However, if the offender 3029  
pleaded guilty to or was convicted of a violation of section 3030  
4511.19 of the Revised Code or a substantially similar municipal 3031  
ordinance or the law of another state or the United States 3032  
arising out of the same set of circumstances as the violation, 3033  
the court shall suspend the offender's driver's or commercial 3034  
driver's license or permit for not more than five years. If the 3035  
offender is a professionally licensed person, in addition to any 3036  
other sanction imposed for a violation of this section, the 3037  
court immediately shall comply with section 2925.38 of the 3038  
Revised Code. 3039

(2) Any offender who received a mandatory suspension of 3040



the offender's driver's or commercial driver's license or permit 3041  
under this section prior to September 13, 2016, may file a 3042  
motion with the sentencing court requesting the termination of 3043  
the suspension. However, an offender who pleaded guilty to or 3044  
was convicted of a violation of section 4511.19 of the Revised 3045  
Code or a substantially similar municipal ordinance or law of 3046  
another state or the United States that arose out of the same 3047  
set of circumstances as the violation for which the offender's 3048  
license or permit was suspended under this section shall not 3049  
file such a motion. 3050

Upon the filing of a motion under division (G) (2) of this 3051  
section, the sentencing court, in its discretion, may terminate 3052  
the suspension. 3053

**Sec. 2925.23.** (A) No person shall knowingly make a false 3054  
statement in any prescription, order, report, or record required 3055  
by Chapter 3719. or 4729. of the Revised Code. 3056

(B) No person shall intentionally make, utter, or sell, or 3057  
knowingly possess any of the following that is a false or 3058  
forged: 3059

(1) Prescription; 3060

(2) Uncompleted preprinted prescription blank used for 3061  
writing a prescription; 3062

(3) Official written order; 3063

(4) License for a terminal distributor of dangerous drugs, 3064  
as defined in section 4729.01 of the Revised Code; 3065

(5) License for a manufacturer of dangerous drugs, 3066  
outsourcing facility, third-party logistics provider, repackager 3067  
of dangerous drugs, or wholesale distributor of dangerous drugs, 3068

as defined in section 4729.01 of the Revised Code. 3069

(C) No person, by theft as defined in section 2913.02 of 3070  
the Revised Code, shall acquire any of the following: 3071

(1) A prescription; 3072

(2) An uncompleted preprinted prescription blank used for 3073  
writing a prescription; 3074

(3) An official written order; 3075

(4) A blank official written order; 3076

(5) A license or blank license for a terminal distributor 3077  
of dangerous drugs, as defined in section 4729.01 of the Revised 3078  
Code; 3079

(6) A license or blank license for a manufacturer of 3080  
dangerous drugs, outsourcing facility, third-party logistics 3081  
provider, repackager of dangerous drugs, or wholesale 3082  
distributor of dangerous drugs, as defined in section 4729.01 of 3083  
the Revised Code. 3084

(D) No person shall knowingly make or affix any false or 3085  
forged label to a package or receptacle containing any dangerous 3086  
drugs. 3087

(E) Divisions (A) and (D) of this section do not apply to 3088  
licensed health professionals authorized to prescribe drugs, 3089  
pharmacists, owners of pharmacies, and other persons whose 3090  
conduct is in accordance with Chapters 3719., 4715., 4723., 3091  
4725., 4729., 4730., 4731., ~~and 4741., 4772.~~ of the Revised 3092  
Code. 3093

(F) Whoever violates this section is guilty of illegal 3094  
processing of drug documents. If the offender violates division 3095

(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3096  
section, illegal processing of drug documents is a felony of the 3097  
fifth degree. If the offender violates division (A), division 3098  
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3099  
section, the penalty for illegal processing of drug documents 3100  
shall be determined as follows: 3101

(1) If the drug involved is a compound, mixture, 3102  
preparation, or substance included in schedule I or II, with the 3103  
exception of marihuana, illegal processing of drug documents is 3104  
a felony of the fourth degree, and division (C) of section 3105  
2929.13 of the Revised Code applies in determining whether to 3106  
impose a prison term on the offender. 3107

(2) If the drug involved is a dangerous drug or a 3108  
compound, mixture, preparation, or substance included in 3109  
schedule III, IV, or V or is marihuana, illegal processing of 3110  
drug documents is a felony of the fifth degree, and division (C) 3111  
of section 2929.13 of the Revised Code applies in determining 3112  
whether to impose a prison term on the offender. 3113

(G) (1) In addition to any prison term authorized or 3114  
required by division (F) of this section and sections 2929.13 3115  
and 2929.14 of the Revised Code and in addition to any other 3116  
sanction imposed for the offense under this section or sections 3117  
2929.11 to 2929.18 of the Revised Code, the court that sentences 3118  
an offender who is convicted of or pleads guilty to any 3119  
violation of divisions (A) to (D) of this section may suspend 3120  
for not more than five years the offender's driver's or 3121  
commercial driver's license or permit. However, if the offender 3122  
pleaded guilty to or was convicted of a violation of section 3123  
4511.19 of the Revised Code or a substantially similar municipal 3124  
ordinance or the law of another state or the United States 3125

arising out of the same set of circumstances as the violation, 3126  
the court shall suspend the offender's driver's or commercial 3127  
driver's license or permit for not more than five years. 3128

If the offender is a professionally licensed person, in 3129  
addition to any other sanction imposed for a violation of this 3130  
section, the court immediately shall comply with section 2925.38 3131  
of the Revised Code. 3132

(2) Any offender who received a mandatory suspension of 3133  
the offender's driver's or commercial driver's license or permit 3134  
under this section prior to September 13, 2016, may file a 3135  
motion with the sentencing court requesting the termination of 3136  
the suspension. However, an offender who pleaded guilty to or 3137  
was convicted of a violation of section 4511.19 of the Revised 3138  
Code or a substantially similar municipal ordinance or law of 3139  
another state or the United States that arose out of the same 3140  
set of circumstances as the violation for which the offender's 3141  
license or permit was suspended under this section shall not 3142  
file such a motion. 3143

Upon the filing of a motion under division (G) (2) of this 3144  
section, the sentencing court, in its discretion, may terminate 3145  
the suspension. 3146

(H) Notwithstanding any contrary provision of section 3147  
3719.21 of the Revised Code, the clerk of court shall pay a fine 3148  
imposed for a violation of this section pursuant to division (A) 3149  
of section 2929.18 of the Revised Code in accordance with and 3150  
subject to the requirements of division (F) of section 2925.03 3151  
of the Revised Code. The agency that receives the fine shall use 3152  
the fine as specified in division (F) of section 2925.03 of the 3153  
Revised Code. 3154

**Sec. 2925.36.** (A) No person shall knowingly furnish 3155  
another a sample drug. 3156

(B) Division (A) of this section does not apply to 3157  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3158  
licensed health professionals authorized to prescribe drugs, and 3159  
other persons whose conduct is in accordance with Chapters 3160  
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and 3161  
4772. of the Revised Code. 3162

(C) (1) Whoever violates this section is guilty of illegal 3163  
dispensing of drug samples. 3164

(2) If the drug involved in the offense is a compound, 3165  
mixture, preparation, or substance included in schedule I or II, 3166  
with the exception of marihuana, the penalty for the offense 3167  
shall be determined as follows: 3168

(a) Except as otherwise provided in division (C) (2) (b) of 3169  
this section, illegal dispensing of drug samples is a felony of 3170  
the fifth degree, and, subject to division (E) of this section, 3171  
division (C) of section 2929.13 of the Revised Code applies in 3172  
determining whether to impose a prison term on the offender. 3173

(b) If the offense was committed in the vicinity of a 3174  
school or in the vicinity of a juvenile, illegal dispensing of 3175  
drug samples is a felony of the fourth degree, and, subject to 3176  
division (E) of this section, division (C) of section 2929.13 of 3177  
the Revised Code applies in determining whether to impose a 3178  
prison term on the offender. 3179

(3) If the drug involved in the offense is a dangerous 3180  
drug or a compound, mixture, preparation, or substance included 3181  
in schedule III, IV, or V, or is marihuana, the penalty for the 3182  
offense shall be determined as follows: 3183

(a) Except as otherwise provided in division (C) (3) (b) of 3184  
this section, illegal dispensing of drug samples is a 3185  
misdemeanor of the second degree. 3186

(b) If the offense was committed in the vicinity of a 3187  
school or in the vicinity of a juvenile, illegal dispensing of 3188  
drug samples is a misdemeanor of the first degree. 3189

(D) (1) In addition to any prison term authorized or 3190  
required by division (C) or (E) of this section and sections 3191  
2929.13 and 2929.14 of the Revised Code and in addition to any 3192  
other sanction imposed for the offense under this section or 3193  
sections 2929.11 to 2929.18 of the Revised Code, the court that 3194  
sentences an offender who is convicted of or pleads guilty to a 3195  
violation of division (A) of this section may suspend for not 3196  
more than five years the offender's driver's or commercial 3197  
driver's license or permit. However, if the offender pleaded 3198  
guilty to or was convicted of a violation of section 4511.19 of 3199  
the Revised Code or a substantially similar municipal ordinance 3200  
or the law of another state or the United States arising out of 3201  
the same set of circumstances as the violation, the court shall 3202  
suspend the offender's driver's or commercial driver's license 3203  
or permit for not more than five years. 3204

If the offender is a professionally licensed person, in 3205  
addition to any other sanction imposed for a violation of this 3206  
section, the court immediately shall comply with section 2925.38 3207  
of the Revised Code. 3208

(2) Any offender who received a mandatory suspension of 3209  
the offender's driver's or commercial driver's license or permit 3210  
under this section prior to September 13, 2016, may file a 3211  
motion with the sentencing court requesting the termination of 3212  
the suspension. However, an offender who pleaded guilty to or 3213

was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

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

(E) Notwithstanding the prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.

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

<b>Sec. 2925.55.</b> (A) As used in sections 2925.55 to 2925.58	3244
of the Revised Code:	3245
(1) "Consumer product" means any food or drink that is	3246
consumed or used by humans and any drug, including a drug that	3247
may be provided legally only pursuant to a prescription, that is	3248
intended to be consumed or used by humans.	3249
(2) "Terminal distributor of dangerous drugs" has the same	3250
meaning as in section 4729.01 of the Revised Code.	3251
(3) "Pseudoephedrine" means any material, compound,	3252
mixture, or preparation that contains any quantity of	3253
pseudoephedrine, any of its salts, optical isomers, or salts of	3254
optical isomers.	3255
(4) "Pseudoephedrine product" means a consumer product	3256
that contains pseudoephedrine.	3257
(5) "Retailer" means a place of business that offers	3258
consumer products for sale to the general public.	3259
(6) "Single-ingredient preparation" means a compound,	3260
mixture, preparation, or substance that contains a single active	3261
ingredient.	3262
(7) "Ephedrine" means any material, compound, mixture, or	3263
preparation that contains any quantity of ephedrine, any of its	3264
salts, optical isomers, or salts of optical isomers.	3265
(8) "Ephedrine product" means a consumer product that	3266
contains ephedrine.	3267
(B) (1) No individual shall knowingly purchase, receive, or	3268
otherwise acquire an amount of pseudoephedrine product or	3269
ephedrine product that is greater than either of the following	3270
unless the pseudoephedrine product or ephedrine product is	3271



dispensed by a pharmacist pursuant to a valid prescription 3272  
issued by a licensed health professional authorized to prescribe 3273  
drugs and the conduct of the pharmacist and the licensed health 3274  
professional authorized to prescribe drugs is in accordance with 3275  
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3276  
4772. of the Revised Code: 3277

(a) Three and six tenths grams within a period of a single 3278  
day; 3279

(b) Nine grams within a period of thirty consecutive days. 3280

The limits specified in divisions (B)(1)(a) and (b) of 3281  
this section apply to the total amount of base pseudoephedrine 3282  
or base ephedrine in the pseudoephedrine product or ephedrine 3283  
product, respectively. The limits do not apply to the product's 3284  
overall weight. 3285

(2) It is not a violation of division (B)(1) of this 3286  
section for an individual to receive or accept more than an 3287  
amount of pseudoephedrine product or ephedrine product specified 3288  
in division (B)(1)(a) or (b) of this section if the individual 3289  
is an employee of a retailer or terminal distributor of 3290  
dangerous drugs, and the employee receives or accepts from the 3291  
retailer or terminal distributor of dangerous drugs the 3292  
pseudoephedrine product or ephedrine product in a sealed 3293  
container in connection with manufacturing, warehousing, 3294  
placement, stocking, bagging, loading, or unloading of the 3295  
product. 3296

(C)(1) No individual under eighteen years of age shall 3297  
knowingly purchase, receive, or otherwise acquire a 3298  
pseudoephedrine product or ephedrine product unless the 3299  
pseudoephedrine product or ephedrine product is dispensed by a 3300

pharmacist pursuant to a valid prescription issued by a licensed 3301  
health professional authorized to prescribe drugs and the 3302  
conduct of the pharmacist and the licensed health professional 3303  
authorized to prescribe drugs is in accordance with Chapter 3304  
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3305  
the Revised Code. 3306

(2) Division (C)(1) of this section does not apply to an 3307  
individual under eighteen years of age who purchases, receives, 3308  
or otherwise acquires a pseudoephedrine product or ephedrine 3309  
product from any of the following: 3310

(a) A licensed health professional authorized to prescribe 3311  
drugs or pharmacist who dispenses, sells, or otherwise provides 3312  
the pseudoephedrine product or ephedrine product to that 3313  
individual and whose conduct is in accordance with Chapter 3314  
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3315  
the Revised Code; 3316

(b) A parent or guardian of that individual who provides 3317  
the pseudoephedrine product or ephedrine product to the 3318  
individual; 3319

(c) A person, as authorized by that individual's parent or 3320  
guardian, who dispenses, sells, or otherwise provides the 3321  
pseudoephedrine product or ephedrine product to the individual; 3322

(d) A retailer or terminal distributor of dangerous drugs 3323  
who provides the pseudoephedrine product or ephedrine product to 3324  
that individual if the individual is an employee of the retailer 3325  
or terminal distributor of dangerous drugs and the individual 3326  
receives or accepts from the retailer or terminal distributor of 3327  
dangerous drugs the pseudoephedrine product or ephedrine product 3328  
in a sealed container in connection with manufacturing, 3329

warehousing, placement, stocking, bagging, loading, or unloading 3330  
of the product. 3331

(D) No individual under eighteen years of age shall 3332  
knowingly show or give false information concerning the 3333  
individual's name, age, or other identification for the purpose 3334  
of purchasing, receiving, or otherwise acquiring a 3335  
pseudoephedrine product or ephedrine product. 3336

(E) No individual shall knowingly fail to comply with the 3337  
requirements of division (B) of section 3715.051 of the Revised 3338  
Code. 3339

(F) Whoever violates division (B) (1) of this section is 3340  
guilty of unlawful purchase of a pseudoephedrine product or 3341  
ephedrine product, a misdemeanor of the first degree. 3342

(G) Whoever violates division (C) (1) of this section is 3343  
guilty of underage purchase of a pseudoephedrine product or 3344  
ephedrine product, a delinquent act that would be a misdemeanor 3345  
of the fourth degree if it could be committed by an adult. 3346

(H) Whoever violates division (D) of this section is 3347  
guilty of using false information to purchase a pseudoephedrine 3348  
product or ephedrine product, a delinquent act that would be a 3349  
misdemeanor of the first degree if it could be committed by an 3350  
adult. 3351

(I) Whoever violates division (E) of this section is 3352  
guilty of improper purchase of a pseudoephedrine product or 3353  
ephedrine product, a misdemeanor of the fourth degree. 3354

**Sec. 2925.56.** (A) (1) Except as provided in division (A) (2) 3355  
of this section, no retailer or terminal distributor of 3356  
dangerous drugs or an employee of a retailer or terminal 3357  
distributor of dangerous drugs shall knowingly sell, offer to 3358

sell, hold for sale, deliver, or otherwise provide to any 3359  
individual an amount of pseudoephedrine product or ephedrine 3360  
product that is greater than either of the following: 3361

(a) Three and ~~sixtenths~~six-tenths grams within a period 3362  
of a single day; 3363

(b) Nine grams within a period of thirty consecutive days. 3364

The maximum amounts specified in divisions (A)(1)(a) and 3365  
(b) of this section apply to the total amount of base 3366  
pseudoephedrine or base ephedrine in the pseudoephedrine product 3367  
or ephedrine product, respectively. The maximum amounts do not 3368  
apply to the product's overall weight. 3369

(2)(a) Division (A)(1) of this section does not apply to 3370  
any quantity of pseudoephedrine product or ephedrine product 3371  
dispensed by a pharmacist pursuant to a valid prescription 3372  
issued by a licensed health professional authorized to prescribe 3373  
drugs if the conduct of the pharmacist and the licensed health 3374  
professional authorized to prescribe drugs is in accordance with 3375  
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~4741., or  
4772. of the Revised Code. 3376  
3377

(b) It is not a violation of division (A)(1) of this 3378  
section for a retailer, terminal distributor of dangerous drugs, 3379  
or employee of either to provide to an individual more than an 3380  
amount of pseudoephedrine product or ephedrine product specified 3381  
in division (A)(1)(a) or (b) of this section under either of the 3382  
following circumstances: 3383

(i) The individual is an employee of the retailer or 3384  
terminal distributor of dangerous drugs, and the employee 3385  
receives or accepts from the retailer, terminal distributor of 3386  
dangerous drugs, or employee the pseudoephedrine product or 3387

ephedrine product in a sealed container in connection with 3388  
manufacturing, warehousing, placement, stocking, bagging, 3389  
loading, or unloading of the product; 3390

(ii) A stop-sale alert is generated after the submission 3391  
of information to the national precursor log exchange under the 3392  
conditions described in division (A) (2) of section 3715.052 of 3393  
the Revised Code. 3394

(B) (1) Except as provided in division (B) (2) of this 3395  
section, no retailer or terminal distributor of dangerous drugs 3396  
or an employee of a retailer or terminal distributor of 3397  
dangerous drugs shall sell, offer to sell, hold for sale, 3398  
deliver, or otherwise provide a pseudoephedrine product or 3399  
ephedrine product to an individual who is under eighteen years 3400  
of age. 3401

(2) Division (B) (1) of this section does not apply to any 3402  
of the following: 3403

(a) A licensed health professional authorized to prescribe 3404  
drugs or pharmacist who dispenses, sells, or otherwise provides 3405  
a pseudoephedrine product or ephedrine product to an individual 3406  
under eighteen years of age and whose conduct is in accordance 3407  
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 3408  
or 4772. of the Revised Code; 3409

(b) A parent or guardian of an individual under eighteen 3410  
years of age who provides a pseudoephedrine product or ephedrine 3411  
product to the individual; 3412

(c) A person who, as authorized by the individual's parent 3413  
or guardian, dispenses, sells, or otherwise provides a 3414  
pseudoephedrine product or ephedrine product to an individual 3415  
under eighteen years of age; 3416

(d) The provision by a retailer, terminal distributor of 3417  
dangerous drugs, or employee of either of a pseudoephedrine 3418  
product or ephedrine product in a sealed container to an 3419  
employee of the retailer or terminal distributor of dangerous 3420  
drugs who is under eighteen years of age in connection with 3421  
manufacturing, warehousing, placement, stocking, bagging, 3422  
loading, or unloading of the product. 3423

(C) No retailer or terminal distributor of dangerous drugs 3424  
shall fail to comply with the requirements of division (A) of 3425  
section 3715.051 or division (A) (2) of section 3715.052 of the 3426  
Revised Code. 3427

(D) No retailer or terminal distributor of dangerous drugs 3428  
shall fail to comply with the requirements of division (A) (1) of 3429  
section 3715.052 of the Revised Code. 3430

(E) Whoever violates division (A) (1) of this section is 3431  
guilty of unlawfully selling a pseudoephedrine product or 3432  
ephedrine product, a misdemeanor of the first degree. 3433

(F) Whoever violates division (B) (1) of this section is 3434  
guilty of unlawfully selling a pseudoephedrine product or 3435  
ephedrine product to a minor, a misdemeanor of the fourth 3436  
degree. 3437

(G) Whoever violates division (C) of this section is 3438  
guilty of improper sale of a pseudoephedrine product or 3439  
ephedrine product, a misdemeanor of the second degree. 3440

(H) Whoever violates division (D) of this section is 3441  
guilty of failing to submit information to the national 3442  
precursor log exchange, a misdemeanor for which the offender 3443  
shall be fined not more than one thousand dollars per violation. 3444

**Sec. 2929.42.** (A) The prosecutor in any case against any 3445

person licensed, certified, registered, or otherwise authorized 3446  
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 3447  
4731., 4734., ~~or 4741.~~ or 4772. of the Revised Code shall 3448  
notify the appropriate licensing board, on forms provided by the 3449  
board, of any of the following regarding the person: 3450

(1) A plea of guilty to, or a conviction of, a felony, or 3451  
a court order dismissing a felony charge on technical or 3452  
procedural grounds; 3453

(2) A plea of guilty to, or a conviction of, a misdemeanor 3454  
committed in the course of practice or in the course of 3455  
business, or a court order dismissing such a misdemeanor charge 3456  
on technical or procedural grounds; 3457

(3) A plea of guilty to, or a conviction of, a misdemeanor 3458  
involving moral turpitude, or a court order dismissing such a 3459  
charge on technical or procedural grounds. 3460

(B) The report required by division (A) of this section 3461  
shall include the name and address of the person, the nature of 3462  
the offense, and certified copies of court entries in the 3463  
action. 3464

**Sec. 3701.048.** (A) As used in this section: 3465

(1) "Board of health" means the board of health of a city 3466  
or general health district or the authority having the duties of 3467  
a board of health under section 3709.05 of the Revised Code. 3468

(2) "Controlled substance" has the same meaning as in 3469  
section 3719.01 of the Revised Code. 3470

(3) "Drug," "dangerous drug," and "licensed health 3471  
professional authorized to prescribe drugs" have the same 3472  
meanings as in section 4729.01 of the Revised Code. 3473

(4) "Registered volunteer" has the same meaning as in 3474  
section 5502.281 of the Revised Code. 3475

(B) In consultation with the appropriate professional 3476  
regulatory boards of this state, the director of health shall 3477  
develop one or more protocols that authorize the following 3478  
individuals to administer, deliver, or distribute drugs, other 3479  
than schedule II and III controlled substances, during a period 3480  
of time described in division (E) of this section, 3481  
notwithstanding any statute or rule that otherwise prohibits or 3482  
restricts the administration, delivery, or distribution of drugs 3483  
by those individuals: 3484

(1) A physician authorized under Chapter 4731. of the 3485  
Revised Code to practice medicine and surgery, osteopathic 3486  
medicine and surgery, or podiatric medicine and surgery; 3487

(2) A physician assistant licensed under Chapter 4730. of 3488  
the Revised Code; 3489

(3) A dentist or dental hygienist licensed under Chapter 3490  
4715. of the Revised Code; 3491

(4) A registered nurse licensed under Chapter 4723. of the 3492  
Revised Code, including an advanced practice registered nurse, 3493  
as defined in section 4723.01 of the Revised Code; 3494

(5) A licensed practical nurse licensed under Chapter 3495  
4723. of the Revised Code; 3496

(6) An optometrist licensed under Chapter 4725. of the 3497  
Revised Code; 3498

(7) A pharmacist or pharmacy intern licensed under Chapter 3499  
4729. of the Revised Code; 3500

(8) A respiratory care professional licensed under Chapter 3501



4761. of the Revised Code;	3502
(9) An emergency medical technician-basic, emergency	3503
medical technician-intermediate, or emergency medical	3504
technician-paramedic who holds a certificate to practice issued	3505
under Chapter 4765. of the Revised Code;	3506
(10) A veterinarian licensed under Chapter 4741. of the	3507
Revised Code;	3508
<u>(11) A certified mental health assistant licensed under</u>	3509
<u>Chapter 4772. of the Revised Code.</u>	3510
(C) In consultation with the executive director of the	3511
emergency management agency, the director of health shall	3512
develop one or more protocols that authorize employees of boards	3513
of health and registered volunteers to deliver or distribute	3514
drugs, other than schedule II and III controlled substances,	3515
during a period of time described in division (E) of this	3516
section, notwithstanding any statute or rule that otherwise	3517
prohibits or restricts the delivery or distribution of drugs by	3518
those individuals.	3519
(D) In consultation with the state board of pharmacy, the	3520
director of health shall develop one or more protocols that	3521
authorize pharmacists and pharmacy interns to dispense, during a	3522
period of time described in division (E) of this section,	3523
limited quantities of dangerous drugs, other than schedule II	3524
and III controlled substances, without a written, oral, or	3525
electronic prescription from a licensed health professional	3526
authorized to prescribe drugs or without a record of a	3527
prescription, notwithstanding any statute or rule that otherwise	3528
prohibits or restricts the dispensing of drugs without a	3529
prescription or record of a prescription.	3530

(E) On the governor's declaration of an emergency that 3531  
affects the public health, the director of health may issue an 3532  
order to implement one or more of the protocols developed 3533  
pursuant to division (B), (C), or (D) of this section. At a 3534  
minimum, the director's order shall identify the one or more 3535  
protocols to be implemented and the period of time during which 3536  
the one or more protocols are to be effective. 3537

(F) (1) An individual who administers, delivers, 3538  
distributes, or dispenses a drug or dangerous drug in accordance 3539  
with one or more of the protocols implemented under division (E) 3540  
of this section is not liable for damages in any civil action 3541  
unless the individual's acts or omissions in performing those 3542  
activities constitute willful or wanton misconduct. 3543

(2) An individual who administers, delivers, distributes, 3544  
or dispenses a drug or dangerous drug in accordance with one or 3545  
more of the protocols implemented under division (E) of this 3546  
section is not subject to criminal prosecution or professional 3547  
disciplinary action under any chapter in Title XLVII of the 3548  
Revised Code. 3549

**Sec. 3701.74.** (A) As used in this section and section 3550  
3701.741 of the Revised Code: 3551

(1) "Ambulatory care facility" means a facility that 3552  
provides medical, diagnostic, or surgical treatment to patients 3553  
who do not require hospitalization, including a dialysis center, 3554  
ambulatory surgical facility, cardiac catheterization facility, 3555  
diagnostic imaging center, extracorporeal shock wave lithotripsy 3556  
center, home health agency, inpatient hospice, birthing center, 3557  
radiation therapy center, emergency facility, and an urgent care 3558  
center. "Ambulatory care facility" does not include the private 3559  
office of a physician or dentist, whether the office is for an 3560

individual or group practice.	3561
(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	3562 3563
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	3564 3565 3566
(4) "Health care practitioner" means all of the following:	3567
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	3568 3569
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3570 3571
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	3572 3573
(d) A dispensing optician, spectacle dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	3574 3575 3576
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	3577 3578
(f) A physician;	3579
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	3580 3581
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	3582 3583
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	3584 3585
(j) A chiropractor;	3586

(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	3587 3588
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3589 3590
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	3591 3592
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	3593 3594
(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	3595 3596 3597 3598 3599
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	3600 3601
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	3602 3603
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	3604 3605 3606 3607
<u>(s) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3608 3609
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	3610 3611 3612
(6) "Hospital" has the same meaning as in section 3727.01	3613

of the Revised Code. 3614

(7) "Long-term care facility" means a nursing home, 3615  
residential care facility, or home for the aging, as those terms 3616  
are defined in section 3721.01 of the Revised Code; a 3617  
residential facility licensed under section 5119.34 of the 3618  
Revised Code that provides accommodations, supervision, and 3619  
personal care services for three to sixteen unrelated adults; a 3620  
nursing facility, as defined in section 5165.01 of the Revised 3621  
Code; a skilled nursing facility, as defined in section 5165.01 3622  
of the Revised Code; and an intermediate care facility for 3623  
individuals with intellectual disabilities, as defined in 3624  
section 5124.01 of the Revised Code. 3625

(8) "Medical record" means data in any form that pertains 3626  
to a patient's medical history, diagnosis, prognosis, or medical 3627  
condition and that is generated and maintained by a health care 3628  
provider in the process of the patient's health care treatment. 3629

(9) "Medical records company" means a person who stores, 3630  
locates, or copies medical records for a health care provider, 3631  
or is compensated for doing so by a health care provider, and 3632  
charges a fee for providing medical records to a patient or 3633  
patient's representative. 3634

(10) "Patient" means either of the following: 3635

(a) An individual who received health care treatment from 3636  
a health care provider; 3637

(b) A guardian, as defined in section 1337.11 of the 3638  
Revised Code, of an individual described in division (A) (10) (a) 3639  
of this section. 3640

(11) "Patient's personal representative" means a minor 3641  
patient's parent or other person acting in loco parentis, a 3642

court-appointed guardian, or a person with durable power of 3643  
attorney for health care for a patient, the executor or 3644  
administrator of the patient's estate, or the person responsible 3645  
for the patient's estate if it is not to be probated. "Patient's 3646  
personal representative" does not include an insurer authorized 3647  
under Title XXXIX of the Revised Code to do the business of 3648  
sickness and accident insurance in this state, a health insuring 3649  
corporation holding a certificate of authority under Chapter 3650  
1751. of the Revised Code, or any other person not named in this 3651  
division. 3652

(12) "Pharmacy" has the same meaning as in section 4729.01 3653  
of the Revised Code. 3654

(13) "Physician" means a person authorized under Chapter 3655  
4731. of the Revised Code to practice medicine and surgery, 3656  
osteopathic medicine and surgery, or podiatric medicine and 3657  
surgery. 3658

(14) "Authorized person" means a person to whom a patient 3659  
has given written authorization to act on the patient's behalf 3660  
regarding the patient's medical record. 3661

(B) A patient, a patient's personal representative, or an 3662  
authorized person who wishes to examine or obtain a copy of part 3663  
or all of a medical record shall submit to the health care 3664  
provider a written request signed by the patient, personal 3665  
representative, or authorized person dated not more than one 3666  
year before the date on which it is submitted. The request shall 3667  
indicate whether the copy is to be sent to the requestor, 3668  
physician or chiropractor, or held for the requestor at the 3669  
office of the health care provider. Within a reasonable time 3670  
after receiving a request that meets the requirements of this 3671  
division and includes sufficient information to identify the 3672

record requested, a health care provider that has the patient's 3673  
medical records shall permit the patient to examine the record 3674  
during regular business hours without charge or, on request, 3675  
shall provide a copy of the record in accordance with section 3676  
3701.741 of the Revised Code, except that if a physician, 3677  
psychologist, licensed professional clinical counselor, licensed 3678  
professional counselor, independent social worker, social 3679  
worker, independent marriage and family therapist, marriage and 3680  
family therapist, or chiropractor who has treated the patient 3681  
determines for clearly stated treatment reasons that disclosure 3682  
of the requested record is likely to have an adverse effect on 3683  
the patient, the health care provider shall provide the record 3684  
to a physician, psychologist, licensed professional clinical 3685  
counselor, licensed professional counselor, independent social 3686  
worker, social worker, independent marriage and family 3687  
therapist, marriage and family therapist, or chiropractor 3688  
designated by the patient. The health care provider shall take 3689  
reasonable steps to establish the identity of the person making 3690  
the request to examine or obtain a copy of the patient's record. 3691

(C) If a health care provider fails to furnish a medical 3692  
record as required by division (B) of this section, the patient, 3693  
personal representative, or authorized person who requested the 3694  
record may bring a civil action to enforce the patient's right 3695  
of access to the record. 3696

(D) (1) This section does not apply to medical records 3697  
whose release is covered by section 173.20 or 3721.13 of the 3698  
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 3699  
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 3700  
Abuse Patient Records," or by 42 C.F.R. 483.10. 3701

(2) Nothing in this section is intended to supersede the 3702

confidentiality provisions of sections 2305.24, 2305.25,	3703
2305.251, and 2305.252 of the Revised Code.	3704
<b>Sec. 3709.161.</b> (A) The board of health of a city or	3705
general health district may procure a policy or policies of	3706
insurance insuring the members of the board, the health	3707
commissioner, and the employees of the board against liability	3708
on account of damage or injury to persons and property resulting	3709
from any act or omission that occurs in the individual's	3710
official capacity as a member or employee of the board or	3711
resulting solely out of such membership or employment.	3712
(B) (1) As used in this division, "health care	3713
professional" means all of the following:	3714
(a) A dentist or dental hygienist licensed under Chapter	3715
4715. of the Revised Code;	3716
(b) A registered nurse or licensed practical nurse	3717
licensed under Chapter 4723. of the Revised Code;	3718
(c) A person licensed under Chapter 4729. of the Revised	3719
Code to practice as a pharmacist;	3720
(d) A person authorized under Chapter 4730. of the Revised	3721
Code to practice as a physician assistant;	3722
(e) A person authorized under Chapter 4731. of the Revised	3723
Code to practice medicine and surgery, osteopathic medicine and	3724
surgery, or podiatry;	3725
(f) A psychologist licensed under Chapter 4732. of the	3726
Revised Code;	3727
(g) A veterinarian licensed under Chapter 4741. of the	3728
Revised Code;	3729



(h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3730 3731
(i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;	3732 3733 3734
(j) A licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code;	3735 3736 3737
(k) A dietitian licensed under Chapter 4759. of the Revised Code;	3738 3739
<u>(l) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3740 3741
(2) The board of health of a city or general health district may purchase liability insurance for a health care professional with whom the board contracts for the provision of health care services against liability on account of damage or injury to persons and property arising from the health care professional's performance of services under the contract. The policy shall be purchased from an insurance company licensed to do business in this state, if such a policy is available from such a company. The board of health of a city or general health district shall report the cost of the liability insurance policy and subsequent increases in the cost to the director of health on a form prescribed by the director.	3742 3743 3744 3745 3746 3747 3748 3749 3750 3751 3752 3753
<b>Sec. 3715.50.</b> (A) As used in this section and in sections 3715.501 to 3715.505 of the Revised Code:	3754 3755
(1) "Advanced practice registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a	3756 3757 3758

clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.	3759 3760
(2) "Overdose reversal drug" has the same meaning as in section 4729.01 of the Revised Code.	3761 3762
(3) "Pharmacist" means an individual licensed under Chapter 4729. of the Revised Code to practice as a pharmacist.	3763 3764
(4) "Pharmacy intern" means an individual licensed under Chapter 4729. of the Revised Code to practice as a pharmacy intern.	3765 3766 3767
(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	3768 3769 3770 3771
(6) "Physician assistant" means an individual who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.	3772 3773 3774 3775
<u>(7) "Certified mental health assistant" means an individual who is licensed under Chapter 4772. of the Revised Code and has been granted physician-delegated prescriptive authority.</u>	3776 3777 3778 3779
(B) Notwithstanding any conflicting provision of the Revised Code, any person or government entity may purchase, possess, distribute, dispense, personally furnish, sell, or otherwise obtain or provide an overdose reversal drug, which includes any instrument or device used to administer the drug, if all of the following conditions are met:	3780 3781 3782 3783 3784 3785
(1) The overdose reversal drug is in its original	3786

manufacturer's packaging. 3787

(2) The overdose reversal drug's packaging contains the 3788  
manufacturer's instructions for use. 3789

(3) The overdose reversal drug is stored in accordance 3790  
with the manufacturer's or distributor's instructions. 3791

(C) In addition to actions authorized by division (B) of 3792  
this section, any person or government entity may obtain and 3793  
maintain a supply of an overdose reversal drug for either or 3794  
both of the following purposes: for use in an emergency 3795  
situation and for distribution through an automated mechanism. 3796

(1) In the case of a supply of an overdose reversal drug 3797  
obtained and maintained for use in an emergency situation, a 3798  
person or government entity shall do all of the following: 3799

(a) Provide to any individual who accesses the supply 3800  
instructions regarding emergency administration of the drug, 3801  
including a specific instruction to summon emergency services as 3802  
necessary; 3803

(b) Establish a process for replacing within a reasonable 3804  
time period any overdose reversal drug that has been accessed; 3805

(c) Store the overdose reversal drug in accordance with 3806  
the manufacturer's or distributor's instructions. 3807

(2) In the case of a supply of an overdose reversal drug 3808  
obtained and maintained for distribution through an automated 3809  
mechanism, a person or government entity shall do all of the 3810  
following: 3811

(a) Ensure that the mechanism is securely fastened to a 3812  
permanent structure or is of an appropriate size and weight to 3813  
reasonably prevent it from being removed from its intended 3814

location;	3815
(b) Provide to any individual who accesses the supply	3816
instructions regarding emergency administration of the drug,	3817
including a specific instruction to summon emergency services as	3818
necessary;	3819
(c) Develop a process for monitoring and replenishing the	3820
supply maintained in the automated mechanism;	3821
(d) Store the overdose reversal drug in accordance with	3822
the manufacturer's or distributor's instructions.	3823
(D) If the authority granted by division (B) or (C) of	3824
this section is exercised in good faith, the following	3825
immunities apply:	3826
(1) The person or government entity exercising the	3827
authority is not subject to administrative action or criminal	3828
prosecution and is not liable for damages in a civil action for	3829
injury, death, or loss to person or property for an act or	3830
omission that arises from exercising that authority.	3831
(2) After an overdose reversal drug has been dispensed or	3832
personally furnished, the person or government entity is not	3833
liable for or subject to any of the following for any act or	3834
omission of the individual to whom the drug is dispensed or	3835
personally furnished: damages in any civil action, prosecution	3836
in any criminal proceeding, or professional disciplinary action.	3837
(E) (1) This section does not affect any other authority to	3838
issue a prescription for, or personally furnish a supply of, an	3839
overdose reversal drug.	3840
(2) This section does not eliminate, limit, or reduce any	3841
other immunity or defense that a person or government entity may	3842

be entitled to under section 9.86, Chapter 2744., section 3843  
4765.49, or any other provision of the Revised Code or the 3844  
common law of this state. 3845

**Sec. 3715.501.** (A) Notwithstanding any conflicting 3846  
provision of the Revised Code or of any rule adopted by the 3847  
state board of pharmacy, state medical board, or board of 3848  
nursing, both of the following apply: 3849

(1) A physician, physician assistant, ~~or~~ advanced practice 3850  
registered nurse, or certified mental health assistant may issue 3851  
a prescription for an overdose reversal drug, or personally 3852  
furnish a supply of the drug, without having examined the 3853  
individual to whom it may be administered. The physician, 3854  
physician assistant, ~~or~~ advanced practice registered nurse, or 3855  
certified mental health assistant exercising this authority 3856  
shall provide, to the individual receiving the prescription or 3857  
supply, instructions regarding the emergency administration of 3858  
the drug, including a specific instruction to summon emergency 3859  
services as necessary. 3860

(2) In the event that a prescription for an overdose 3861  
reversal drug does not include the name of the individual to 3862  
whom the drug may be administered, a pharmacist or pharmacy 3863  
intern may dispense the drug to the individual who received the 3864  
prescription. 3865

(B) (1) A physician, physician assistant, ~~or~~ advanced 3866  
practice registered nurse, or certified mental health assistant 3867  
who in good faith exercises the authority conferred by division 3868  
(A) (1) of this section is not liable for or subject to any of 3869  
the following for any act or omission of the individual to whom 3870  
a prescription for an overdose reversal drug is issued or the 3871  
supply of such a drug is furnished: damages in any civil action, 3872

prosecution in any criminal proceeding, or professional 3873  
disciplinary action. 3874

(2) A pharmacist or pharmacy intern who in good faith 3875  
exercises the authority conferred by division (A)(2) of this 3876  
section is not liable for or subject to any of the following: 3877  
damages in any civil action, prosecution in any criminal 3878  
proceeding, or professional disciplinary action. 3879

**Sec. 3715.502.** (A) A physician, physician assistant, ~~or~~ 3880  
advanced practice registered nurse, or certified mental health 3881  
assistant may authorize one or more pharmacists and any of the 3882  
pharmacy interns supervised by the one or more pharmacists to 3883  
use a protocol developed pursuant to rules adopted under this 3884  
section for the purpose of dispensing overdose reversal drugs. 3885  
If use of the protocol has been authorized, a pharmacist or 3886  
pharmacy intern may dispense overdose reversal drugs without a 3887  
prescription to either of the following in accordance with that 3888  
protocol: 3889

(1) An individual who there is reason to believe is 3890  
experiencing or at risk of experiencing an opioid-related 3891  
overdose; 3892

(2) A family member, friend, or other individual in a 3893  
position to assist an individual who there is reason to believe 3894  
is at risk of experiencing an opioid-related overdose. 3895

(B) A pharmacist or pharmacy intern who dispenses overdose 3896  
reversal drugs under this section shall instruct the individual 3897  
to whom the drugs are dispensed to summon emergency services as 3898  
soon as practicable either before or after administering the 3899  
drugs. 3900

(C) A pharmacist may document on a prescription form the 3901

dispensing of overdose reversal drugs by the pharmacist or a 3902  
pharmacy intern supervised by the pharmacist. The form may be 3903  
assigned a number for recordkeeping purposes. 3904

(D) This section does not affect the authority of a 3905  
pharmacist or pharmacy intern to fill or refill a prescription 3906  
for overdose reversal drugs. 3907

(E) A physician, physician assistant, ~~or~~ advanced practice 3908  
registered nurse, or certified mental health assistant who in 3909  
good faith authorizes a pharmacist or pharmacy intern to 3910  
dispense overdose reversal drugs without a prescription, as 3911  
provided in this section, is not liable for or subject to any of 3912  
the following for any act or omission of the individual to whom 3913  
the drugs are dispensed: damages in any civil action, 3914  
prosecution in any criminal proceeding, or professional 3915  
disciplinary action. 3916

A pharmacist or pharmacy intern authorized under this 3917  
section to dispense overdose reversal drugs without a 3918  
prescription who does so in good faith is not liable for or 3919  
subject to any of the following for any act or omission of the 3920  
individual to whom the drugs are dispensed: damages in any civil 3921  
action, prosecution in any criminal proceeding, or professional 3922  
disciplinary action. 3923

(F) The state board of pharmacy, after consulting with the 3924  
state medical board and board of nursing, shall adopt rules to 3925  
implement this section. The rules shall specify a protocol under 3926  
which pharmacists or pharmacy interns may dispense overdose 3927  
reversal drugs without a prescription. 3928

All rules adopted under this section shall be adopted in 3929  
accordance with Chapter 119. of the Revised Code. 3930

(G) (1) The state board of pharmacy shall develop a program 3931  
to educate all of the following about the authority of a 3932  
pharmacist or pharmacy intern to dispense overdose reversal 3933  
drugs without a prescription: 3934

(a) Holders of licenses issued under Chapter 4729. of the 3935  
Revised Code that engage in the sale or dispensing of overdose 3936  
reversal drugs pursuant to this section; 3937

(b) Registered pharmacy technicians, certified pharmacy 3938  
technicians, and pharmacy technician trainees registered under 3939  
Chapter 4729. of the Revised Code who engage in the sale of 3940  
overdose reversal drugs pursuant to this section; 3941

(c) Individuals who are not licensed or registered under 3942  
Chapter 4729. of the Revised Code but are employed by license 3943  
holders described in division (G) (1) (a) of this section. 3944

(2) As part of the program, the board also shall educate 3945  
the license holders, pharmacy technicians, and employees 3946  
described in division (G) (1) of this section about maintaining 3947  
an adequate supply of overdose reversal drugs and methods for 3948  
determining a pharmacy's stock of such drugs. 3949

(3) The board may use its web site to share information 3950  
under the program. 3951

**Sec. 3715.503.** (A) In addition to the actions authorized 3952  
by section 3715.50 of the Revised Code and subject to division 3953  
(B) of this section, a physician, physician assistant, ~~or~~ 3954  
advanced practice registered nurse, or certified mental health 3955  
assistant may elect to establish a protocol authorizing any 3956  
individual to personally furnish a supply of an overdose 3957  
reversal drug to another individual pursuant to the protocol. A 3958  
person authorized to personally furnish an overdose reversal 3959



drug pursuant to the protocol may do so without having examined 3960  
the individual to whom the drug may be administered. 3961

(B) A protocol established by a physician, physician 3962  
assistant, ~~or~~ advanced practice registered nurse, or certified 3963  
mental health assistant for purposes of this section shall 3964  
include all of the following: 3965

(1) Any limitations to be applied concerning the 3966  
individuals to whom the overdose reversal drug may be personally 3967  
furnished; 3968

(2) The overdose reversal drug dosage that may be 3969  
personally furnished and any variation in the dosage based on 3970  
circumstances specified in the protocol; 3971

(3) Any labeling, storage, recordkeeping, and 3972  
administrative requirements; 3973

(4) Training requirements that must be met before a person 3974  
will be authorized to personally furnish overdose reversal 3975  
drugs; 3976

(5) Any instructions or training that the authorized 3977  
person must provide to an individual to whom an overdose 3978  
reversal drug is personally furnished. 3979

(C) A physician, physician assistant, ~~or~~ advanced practice 3980  
registered nurse, or certified mental health assistant who in 3981  
good faith authorizes an individual to personally furnish a 3982  
supply of an overdose reversal drug in accordance with a 3983  
protocol established under this section, and an individual who 3984  
in good faith personally furnishes a supply under that 3985  
authority, is not liable for or subject to any of the following 3986  
for any act or omission of the individual to whom the overdose 3987  
reversal drug is personally furnished: damages in any civil 3988

action, prosecution in any criminal proceeding, or professional disciplinary action.	3989 3990
<b>Sec. 3715.872.</b> (A) As used in this section, "health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	3991 3992 3993
(1) Individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	3994 3995 3996
(2) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	3997 3998
(3) Physician assistants licensed under Chapter 4730. of the Revised Code;	3999 4000
(4) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	4001 4002
(5) Optometrists licensed under Chapter 4725. of the Revised Code;	4003 4004
(6) Pharmacists licensed under Chapter 4729. of the Revised Code;	4005 4006
<u>(7) Certified mental health assistants licensed under Chapter 4772. of the Revised Code.</u>	4007 4008
(B) For matters related to activities conducted under the drug repository program, all of the following apply:	4009 4010
(1) A pharmacy, drug manufacturer, health care facility, or other person or government entity that donates or gives drugs to the program, and any person or government entity that facilitates the donation or gift, shall not be subject to liability in tort or other civil action for injury, death, or	4011 4012 4013 4014 4015

loss to person or property. 4016

(2) A pharmacy, hospital, or nonprofit clinic that accepts 4017  
or distributes drugs under the program shall not be subject to 4018  
liability in tort or other civil action for injury, death, or 4019  
loss to person or property, unless an action or omission of the 4020  
pharmacy, hospital, or nonprofit clinic constitutes willful and 4021  
wanton misconduct. 4022

(3) A health care professional who accepts, dispenses, or 4023  
personally furnishes drugs under the program on behalf of a 4024  
pharmacy, hospital, or nonprofit clinic participating in the 4025  
program, and the pharmacy, hospital, or nonprofit clinic that 4026  
employs or otherwise uses the services of the health care 4027  
professional, shall not be subject to liability in tort or other 4028  
civil action for injury, death, or loss to person or property, 4029  
unless an action or omission of the health care professional, 4030  
pharmacy, hospital, or nonprofit clinic constitutes willful and 4031  
wanton misconduct. 4032

(4) The state board of pharmacy shall not be subject to 4033  
liability in tort or other civil action for injury, death, or 4034  
loss to person or property, unless an action or omission of the 4035  
board constitutes willful and wanton misconduct. 4036

(5) In addition to the civil immunity granted under 4037  
division (B)(1) of this section, a pharmacy, drug manufacturer, 4038  
health care facility, or other person or government entity that 4039  
donates or gives drugs to the program, and any person or 4040  
government entity that facilitates the donation or gift, shall 4041  
not be subject to criminal prosecution for matters related to 4042  
activities that it conducts or another party conducts under the 4043  
program, unless an action or omission of the party that donates, 4044  
gives, or facilitates the donation or gift of the drugs does not 4045

comply with the provisions of this chapter or the rules adopted 4046  
under it. 4047

(6) In the case of a drug manufacturer, the immunities 4048  
from civil liability and criminal prosecution granted to another 4049  
party under divisions (B) (1) and (5) of this section extend to 4050  
the manufacturer when any drug it manufactures is the subject of 4051  
an activity conducted under the program. This extension of 4052  
immunities includes, but is not limited to, immunity from 4053  
liability or prosecution for failure to transfer or communicate 4054  
product or consumer information or the expiration date of a drug 4055  
that is donated or given. 4056

**Sec. 3719.06.** (A) (1) A licensed health professional 4057  
authorized to prescribe drugs, if acting in the course of 4058  
professional practice, in accordance with the laws regulating 4059  
the professional's practice, and in accordance with rules 4060  
adopted by the state board of pharmacy, may, except as provided 4061  
in division (A) (2) ~~or~~, (3), or (4) of this section, do the 4062  
following: 4063

(a) Prescribe schedule II, III, IV, and V controlled 4064  
substances; 4065

(b) Administer or personally furnish to patients schedule 4066  
II, III, IV, and V controlled substances; 4067

(c) Cause schedule II, III, IV, and V controlled 4068  
substances to be administered under the prescriber's direction 4069  
and supervision. 4070

(2) A licensed health professional authorized to prescribe 4071  
drugs who is a clinical nurse specialist, certified nurse- 4072  
midwife, or certified nurse practitioner is subject to both of 4073  
the following: 4074

(a) A schedule II controlled substance may be prescribed 4075  
only in accordance with division (C) of section 4723.481 of the 4076  
Revised Code. 4077

(b) No schedule II controlled substance shall be 4078  
personally furnished to any patient. 4079

(3) A licensed health professional authorized to prescribe 4080  
drugs who is a physician assistant is subject to all of the 4081  
following: 4082

(a) A controlled substance may be prescribed or personally 4083  
furnished only if it is included in the physician-delegated 4084  
prescriptive authority granted to the physician assistant in 4085  
accordance with Chapter 4730. of the Revised Code. 4086

(b) A schedule II controlled substance may be prescribed 4087  
only in accordance with division (B)(4) of section 4730.41 and 4088  
section 4730.411 of the Revised Code. 4089

(c) No schedule II controlled substance shall be 4090  
personally furnished to any patient. 4091

(4) A licensed health professional authorized to prescribe 4092  
drugs who is a certified mental health assistant is subject to 4093  
both of the following: 4094

(a) A controlled substance may be prescribed or personally 4095  
furnished only in accordance with sections 4772.12 and 4772.13 4096  
of the Revised Code. 4097

(b) No schedule II controlled substance shall be 4098  
personally furnished to any patient. 4099

(B) No licensed health professional authorized to 4100  
prescribe drugs shall prescribe, administer, or personally 4101  
furnish a schedule III anabolic steroid for the purpose of human 4102

muscle building or enhancing human athletic performance and no 4103  
pharmacist shall dispense a schedule III anabolic steroid for 4104  
either purpose, unless it has been approved for that purpose 4105  
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 4106  
(1938), 21 U.S.C.A. 301, as amended. 4107

(C) When issuing a prescription for a schedule II 4108  
controlled substance, a licensed health professional authorized 4109  
to prescribe drugs shall do so only upon an electronic 4110  
prescription, except that the prescriber may issue a written 4111  
prescription if any of the following apply: 4112

(1) A temporary technical, electrical, or broadband 4113  
failure occurs preventing the prescriber from issuing an 4114  
electronic prescription. 4115

(2) The prescription is issued for a nursing home resident 4116  
or hospice care patient. 4117

(3) The prescriber is employed by or under contract with 4118  
the same entity that operates the pharmacy. 4119

(4) The prescriber determines that an electronic 4120  
prescription cannot be issued in a timely manner and the 4121  
patient's medical condition is at risk. 4122

(5) The prescriber issues the prescription from a health 4123  
care facility, which may include an emergency department, and 4124  
reasonably determines that an electronic prescription would be 4125  
impractical for the patient or would cause a delay that may 4126  
adversely impact the patient's medical condition. 4127

(6) The prescriber issues per year not more than fifty 4128  
prescriptions for schedule II controlled substances. 4129

(7) The prescriber is a veterinarian licensed under 4130

Chapter 4741. of the Revised Code.	4131
(D) Each written or electronic prescription for a	4132
controlled substance shall be properly executed, dated, and	4133
signed by the prescriber on the day when issued and shall bear	4134
the full name and address of the person for whom, or the owner	4135
of the animal for which, the controlled substance is prescribed	4136
and the full name, address, and registry number under the	4137
federal drug abuse control laws of the prescriber. If the	4138
prescription is for an animal, it shall state the species of the	4139
animal for which the controlled substance is prescribed.	4140
<b>Sec. 3719.064.</b> (A) As used in this section:	4141
(1) "Medication-assisted treatment" has the same meaning	4142
as in section 340.01 of the Revised Code.	4143
(2) "Prescriber" means any of the following:	4144
(a) An advanced practice registered nurse who holds a	4145
current, valid license issued under Chapter 4723. of the Revised	4146
Code and is designated as a clinical nurse specialist, certified	4147
nurse-midwife, or certified nurse practitioner;	4148
(b) A physician authorized under Chapter 4731. of the	4149
Revised Code to practice medicine and surgery or osteopathic	4150
medicine and surgery;	4151
(c) A physician assistant who is licensed under Chapter	4152
4730. of the Revised Code, holds a valid prescriber number	4153
issued by the state medical board, and has been granted	4154
physician-delegated prescriptive authority;	4155
<u>(d) A certified mental health assistant who is licensed</u>	4156
<u>under Chapter 4772. of the Revised Code and has been granted</u>	4157
<u>physician-delegated prescriptive authority by the physician</u>	4158

supervising the certified mental health assistant. 4159

(3) "Qualifying practitioner" has the same meaning as in 4160  
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 4161  
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 4162

(B) Before initiating medication-assisted treatment, a 4163  
prescriber shall give the patient or the patient's 4164  
representative information about all drugs approved by the 4165  
United States food and drug administration for use in 4166  
medication-assisted treatment. The information must be provided 4167  
both orally and in writing. The prescriber or the prescriber's 4168  
delegate shall note in the patient's medical record when this 4169  
information was provided and make the record available to 4170  
employees of the board of nursing or state medical board on 4171  
their request. 4172

If the prescriber is not a qualifying practitioner and the 4173  
patient's choice is opioid treatment and the prescriber 4174  
determines that such treatment is clinically appropriate and 4175  
meets generally accepted standards of medicine, the prescriber 4176  
shall refer the patient to an opioid treatment program licensed 4177  
under section 5119.37 of the Revised Code or a qualifying 4178  
practitioner. The prescriber or the prescriber's delegate shall 4179  
make a notation in the patient's medical record naming the 4180  
program or practitioner to whom the patient was referred and 4181  
specifying when the referral was made. 4182

**Sec. 3719.121.** (A) Except as otherwise provided in section 4183  
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or 4734.41~~, or 4184  
4772.20 of the Revised Code, the license, certificate, or 4185  
registration of any dentist, chiropractor, physician, 4186  
podiatrist, registered nurse, advanced practice registered 4187  
nurse, licensed practical nurse, physician assistant, 4188



pharmacist, pharmacy intern, pharmacy technician trainee, 4189  
registered pharmacy technician, certified pharmacy technician, 4190  
optometrist, ~~or~~ veterinarian, or certified mental health 4191  
assistant who is or becomes addicted to the use of controlled 4192  
substances shall be suspended by the board that authorized the 4193  
person's license, certificate, or registration until the person 4194  
offers satisfactory proof to the board that the person no longer 4195  
is addicted to the use of controlled substances. 4196

(B) If the board under which a person has been issued a 4197  
license, certificate, or evidence of registration determines 4198  
that there is clear and convincing evidence that continuation of 4199  
the person's professional practice or method of administering, 4200  
prescribing, preparing, distributing, dispensing, or personally 4201  
furnishing controlled substances or other dangerous drugs 4202  
presents a danger of immediate and serious harm to others, the 4203  
board may suspend the person's license, certificate, or 4204  
registration without a hearing. Except as otherwise provided in 4205  
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 4206  
4734.36, and 4772.20 of the Revised Code, the board shall follow 4207  
the procedure for suspension without a prior hearing in section 4208  
119.07 of the Revised Code. The suspension shall remain in 4209  
effect, unless removed by the board, until the board's final 4210  
adjudication order becomes effective, except that if the board 4211  
does not issue its final adjudication order within ninety days 4212  
after the hearing, the suspension shall be void on the ninety- 4213  
first day after the hearing. 4214

(C) On receiving notification pursuant to section 2929.42 4215  
or 3719.12 of the Revised Code, the board under which a person 4216  
has been issued a license, certificate, or evidence of 4217  
registration immediately shall suspend the license, certificate, 4218  
or registration of that person on a plea of guilty to, a finding 4219

by a jury or court of the person's guilt of, or conviction of a 4220  
felony drug abuse offense; a finding by a court of the person's 4221  
eligibility for intervention in lieu of conviction; a plea of 4222  
guilty to, or a finding by a jury or court of the person's guilt 4223  
of, or the person's conviction of an offense in another 4224  
jurisdiction that is essentially the same as a felony drug abuse 4225  
offense; or a finding by a court of the person's eligibility for 4226  
treatment or intervention in lieu of conviction in another 4227  
jurisdiction. The board shall notify the holder of the license, 4228  
certificate, or registration of the suspension, which shall 4229  
remain in effect until the board holds an adjudicatory hearing 4230  
under Chapter 119. of the Revised Code. 4231

**Sec. 3719.13.** Prescriptions, orders, and records, required 4232  
by Chapter 3719. of the Revised Code, and stocks of dangerous 4233  
drugs and controlled substances, shall be open for inspection 4234  
only to federal, state, county, and municipal officers, and 4235  
employees of the state board of pharmacy whose duty it is to 4236  
enforce the laws of this state or of the United States relating 4237  
to controlled substances. Such prescriptions, orders, records, 4238  
and stocks shall be open for inspection by employees of the 4239  
state medical board for purposes of enforcing Chapters 4730.~~and~~ 4240  
, 4731., and 4772. of the Revised Code, employees of the board 4241  
of nursing for purposes of enforcing Chapter 4723. of the 4242  
Revised Code, and employees of the department of mental health 4243  
and addiction services for purposes of section 5119.37 of the 4244  
Revised Code. No person having knowledge of any such 4245  
prescription, order, or record shall divulge such knowledge, 4246  
except in connection with a prosecution or proceeding in court 4247  
or before a licensing or registration board or officer, to which 4248  
prosecution or proceeding the person to whom such prescriptions, 4249  
orders, or records relate is a party. 4250

**Sec. 3719.81.** (A) As used in this section, "sample drug" 4251  
has the same meaning as in section 2925.01 of the Revised Code. 4252

(B) A person may furnish another a sample drug, if all of 4253  
the following apply: 4254

(1) The sample drug is furnished free of charge by a 4255  
manufacturer, manufacturer's representative, or wholesale dealer 4256  
in pharmaceuticals to a licensed health professional authorized 4257  
to prescribe drugs, or is furnished free of charge by such a 4258  
professional to a patient for use as medication; 4259

(2) The sample drug is in the original container in which 4260  
it was placed by the manufacturer, and the container is plainly 4261  
marked as a sample; 4262

(3) Prior to its being furnished, the sample drug has been 4263  
stored under the proper conditions to prevent its deterioration 4264  
or contamination; 4265

(4) If the sample drug is of a type which deteriorates 4266  
with time, the sample container is plainly marked with the date 4267  
beyond which the sample drug is unsafe to use, and the date has 4268  
not expired on the sample furnished. Compliance with the 4269  
labeling requirements of the "Federal Food, Drug, and Cosmetic 4270  
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 4271  
be deemed compliance with this section. 4272

(5) The sample drug is distributed, stored, or discarded 4273  
in such a way that the sample drug may not be acquired or used 4274  
by any unauthorized person, or by any person, including a child, 4275  
for whom it may present a health or safety hazard. 4276

(C) Division (B) of this section does not do any of the 4277  
following: 4278

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

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

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

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

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

**Sec. 4729.01.** As used in this chapter:

(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.

(B) "Practice of pharmacy" means providing pharmacist care 4308  
requiring specialized knowledge, judgment, and skill derived 4309  
from the principles of biological, chemical, behavioral, social, 4310  
pharmaceutical, and clinical sciences. As used in this division, 4311  
"pharmacist care" includes the following: 4312

(1) Interpreting prescriptions; 4313

(2) Dispensing drugs and drug therapy related devices; 4314

(3) Compounding drugs; 4315

(4) Counseling individuals with regard to their drug 4316  
therapy, recommending drug therapy related devices, and 4317  
assisting in the selection of drugs and appliances for treatment 4318  
of common diseases and injuries and providing instruction in the 4319  
proper use of the drugs and appliances; 4320

(5) Performing drug regimen reviews with individuals by 4321  
discussing all of the drugs that the individual is taking and 4322  
explaining the interactions of the drugs; 4323

(6) Performing drug utilization reviews with licensed 4324  
health professionals authorized to prescribe drugs when the 4325  
pharmacist determines that an individual with a prescription has 4326  
a drug regimen that warrants additional discussion with the 4327  
prescriber; 4328

(7) Advising an individual and the health care 4329  
professionals treating an individual with regard to the 4330  
individual's drug therapy; 4331

(8) Acting pursuant to a consult agreement, if an 4332  
agreement has been established; 4333

(9) Engaging in the administration of immunizations to the 4334  
extent authorized by section 4729.41 of the Revised Code; 4335

(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	4336 4337
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	4338 4339 4340
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	4341 4342
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	4343 4344
(3) As an incident to research, teaching activities, or chemical analysis;	4345 4346
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	4347 4348 4349
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	4350 4351 4352 4353 4354
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	4355 4356 4357 4358 4359
(b) A limited quantity of the drug is compounded and provided to the professional.	4360 4361
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice	4362 4363

of dispensing drugs pursuant to patient-specific prescriptions. 4364

(D) "Consult agreement" means an agreement that has been 4365  
entered into under section 4729.39 of the Revised Code. 4366

(E) "Drug" means: 4367

(1) Any article recognized in the United States 4368  
pharmacopoeia and national formulary, or any supplement to them, 4369  
intended for use in the diagnosis, cure, mitigation, treatment, 4370  
or prevention of disease in humans or animals; 4371

(2) Any other article intended for use in the diagnosis, 4372  
cure, mitigation, treatment, or prevention of disease in humans 4373  
or animals; 4374

(3) Any article, other than food, intended to affect the 4375  
structure or any function of the body of humans or animals; 4376

(4) Any article intended for use as a component of any 4377  
article specified in division (E) (1), (2), or (3) of this 4378  
section; but does not include devices or their components, 4379  
parts, or accessories. 4380

"Drug" does not include "hemp" or a "hemp product" as 4381  
those terms are defined in section 928.01 of the Revised Code. 4382

(F) "Dangerous drug" means any of the following: 4383

(1) Any drug to which either of the following applies: 4384

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 4385  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 4386  
required to bear a label containing the legend "Caution: Federal 4387  
law prohibits dispensing without prescription" or "Caution: 4388  
Federal law restricts this drug to use by or on the order of a 4389  
licensed veterinarian" or any similar restrictive statement, or 4390

the drug may be dispensed only upon a prescription; 4391

(b) Under Chapter 3715. or 3719. of the Revised Code, the 4392  
drug may be dispensed only upon a prescription. 4393

(2) Any drug that contains a schedule V controlled 4394  
substance and that is exempt from Chapter 3719. of the Revised 4395  
Code or to which that chapter does not apply; 4396

(3) Any drug intended for administration by injection into 4397  
the human body other than through a natural orifice of the human 4398  
body; 4399

(4) Any drug that is a biological product, as defined in 4400  
section 3715.01 of the Revised Code. 4401

(G) "Federal drug abuse control laws" has the same meaning 4402  
as in section 3719.01 of the Revised Code. 4403

(H) "Prescription" means all of the following: 4404

(1) A written, electronic, or oral order for drugs or 4405  
combinations or mixtures of drugs to be used by a particular 4406  
individual or for treating a particular animal, issued by a 4407  
licensed health professional authorized to prescribe drugs; 4408

(2) For purposes of sections 4723.4810, 4729.282, 4409  
4730.432, and 4731.93 of the Revised Code, a written, 4410  
electronic, or oral order for a drug to treat chlamydia, 4411  
gonorrhoea, or trichomoniasis issued to and in the name of a 4412  
patient who is not the intended user of the drug but is the 4413  
sexual partner of the intended user; 4414

(3) For purposes of sections 3313.7110, 3313.7111, 4415  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4416  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 4417  
or oral order for an epinephrine autoinjector issued to and in 4418



the name of a school, school district, or camp; 4419

(4) For purposes of Chapter 3728. and sections 4723.483, 4420  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 4421  
electronic, or oral order for an epinephrine autoinjector issued 4422  
to and in the name of a qualified entity, as defined in section 4423  
3728.01 of the Revised Code; 4424

(5) For purposes of sections 3313.7115, 3313.7116, 4425  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 4426  
5101.78 of the Revised Code, a written, electronic, or oral 4427  
order for injectable or nasally administered glucagon in the 4428  
name of a school, school district, or camp. 4429

(I) "Licensed health professional authorized to prescribe 4430  
drugs" or "prescriber" means an individual who is authorized by 4431  
law to prescribe drugs or dangerous drugs or drug therapy 4432  
related devices in the course of the individual's professional 4433  
practice, including only the following: 4434

(1) A dentist licensed under Chapter 4715. of the Revised 4435  
Code; 4436

(2) A clinical nurse specialist, certified nurse-midwife, 4437  
or certified nurse practitioner who holds a current, valid 4438  
license issued under Chapter 4723. of the Revised Code to 4439  
practice nursing as an advanced practice registered nurse; 4440

(3) A certified registered nurse anesthetist who holds a 4441  
current, valid license issued under Chapter 4723. of the Revised 4442  
Code to practice nursing as an advanced practice registered 4443  
nurse, but only to the extent of the nurse's authority under 4444  
sections 4723.43 and 4723.434 of the Revised Code; 4445

(4) An optometrist licensed under Chapter 4725. of the 4446  
Revised Code to practice optometry; 4447

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

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

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

(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant.

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

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

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

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

or establish responsibility. 4477

(N) "Price information" means the price charged for a 4478  
prescription for a particular drug product and, in an easily 4479  
understandable manner, all of the following: 4480

(1) The proprietary name of the drug product; 4481

(2) The established (generic) name of the drug product; 4482

(3) The strength of the drug product if the product 4483  
contains a single active ingredient or if the drug product 4484  
contains more than one active ingredient and a relevant strength 4485  
can be associated with the product without indicating each 4486  
active ingredient. The established name and quantity of each 4487  
active ingredient are required if such a relevant strength 4488  
cannot be so associated with a drug product containing more than 4489  
one ingredient. 4490

(4) The dosage form; 4491

(5) The price charged for a specific quantity of the drug 4492  
product. The stated price shall include all charges to the 4493  
consumer, including, but not limited to, the cost of the drug 4494  
product, professional fees, handling fees, if any, and a 4495  
statement identifying professional services routinely furnished 4496  
by the pharmacy. Any mailing fees and delivery fees may be 4497  
stated separately without repetition. The information shall not 4498  
be false or misleading. 4499

(O) "Wholesale distributor of dangerous drugs" or 4500  
"wholesale distributor" means a person engaged in the sale of 4501  
dangerous drugs at wholesale and includes any agent or employee 4502  
of such a person authorized by the person to engage in the sale 4503  
of dangerous drugs at wholesale. 4504

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4505  
means a person, other than a pharmacist or prescriber, who 4506  
manufactures dangerous drugs and who is engaged in the sale of 4507  
those dangerous drugs. 4508

(Q) "Terminal distributor of dangerous drugs" or "terminal 4509  
distributor" means a person who is engaged in the sale of 4510  
dangerous drugs at retail, or any person, other than a 4511  
manufacturer, repackager, outsourcing facility, third-party 4512  
logistics provider, wholesale distributor, or pharmacist, who 4513  
has possession, custody, or control of dangerous drugs for any 4514  
purpose other than for that person's own use and consumption. 4515  
"Terminal distributor" includes pharmacies, hospitals, nursing 4516  
homes, and laboratories and all other persons who procure 4517  
dangerous drugs for sale or other distribution by or under the 4518  
supervision of a pharmacist, licensed health professional 4519  
authorized to prescribe drugs, or other person authorized by the 4520  
state board of pharmacy. 4521

(R) "Promote to the public" means disseminating a 4522  
representation to the public in any manner or by any means, 4523  
other than by labeling, for the purpose of inducing, or that is 4524  
likely to induce, directly or indirectly, the purchase of a 4525  
dangerous drug at retail. 4526

(S) "Person" includes any individual, partnership, 4527  
association, limited liability company, or corporation, the 4528  
state, any political subdivision of the state, and any district, 4529  
department, or agency of the state or its political 4530  
subdivisions. 4531

(T) (1) "Animal shelter" means a facility operated by a 4532  
humane society or any society organized under Chapter 1717. of 4533  
the Revised Code or a dog pound operated pursuant to Chapter 4534

955. of the Revised Code. 4535

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code. 4536  
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(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 4539  
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(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 4541  
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(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. 4543  
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"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 4548  
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 4551  
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 4556  
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(Z) "Repackager of dangerous drugs" or "repackager" means 4563

a person that repacks and relabels dangerous drugs for sale or distribution. 4564  
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(AA) "Outsourcing facility" means a facility that is 4566  
engaged in the compounding and sale of sterile drugs and is 4567  
registered as an outsourcing facility with the United States 4568  
food and drug administration. 4569

(BB) "Laboratory" means a laboratory licensed under this 4570  
chapter as a terminal distributor of dangerous drugs and 4571  
entrusted to have custody of any of the following drugs and to 4572  
use the drugs for scientific and clinical purposes and for 4573  
purposes of instruction: dangerous drugs that are not controlled 4574  
substances, as defined in section 3719.01 of the Revised Code; 4575  
dangerous drugs that are controlled substances, as defined in 4576  
that section; and controlled substances in schedule I, as 4577  
defined in that section. 4578

(CC) "Overdose reversal drug" means both of the following: 4579

(1) Naloxone; 4580

(2) Any other drug that the state board of pharmacy, 4581  
through rules adopted in accordance with Chapter 119. of the 4582  
Revised Code, designates as a drug that is approved by the 4583  
federal food and drug administration for the reversal of a known 4584  
or suspected opioid-related overdose. 4585

**Sec. 4729.51.** (A) No person other than a licensed 4586  
manufacturer of dangerous drugs, outsourcing facility, third- 4587  
party logistics provider, repackager of dangerous drugs, or 4588  
wholesale distributor of dangerous drugs shall possess for sale, 4589  
sell, distribute, or deliver, at wholesale, dangerous drugs or 4590  
investigational drugs or products, except as follows: 4591

(1) A licensed terminal distributor of dangerous drugs 4592

that is a pharmacy may make occasional sales of dangerous drugs 4593  
or investigational drugs or products at wholesale. 4594

(2) A licensed terminal distributor of dangerous drugs 4595  
having more than one licensed location may transfer or deliver 4596  
dangerous drugs from one licensed location to another licensed 4597  
location owned by the terminal distributor if the license issued 4598  
for each location is in effect at the time of the transfer or 4599  
delivery. 4600

(3) A licensed terminal distributor of dangerous drugs 4601  
that is not a pharmacy may make occasional sales of the 4602  
following at wholesale: 4603

(a) Overdose reversal drugs; 4604

(b) Dangerous drugs if the drugs being sold are in 4605  
shortage, as defined in rules adopted under section 4729.26 of 4606  
the Revised Code; 4607

(c) Dangerous drugs other than those described in 4608  
divisions (A) (3) (a) and (b) of this section or investigational 4609  
drugs or products if authorized by rules adopted under section 4610  
4729.26 of the Revised Code. 4611

(B) No licensed manufacturer, outsourcing facility, third- 4612  
party logistics provider, repackager, or wholesale distributor 4613  
shall possess for sale, sell, or distribute, at wholesale, 4614  
dangerous drugs or investigational drugs or products to any 4615  
person other than the following: 4616

(1) Subject to division (D) of this section, a licensed 4617  
terminal distributor of dangerous drugs; 4618

(2) Subject to division (C) of this section, any person 4619  
exempt from licensure as a terminal distributor of dangerous 4620

drugs under section 4729.541 of the Revised Code; 4621

(3) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor; 4622  
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(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business. 4624  
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(C) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following: 4630  
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(1) A prescriber who is employed by a pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code; 4635  
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(2) A business entity described in division (A)(2) or (3) of section 4729.541 of the Revised Code that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code. 4639  
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(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous 4645  
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drugs, except as follows: 4650

(1) In the case of a terminal distributor with a category 4651  
II license, only dangerous drugs in category II, as defined in 4652  
division (A) (1) of section 4729.54 of the Revised Code; 4653

(2) In the case of a terminal distributor with a category 4654  
III license, dangerous drugs in category II and category III, as 4655  
defined in divisions (A) (1) and (2) of section 4729.54 of the 4656  
Revised Code; 4657

(3) In the case of a terminal distributor with a limited 4658  
category II or III license, only the dangerous drugs specified 4659  
in the license. 4660

(E) (1) Except as provided in division (E) (2) of this 4661  
section, no person shall do any of the following: 4662

(a) Sell or distribute, at retail, dangerous drugs; 4663

(b) Possess for sale, at retail, dangerous drugs; 4664

(c) Possess dangerous drugs. 4665

(2) (a) Divisions (E) (1) (a), (b), and (c) of this section 4666  
do not apply to any of the following: 4667

(i) A licensed terminal distributor of dangerous drugs; 4668

(ii) A person who possesses, or possesses for sale or 4669  
sells, at retail, a dangerous drug in accordance with Chapters 4670  
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741., and~~ 4671  
4772. of the Revised Code; 4672

(iii) Any of the persons identified in divisions (A) (1) to 4673  
(5) and (18) of section 4729.541 of the Revised Code, but only 4674  
to the extent specified in that section. 4675

(b) Division (E) (1) (c) of this section does not apply to 4676

any of the following: 4677

(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor; 4678  
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(ii) Any of the persons identified in divisions (A) (6) to (16) of section 4729.541 of the Revised Code, but only to the extent specified in that section. 4680  
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(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows: 4683  
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(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A) (1) or (3) of this section. 4690  
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(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery. 4695  
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(G) No licensed terminal distributor of dangerous drugs shall engage in the retail sale or other distribution of dangerous drugs or investigational drugs or products or maintain possession, custody, or control of dangerous drugs or investigational drugs or products for any purpose other than the 4701  
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distributor's personal use or consumption, at any establishment 4706  
or place other than that or those described in the license 4707  
issued by the state board of pharmacy to such terminal 4708  
distributor. 4709

(H) Nothing in this section shall be construed to 4710  
interfere with the performance of official duties by any law 4711  
enforcement official authorized by municipal, county, state, or 4712  
federal law to collect samples of any drug, regardless of its 4713  
nature or in whose possession it may be. 4714

(I) Notwithstanding anything to the contrary in this 4715  
section, the board of education of a city, local, exempted 4716  
village, or joint vocational school district may distribute 4717  
epinephrine autoinjectors for use in accordance with section 4718  
3313.7110 of the Revised Code, may distribute inhalers for use 4719  
in accordance with section 3313.7113 of the Revised Code, and 4720  
may distribute injectable or nasally administered glucagon for 4721  
use in accordance with section 3313.7115 of the Revised Code. 4722

**Sec. 4731.051.** The state medical board shall adopt rules 4723  
in accordance with Chapter 119. of the Revised Code establishing 4724  
universal blood and body fluid precautions that shall be used by 4725  
each person who performs exposure prone invasive procedures and 4726  
is authorized to practice by this chapter or Chapter 4730., 4727  
4759., 4760., 4761., 4762., 4772., or 4774. of the Revised Code. 4728  
The rules shall define and establish requirements for universal 4729  
blood and body fluid precautions that include the following: 4730

(A) Appropriate use of hand washing; 4731

(B) Disinfection and sterilization of equipment; 4732

(C) Handling and disposal of needles and other sharp 4733  
instruments; 4734

(D) Wearing and disposal of gloves and other protective 4735  
garments and devices. 4736

**Sec. 4731.07.** (A) The state medical board shall keep a 4737  
record of its proceedings. The minutes of a meeting of the board 4738  
shall, on approval by the board, constitute an official record 4739  
of its proceedings. 4740

(B) The board shall keep a register of applicants for 4741  
licenses and certificates issued under this chapter; licenses 4742  
issued under Chapters 4730., 4760., 4762., 4772., 4774., and 4743  
4778.; and licenses and limited permits issued under Chapters 4744  
4759. and 4761. of the Revised Code. The register shall show the 4745  
name of the applicant and whether the applicant was granted or 4746  
refused the license, certificate, or limited permit being 4747  
sought. 4748

With respect to applicants to practice medicine and 4749  
surgery or osteopathic medicine and surgery, the register shall 4750  
show the name of the institution that granted the applicant the 4751  
degree of doctor of medicine or osteopathic medicine. With 4752  
respect to applicants to practice respiratory care, the register 4753  
shall show the addresses of the person's last known place of 4754  
business, the effective date and identification number of the 4755  
license or limited permit, and, if applicable, the name and 4756  
location of the institution that granted the person's degree or 4757  
certificate of completion of respiratory care educational 4758  
requirements and the date the degree or certificate of 4759  
completion was issued. 4760

(C) The books and records of the board shall be prima- 4761  
facie evidence of matters therein contained. 4762

**Sec. 4731.071.** The state medical board shall develop and 4763

publish on its internet web site a directory containing the 4764  
names of, and business address for, all persons who hold 4765  
current, valid certificates or licenses issued by the board 4766  
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4767  
4772., 4774., or 4778. of the Revised Code. Except as provided 4768  
in section 4731.10 of the Revised Code, the directory shall be 4769  
the sole source for verifying that a person holds a current, 4770  
valid certificate or license issued by the board. 4771

**Sec. 4731.22.** (A) The state medical board, by an 4772  
affirmative vote of not fewer than six of its members, may 4773  
limit, revoke, or suspend a license or certificate to practice 4774  
or certificate to recommend, refuse to grant a license or 4775  
certificate, refuse to renew a license or certificate, refuse to 4776  
reinstate a license or certificate, or reprimand or place on 4777  
probation the holder of a license or certificate if the 4778  
individual applying for or holding the license or certificate is 4779  
found by the board to have committed fraud during the 4780  
administration of the examination for a license or certificate 4781  
to practice or to have committed fraud, misrepresentation, or 4782  
deception in applying for, renewing, or securing any license or 4783  
certificate to practice or certificate to recommend issued by 4784  
the board. 4785

(B) Except as provided in division (P) of this section, 4786  
the board, by an affirmative vote of not fewer than six members, 4787  
shall, to the extent permitted by law, limit, revoke, or suspend 4788  
a license or certificate to practice or certificate to 4789  
recommend, refuse to issue a license or certificate, refuse to 4790  
renew a license or certificate, refuse to reinstate a license or 4791  
certificate, or reprimand or place on probation the holder of a 4792  
license or certificate for one or more of the following reasons: 4793

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

(2) Failure to maintain minimal standards applicable to  
the selection or administration of drugs, or failure to employ  
acceptable scientific methods in the selection of drugs or other  
modalities for treatment of disease;

(3) Except as provided in section 4731.97 of the Revised  
Code, selling, giving away, personally furnishing, prescribing,  
or administering drugs for other than legal and legitimate  
therapeutic purposes or a plea of guilty to, a judicial finding  
of guilt of, or a judicial finding of eligibility for  
intervention in lieu of conviction of, a violation of any  
federal or state law regulating the possession, distribution, or  
use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a  
professional confidence" does not include providing any  
information, documents, or reports under sections 307.621 to  
307.629 of the Revised Code to a child fatality review board;  
does not include providing any information, documents, or  
reports under sections 307.631 to 307.6410 of the Revised Code  
to a drug overdose fatality review committee, a suicide fatality  
review committee, or hybrid drug overdose fatality and suicide  
fatality review committee; does not include providing any  
information, documents, or reports under sections 307.651 to  
307.659 of the Revised Code to a domestic violence fatality  
review board; does not include providing any information,  
documents, or reports to the director of health pursuant to

guidelines established under section 3701.70 of the Revised 4824  
Code; does not include written notice to a mental health 4825  
professional under section 4731.62 of the Revised Code; and does 4826  
not include the making of a report of an employee's use of a 4827  
drug of abuse, or a report of a condition of an employee other 4828  
than one involving the use of a drug of abuse, to the employer 4829  
of the employee as described in division (B) of section 2305.33 4830  
of the Revised Code. Nothing in this division affects the 4831  
immunity from civil liability conferred by section 2305.33 or 4832  
4731.62 of the Revised Code upon a physician who makes a report 4833  
in accordance with section 2305.33 or notifies a mental health 4834  
professional in accordance with section 4731.62 of the Revised 4835  
Code. As used in this division, "employee," "employer," and 4836  
"physician" have the same meanings as in section 2305.33 of the 4837  
Revised Code. 4838

(5) Making a false, fraudulent, deceptive, or misleading 4839  
statement in the solicitation of or advertising for patients; in 4840  
relation to the practice of medicine and surgery, osteopathic 4841  
medicine and surgery, podiatric medicine and surgery, or a 4842  
limited branch of medicine; or in securing or attempting to 4843  
secure any license or certificate to practice issued by the 4844  
board. 4845

As used in this division, "false, fraudulent, deceptive, 4846  
or misleading statement" means a statement that includes a 4847  
misrepresentation of fact, is likely to mislead or deceive 4848  
because of a failure to disclose material facts, is intended or 4849  
is likely to create false or unjustified expectations of 4850  
favorable results, or includes representations or implications 4851  
that in reasonable probability will cause an ordinarily prudent 4852  
person to misunderstand or be deceived. 4853

(6) A departure from, or the failure to conform to, 4854  
minimal standards of care of similar practitioners under the 4855  
same or similar circumstances, whether or not actual injury to a 4856  
patient is established; 4857

(7) Representing, with the purpose of obtaining 4858  
compensation or other advantage as personal gain or for any 4859  
other person, that an incurable disease or injury, or other 4860  
incurable condition, can be permanently cured; 4861

(8) The obtaining of, or attempting to obtain, money or 4862  
anything of value by fraudulent misrepresentations in the course 4863  
of practice; 4864

(9) A plea of guilty to, a judicial finding of guilt of, 4865  
or a judicial finding of eligibility for intervention in lieu of 4866  
conviction for, a felony; 4867

(10) Commission of an act that constitutes a felony in 4868  
this state, regardless of the jurisdiction in which the act was 4869  
committed; 4870

(11) A plea of guilty to, a judicial finding of guilt of, 4871  
or a judicial finding of eligibility for intervention in lieu of 4872  
conviction for, a misdemeanor committed in the course of 4873  
practice; 4874

(12) Commission of an act in the course of practice that 4875  
constitutes a misdemeanor in this state, regardless of the 4876  
jurisdiction in which the act was committed; 4877

(13) A plea of guilty to, a judicial finding of guilt of, 4878  
or a judicial finding of eligibility for intervention in lieu of 4879  
conviction for, a misdemeanor involving moral turpitude; 4880

(14) Commission of an act involving moral turpitude that 4881



constitutes a misdemeanor in this state, regardless of the 4882  
jurisdiction in which the act was committed; 4883

(15) Violation of the conditions of limitation placed by 4884  
the board upon a license or certificate to practice; 4885

(16) Failure to pay license renewal fees specified in this 4886  
chapter; 4887

(17) Except as authorized in section 4731.31 of the 4888  
Revised Code, engaging in the division of fees for referral of 4889  
patients, or the receiving of a thing of value in return for a 4890  
specific referral of a patient to utilize a particular service 4891  
or business; 4892

(18) Subject to section 4731.226 of the Revised Code, 4893  
violation of any provision of a code of ethics of the American 4894  
medical association, the American osteopathic association, the 4895  
American podiatric medical association, or any other national 4896  
professional organizations that the board specifies by rule. The 4897  
state medical board shall obtain and keep on file current copies 4898  
of the codes of ethics of the various national professional 4899  
organizations. The individual whose license or certificate is 4900  
being suspended or revoked shall not be found to have violated 4901  
any provision of a code of ethics of an organization not 4902  
appropriate to the individual's profession. 4903

For purposes of this division, a "provision of a code of 4904  
ethics of a national professional organization" does not include 4905  
any provision that would preclude the making of a report by a 4906  
physician of an employee's use of a drug of abuse, or of a 4907  
condition of an employee other than one involving the use of a 4908  
drug of abuse, to the employer of the employee as described in 4909  
division (B) of section 2305.33 of the Revised Code. Nothing in 4910

this division affects the immunity from civil liability 4911  
conferred by that section upon a physician who makes either type 4912  
of report in accordance with division (B) of that section. As 4913  
used in this division, "employee," "employer," and "physician" 4914  
have the same meanings as in section 2305.33 of the Revised 4915  
Code. 4916

(19) Inability to practice according to acceptable and 4917  
prevailing standards of care by reason of mental illness or 4918  
physical illness, including, but not limited to, physical 4919  
deterioration that adversely affects cognitive, motor, or 4920  
perceptive skills. 4921

In enforcing this division, the board, upon a showing of a 4922  
possible violation, shall refer any individual who is authorized 4923  
to practice by this chapter or who has submitted an application 4924  
pursuant to this chapter to the monitoring organization that 4925  
conducts the confidential monitoring program established under 4926  
section 4731.25 of the Revised Code. The board also may compel 4927  
the individual to submit to a mental examination, physical 4928  
examination, including an HIV test, or both a mental and a 4929  
physical examination. The expense of the examination is the 4930  
responsibility of the individual compelled to be examined. 4931  
Failure to submit to a mental or physical examination or consent 4932  
to an HIV test ordered by the board constitutes an admission of 4933  
the allegations against the individual unless the failure is due 4934  
to circumstances beyond the individual's control, and a default 4935  
and final order may be entered without the taking of testimony 4936  
or presentation of evidence. If the board finds an individual 4937  
unable to practice because of the reasons set forth in this 4938  
division, the board shall require the individual to submit to 4939  
care, counseling, or treatment by physicians approved or 4940  
designated by the board, as a condition for initial, continued, 4941

reinstated, or renewed authority to practice. An individual 4942  
affected under this division shall be afforded an opportunity to 4943  
demonstrate to the board the ability to resume practice in 4944  
compliance with acceptable and prevailing standards under the 4945  
provisions of the individual's license or certificate. For the 4946  
purpose of this division, any individual who applies for or 4947  
receives a license or certificate to practice under this chapter 4948  
accepts the privilege of practicing in this state and, by so 4949  
doing, shall be deemed to have given consent to submit to a 4950  
mental or physical examination when directed to do so in writing 4951  
by the board, and to have waived all objections to the 4952  
admissibility of testimony or examination reports that 4953  
constitute a privileged communication. 4954

(20) Except as provided in division (F)(1)(b) of section 4955  
4731.282 of the Revised Code or when civil penalties are imposed 4956  
under section 4731.225 of the Revised Code, and subject to 4957  
section 4731.226 of the Revised Code, violating or attempting to 4958  
violate, directly or indirectly, or assisting in or abetting the 4959  
violation of, or conspiring to violate, any provisions of this 4960  
chapter or any rule promulgated by the board. 4961

This division does not apply to a violation or attempted 4962  
violation of, assisting in or abetting the violation of, or a 4963  
conspiracy to violate, any provision of this chapter or any rule 4964  
adopted by the board that would preclude the making of a report 4965  
by a physician of an employee's use of a drug of abuse, or of a 4966  
condition of an employee other than one involving the use of a 4967  
drug of abuse, to the employer of the employee as described in 4968  
division (B) of section 2305.33 of the Revised Code. Nothing in 4969  
this division affects the immunity from civil liability 4970  
conferred by that section upon a physician who makes either type 4971  
of report in accordance with division (B) of that section. As 4972

used in this division, "employee," "employer," and "physician" 4973  
have the same meanings as in section 2305.33 of the Revised 4974  
Code. 4975

(21) The violation of section 3701.79 of the Revised Code 4976  
or of any abortion rule adopted by the director of health 4977  
pursuant to section 3701.341 of the Revised Code; 4978

(22) Any of the following actions taken by an agency 4979  
responsible for authorizing, certifying, or regulating an 4980  
individual to practice a health care occupation or provide 4981  
health care services in this state or another jurisdiction, for 4982  
any reason other than the nonpayment of fees: the limitation, 4983  
revocation, or suspension of an individual's license to 4984  
practice; acceptance of an individual's license surrender; 4985  
denial of a license; refusal to renew or reinstate a license; 4986  
imposition of probation; or issuance of an order of censure or 4987  
other reprimand; 4988

(23) The violation of section 2919.12 of the Revised Code 4989  
or the performance or inducement of an abortion upon a pregnant 4990  
woman with actual knowledge that the conditions specified in 4991  
division (B) of section 2317.56 of the Revised Code have not 4992  
been satisfied or with a heedless indifference as to whether 4993  
those conditions have been satisfied, unless an affirmative 4994  
defense as specified in division (H) (2) of that section would 4995  
apply in a civil action authorized by division (H) (1) of that 4996  
section; 4997

(24) The revocation, suspension, restriction, reduction, 4998  
or termination of clinical privileges by the United States 4999  
department of defense or department of veterans affairs or the 5000  
termination or suspension of a certificate of registration to 5001  
prescribe drugs by the drug enforcement administration of the 5002

United States department of justice; 5003

(25) Termination or suspension from participation in the 5004  
medicare or medicaid programs by the department of health and 5005  
human services or other responsible agency; 5006

(26) Impairment of ability to practice according to 5007  
acceptable and prevailing standards of care because of substance 5008  
use disorder or excessive use or abuse of drugs, alcohol, or 5009  
other substances that may impair ability to practice. 5010

For the purposes of this division, any individual 5011  
authorized to practice by this chapter accepts the privilege of 5012  
practicing in this state subject to supervision by the board. By 5013  
filing an application for or holding a license or certificate to 5014  
practice under this chapter, an individual shall be deemed to 5015  
have given consent to submit to a mental or physical examination 5016  
when ordered to do so by the board in writing, and to have 5017  
waived all objections to the admissibility of testimony or 5018  
examination reports that constitute privileged communications. 5019

If it has reason to believe that any individual authorized 5020  
to practice by this chapter or any applicant for licensure or 5021  
certification to practice suffers such impairment, the board 5022  
shall refer the individual to the monitoring organization that 5023  
conducts the confidential monitoring program established under 5024  
section 4731.25 of the Revised Code. The board also may compel 5025  
the individual to submit to a mental or physical examination, or 5026  
both. The expense of the examination is the responsibility of 5027  
the individual compelled to be examined. Any mental or physical 5028  
examination required under this division shall be undertaken by 5029  
a treatment provider or physician who is qualified to conduct 5030  
the examination and who is approved under section 4731.251 of 5031  
the Revised Code. 5032

Failure to submit to a mental or physical examination 5033  
ordered by the board constitutes an admission of the allegations 5034  
against the individual unless the failure is due to 5035  
circumstances beyond the individual's control, and a default and 5036  
final order may be entered without the taking of testimony or 5037  
presentation of evidence. If the board determines that the 5038  
individual's ability to practice is impaired, the board shall 5039  
suspend the individual's license or certificate or deny the 5040  
individual's application and shall require the individual, as a 5041  
condition for initial, continued, reinstated, or renewed 5042  
licensure or certification to practice, to submit to treatment. 5043

Before being eligible to apply for reinstatement of a 5044  
license or certificate suspended under this division, the 5045  
impaired practitioner shall demonstrate to the board the ability 5046  
to resume practice in compliance with acceptable and prevailing 5047  
standards of care under the provisions of the practitioner's 5048  
license or certificate. The demonstration shall include, but 5049  
shall not be limited to, the following: 5050

(a) Certification from a treatment provider approved under 5051  
section 4731.251 of the Revised Code that the individual has 5052  
successfully completed any required inpatient treatment; 5053

(b) Evidence of continuing full compliance with an 5054  
aftercare contract or consent agreement; 5055

(c) Two written reports indicating that the individual's 5056  
ability to practice has been assessed and that the individual 5057  
has been found capable of practicing according to acceptable and 5058  
prevailing standards of care. The reports shall be made by 5059  
individuals or providers approved by the board for making the 5060  
assessments and shall describe the basis for their 5061  
determination. 5062

The board may reinstate a license or certificate suspended 5063  
under this division after that demonstration and after the 5064  
individual has entered into a written consent agreement. 5065

When the impaired practitioner resumes practice, the board 5066  
shall require continued monitoring of the individual. The 5067  
monitoring shall include, but not be limited to, compliance with 5068  
the written consent agreement entered into before reinstatement 5069  
or with conditions imposed by board order after a hearing, and, 5070  
upon termination of the consent agreement, submission to the 5071  
board for at least two years of annual written progress reports 5072  
made under penalty of perjury stating whether the individual has 5073  
maintained sobriety. 5074

(27) A second or subsequent violation of section 4731.66 5075  
or 4731.69 of the Revised Code; 5076

(28) Except as provided in division (N) of this section: 5077

(a) Waiving the payment of all or any part of a deductible 5078  
or copayment that a patient, pursuant to a health insurance or 5079  
health care policy, contract, or plan that covers the 5080  
individual's services, otherwise would be required to pay if the 5081  
waiver is used as an enticement to a patient or group of 5082  
patients to receive health care services from that individual; 5083

(b) Advertising that the individual will waive the payment 5084  
of all or any part of a deductible or copayment that a patient, 5085  
pursuant to a health insurance or health care policy, contract, 5086  
or plan that covers the individual's services, otherwise would 5087  
be required to pay. 5088

(29) Failure to use universal blood and body fluid 5089  
precautions established by rules adopted under section 4731.051 5090  
of the Revised Code; 5091

(30) Failure to provide notice to, and receive 5092  
acknowledgment of the notice from, a patient when required by 5093  
section 4731.143 of the Revised Code prior to providing 5094  
nonemergency professional services, or failure to maintain that 5095  
notice in the patient's medical record; 5096

(31) Failure of a physician supervising a physician 5097  
assistant to maintain supervision in accordance with the 5098  
requirements of Chapter 4730. of the Revised Code and the rules 5099  
adopted under that chapter; 5100

(32) Failure of a physician or podiatrist to enter into a 5101  
standard care arrangement with a clinical nurse specialist, 5102  
certified nurse-midwife, or certified nurse practitioner with 5103  
whom the physician or podiatrist is in collaboration pursuant to 5104  
section 4731.27 of the Revised Code or failure to fulfill the 5105  
responsibilities of collaboration after entering into a standard 5106  
care arrangement; 5107

(33) Failure to comply with the terms of a consult 5108  
agreement entered into with a pharmacist pursuant to section 5109  
4729.39 of the Revised Code; 5110

(34) Failure to cooperate in an investigation conducted by 5111  
the board under division (F) of this section, including failure 5112  
to comply with a subpoena or order issued by the board or 5113  
failure to answer truthfully a question presented by the board 5114  
in an investigative interview, an investigative office 5115  
conference, at a deposition, or in written interrogatories, 5116  
except that failure to cooperate with an investigation shall not 5117  
constitute grounds for discipline under this section if a court 5118  
of competent jurisdiction has issued an order that either 5119  
quashes a subpoena or permits the individual to withhold the 5120  
testimony or evidence in issue; 5121



(35) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	5122 5123 5124
(36) Assisting suicide, as defined in section 3795.01 of the Revised Code;	5125 5126
(37) Failure to comply with the requirements of section 2317.561 of the Revised Code;	5127 5128
(38) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	5129 5130 5131
(39) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	5132 5133 5134 5135
(40) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	5136 5137 5138 5139
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	5140 5141 5142 5143
(42) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	5144 5145 5146 5147
(43) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure	5148 5149

to submit to the department of health in accordance with a court 5150  
order a complete report as described in section 2919.171 or 5151  
2919.202 of the Revised Code; 5152

(44) Practicing at a facility that is subject to licensure 5153  
as a category III terminal distributor of dangerous drugs with a 5154  
pain management clinic classification unless the person 5155  
operating the facility has obtained and maintains the license 5156  
with the classification; 5157

(45) Owning a facility that is subject to licensure as a 5158  
category III terminal distributor of dangerous drugs with a pain 5159  
management clinic classification unless the facility is licensed 5160  
with the classification; 5161

(46) Failure to comply with any of the requirements 5162  
regarding making or maintaining medical records or documents 5163  
described in division (A) of section 2919.192, division (C) of 5164  
section 2919.193, division (B) of section 2919.195, or division 5165  
(A) of section 2919.196 of the Revised Code; 5166

(47) Failure to comply with the requirements in section 5167  
3719.061 of the Revised Code before issuing for a minor a 5168  
prescription for an opioid analgesic, as defined in section 5169  
3719.01 of the Revised Code; 5170

(48) Failure to comply with the requirements of section 5171  
4731.30 of the Revised Code or rules adopted under section 5172  
4731.301 of the Revised Code when recommending treatment with 5173  
medical marijuana; 5174

(49) A pattern of continuous or repeated violations of 5175  
division (E) (2) or (3) of section 3963.02 of the Revised Code; 5176

(50) Failure to fulfill the responsibilities of a 5177  
collaboration agreement entered into with an athletic trainer as 5178

described in section 4755.621 of the Revised Code; 5179

(51) Failure to take the steps specified in section 5180  
4731.911 of the Revised Code following an abortion or attempted 5181  
abortion in an ambulatory surgical facility or other location 5182  
that is not a hospital when a child is born alive; 5183

(52) Failure of a physician supervising a certified mental 5184  
health assistant to maintain supervision in accordance with the 5185  
requirements of Chapter 4772. of the Revised Code and the rules 5186  
adopted under that chapter. 5187

(C) Disciplinary actions taken by the board under 5188  
divisions (A) and (B) of this section shall be taken pursuant to 5189  
an adjudication under Chapter 119. of the Revised Code, except 5190  
that in lieu of an adjudication, the board may enter into a 5191  
consent agreement with an individual to resolve an allegation of 5192  
a violation of this chapter or any rule adopted under it. A 5193  
consent agreement, when ratified by an affirmative vote of not 5194  
fewer than six members of the board, shall constitute the 5195  
findings and order of the board with respect to the matter 5196  
addressed in the agreement. If the board refuses to ratify a 5197  
consent agreement, the admissions and findings contained in the 5198  
consent agreement shall be of no force or effect. 5199

A telephone conference call may be utilized for 5200  
ratification of a consent agreement that revokes or suspends an 5201  
individual's license or certificate to practice or certificate 5202  
to recommend. The telephone conference call shall be considered 5203  
a special meeting under division (F) of section 121.22 of the 5204  
Revised Code. 5205

If the board takes disciplinary action against an 5206  
individual under division (B) of this section for a second or 5207

subsequent plea of guilty to, or judicial finding of guilt of, a 5208  
violation of section 2919.123 or 2919.124 of the Revised Code, 5209  
the disciplinary action shall consist of a suspension of the 5210  
individual's license or certificate to practice for a period of 5211  
at least one year or, if determined appropriate by the board, a 5212  
more serious sanction involving the individual's license or 5213  
certificate to practice. Any consent agreement entered into 5214  
under this division with an individual that pertains to a second 5215  
or subsequent plea of guilty to, or judicial finding of guilt 5216  
of, a violation of that section shall provide for a suspension 5217  
of the individual's license or certificate to practice for a 5218  
period of at least one year or, if determined appropriate by the 5219  
board, a more serious sanction involving the individual's 5220  
license or certificate to practice. 5221

(D) For purposes of divisions (B) (10), (12), and (14) of 5222  
this section, the commission of the act may be established by a 5223  
finding by the board, pursuant to an adjudication under Chapter 5224  
119. of the Revised Code, that the individual committed the act. 5225  
The board does not have jurisdiction under those divisions if 5226  
the trial court renders a final judgment in the individual's 5227  
favor and that judgment is based upon an adjudication on the 5228  
merits. The board has jurisdiction under those divisions if the 5229  
trial court issues an order of dismissal upon technical or 5230  
procedural grounds. 5231

(E) The sealing or expungement of conviction records by 5232  
any court shall have no effect upon a prior board order entered 5233  
under this section or upon the board's jurisdiction to take 5234  
action under this section if, based upon a plea of guilty, a 5235  
judicial finding of guilt, or a judicial finding of eligibility 5236  
for intervention in lieu of conviction, the board issued a 5237  
notice of opportunity for a hearing prior to the court's order 5238

to seal or expunge the records. The board shall not be required 5239  
to seal, expunge, destroy, redact, or otherwise modify its 5240  
records to reflect the court's sealing of conviction records. 5241

(F) (1) The board shall investigate evidence that appears 5242  
to show that a person has violated any provision of this chapter 5243  
or any rule adopted under it. Any person may report to the board 5244  
in a signed writing any information that the person may have 5245  
that appears to show a violation of any provision of this 5246  
chapter or any rule adopted under it. In the absence of bad 5247  
faith, any person who reports information of that nature or who 5248  
testifies before the board in any adjudication conducted under 5249  
Chapter 119. of the Revised Code shall not be liable in damages 5250  
in a civil action as a result of the report or testimony. Each 5251  
complaint or allegation of a violation received by the board 5252  
shall be assigned a case number and shall be recorded by the 5253  
board. 5254

(2) Investigations of alleged violations of this chapter 5255  
or any rule adopted under it shall be supervised by the 5256  
supervising member elected by the board in accordance with 5257  
section 4731.02 of the Revised Code and by the secretary as 5258  
provided in section 4731.39 of the Revised Code. The president 5259  
may designate another member of the board to supervise the 5260  
investigation in place of the supervising member. No member of 5261  
the board who supervises the investigation of a case shall 5262  
participate in further adjudication of the case. 5263

(3) In investigating a possible violation of this chapter 5264  
or any rule adopted under this chapter, or in conducting an 5265  
inspection under division (E) of section 4731.054 of the Revised 5266  
Code, the board may question witnesses, conduct interviews, 5267  
administer oaths, order the taking of depositions, inspect and 5268

copy any books, accounts, papers, records, or documents, issue 5269  
subpoenas, and compel the attendance of witnesses and production 5270  
of books, accounts, papers, records, documents, and testimony, 5271  
except that a subpoena for patient record information shall not 5272  
be issued without consultation with the attorney general's 5273  
office and approval of the secretary of the board. 5274

(a) Before issuance of a subpoena for patient record 5275  
information, the secretary shall determine whether there is 5276  
probable cause to believe that the complaint filed alleges a 5277  
violation of this chapter or any rule adopted under it and that 5278  
the records sought are relevant to the alleged violation and 5279  
material to the investigation. The subpoena may apply only to 5280  
records that cover a reasonable period of time surrounding the 5281  
alleged violation. 5282

(b) On failure to comply with any subpoena issued by the 5283  
board and after reasonable notice to the person being 5284  
subpoenaed, the board may move for an order compelling the 5285  
production of persons or records pursuant to the Rules of Civil 5286  
Procedure. 5287

(c) A subpoena issued by the board may be served by a 5288  
sheriff, the sheriff's deputy, or a board employee or agent 5289  
designated by the board. Service of a subpoena issued by the 5290  
board may be made by delivering a copy of the subpoena to the 5291  
person named therein, reading it to the person, or leaving it at 5292  
the person's usual place of residence, usual place of business, 5293  
or address on file with the board. When serving a subpoena to an 5294  
applicant for or the holder of a license or certificate issued 5295  
under this chapter, service of the subpoena may be made by 5296  
certified mail, return receipt requested, and the subpoena shall 5297  
be deemed served on the date delivery is made or the date the 5298

person refuses to accept delivery. If the person being served 5299  
refuses to accept the subpoena or is not located, service may be 5300  
made to an attorney who notifies the board that the attorney is 5301  
representing the person. 5302

(d) A sheriff's deputy who serves a subpoena shall receive 5303  
the same fees as a sheriff. Each witness who appears before the 5304  
board in obedience to a subpoena shall receive the fees and 5305  
mileage provided for under section 119.094 of the Revised Code. 5306

(4) All hearings, investigations, and inspections of the 5307  
board shall be considered civil actions for the purposes of 5308  
section 2305.252 of the Revised Code. 5309

(5) A report required to be submitted to the board under 5310  
this chapter, a complaint, or information received by the board 5311  
pursuant to an investigation or pursuant to an inspection under 5312  
division (E) of section 4731.054 of the Revised Code is 5313  
confidential and not subject to discovery in any civil action. 5314

The board shall conduct all investigations or inspections 5315  
and proceedings in a manner that protects the confidentiality of 5316  
patients and persons who file complaints with the board. The 5317  
board shall not make public the names or any other identifying 5318  
information about patients or complainants unless proper consent 5319  
is given or, in the case of a patient, a waiver of the patient 5320  
privilege exists under division (B) of section 2317.02 of the 5321  
Revised Code, except that consent or a waiver of that nature is 5322  
not required if the board possesses reliable and substantial 5323  
evidence that no bona fide physician-patient relationship 5324  
exists. 5325

The board may share any information it receives pursuant 5326  
to an investigation or inspection, including patient records and 5327

patient record information, with law enforcement agencies, other 5328  
licensing boards, and other governmental agencies that are 5329  
prosecuting, adjudicating, or investigating alleged violations 5330  
of statutes or administrative rules. An agency or board that 5331  
receives the information shall comply with the same requirements 5332  
regarding confidentiality as those with which the state medical 5333  
board must comply, notwithstanding any conflicting provision of 5334  
the Revised Code or procedure of the agency or board that 5335  
applies when it is dealing with other information in its 5336  
possession. In a judicial proceeding, the information may be 5337  
admitted into evidence only in accordance with the Rules of 5338  
Evidence, but the court shall require that appropriate measures 5339  
are taken to ensure that confidentiality is maintained with 5340  
respect to any part of the information that contains names or 5341  
other identifying information about patients or complainants 5342  
whose confidentiality was protected by the state medical board 5343  
when the information was in the board's possession. Measures to 5344  
ensure confidentiality that may be taken by the court include 5345  
sealing its records or deleting specific information from its 5346  
records. 5347

(6) On a quarterly basis, the board shall prepare a report 5348  
that documents the disposition of all cases during the preceding 5349  
three months. The report shall contain the following information 5350  
for each case with which the board has completed its activities: 5351

(a) The case number assigned to the complaint or alleged 5352  
violation; 5353

(b) The type of license or certificate to practice, if 5354  
any, held by the individual against whom the complaint is 5355  
directed; 5356

(c) A description of the allegations contained in the 5357



complaint; 5358

(d) The disposition of the case. 5359

The report shall state how many cases are still pending 5360  
and shall be prepared in a manner that protects the identity of 5361  
each person involved in each case. The report shall be a public 5362  
record under section 149.43 of the Revised Code. 5363

(G) If the secretary and supervising member determine both 5364  
of the following, they may recommend that the board suspend an 5365  
individual's license or certificate to practice or certificate 5366  
to recommend without a prior hearing: 5367

(1) That there is clear and convincing evidence that an 5368  
individual has violated division (B) of this section; 5369

(2) That the individual's continued practice presents a 5370  
danger of immediate and serious harm to the public. 5371

Written allegations shall be prepared for consideration by 5372  
the board. The board, upon review of those allegations and by an 5373  
affirmative vote of not fewer than six of its members, excluding 5374  
the secretary and supervising member, may suspend a license or 5375  
certificate without a prior hearing. A telephone conference call 5376  
may be utilized for reviewing the allegations and taking the 5377  
vote on the summary suspension. 5378

The board shall serve a written order of suspension in 5379  
accordance with sections 119.05 and 119.07 of the Revised Code. 5380  
The order shall not be subject to suspension by the court during 5381  
pendency of any appeal filed under section 119.12 of the Revised 5382  
Code. If the individual subject to the summary suspension 5383  
requests an adjudicatory hearing by the board, the date set for 5384  
the hearing shall be within fifteen days, but not earlier than 5385  
seven days, after the individual requests the hearing, unless 5386

otherwise agreed to by both the board and the individual. 5387

Any summary suspension imposed under this division shall 5388  
remain in effect, unless reversed on appeal, until a final 5389  
adjudicative order issued by the board pursuant to this section 5390  
and Chapter 119. of the Revised Code becomes effective. The 5391  
board shall issue its final adjudicative order within seventy- 5392  
five days after completion of its hearing. A failure to issue 5393  
the order within seventy-five days shall result in dissolution 5394  
of the summary suspension order but shall not invalidate any 5395  
subsequent, final adjudicative order. 5396

(H) If the board takes action under division (B) (9), (11), 5397  
or (13) of this section and the judicial finding of guilt, 5398  
guilty plea, or judicial finding of eligibility for intervention 5399  
in lieu of conviction is overturned on appeal, upon exhaustion 5400  
of the criminal appeal, a petition for reconsideration of the 5401  
order may be filed with the board along with appropriate court 5402  
documents. Upon receipt of a petition of that nature and 5403  
supporting court documents, the board shall reinstate the 5404  
individual's license or certificate to practice. The board may 5405  
then hold an adjudication under Chapter 119. of the Revised Code 5406  
to determine whether the individual committed the act in 5407  
question. Notice of an opportunity for a hearing shall be given 5408  
in accordance with Chapter 119. of the Revised Code. If the 5409  
board finds, pursuant to an adjudication held under this 5410  
division, that the individual committed the act or if no hearing 5411  
is requested, the board may order any of the sanctions 5412  
identified under division (B) of this section. 5413

(I) The license or certificate to practice issued to an 5414  
individual under this chapter and the individual's practice in 5415  
this state are automatically suspended as of the date of the 5416

individual's second or subsequent plea of guilty to, or judicial 5417  
finding of guilt of, a violation of section 2919.123 or 2919.124 5418  
of the Revised Code. In addition, the license or certificate to 5419  
practice or certificate to recommend issued to an individual 5420  
under this chapter and the individual's practice in this state 5421  
are automatically suspended as of the date the individual pleads 5422  
guilty to, is found by a judge or jury to be guilty of, or is 5423  
subject to a judicial finding of eligibility for intervention in 5424  
lieu of conviction in this state or treatment or intervention in 5425  
lieu of conviction in another jurisdiction for any of the 5426  
following criminal offenses in this state or a substantially 5427  
equivalent criminal offense in another jurisdiction: aggravated 5428  
murder, murder, voluntary manslaughter, felonious assault, 5429  
kidnapping, rape, sexual battery, gross sexual imposition, 5430  
aggravated arson, aggravated robbery, or aggravated burglary. 5431  
Continued practice after suspension shall be considered 5432  
practicing without a license or certificate. 5433

The board shall notify the individual subject to the 5434  
suspension in accordance with sections 119.05 and 119.07 of the 5435  
Revised Code. If an individual whose license or certificate is 5436  
automatically suspended under this division fails to make a 5437  
timely request for an adjudication under Chapter 119. of the 5438  
Revised Code, the board shall do whichever of the following is 5439  
applicable: 5440

(1) If the automatic suspension under this division is for 5441  
a second or subsequent plea of guilty to, or judicial finding of 5442  
guilt of, a violation of section 2919.123 or 2919.124 of the 5443  
Revised Code, the board shall enter an order suspending the 5444  
individual's license or certificate to practice for a period of 5445  
at least one year or, if determined appropriate by the board, 5446  
imposing a more serious sanction involving the individual's 5447

license or certificate to practice. 5448

(2) In all circumstances in which division (I)(1) of this 5449  
section does not apply, enter a final order permanently revoking 5450  
the individual's license or certificate to practice. 5451

(J) If the board is required by Chapter 119. of the 5452  
Revised Code to give notice of an opportunity for a hearing and 5453  
if the individual subject to the notice does not timely request 5454  
a hearing in accordance with section 119.07 of the Revised Code, 5455  
the board is not required to hold a hearing, but may adopt, by 5456  
an affirmative vote of not fewer than six of its members, a 5457  
final order that contains the board's findings. In that final 5458  
order, the board may order any of the sanctions identified under 5459  
division (A) or (B) of this section. 5460

(K) Any action taken by the board under division (B) of 5461  
this section resulting in a suspension from practice shall be 5462  
accompanied by a written statement of the conditions under which 5463  
the individual's license or certificate to practice may be 5464  
reinstated. The board shall adopt rules governing conditions to 5465  
be imposed for reinstatement. Reinstatement of a license or 5466  
certificate suspended pursuant to division (B) of this section 5467  
requires an affirmative vote of not fewer than six members of 5468  
the board. 5469

(L) When the board refuses to grant or issue a license or 5470  
certificate to practice to an applicant, revokes an individual's 5471  
license or certificate to practice, refuses to renew an 5472  
individual's license or certificate to practice, or refuses to 5473  
reinstate an individual's license or certificate to practice, 5474  
the board may specify that its action is permanent. An 5475  
individual subject to a permanent action taken by the board is 5476  
forever thereafter ineligible to hold a license or certificate 5477

to practice and the board shall not accept an application for 5478  
reinstatement of the license or certificate or for issuance of a 5479  
new license or certificate. 5480

(M) Notwithstanding any other provision of the Revised 5481  
Code, all of the following apply: 5482

(1) The surrender of a license or certificate issued under 5483  
this chapter shall not be effective unless or until accepted by 5484  
the board. A telephone conference call may be utilized for 5485  
acceptance of the surrender of an individual's license or 5486  
certificate to practice. The telephone conference call shall be 5487  
considered a special meeting under division (F) of section 5488  
121.22 of the Revised Code. Reinstatement of a license or 5489  
certificate surrendered to the board requires an affirmative 5490  
vote of not fewer than six members of the board. 5491

(2) An application for a license or certificate made under 5492  
the provisions of this chapter may not be withdrawn without 5493  
approval of the board. 5494

(3) Failure by an individual to renew a license or 5495  
certificate to practice in accordance with this chapter or a 5496  
certificate to recommend in accordance with rules adopted under 5497  
section 4731.301 of the Revised Code does not remove or limit 5498  
the board's jurisdiction to take any disciplinary action under 5499  
this section against the individual. 5500

(4) The placement of an individual's license on retired 5501  
status, as described in section 4731.283 of the Revised Code, 5502  
does not remove or limit the board's jurisdiction to take any 5503  
disciplinary action against the individual with regard to the 5504  
license as it existed before being placed on retired status. 5505

(5) At the request of the board, a license or certificate 5506

holder shall immediately surrender to the board a license or 5507  
certificate that the board has suspended, revoked, or 5508  
permanently revoked. 5509

(N) Sanctions shall not be imposed under division (B) (28) 5510  
of this section against any person who waives deductibles and 5511  
copayments as follows: 5512

(1) In compliance with the health benefit plan that 5513  
expressly allows such a practice. Waiver of the deductibles or 5514  
copayments shall be made only with the full knowledge and 5515  
consent of the plan purchaser, payer, and third-party 5516  
administrator. Documentation of the consent shall be made 5517  
available to the board upon request. 5518

(2) For professional services rendered to any other person 5519  
authorized to practice pursuant to this chapter, to the extent 5520  
allowed by this chapter and rules adopted by the board. 5521

(O) Under the board's investigative duties described in 5522  
this section and subject to division (F) of this section, the 5523  
board shall develop and implement a quality intervention program 5524  
designed to improve through remedial education the clinical and 5525  
communication skills of individuals authorized under this 5526  
chapter to practice medicine and surgery, osteopathic medicine 5527  
and surgery, and podiatric medicine and surgery. In developing 5528  
and implementing the quality intervention program, the board may 5529  
do all of the following: 5530

(1) Offer in appropriate cases as determined by the board 5531  
an educational and assessment program pursuant to an 5532  
investigation the board conducts under this section; 5533

(2) Select providers of educational and assessment 5534  
services, including a quality intervention program panel of case 5535

reviewers;	5536
(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.	5537 5538 5539 5540 5541
(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;	5542 5543 5544 5545
(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.	5546 5547 5548
An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.	5549 5550 5551
(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.	5552 5553 5554 5555 5556 5557
<b>Sec. 4731.224.</b> (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical center, or similar facility, against any individual holding a valid license or certificate to practice issued pursuant to this chapter, the chief administrator or executive officer of the facility shall	5558 5559 5560 5561 5562 5563 5564

report to the state medical board the name of the individual, 5565  
the action taken by the facility, and a summary of the 5566  
underlying facts leading to the action taken. Upon request, the 5567  
board shall be provided certified copies of the patient records 5568  
that were the basis for the facility's action. Prior to release 5569  
to the board, the summary shall be approved by the peer review 5570  
committee that reviewed the case or by the governing board of 5571  
the facility. As used in this division, "formal disciplinary 5572  
action" means any action resulting in the revocation, 5573  
restriction, reduction, or termination of clinical privileges 5574  
for violations of professional ethics, or for reasons of medical 5575  
incompetence or medical malpractice. "Formal disciplinary 5576  
action" includes a summary action, an action that takes effect 5577  
notwithstanding any appeal rights that may exist, and an action 5578  
that results in an individual surrendering clinical privileges 5579  
while under investigation and during proceedings regarding the 5580  
action being taken or in return for not being investigated or 5581  
having proceedings held. "Formal disciplinary action" does not 5582  
include any action taken for the sole reason of failure to 5583  
maintain records on a timely basis or failure to attend staff or 5584  
section meetings. 5585

The filing or nonfiling of a report with the board, 5586  
investigation by the board, or any disciplinary action taken by 5587  
the board, shall not preclude any action by a health care 5588  
facility to suspend, restrict, or revoke the individual's 5589  
clinical privileges. 5590

In the absence of fraud or bad faith, no individual or 5591  
entity that provides patient records to the board shall be 5592  
liable in damages to any person as a result of providing the 5593  
records. 5594



(B) (1) Except as provided in division (B) (2) of this 5595  
section, if any individual authorized to practice under this 5596  
chapter or any professional association or society of such 5597  
individuals believes that a violation of any provision of this 5598  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4772., 5599  
4774., or 4778. of the Revised Code, or any rule of the board 5600  
has occurred, the individual, association, or society shall 5601  
report to the board the information upon which the belief is 5602  
based. 5603

(2) If any individual authorized to practice under this 5604  
chapter or any professional association or society of such 5605  
individuals believes that a violation of division (B) (19) or 5606  
(26) of section 4731.22 of the Revised Code has occurred, the 5607  
individual, association, or society shall report the information 5608  
upon which the belief is based to the monitoring organization 5609  
conducting the confidential monitoring program established under 5610  
section 4731.25 of the Revised Code. If any such report is made 5611  
to the board, it shall be referred to the monitoring 5612  
organization unless the board is aware that the individual who 5613  
is the subject of the report does not meet the program 5614  
eligibility requirements of section 4731.252 of the Revised 5615  
Code. 5616

(C) Any professional association or society composed 5617  
primarily of doctors of medicine and surgery, doctors of 5618  
osteopathic medicine and surgery, doctors of podiatric medicine 5619  
and surgery, or practitioners of limited branches of medicine 5620  
that suspends or revokes an individual's membership for 5621  
violations of professional ethics, or for reasons of 5622  
professional incompetence or professional malpractice, within 5623  
sixty days after a final decision shall report to the board, on 5624  
forms prescribed and provided by the board, the name of the 5625

individual, the action taken by the professional organization, 5626  
and a summary of the underlying facts leading to the action 5627  
taken. 5628

The filing of a report with the board or decision not to 5629  
file a report, investigation by the board, or any disciplinary 5630  
action taken by the board, does not preclude a professional 5631  
organization from taking disciplinary action against an 5632  
individual. 5633

(D) Any insurer providing professional liability insurance 5634  
to an individual authorized to practice under this chapter, or 5635  
any other entity that seeks to indemnify the professional 5636  
liability of such an individual, shall notify the board within 5637  
thirty days after the final disposition of any written claim for 5638  
damages where such disposition results in a payment exceeding 5639  
twenty-five thousand dollars. The notice shall contain the 5640  
following information: 5641

(1) The name and address of the person submitting the 5642  
notification; 5643

(2) The name and address of the insured who is the subject 5644  
of the claim; 5645

(3) The name of the person filing the written claim; 5646

(4) The date of final disposition; 5647

(5) If applicable, the identity of the court in which the 5648  
final disposition of the claim took place. 5649

(E) The board may investigate possible violations of this 5650  
chapter or the rules adopted under it that are brought to its 5651  
attention as a result of the reporting requirements of this 5652  
section, except that the board shall conduct an investigation if 5653

a possible violation involves repeated malpractice. As used in 5654  
this division, "repeated malpractice" means three or more claims 5655  
for medical malpractice within the previous five-year period, 5656  
each resulting in a judgment or settlement in excess of twenty- 5657  
five thousand dollars in favor of the claimant, and each 5658  
involving negligent conduct by the practicing individual. 5659

(F) All summaries, reports, and records received and 5660  
maintained by the board pursuant to this section shall be held 5661  
in confidence and shall not be subject to discovery or 5662  
introduction in evidence in any federal or state civil action 5663  
involving a health care professional or facility arising out of 5664  
matters that are the subject of the reporting required by this 5665  
section. The board may use the information obtained only as the 5666  
basis for an investigation, as evidence in a disciplinary 5667  
hearing against an individual whose practice is regulated under 5668  
this chapter, or in any subsequent trial or appeal of a board 5669  
action or order. 5670

The board may disclose the summaries and reports it 5671  
receives under this section only to health care facility 5672  
committees within or outside this state that are involved in 5673  
credentialing or recredentialing the individual or in reviewing 5674  
the individual's clinical privileges. The board shall indicate 5675  
whether or not the information has been verified. Information 5676  
transmitted by the board shall be subject to the same 5677  
confidentiality provisions as when maintained by the board. 5678

(G) Except for reports filed by an individual pursuant to 5679  
division (B) of this section, the board shall send a copy of any 5680  
reports or summaries it receives pursuant to this section to the 5681  
individual who is the subject of the reports or summaries. The 5682  
individual shall have the right to file a statement with the 5683

board concerning the correctness or relevance of the 5684  
information. The statement shall at all times accompany that 5685  
part of the record in contention. 5686

(H) An individual or entity that, pursuant to this 5687  
section, reports to the board, reports to the monitoring 5688  
organization described in section 4731.25 of the Revised Code, 5689  
or refers an impaired practitioner to a treatment provider 5690  
approved by the board under section 4731.251 of the Revised Code 5691  
shall not be subject to suit for civil damages as a result of 5692  
the report, referral, or provision of the information. 5693

(I) In the absence of fraud or bad faith, no professional 5694  
association or society of individuals authorized to practice 5695  
under this chapter that sponsors a committee or program to 5696  
provide peer assistance to practitioners with substance abuse 5697  
problems, no representative or agent of such a committee or 5698  
program, no representative or agent of the monitoring 5699  
organization described in section 4731.25 of the Revised Code, 5700  
and no member of the state medical board shall be held liable in 5701  
damages to any person by reason of actions taken to refer a 5702  
practitioner to a treatment provider approved under section 5703  
4731.251 of the Revised Code for examination or treatment. 5704

**Sec. 4731.24.** Except as provided in sections 4731.281 and 5705  
4731.40 of the Revised Code, all receipts of the state medical 5706  
board, from any source, shall be deposited in the state 5707  
treasury. The funds shall be deposited to the credit of the 5708  
state medical board operating fund, which is hereby created. 5709  
Except as provided in sections 4730.252, 4731.225, 4731.24, 5710  
4759.071, 4760.133, 4761.091, 4762.133, 4772.203, 4774.133, and 5711  
4778.141 of the Revised Code, all funds deposited into the state 5712  
treasury under this section shall be used solely for the 5713

administration and enforcement of this chapter and Chapters 5714  
4730., 4759., 4760., 4761., 4762., 4772., 4774., and 4778. of 5715  
the Revised Code by the board. 5716

**Sec. 4731.25.** (A) As used in this section and in sections 5717  
4731.251 to 4731.255 of the Revised Code: 5718

(1) "Applicant" means an individual who has applied under 5719  
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., 5720  
or 4778. of the Revised Code for a license, training or other 5721  
certificate, limited permit, or other authority to practice as 5722  
any one of the following practitioners: a physician assistant, 5723  
physician, podiatrist, limited branch of medicine practitioner, 5724  
dietitian, anesthesiologist assistant, respiratory care 5725  
professional, acupuncturist, certified mental health assistant, 5726  
radiologist assistant, or genetic counselor. "Applicant" may 5727  
include an individual who has been granted authority by the 5728  
state medical board to practice as one type of practitioner, but 5729  
has applied for authority to practice as another type of 5730  
practitioner. 5731

(2) "Impaired" or "impairment" means either or both of the 5732  
following: 5733

(a) Impairment of ability to practice as described in 5734  
division (B) (5) of section 4730.25, division (B) (26) of section 5735  
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 5736  
section 4760.13, division (A) (18) of section 4761.09, division 5737  
(B) (6) of section 4762.13, division (B) (6) of section 4772.20, 5738  
division (B) (6) of section 4774.13, or division (B) (6) of 5739  
section 4778.14 of the Revised Code; 5740

(b) Inability to practice as described in division (B) (4) 5741  
of section 4730.25, division (B) (19) of section 4731.22, 5742

division (A) (14) of section 4759.07, division (B) (5) of section 4760.13, division (A) (14) of section 4761.09, division (B) (5) of section 4762.13, division (B) (5) of section 4774.13, or division (B) (5) of section 4778.14 of the Revised Code.

(3) "Practitioner" means any of the following:

(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine;

(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;

(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;

(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;

(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care;

(f) An individual licensed under Chapter 4762. of the Revised Code to practice as an acupuncturist;

(g) An individual licensed under Chapter 4772. of the Revised Code to practice as a certified mental health assistant;

(h) An individual licensed under Chapter 4774. of the Revised Code to practice as a radiologist assistant;

~~(h)~~ (i) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.

(B) The state medical board shall establish a confidential, nondisciplinary program for the evaluation and treatment of practitioners and applicants who are, or may be,

impaired and also meet the eligibility conditions described in 5770  
section 4731.252 or 4731.253 of the Revised Code. The program 5771  
shall be known as the confidential monitoring program. 5772

The board shall contract with a monitoring organization to 5773  
conduct the program and perform monitoring services. To be 5774  
qualified to contract with the board, an organization shall meet 5775  
all of the following requirements: 5776

(1) Be a professionals health program sponsored by one or 5777  
more professional associations or societies of practitioners; 5778

(2) Be organized as a not-for-profit entity and exempt 5779  
from federal income taxation under subsection 501(c)(3) of the 5780  
Internal Revenue Code; 5781

(3) Contract with or employ a medical director who is 5782  
authorized under this chapter to practice medicine and surgery 5783  
or osteopathic medicine and surgery and specializes or has 5784  
training and expertise in addiction medicine; 5785

(4) Contract with or employ licensed health care 5786  
professionals necessary for the organization's operation. 5787

(C) The monitoring organization shall do all of the 5788  
following pursuant to the contract: 5789

(1) Receive from the board a referral regarding an 5790  
applicant or receive any report of suspected practitioner 5791  
impairment from any source, including from the board; 5792

(2) Notify a practitioner who is the subject of a report 5793  
received under division (C)(1) of this section that the report 5794  
has been made and that the practitioner may be eligible to 5795  
participate in the program conducted under this section; 5796

(3) Provide a practitioner who is the subject of a report 5797

received under division (C) (1) of this section with the list of	5798
approved evaluators and treatment providers prepared and updated	5799
as described in section 4731.251 of the Revised Code;	5800
(4) Determine whether a practitioner reported or applicant	5801
referred to the monitoring organization is eligible to	5802
participate in the program, which in the case of an applicant	5803
may include evaluating records as described in division (E) (1)	5804
(d) of this section, and notify the practitioner or applicant of	5805
the determination;	5806
(5) In the case of a practitioner reported by a treatment	5807
provider, notify the treatment provider of the eligibility	5808
determination;	5809
(6) Report to the board any practitioner or applicant who	5810
is determined ineligible to participate in the program;	5811
(7) Refer an eligible practitioner who chooses to	5812
participate in the program for evaluation by an evaluator	5813
approved by the monitoring organization, unless the report	5814
received by the monitoring organization was made by an approved	5815
evaluator and the practitioner has already been evaluated;	5816
(8) Monitor the evaluation of an eligible practitioner;	5817
(9) Refer an eligible practitioner who chooses to	5818
participate in the program to a treatment provider approved by	5819
the monitoring organization;	5820
(10) Establish, in consultation with the treatment	5821
provider to which a practitioner is referred, the terms and	5822
conditions with which the practitioner must comply for continued	5823
participation in and successful completion of the program;	5824
(11) Report to the board any practitioner who does not	5825



complete evaluation or treatment or does not comply with any of 5826  
the terms and conditions established by the monitoring 5827  
organization and the treatment provider; 5828

(12) Perform any other activities specified in the 5829  
contract with the board or that the monitoring organization 5830  
considers necessary to comply with this section and sections 5831  
4731.251 to 4731.255 of the Revised Code. 5832

(D) The monitoring organization shall not disclose to the 5833  
board the name of a practitioner or applicant or any records 5834  
relating to a practitioner or applicant, unless any of the 5835  
following occurs: 5836

(1) The practitioner or applicant is determined to be 5837  
ineligible to participate in the program. 5838

(2) The practitioner or applicant requests the disclosure. 5839

(3) The practitioner or applicant is unwilling or unable 5840  
to complete or comply with any part of the program, including 5841  
evaluation, treatment, or monitoring. 5842

(4) The practitioner or applicant presents an imminent 5843  
danger to oneself or the public, as a result of the 5844  
practitioner's or applicant's impairment. 5845

(5) The practitioner's impairment has not been 5846  
substantially alleviated by participation in the program. 5847

(E) (1) The monitoring organization shall develop 5848  
procedures governing each of the following: 5849

(a) Receiving reports of practitioner impairment; 5850

(b) Notifying practitioners of reports and eligibility 5851  
determinations; 5852

(c) Receiving applicant referrals as described in section 4731.253 of the Revised Code;	5853 5854
(d) Evaluating records of referred applicants, in particular records from other jurisdictions regarding prior treatment for impairment or current or continued monitoring;	5855 5856 5857
(e) Notifying applicants of eligibility determinations;	5858
(f) Referring eligible practitioners for evaluation or treatment;	5859 5860
(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	5861 5862
(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.	5863 5864 5865 5866
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	5867 5868
(a) Providing reports to the board on a periodic basis on the total number of practitioners or applicants participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;	5869 5870 5871 5872 5873
(b) Reporting to the board any practitioner or applicant who due to impairment presents an imminent danger to oneself or the public;	5874 5875 5876
(c) Reporting to the board any practitioner or applicant who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring;	5877 5878 5879

(d) Reporting to the board any practitioner or applicant 5880  
whose impairment was not substantially alleviated by 5881  
participation in the program. 5882

**Sec. 4731.251.** (A) In addition to the duties described in 5883  
section 4731.25 of the Revised Code, the monitoring organization 5884  
shall conduct a review of individuals and entities providing 5885  
impairment evaluation and treatment services to determine which 5886  
should be approved as evaluators and treatment providers by the 5887  
organization. The individuals and entities may include those 5888  
with experience providing evaluation and treatment services as 5889  
part of a professionals health program sponsored by one or more 5890  
professional associations or societies of practitioners. The 5891  
monitoring organization shall conduct its review in accordance 5892  
with criteria developed under this section. 5893

Following its review, the monitoring organization shall 5894  
grant or deny approval to evaluators and treatment providers, 5895  
which may include physicians and facilities. The monitoring 5896  
organization shall prepare a list of evaluators approved to 5897  
serve under the program and a list of treatment providers 5898  
approved to serve under the program or as described in division 5899  
(B) (5) of section 4730.25, division (B) (26) of section 4731.22, 5900  
division (A) (18) of section 4759.07, division (B) (6) of section 5901  
4760.13, division (A) (18) of section 4761.09, division (B) (6) of 5902  
section 4762.13, division (B) (6) of section 4772.20, division 5903  
(B) (6) of section 4774.13, or division (B) (6) of section 4778.14 5904  
of the Revised Code. 5905

In accordance with criteria developed under this section, 5906  
the monitoring organization shall periodically review and update 5907  
the list of approved evaluators and treatment providers, 5908  
including by examining evaluator and treatment provider outcomes 5909

and operations. As part of its periodic review, the organization 5910  
may approve additional evaluators or treatment providers and add 5911  
them to the list. The organization also may withdraw approval 5912  
for evaluators and treatment providers. Such additions and 5913  
withdrawals shall be reflected in the list. 5914

(B) The monitoring organization and state medical board 5915  
together shall develop criteria and procedures for the review 5916  
and approval of impairment evaluators and treatment providers. 5917  
The criteria and procedures shall address reviews conducted on a 5918  
periodic basis, including the examination of approved evaluator 5919  
and treatment provider outcomes and operations. 5920

(C) Separate from the confidential monitoring program 5921  
established under section 4731.25 of the Revised Code, the board 5922  
may contract with the monitoring organization to assist the 5923  
board in monitoring impaired practitioners who are subject to 5924  
formal disciplinary action by the board. 5925

(D) Any practitioner who is evaluated or treated as part 5926  
of the confidential monitoring program, who enters into a 5927  
participation agreement with the monitoring organization, or who 5928  
is treated by an approved treatment provider shall be deemed to 5929  
have waived any confidentiality requirements that would 5930  
otherwise prevent the monitoring organization or treatment 5931  
provider from making reports required under sections 4731.25 to 5932  
4731.255 of the Revised Code. 5933

**Sec. 4734.99.** (A) Whoever violates section 4734.14 or 5934  
4734.141 of the Revised Code is guilty of a felony of the fifth 5935  
degree on a first offense, unless the offender previously has 5936  
been convicted of or has pleaded guilty to a violation of 5937  
section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 5938  
2913.40, 2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 5939

4725.02, 4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 5940  
4730.02, 4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 5941  
4741.18, 4741.19, 4755.48, 4757.02, 4759.02, 4761.10, 4772.02, 5942  
or 4773.02 of the Revised Code or an offense under an existing 5943  
or former law of this state, another state, or the United States 5944  
that is or was substantially equivalent to a violation of any of 5945  
those sections, in which case the offender is guilty of a felony 5946  
of the fourth degree. For each subsequent offense, the offender 5947  
is guilty of a felony of the fourth degree. 5948

(B) Whoever violates section 4734.161 of the Revised Code 5949  
is guilty of a misdemeanor of the first degree. 5950

(C) Whoever violates division (A), (B), (C), or (D) of 5951  
section 4734.32 of the Revised Code is guilty of a minor 5952  
misdemeanor on a first offense; on each subsequent offense, the 5953  
person is guilty of a misdemeanor of the fourth degree, except 5954  
that an individual guilty of a subsequent offense shall not be 5955  
subject to imprisonment, but to a fine alone of up to one 5956  
thousand dollars for each offense. 5957

**Sec. 4743.09.** (A) As used in this section: 5958

(1) "Durable medical equipment" means a type of equipment, 5959  
such as a remote monitoring device utilized by a physician, 5960  
physician assistant, or advanced practice registered nurse in 5961  
accordance with this section, that can withstand repeated use, 5962  
is primarily and customarily used to serve a medical purpose, 5963  
and generally is not useful to a person in the absence of 5964  
illness or injury and, in addition, includes repair and 5965  
replacement parts for the equipment. 5966

(2) "Facility fee" means any fee charged or billed for 5967  
telehealth services provided in a facility that is intended to 5968

compensate the facility for its operational expenses and is	5969
separate and distinct from a professional fee.	5970
(3) "Health care professional" means:	5971
(a) An advanced practice registered nurse, as defined in	5972
section 4723.01 of the Revised Code;	5973
(b) An optometrist licensed under Chapter 4725. of the	5974
Revised Code to practice optometry;	5975
(c) A pharmacist licensed under Chapter 4729. of the	5976
Revised Code;	5977
(d) A physician assistant licensed under Chapter 4730. of	5978
the Revised Code;	5979
(e) A physician licensed under Chapter 4731. of the	5980
Revised Code to practice medicine and surgery, osteopathic	5981
medicine and surgery, or podiatric medicine and surgery;	5982
(f) A psychologist, independent school psychologist, or	5983
school psychologist licensed under Chapter 4732. of the Revised	5984
Code;	5985
(g) A chiropractor licensed under Chapter 4734. of the	5986
Revised Code;	5987
(h) An audiologist or speech-language pathologist licensed	5988
under Chapter 4753. of the Revised Code;	5989
(i) An occupational therapist or physical therapist	5990
licensed under Chapter 4755. of the Revised Code;	5991
(j) An occupational therapy assistant or physical	5992
therapist assistant licensed under Chapter 4755. of the Revised	5993
Code;	5994
(k) A professional clinical counselor, independent social	5995

worker, independent marriage and family therapist, art	5996
therapist, or music therapist licensed under Chapter 4757. of	5997
the Revised Code;	5998
(1) An independent chemical dependency counselor licensed	5999
under Chapter 4758. of the Revised Code;	6000
(m) A dietitian licensed under Chapter 4759. of the	6001
Revised Code;	6002
(n) A respiratory care professional licensed under Chapter	6003
4761. of the Revised Code;	6004
(o) A genetic counselor licensed under Chapter 4778. of	6005
the Revised Code;	6006
(p) A certified Ohio behavior analyst certified under	6007
Chapter 4783. of the Revised Code;	6008
<u>(q) A certified mental health assistant licensed under</u>	6009
<u>Chapter 4772. of the Revised Code.</u>	6010
(4) "Health care professional licensing board" means any	6011
of the following:	6012
(a) The board of nursing;	6013
(b) The state vision professionals board;	6014
(c) The state board of pharmacy;	6015
(d) The state medical board;	6016
(e) The state board of psychology;	6017
(f) The state chiropractic board;	6018
(g) The state speech and hearing professionals board;	6019
(h) The Ohio occupational therapy, physical therapy, and	6020

athletic trainers board; 6021

(i) The counselor, social worker, and marriage and family therapist board; 6022  
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(j) The chemical dependency professionals board. 6024

(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code. 6025  
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(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located: 6027  
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(a) The patient receiving the services; 6032

(b) Another health care professional with whom the provider of the services is consulting regarding the patient. 6033  
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(B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the requirements of division (F) of section 121.95 of the Revised Code. 6035  
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(2) (a) Except as provided in division (B) (2) (b) of this section, the rules adopted by a health care professional licensing board under this section shall establish a standard of care for telehealth services that is equal to the standard of 6045  
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care for in-person services. 6049

(b) Subject to division (B)(2)(c) of this section, a board 6050  
may require an initial in-person visit prior to prescribing a 6051  
schedule II controlled substance to a new patient, equivalent to 6052  
applicable state and federal requirements. 6053

(c)(i) A board shall not require an initial in-person 6054  
visit for a new patient whose medical record indicates that the 6055  
patient is receiving hospice or palliative care, who is 6056  
receiving medication-assisted treatment or any other medication 6057  
for opioid-use disorder, who is a patient with a mental health 6058  
condition, or who, as determined by the clinical judgment of a 6059  
health care professional, is in an emergency situation. 6060

(ii) Notwithstanding division (B) of section 3796.01 of 6061  
the Revised Code, medical marijuana shall not be considered a 6062  
schedule II controlled substance. 6063

(C) With respect to the provision of telehealth services, 6064  
all of the following apply: 6065

(1) A health care professional may use synchronous or 6066  
asynchronous technology to provide telehealth services to a 6067  
patient during an initial visit if the appropriate standard of 6068  
care for an initial visit is satisfied. 6069

(2) A health care professional may deny a patient 6070  
telehealth services and, instead, require the patient to undergo 6071  
an in-person visit. 6072

(3) When providing telehealth services in accordance with 6073  
this section, a health care professional shall comply with all 6074  
requirements under state and federal law regarding the 6075  
protection of patient information. A health care professional 6076  
shall ensure that any username or password information and any 6077

electronic communications between the professional and a patient 6078  
are securely transmitted and stored. 6079

(4) A health care professional may use synchronous or 6080  
asynchronous technology to provide telehealth services to a 6081  
patient during an annual visit if the appropriate standard of 6082  
care for an annual visit is satisfied. 6083

(5) In the case of a health care professional who is a 6084  
physician, physician assistant, or advanced practice registered 6085  
nurse, both of the following apply: 6086

(a) The professional may provide telehealth services to a 6087  
patient located outside of this state if permitted by the laws 6088  
of the state in which the patient is located. 6089

(b) The professional may provide telehealth services 6090  
through the use of medical devices that enable remote 6091  
monitoring, including such activities as monitoring a patient's 6092  
blood pressure, heart rate, or glucose level. 6093

(D) When a patient has consented to receiving telehealth 6094  
services, the health care professional who provides those 6095  
services is not liable in damages under any claim made on the 6096  
basis that the services do not meet the same standard of care 6097  
that would apply if the services were provided in-person. 6098

(E) (1) A health care professional providing telehealth 6099  
services shall not charge a patient or a health plan issuer 6100  
covering telehealth services under section 3902.30 of the 6101  
Revised Code any of the following: a facility fee, an 6102  
origination fee, or any fee associated with the cost of the 6103  
equipment used at the provider site to provide telehealth 6104  
services. 6105

A health care professional providing telehealth services 6106

may charge a health plan issuer for durable medical equipment 6107  
used at a patient or client site. 6108

(2) A health care professional may negotiate with a health 6109  
plan issuer to establish a reimbursement rate for fees 6110  
associated with the administrative costs incurred in providing 6111  
telehealth services as long as a patient is not responsible for 6112  
any portion of the fee. 6113

(3) A health care professional providing telehealth 6114  
services shall obtain a patient's consent before billing for the 6115  
cost of providing the services, but the requirement to do so 6116  
applies only once. 6117

(F) Nothing in this section limits or otherwise affects 6118  
any other provision of the Revised Code that requires a health 6119  
care professional who is not a physician to practice under the 6120  
supervision of, in collaboration with, in consultation with, or 6121  
pursuant to the referral of another health care professional. 6122

(G) It is the intent of the general assembly, through the 6123  
amendments to this section, to expand access to and investment 6124  
in telehealth services in this state in congruence with the 6125  
expansion and investment in telehealth services made during the 6126  
COVID-19 pandemic. 6127

**Sec. 4765.51.** Nothing in this chapter prevents or 6128  
restricts the practice, services, or activities of any 6129  
registered nurse practicing within the scope of the registered 6130  
nurse's practice. 6131

Nothing in this chapter prevents or restricts the 6132  
practice, services, or activities of any physician assistant 6133  
practicing in accordance with a supervision agreement entered 6134  
into under section 4730.19 of the Revised Code, including, if 6135

applicable, the policies of the health care facility in which 6136  
the physician assistant is practicing. 6137

Nothing in this chapter prevents or restricts the 6138  
practice, services, or activities of any certified mental health 6139  
assistant practicing in accordance with a supervision agreement 6140  
entered into under section 4772.10 of the Revised Code. 6141

**Sec. 4769.01.** As used in this chapter: 6142

(A) "Medicare" means the program established by Title 6143  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 6144  
U.S.C.A. 301, as amended. 6145

(B) "Balance billing" means charging or collecting from a 6146  
medicare beneficiary an amount in excess of the medicare 6147  
reimbursement rate for medicare-covered services or supplies 6148  
provided to a medicare beneficiary, except when medicare is the 6149  
secondary insurer. When medicare is the secondary insurer, the 6150  
health care practitioner may pursue full reimbursement under the 6151  
terms and conditions of the primary coverage and, if applicable, 6152  
the charge allowed under the terms and conditions of the 6153  
appropriate provider contract, from the primary insurer, but the 6154  
medicare beneficiary cannot be balance billed above the medicare 6155  
reimbursement rate for a medicare-covered service or supply. 6156  
"Balance billing" does not include charging or collecting 6157  
deductibles or coinsurance required by the program. 6158

(C) "Health care practitioner" means all of the following: 6159

(1) A dentist or dental hygienist licensed under Chapter 6160  
4715. of the Revised Code; 6161

(2) A registered or licensed practical nurse licensed 6162  
under Chapter 4723. of the Revised Code; 6163

(3) An optometrist licensed under Chapter 4725. of the Revised Code;	6164 6165
(4) A dispensing optician, spectacle dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	6166 6167 6168
(5) A pharmacist licensed under Chapter 4729. of the Revised Code;	6169 6170
(6) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	6171 6172 6173
(7) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	6174 6175
(8) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	6176 6177
(9) A psychologist licensed under Chapter 4732. of the Revised Code;	6178 6179
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	6180 6181
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	6182 6183
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	6184 6185
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	6186 6187
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	6188 6189
(15) A licensed professional clinical counselor, licensed	6190

professional counselor, social worker, or independent social	6191
worker licensed, or a social work assistant registered, under	6192
Chapter 4757. of the Revised Code;	6193
(16) A dietitian licensed under Chapter 4759. of the	6194
Revised Code;	6195
(17) A respiratory care professional licensed under	6196
Chapter 4761. of the Revised Code;	6197
(18) An emergency medical technician-basic, emergency	6198
medical technician-intermediate, or emergency medical	6199
technician-paramedic certified under Chapter 4765. of the	6200
Revised Code;	6201
<u>(19) A certified mental health assistant licensed under</u>	6202
<u>Chapter 4772. of the Revised Code.</u>	6203
<b><u>Sec. 4772.01. As used in this chapter:</u></b>	6204
<u>(A) "Certified mental health assistant" means an</u>	6205
<u>individual who, under physician supervision, provides mental</u>	6206
<u>health care by engaging in any of the activities authorized</u>	6207
<u>under section 4772.09 of the Revised Code.</u>	6208
<u>(B) "Controlled substance" has the same meaning as in</u>	6209
<u>section 3719.01 of the Revised Code.</u>	6210
<u>(C) "Drug database" means the database established and</u>	6211
<u>maintained by the state board of pharmacy pursuant to section</u>	6212
<u>4729.75 of the Revised Code.</u>	6213
<u>(D) "Medication-assisted treatment" has the same meaning</u>	6214
<u>as in section 340.01 of the Revised Code.</u>	6215
<u>(E) "Physician" means an individual authorized under</u>	6216
<u>Chapter 4731. of the Revised Code to practice medicine and</u>	6217

surgery or osteopathic medicine and surgery. 6218

Sec. 4772.02. (A) No person shall hold that person out as 6219  
being able to function as a certified mental health assistant, 6220  
or use any words or letters indicating or implying that the 6221  
person is a certified mental health assistant, without a 6222  
current, valid license to practice as a certified mental health 6223  
assistant issued pursuant to this chapter. 6224

(B) No person shall practice as a certified mental health 6225  
assistant without the supervision, control, and direction of a 6226  
physician. 6227

(C) No person shall practice as a certified mental health 6228  
assistant without having entered into a supervision agreement 6229  
with a supervising physician under section 4772.10 of the 6230  
Revised Code. 6231

(D) No person acting as the supervising physician of a 6232  
certified mental health assistant shall authorize the certified 6233  
mental health assistant to perform services if either of the 6234  
following is the case: 6235

(1) The services are not within the physician's normal 6236  
course of practice and expertise. 6237

(2) The services are inconsistent with the supervision 6238  
agreement under which the certified mental health assistant is 6239  
being supervised. 6240

(E) No person shall advertise to provide services as a 6241  
certified mental health assistant, except for the purpose of 6242  
seeking employment. 6243

(F) No person practicing as a certified mental health 6244  
assistant shall fail to wear at all times when on duty a 6245

placard, plate, or other device identifying that person as a 6246  
"certified mental health assistant." 6247

**Sec. 4772.03.** Nothing in this chapter shall: 6248

(A) Be construed to affect or interfere with the 6249  
performance of duties of any medical personnel who are either of 6250  
the following: 6251

(1) In active service in the army, navy, coast guard, 6252  
marine corps, air force, public health service, or marine 6253  
hospital service of the United States while so serving; 6254

(2) Employed by the veterans administration of the United 6255  
States while so employed. 6256

(B) Prevent any person from performing any of the services 6257  
a certified mental health assistant may be authorized to 6258  
perform, if the person's professional scope of practice 6259  
established under any other chapter of the Revised Code 6260  
authorizes the person to perform the services; 6261

(C) Prohibit a physician from delegating responsibilities 6262  
to any nurse or other qualified person who does not hold a 6263  
license to practice as a certified mental health assistant, 6264  
provided that the nurse or other qualified person is not held 6265  
out to be a certified mental health assistant; 6266

(D) Be construed as authorizing a certified mental health 6267  
assistant independently to order or direct the execution of 6268  
procedures or techniques by a registered nurse or licensed 6269  
practical nurse in the care and treatment of a person in any 6270  
setting, except to the extent that the certified mental health 6271  
assistant is authorized to do so by a physician who is 6272  
responsible for supervising the certified mental health 6273  
assistant. 6274



Sec. 4772.04. (A) An individual seeking a license to 6275  
practice as a certified mental health assistant shall file with 6276  
the state medical board a written application on a form 6277  
prescribed and supplied by the board. The application shall 6278  
include all the information the board considers necessary to 6279  
process the application, including evidence satisfactory to the 6280  
board that the applicant meets the requirements specified in 6281  
division (B) of this section. 6282

At the time an application is submitted, the applicant 6283  
shall pay the board the application fee specified by the board 6284  
in rules adopted under section 4772.19 of the Revised Code. No 6285  
part of the fee shall be returned. 6286

(B) To be eligible to receive a license to practice as a 6287  
certified mental health assistant, an applicant shall meet all 6288  
of the following requirements: 6289

(1) Be at least eighteen years of age; 6290

(2) Hold a bachelor's degree in any field of study 6291  
obtained from an accredited educational institution; 6292

(3) Meet either of the following additional educational 6293  
requirements: 6294

(a) Hold a master's or higher degree obtained from a 6295  
certified mental health assistant program, as described in 6296  
section 4772.05 of the Revised Code; 6297

(b) Meet both of the following requirements: 6298

(i) Hold a diploma from a medical school or osteopathic 6299  
medical school that, at the time the diploma was issued, was a 6300  
medical school accredited by the liaison committee on medical 6301  
education or an osteopathic medical school accredited by the 6302

American osteopathic association; 6303

(ii) Have completed twelve months of coursework from a 6304  
certified mental health assistant program, as described in 6305  
section 4772.05 of the Revised Code. 6306

(C) The board shall review all applications received under 6307  
this section. Not later than sixty days after receiving an 6308  
application the board considers to be complete, the board shall 6309  
determine whether the applicant meets the requirements to 6310  
receive a license to practice as a certified mental health 6311  
assistant. 6312

**Sec. 4772.041.** In addition to any other eligibility 6313  
requirement set forth in this chapter, each applicant for a 6314  
license to practice as a certified mental health assistant shall 6315  
comply with sections 4776.01 to 4776.04 of the Revised Code. 6316

**Sec. 4772.05.** (A) To constitute a certified mental health 6317  
assistant program for purposes of section 4772.04 of the Revised 6318  
Code, an education program approved by the chancellor of higher 6319  
education shall be at least thirty credit hours of graduate 6320  
coursework that includes courses in each of the following areas: 6321

(1) Psychiatric diagnoses included in the diagnostic and 6322  
statistical manual of mental disorders published by the American 6323  
psychiatric association; 6324

(2) Laboratory studies used in diagnosing or managing 6325  
psychiatric conditions; 6326

(3) Medical conditions that mimic or present as 6327  
psychiatric conditions; 6328

(4) Medical conditions associated with psychiatric 6329  
conditions or treatment; 6330

<u>(5) Psychopharmacology, including treatment of psychiatric</u>	6331
<u>conditions, interactions, and recognition and management of drug</u>	6332
<u>side effects and complications;</u>	6333
<u>(6) Psychosocial interventions;</u>	6334
<u>(7) Conducting suicide and homicide risk assessments;</u>	6335
<u>(8) Forensic issues in psychiatry;</u>	6336
<u>(9) Basic behavioral health counseling;</u>	6337
<u>(10) Clinical experiences in inpatient psychiatric units,</u>	6338
<u>outpatient mental health clinics, psychiatric consultation and</u>	6339
<u>liaison services, and addiction services.</u>	6340
<u>(B) The chancellor of higher education, in the process of</u>	6341
<u>approving or disapproving the certified mental health assistant</u>	6342
<u>program, shall consider feedback and recommendations from the</u>	6343
<u>advisory committee created pursuant to division (C) of this</u>	6344
<u>section.</u>	6345
<u>(C) (1) An advisory committee on certified mental health</u>	6346
<u>assistant programs is created within the state medical board.</u>	6347
<u>The committee shall consist of five members appointed by the</u>	6348
<u>board's executive director. The following organizations may</u>	6349
<u>recommend appointments to the executive director for</u>	6350
<u>consideration:</u>	6351
<u>(a) Ohio state medical association;</u>	6352
<u>(b) Northeast Ohio medical university;</u>	6353
<u>(c) Ohio psychiatric physicians association.</u>	6354
<u>(2) The executive director shall appoint initial members</u>	6355
<u>and fill vacancies after considering the recommendations the</u>	6356
<u>executive director receives. If the executive director does not</u>	6357

receive any recommendations or receives an insufficient number 6358  
of recommendations, the executive director shall appoint members 6359  
and fill vacancies on the executive director's own advice. 6360

Initial appointments to the committee shall be made not 6361  
later than sixty days after the effective date of this section. 6362  
Subject to division (C) (4) of this section regarding the 6363  
duration of the committee, all of the following apply: 6364

(a) Of the initial appointments described in division (C) 6365  
(1) of this section, two shall be for terms of one year and 6366  
three shall be for terms of two years. Thereafter, terms shall 6367  
be for two years, with each term ending on the same day of the 6368  
same month as did the term that it succeeds. 6369

(b) Members may be reappointed; 6370

(c) Vacancies shall be filled in the same manner as 6371  
appointments; 6372

(d) When the term of any member expires, a successor shall 6373  
be appointed in the same manner as the initial appointment. Any 6374  
member appointed to fill a vacancy occurring prior to the 6375  
expiration of the term for which the member's predecessor was 6376  
appointed holds office for the remainder of that term. 6377

(e) A member shall continue in office subsequent to the 6378  
expiration date of the member's term until the member's 6379  
successor takes office or until a period of sixty days has 6380  
elapsed, whichever occurs first. 6381

(3) The committee shall organize by selecting a 6382  
chairperson from among its members. The committee may select a 6383  
new chairperson at any time. Three members constitute a quorum 6384  
for the transaction of official business. Meetings may be 6385  
conducted by virtual means, at the discretion of the 6386

chairperson. Notwithstanding division (C) of section 121.22 of 6387  
the Revised Code, a committee member who attends a meeting by 6388  
virtual means is considered present in person at the meeting, 6389  
may vote at the meeting, and is counted for purposes of 6390  
determining whether a quorum is present at the meeting. 6391

Members shall serve without compensation but receive 6392  
payment for their actual and necessary expenses incurred in the 6393  
performance of their official duties. The expenses shall be paid 6394  
by the board. 6395

(4) The committee shall advise the board and the 6396  
department of higher education regarding certified mental health 6397  
assistant programs until such time that there is a national 6398  
accrediting body for certified mental health assistants. Until 6399  
there is a national accrediting body, the committee, in 6400  
providing feedback and recommendations, shall reference the 6401  
physician assistant accrediting standards from the accreditation 6402  
review commission on education for the physician assistant. Once 6403  
there is a national accrediting body, the committee ceases to 6404  
exist. 6405

**Sec. 4772.06.** If the state medical board determines under 6406  
section 4772.04 of the Revised Code that an applicant meets the 6407  
requirements for a license to practice as a certified mental 6408  
health assistant, the secretary of the board shall register the 6409  
applicant as a certified mental health assistant and issue to 6410  
the applicant a license to practice as a certified mental health 6411  
assistant. The license shall be valid for a two-year period 6412  
unless revoked or suspended, shall expire on the date that is 6413  
two years after the date of issuance, and may be renewed for 6414  
additional two-year periods in accordance with section 4772.08 6415  
of the Revised Code. 6416

Sec. 4772.07. On application by the holder of a license to practice as a certified mental health assistant, the state medical board shall issue a duplicate license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate license is thirty-five dollars. 6417  
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Sec. 4772.08. (A) An individual seeking to renew a license to practice as a certified mental health assistant shall, on or before the license's expiration date, apply to the state medical board for renewal. The board shall provide renewal notices to license holders at least one month prior to the expiration date. 6423  
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Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee specified by the board in rules adopted under section 4772.19 of the Revised Code. 6428  
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The applicant shall report any criminal offense that constitutes grounds for refusing to issue a license under section 4772.20 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as a certified mental health assistant. 6432  
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(B) To be eligible for renewal, a certified mental health assistant shall certify to the board that the assistant has complied with the renewal eligibility requirements established under section 4772.081 of the Revised Code that pertain to the applicant. 6439  
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(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal 6444  
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pursuant to division (B) of this section, the board shall issue 6446  
to the applicant a renewed license to practice as a certified 6447  
mental health assistant. 6448

(D) The board may require a random sample of license 6449  
holders to submit materials documenting that the continuing 6450  
education requirements of section 4772.081 of the Revised Code, 6451  
and any other continuing education required by the board's 6452  
rules, have been satisfied. 6453

Division (D) of this section does not limit the board's 6454  
authority to conduct investigations pursuant to section 4772.20 6455  
of the Revised Code. 6456

(E) A license that is not renewed on or before its 6457  
expiration date is automatically suspended on its expiration 6458  
date, subject to the provisions of section 119.06 of the Revised 6459  
Code specifying that an applicant who appropriately files a 6460  
renewal application is not required to discontinue practicing 6461  
merely because the board has failed to act on the application. 6462

If a license has been suspended pursuant to this division 6463  
for two years or less, the board shall reinstate the license 6464  
upon an applicant's submission of a renewal application, the 6465  
biennial renewal fee, and the applicable monetary penalty. The 6466  
penalty for reinstatement is fifty dollars. 6467

If a license has been suspended pursuant to this division 6468  
for more than two years, it may be restored. Subject to section 6469  
4772.082 of the Revised Code, the board may restore the license 6470  
upon an applicant's submission of a restoration application, the 6471  
biennial renewal fee, the applicable monetary penalty, and 6472  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 6473  
The board shall not restore a license unless the board, in its 6474

discretion, decides that the results of the criminal records 6475  
check do not make the applicant ineligible for a certificate 6476  
issued pursuant to section 4772.06 of the Revised Code. The 6477  
penalty for restoration is one hundred dollars. 6478

(F) (1) If, through a random sample conducted under 6479  
division (D) of this section or any other means, the board finds 6480  
that an individual who certified completion of the continuing 6481  
education required to renew, reinstate, or restore a license to 6482  
practice did not complete the requisite continuing medical 6483  
education, the board may do either of the following: 6484

(a) Take disciplinary action against the individual under 6485  
section 4772.20 of the Revised Code, impose a civil penalty, or 6486  
both; 6487

(b) Permit the individual to agree in writing to complete 6488  
the continuing medical education and pay a civil penalty. 6489

(2) The board's finding in any disciplinary action taken 6490  
under division (F) (1) (a) of this section shall be made pursuant 6491  
to an adjudication under Chapter 119. of the Revised Code and by 6492  
an affirmative vote of not fewer than six of its members. 6493

(3) A civil penalty imposed under division (F) (1) (a) of 6494  
this section or paid under division (F) (1) (b) of this section 6495  
shall be in an amount specified by the board of not more than 6496  
five thousand dollars. The board shall deposit civil penalties 6497  
in accordance with section 4731.24 of the Revised Code. 6498

**Sec. 4772.081.** (A) To be eligible for renewal of a license 6499  
to practice as a certified mental health assistant, an applicant 6500  
who has been granted physician-delegated prescriptive authority 6501  
by the physician supervising the certified mental health 6502  
assistant is subject to both of the following: 6503



(1) The applicant shall complete every two years at least twelve hours of continuing education in pharmacology obtained through a program or course approved by the state medical board or a person the board has authorized to approve continuing pharmacology education programs and courses. Except as provided in section 5903.12 of the Revised Code, the continuing education shall be completed not later than the date on which the applicant's license expires. 6504  
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(2) (a) Except as provided in division (A) (2) (b) of this section, in the case of an applicant who prescribes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify to the board whether the applicant has been granted access to the drug database. 6512  
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(b) The requirement described in division (A) (2) (a) of this section does not apply if any of the following is the case: 6518  
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(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database. 6520  
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(ii) The state board of pharmacy no longer maintains the drug database. 6524  
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(iii) The applicant does not practice as a certified mental health assistant in this state. 6526  
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(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4772.20 of the Revised Code. 6528  
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(B) The state medical board shall provide for pro rata 6533  
reductions by month of the number of hours of continuing 6534  
education in pharmacology that is required to be completed for 6535  
certified mental health assistants who have been disabled due to 6536  
illness or accident or have been absent from the country. The 6537  
board shall adopt rules, in accordance with Chapter 119. of the 6538  
Revised Code, as necessary to implement this division. 6539

(C) The continuing education required by this section is 6540  
in addition to any other continuing education required by the 6541  
board's rules. 6542

(D) If the board chooses to authorize persons to approve 6543  
continuing pharmacology education programs and courses, it shall 6544  
establish standards for granting that authority and grant the 6545  
authority in accordance with the standards. 6546

**Sec. 4772.082.** (A) This section applies to both of the 6547  
following: 6548

(1) An applicant seeking restoration of a license issued 6549  
under this chapter that has been in a suspended or inactive 6550  
state for any cause for more than two years; 6551

(2) An applicant seeking issuance of a license pursuant to 6552  
this chapter who for more than two years has not been practicing 6553  
as a certified mental health assistant as either of the 6554  
following: 6555

(a) An active practitioner; 6556

(b) A student in an academic program as described in 6557  
section 4772.04 of the Revised Code. 6558

(B) Before issuing a license to an applicant subject to 6559  
this section or restoring a license to good standing for an 6560

applicant subject to this section, the state medical board may 6561  
impose terms and conditions including any one or more of the 6562  
following: 6563

(1) Requiring the applicant to pass an oral or written 6564  
examination, or both, to determine the applicant's present 6565  
fitness to resume practice; 6566

(2) Requiring the applicant to obtain additional training 6567  
and to pass an examination upon completion of such training; 6568

(3) Requiring an assessment of the applicant's physical 6569  
skills for purposes of determining whether the applicant's 6570  
coordination, fine motor skills, and dexterity are sufficient 6571  
for performing evaluations and procedures in a manner that meets 6572  
the minimal standards of care; 6573

(4) Requiring an assessment of the applicant's skills in 6574  
recognizing and understanding diseases and conditions; 6575

(5) Requiring the applicant to undergo a comprehensive 6576  
physical examination, which may include an assessment of 6577  
physical abilities, evaluation of sensory capabilities, or 6578  
screening for the presence of neurological disorders; 6579

(6) Restricting or limiting the extent, scope, or type of 6580  
practice of the applicant. 6581

The board shall consider the moral background and the 6582  
activities of the applicant during the period of suspension or 6583  
inactivity. The board shall not issue or restore a license under 6584  
this section unless the applicant complies with sections 4776.01 6585  
to 4776.04 of the Revised Code. 6586

**Sec. 4772.09.** A license to practice as a certified mental 6587  
health assistant issued under this chapter authorizes the holder 6588

to practice as a certified mental health assistant as follows: 6589

(A) The certified mental health assistant shall practice 6590  
only under the supervision, control, and direction of a 6591  
physician with whom the certified mental health assistant has 6592  
entered into a supervision agreement under section 4772.10 of 6593  
the Revised Code. 6594

(B) The certified mental health assistant shall practice 6595  
in accordance with the supervision agreement entered into with 6596  
the physician who is responsible for supervising the certified 6597  
mental health assistant. 6598

(C) Subject to division (D) of this section, a certified 6599  
mental health assistant licensed under this chapter may perform 6600  
any of the following services authorized by the supervising 6601  
physician that are part of the supervising physician's normal 6602  
course of practice and expertise: 6603

(1) Ordering diagnostic, therapeutic, and other medical 6604  
services as appropriate based on a patient's diagnosis that has 6605  
been made in accordance with division (D) of this section; 6606

(2) Ordering, prescribing, personally furnishing, and 6607  
administering drugs and medical devices in accordance with 6608  
sections 4772.12 to 4772.15 of the Revised Code; 6609

(3) Ordering occupational therapy or referring a patient 6610  
to an occupational therapist for occupational therapy, if 6611  
related to a diagnosis that has been made in accordance with 6612  
division (D) of this section; 6613

(4) Referring a patient to emergency medical services for 6614  
acute safety concerns, provided the certified mental health 6615  
assistant consults with the assistant's supervising physician as 6616  
soon as possible thereafter. 6617

(D) A certified mental health assistant shall not do any 6618  
of the following: 6619

(1) Make an initial diagnosis; 6620

(2) Treat a patient for any diagnosis or condition not 6621  
found in the most recent edition of the diagnostic and 6622  
statistical manual of mental disorders published by the American 6623  
psychiatric association, or a similar publication if designated 6624  
by the board; 6625

(3) Engage in electroconvulsive therapy, transcranial 6626  
magnetic stimulation, or any other intervention designated as 6627  
invasive by the board's rules. 6628

Sec. 4772.091. A certified mental health assistant may 6629  
provide telehealth services in accordance with section 4743.09 6630  
of the Revised Code. 6631

Sec. 4772.092. (A) Acting pursuant to a supervision 6632  
agreement, a certified mental health assistant may delegate 6633  
performance of a task to implement a patient's plan of care or, 6634  
if the conditions in division (C) of this section are met, may 6635  
delegate administration of a drug. Subject to division (D) of 6636  
section 4772.03 of the Revised Code, delegation may be to any 6637  
person. The certified mental health assistant must be physically 6638  
present at the location where the task is performed or the drug 6639  
administered. 6640

(B) Prior to delegating a task or administration of a 6641  
drug, a certified mental health assistant shall determine that 6642  
the task or drug is appropriate for the patient and the person 6643  
to whom the delegation is to be made may safely perform the task 6644  
or administer the drug. 6645

(C) A certified mental health assistant may delegate 6646

administration of a drug only if all of the following conditions 6647  
are met: 6648

(1) The certified mental health assistant has been granted 6649  
physician-delegated prescriptive authority by the physician 6650  
supervising the certified mental health assistant and is 6651  
authorized to prescribe the drug. 6652

(2) The drug is not a controlled substance. 6653

(3) The drug will not be administered intravenously. 6654

(4) The drug will not be administered in a hospital 6655  
inpatient care unit, as defined in section 3727.50 of the 6656  
Revised Code; a hospital emergency department; a freestanding 6657  
emergency department; or an ambulatory surgical facility 6658  
licensed under section 3702.30 of the Revised Code. 6659

(D) A person not otherwise authorized to administer a drug 6660  
or perform a specific task may do so in accordance with a 6661  
certified mental health assistant's delegation under this 6662  
section. 6663

**Sec. 4772.10.** (A) Before initiating supervision of one or 6664  
more certified mental health assistants licensed under this 6665  
chapter, a physician shall enter into a supervision agreement 6666  
with each certified mental health assistant who will be 6667  
supervised. A supervision agreement may apply to one or more 6668  
certified mental health assistants, but, except as provided in 6669  
division (B) (5) of this section, may apply to not more than one 6670  
physician. The supervision agreement shall specify that the 6671  
physician agrees to supervise the certified mental health 6672  
assistant and the certified mental health assistant agrees to 6673  
practice under that physician's supervision. 6674

The agreement shall clearly state that the supervising 6675

physician is legally responsible and assumes legal liability for 6676  
the services provided by the certified mental health assistant. 6677  
The agreement shall be signed by the physician and the certified 6678  
mental health assistant. 6679

(B) A supervision agreement shall include terms that 6680  
specify all of the following: 6681

(1) The responsibilities to be fulfilled by the physician 6682  
in supervising the certified mental health assistant; 6683

(2) The responsibilities to be fulfilled by the certified 6684  
mental health assistant when performing services under the 6685  
physician's supervision; 6686

(3) Any limitations on the responsibilities to be 6687  
fulfilled by the certified mental health assistant; 6688

(4) The circumstances under which the certified mental 6689  
health assistant is required to refer a patient to the 6690  
supervising physician; 6691

(5) If the supervising physician chooses to designate 6692  
physicians to act as alternate supervising physicians, the 6693  
names, business addresses, and business telephone numbers of the 6694  
physicians who have agreed to act in that capacity. 6695

(C) A supervision agreement may be amended to modify the 6696  
responsibilities of one or more certified mental health 6697  
assistants or to include one or more additional certified mental 6698  
health assistants. 6699

(D) The supervising physician who entered into a 6700  
supervision agreement shall retain a copy of the agreement in 6701  
the records maintained by the supervising physician. Each 6702  
certified mental health assistant who entered into the 6703

supervision agreement shall retain a copy of the agreement in 6704  
the records maintained by the certified mental health assistant. 6705

(E)(1) If the board finds, through a review conducted 6706  
under this section or through any other means, any of the 6707  
following, the board may take disciplinary action against the 6708  
individual under section 4731.22 or 4772.20 of the Revised Code, 6709  
impose a civil penalty, or both: 6710

(a) That a certified mental health assistant has practiced 6711  
in a manner that departs from, or fails to conform to, the terms 6712  
of a supervision agreement entered into under this section; 6713

(b) That a physician has supervised a certified mental 6714  
health assistant in a manner that departs from, or fails to 6715  
conform to, the terms of a supervision agreement entered into 6716  
under this section; 6717

(c) That a physician or certified mental health assistant 6718  
failed to comply with division (A) or (B) of this section. 6719

(2) If the board finds, through a review conducted under 6720  
this section or through any other means, that a physician or 6721  
certified mental health assistant failed to comply with division 6722  
(D) of this section, the board may do either of the following: 6723

(a) Take disciplinary action against the individual under 6724  
section 4731.22 or 4772.20 of the Revised Code, impose a civil 6725  
penalty, or both; 6726

(b) Permit the individual to agree in writing to update 6727  
the records to comply with division (D) of this section and pay 6728  
a civil penalty. 6729

(3) The board's finding in any disciplinary action taken 6730  
under division (E) of this section shall be made pursuant to an 6731



adjudication conducted under Chapter 119. of the Revised Code. 6732

(4) A civil penalty imposed under division (E) (1) or (2) 6733  
(a) of this section or paid under division (E) (2) (b) of this 6734  
section shall be in an amount specified by the board of not more 6735  
than five thousand dollars and shall be deposited in accordance 6736  
with section 4731.24 of the Revised Code. 6737

**Sec. 4772.11.** (A) The supervising physician of a certified 6738  
mental health assistant exercises supervision, control, and 6739  
direction of the certified mental health assistant. A certified 6740  
mental health assistant may practice in any setting within which 6741  
the supervising physician has supervision, control, and 6742  
direction of the certified mental health assistant. 6743

In supervising a certified mental health assistant, all of 6744  
the following apply: 6745

(1) (a) Except as provided in division (A) (1) (b) of this 6746  
section, the supervising physician shall be continuously 6747  
available for direct communication with the certified mental 6748  
health assistant by either of the following means: 6749

(i) Being physically present at the location where the 6750  
certified mental health assistant is practicing; 6751

(ii) Being readily available to the certified mental 6752  
health assistant through some means of telecommunication and 6753  
being in a location that is a distance from the location where 6754  
the certified mental health assistant is practicing that 6755  
reasonably allows the physician to assure proper care of 6756  
patients. 6757

(b) During the first one thousand hours of a certified 6758  
mental health assistant's practice, including any exercise of 6759  
prescriptive authority, the supervising physician shall be 6760

continuously available for direct communication with the 6761  
certified mental health assistant only by being physically 6762  
present at the location where the certified mental health 6763  
assistant is practicing. This division does not require that the 6764  
supervising physician be in the same room as the certified 6765  
mental health assistant. 6766

(2) Prior to a certified mental health assistant providing 6767  
services to a patient, the supervising physician must have 6768  
evaluated the patient and diagnosed the patient with a diagnosis 6769  
or condition found in the most recent edition of the diagnostic 6770  
and statistical manual of mental disorders published by the 6771  
American psychiatric association, or a similar publication if 6772  
designated by the state medical board. 6773

(3) (a) After the initial diagnosis, the supervising 6774  
physician shall personally and actively review the certified 6775  
mental health assistant's professional activities, on not less 6776  
than a weekly basis. 6777

(b) (i) Except as provided in division (A) (3) (b) (ii) of 6778  
this section, the supervising physician must reevaluate the 6779  
patient not less than every two years, and sooner if there is a 6780  
significant change in the patient's condition or possible change 6781  
in the patient's diagnosis. 6782

(ii) The supervising physician shall reevaluate a patient 6783  
annually if the patient has been prescribed by a certified 6784  
mental health assistant, in accordance with section 4772.13 of 6785  
the Revised Code, a controlled substance related to a diagnosis 6786  
or condition found in the most recent edition of the diagnostic 6787  
and statistical manual of mental disorders published by the 6788  
American psychiatric association, or a similar publication if 6789  
designated by the board. 6790

(4) The supervising physician shall comply with the 6791  
quality assurance standards established by the board in rules 6792  
adopted pursuant to section 4772.19 of the Revised Code. The 6793  
supervising physician may perform other quality assurance 6794  
activities that the supervising physician considers to be 6795  
appropriate. 6796

(5) The supervising physician shall regularly perform any 6797  
other reviews of the certified mental health assistant that the 6798  
supervising physician considers necessary. 6799

(B) A physician may enter into supervision agreements with 6800  
any number of certified mental health assistants, but the 6801  
physician may not supervise more than five certified mental 6802  
health assistants at any one time. A certified mental health 6803  
assistant may enter into supervision agreements with any number 6804  
of supervising physicians. 6805

(C) A supervising physician may authorize a certified 6806  
mental health assistant to perform a service only if the 6807  
physician is satisfied that the certified mental health 6808  
assistant is capable of competently performing the service. A 6809  
supervising physician shall not authorize a certified mental 6810  
health assistant to perform any service that is beyond the 6811  
physician's or the certified mental health assistant's normal 6812  
course of practice and expertise. 6813

(D) Each time a certified mental health assistant writes a 6814  
medical order, including prescriptions written in the exercise 6815  
of physician-delegated prescriptive authority, the certified 6816  
mental health assistant shall sign the form on which the order 6817  
is written and record on the form the time and date that the 6818  
order is written. 6819

(E) When performing authorized services, a certified 6820  
mental health assistant acts as the agent of the certified 6821  
mental health assistant's supervising physician. The supervising 6822  
physician is legally responsible and assumes legal liability for 6823  
the services provided by the certified mental health assistant. 6824

The physician is not responsible or liable for any 6825  
services provided by the certified mental health assistant after 6826  
their supervision agreement expires or is terminated. 6827

**Sec. 4772.12.** (A) A license issued by the state medical 6828  
board under section 4772.06 of the Revised Code authorizes the 6829  
license holder to prescribe and personally furnish drugs and 6830  
therapeutic devices in the exercise of physician-delegated 6831  
prescriptive authority. 6832

(B) In exercising physician-delegated prescriptive 6833  
authority, a certified mental health assistant is subject to 6834  
section 4772.13 of the Revised Code and all of the following: 6835

(1) The certified mental health assistant shall exercise 6836  
physician-delegated prescriptive authority only to the extent 6837  
that the physician supervising the certified mental health 6838  
assistant has granted that authority. 6839

(2) (a) The certified mental health assistant shall comply 6840  
with all conditions placed on the physician-delegated 6841  
prescriptive authority, as specified by the supervising 6842  
physician who is supervising the certified mental health 6843  
assistant in the exercise of physician-delegated prescriptive 6844  
authority. If conditions are placed on that authority, the 6845  
supervising physician shall maintain a written record of the 6846  
conditions and make the record available to the state medical 6847  
board on request. 6848

(b) The conditions that a supervising physician may place on the physician-delegated prescriptive authority granted to a certified mental health assistant include the following: 6849  
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6851

(i) Identification by class and specific generic nomenclature of drugs and therapeutic devices that the physician chooses not to permit the certified mental health assistant to prescribe; 6852  
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6854  
6855

(ii) Limitations on the dosage units or refills that the certified mental health assistant is authorized to prescribe; 6856  
6857

(iii) Specification of circumstances under which the certified mental health assistant is required to refer patients to the supervising physician or another physician when exercising physician-delegated prescriptive authority; 6858  
6859  
6860  
6861

(iv) Responsibilities to be fulfilled by the physician in supervising the certified mental health assistant that are not otherwise specified in the supervision agreement or otherwise required by this chapter. 6862  
6863  
6864  
6865

(3) If the certified mental health assistant possesses physician-delegated prescriptive authority for controlled substances, both of the following apply: 6866  
6867  
6868

(a) The certified mental health assistant shall register with the federal drug enforcement administration. 6869  
6870

(b) The certified mental health assistant shall comply with section 4772.13 of the Revised Code. 6871  
6872

(4) If the certified mental health assistant possesses physician-delegated prescriptive authority to prescribe for a minor an opioid analgesic, as those terms are defined in sections 3719.01 and 3719.061 of the Revised Code, respectively, 6873  
6874  
6875  
6876

the certified mental health assistant shall comply with section 6877  
3719.061 of the Revised Code. 6878

(C) A certified mental health assistant shall not 6879  
prescribe any drug in violation of state or federal law. 6880

**Sec. 4772.13.** (A) Subject to division (B) of this section, 6881  
a certified mental health assistant may prescribe to a patient a 6882  
controlled substance only if the controlled substance is one of 6883  
the following: 6884

(1) Buprenorphine, but only for a patient that is actively 6885  
engaged in opioid use disorder treatment; 6886

(2) A benzodiazepine, but only in the following 6887  
circumstances: 6888

(a) For a patient diagnosed by the supervising physician 6889  
as having a chronic anxiety disorder; 6890

(b) For a patient with acute anxiety or agitation, but 6891  
only in an amount indicated for a period not to exceed seven 6892  
days. 6893

(3) A stimulant that has been approved by the federal food 6894  
and drug administration for the treatment of attention deficit 6895  
hyperactivity disorder, but only if the supervising physician 6896  
has diagnosed the patient with, or confirmed the patient's 6897  
diagnosis of, attention deficit hyper activity disorder. 6898

(B) Except as provided in division (C) of this section, a 6899  
certified mental health assistant licensed under this chapter 6900  
who has been granted physician-delegated prescriptive authority 6901  
by the physician supervising the certified mental health 6902  
assistant shall comply with all of the following as conditions 6903  
of prescribing a controlled substance identified in division (A) 6904

of this section as part of a patient's course of treatment for a 6905  
particular condition: 6906

(1) Before initially prescribing the drug, the certified 6907  
mental health assistant or the certified mental health 6908  
assistant's delegate shall request from the drug database a 6909  
report of information related to the patient that covers at 6910  
least the twelve months immediately preceding the date of the 6911  
request. If the certified mental health assistant practices 6912  
primarily in a county of this state that adjoins another state, 6913  
the certified mental health assistant or delegate also shall 6914  
request a report of any information available in the drug 6915  
database that pertains to prescriptions issued or drugs 6916  
furnished to the patient in the state adjoining that county. 6917

(2) If the patient's course of treatment for the condition 6918  
continues for more than ninety days after the initial report is 6919  
requested, the certified mental health assistant or delegate 6920  
shall make periodic requests for reports of information from the 6921  
drug database until the course of treatment has ended. The 6922  
requests shall be made at intervals not exceeding ninety days, 6923  
determined according to the date the initial request was made. 6924  
The request shall be made in the same manner provided in 6925  
division (B)(1) of this section for requesting the initial 6926  
report of information from the drug database. 6927

(3) On receipt of a report under division (B)(1) or (2) of 6928  
this section, the certified mental health assistant shall assess 6929  
the information in the report. The certified mental health 6930  
assistant shall document in the patient's record that the report 6931  
was received and the information was assessed. 6932

(C) Division (B) of this section does not apply in any of 6933  
the following circumstances: 6934

(1) A drug database report regarding the patient is not available, in which case the certified mental health assistant shall document in the patient's record the reason that the report is not available. 6935  
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6937  
6938

(2) The drug is prescribed in an amount indicated for a period not to exceed seven days. 6939  
6940

(3) The drug is prescribed to a hospice patient in a hospice care program, as those terms are defined in section 3712.01 of the Revised Code, or any other patient diagnosed as terminally ill. 6941  
6942  
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6944

(4) The drug is prescribed for administration in a hospital, nursing home, or residential care facility. 6945  
6946

(5) If the state board of pharmacy no longer maintains the drug database. 6947  
6948

(D) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including both of the following: 6949  
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6951

(1) Standards and procedures to be followed by a certified mental health assistant who has been granted physician-delegated prescriptive authority regarding the review of patient information available through the drug database under division (A) (5) of section 4729.80 of the Revised Code. 6952  
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6954  
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The rules adopted under this division do not apply if the state board of pharmacy no longer maintains the drug database. 6957  
6958

(2) Standards and procedures to be followed by a certified mental health assistant in the use of buprenorphine for use in medication-assisted treatment, including regarding detoxification, relapse prevention, patient assessment, 6959  
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6961  
6962



individual treatment planning, counseling and recovery supports, 6963  
diversion control, and other topics selected by the board after 6964  
considering best practices in medication-assisted treatment. 6965

The board may apply the rules to all circumstances in 6966  
which a certified mental health assistant prescribes drugs for 6967  
use in medication-assisted treatment or limit the application of 6968  
the rules to prescriptions for medication-assisted treatment 6969  
issued for patients being treated in office-based practices or 6970  
other practice types or locations specified by the board. 6971

The rules adopted under this division shall be consistent 6972  
with this chapter and, to the extent consistent with this 6973  
chapter, rules adopted under sections 4723.51, 4730.55, and 6974  
4731.056 of the Revised Code. 6975

**Sec. 4772.14.** (A) A certified mental health assistant who 6976  
has been granted physician-delegated prescriptive authority by 6977  
the physician supervising the certified mental health assistant 6978  
may personally furnish to a patient samples of drugs and 6979  
therapeutic devices that are included in the certified mental 6980  
health assistant's physician-delegated prescriptive authority, 6981  
subject to all of the following: 6982

(1) The amount of the sample furnished shall not exceed a 6983  
seventy-two-hour supply, except when the minimum available 6984  
quantity of the sample is packaged in an amount that is greater 6985  
than a seventy-two-hour supply, in which case the certified 6986  
mental health assistant may furnish the sample in the package 6987  
amount. 6988

(2) No charge may be imposed for the sample or for 6989  
furnishing it. 6990

(3) Samples of controlled substances may not be personally 6991

furnished. 6992

(B) A certified mental health assistant who has been 6993  
granted physician-delegated prescriptive authority by the 6994  
physician supervising the certified mental health assistant may 6995  
personally furnish to a patient a complete or partial supply of 6996  
the drugs and therapeutic devices that are included in the 6997  
certified mental health assistant's physician-delegated 6998  
prescriptive authority, subject to all of the following: 6999

(1) The certified mental health assistant shall not 7000  
furnish the drugs and devices in locations other than the 7001  
following: 7002

(a) A health department operated by the board of health of 7003  
a city or general health district or the authority having the 7004  
duties of a board of health under section 3709.05 of the Revised 7005  
Code; 7006

(b) A federally funded comprehensive primary care clinic; 7007

(c) A nonprofit health care clinic or program; 7008

(d) An employer-based clinic that provides health care 7009  
services to the employer's employees. 7010

(2) The certified mental health assistant shall comply 7011  
with all standards and procedures for personally furnishing 7012  
supplies of drugs and devices, as established in rules adopted 7013  
under this section. 7014

(3) Complete or partial supplies of controlled substances 7015  
may not be personally furnished. 7016

(C) The state medical board shall adopt rules establishing 7017  
standards and procedures to be followed by a certified mental 7018  
health assistant in personally furnishing samples of drugs or 7019

complete or partial supplies of drugs to patients under this 7020  
section. Rules adopted under this section shall be adopted in 7021  
accordance with Chapter 119. of the Revised Code. 7022

**Sec. 4772.15.** (A) As used in this section, "community 7023  
addiction services provider" has the same meaning as in section 7024  
5119.01 of the Revised Code. 7025

(B) A certified mental health assistant shall comply with 7026  
section 3719.064 of the Revised Code and rules adopted under 7027  
section 4772.13 of the Revised Code when treating a patient with 7028  
medication-assisted treatment or proposing to initiate such 7029  
treatment. 7030

(C) A certified mental health assistant who fails to 7031  
comply with this section shall treat not more than thirty 7032  
patients at any one time with medication-assisted treatment even 7033  
if the facility or location at which the treatment is provided 7034  
is either of the following: 7035

(1) Exempted by divisions (B)(2)(a) to (d) or (i) of 7036  
section 4729.553 of the Revised Code from being required to 7037  
possess a category III terminal distributor of dangerous drugs 7038  
license with an office-based opioid treatment classification; 7039

(2) A community addiction services provider that provides 7040  
alcohol and drug addiction services that are certified by the 7041  
department of mental health and addiction services under section 7042  
5119.36 of the Revised Code. 7043

**Sec. 4772.19.** (A) The state medical board shall adopt 7044  
rules in accordance with Chapter 119. of the Revised Code to 7045  
implement and administer this chapter. 7046

(B) The rules adopted under this section shall include all 7047  
of the following: 7048

<u>(1) Standards and procedures for issuing and renewing licenses to practice as a certified mental health assistant;</u>	7049
	7050
<u>(2) Application fees for an initial or renewed license;</u>	7051
<u>(3) Rules governing physician-delegated prescriptive authority for certified mental health assistants;</u>	7052
	7053
<u>(4) Rules establishing quality assurance standards for certified mental health assistants, including a process to be used for all of the following:</u>	7054
	7055
	7056
<u>(a) Routine review by the supervising physician of selected patient record entries made by the certified mental health assistant and selected medical orders issued by the certified mental health assistant;</u>	7057
	7058
	7059
	7060
<u>(b) Discussion of complex cases;</u>	7061
<u>(c) Discussion of new medical developments relevant to the practice of the supervising physician and certified mental health assistant;</u>	7062
	7063
	7064
<u>(d) Performance of any other quality assurance activities the board considers necessary.</u>	7065
	7066
<u>(5) Any other standards and procedures the board considers necessary to govern the practice of certified mental health assistants, the supervisory relationship between certified mental health assistants and supervising physicians, and the administration and enforcement of this chapter.</u>	7067
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<b><u>Sec. 4772.20. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a certified mental health assistant to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for</u></b>	7072
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	7074
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	7076

or securing the license. 7077

(B) The board, by an affirmative vote of not fewer than 7078  
six members, shall, except as provided in division (C) of this 7079  
section, and to the extent permitted by law, limit, revoke, or 7080  
suspend an individual's license to practice as a certified 7081  
mental health assistant, refuse to issue a license to an 7082  
applicant, refuse to renew a license, refuse to reinstate a 7083  
license, or reprimand or place on probation the holder of a 7084  
license for any of the following reasons: 7085

(1) Permitting the holder's name or license to be used by 7086  
another person; 7087

(2) Failure to comply with the requirements of this 7088  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 7089  
by the board; 7090

(3) Violating or attempting to violate, directly or 7091  
indirectly, or assisting in or abetting the violation of, or 7092  
conspiring to violate, any provision of this chapter, Chapter 7093  
4731. of the Revised Code, or the rules adopted by the board; 7094

(4) A departure from, or failure to conform to, minimal 7095  
standards of care of similar practitioners under the same or 7096  
similar circumstances whether or not actual injury to the 7097  
patient is established; 7098

(5) Inability to practice according to acceptable and 7099  
prevailing standards of care by reason of mental illness or 7100  
physical illness, including physical deterioration that 7101  
adversely affects cognitive, motor, or perceptive skills; 7102

(6) Impairment of ability to practice according to 7103  
acceptable and prevailing standards of care because of habitual 7104  
or excessive use or abuse of drugs, alcohol, or other substances 7105

<u>that impair ability to practice;</u>	7106
<u>(7) Willfully betraying a professional confidence;</u>	7107
<u>(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a certified mental health assistant.</u>	7108 7109 7110
<u>As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.</u>	7111 7112 7113 7114 7115 7116 7117 7118
<u>(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;</u>	7119 7120 7121
<u>(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;</u>	7122 7123 7124
<u>(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;</u>	7125 7126 7127
<u>(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;</u>	7128 7129 7130 7131
<u>(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of</u>	7132 7133

<u>conviction for, a misdemeanor involving moral turpitude;</u>	7134
<u>(14) Commission of an act in the course of practice that</u>	7135
<u>constitutes a misdemeanor in this state, regardless of the</u>	7136
<u>jurisdiction in which the act was committed;</u>	7137
<u>(15) Commission of an act involving moral turpitude that</u>	7138
<u>constitutes a misdemeanor in this state, regardless of the</u>	7139
<u>jurisdiction in which the act was committed;</u>	7140
<u>(16) A plea of guilty to, a judicial finding of guilt of,</u>	7141
<u>or a judicial finding of eligibility for intervention in lieu of</u>	7142
<u>conviction for violating any state or federal law regulating the</u>	7143
<u>possession, distribution, or use of any drug, including</u>	7144
<u>trafficking in drugs;</u>	7145
<u>(17) Any of the following actions taken by the state</u>	7146
<u>agency responsible for regulating the practice of certified</u>	7147
<u>mental health assistants in another jurisdiction, for any reason</u>	7148
<u>other than the nonpayment of fees: the limitation, revocation,</u>	7149
<u>or suspension of an individual's license to practice; acceptance</u>	7150
<u>of an individual's license surrender; denial of a license;</u>	7151
<u>refusal to renew or reinstate a license; imposition of</u>	7152
<u>probation; or issuance of an order of censure or other</u>	7153
<u>reprimand;</u>	7154
<u>(18) Violation of the conditions placed by the board on a</u>	7155
<u>license to practice as a certified mental health assistant;</u>	7156
<u>(19) Failure to use universal blood and body fluid</u>	7157
<u>precautions established by rules adopted under section 4731.051</u>	7158
<u>of the Revised Code;</u>	7159
<u>(20) Failure to cooperate in an investigation conducted by</u>	7160
<u>the board under section 4772.21 of the Revised Code, including</u>	7161
<u>failure to comply with a subpoena or order issued by the board</u>	7162

or failure to answer truthfully a question presented by the 7163  
board at a deposition or in written interrogatories, except that 7164  
failure to cooperate with an investigation shall not constitute 7165  
grounds for discipline under this section if a court of 7166  
competent jurisdiction has issued an order that either quashes a 7167  
subpoena or permits the individual to withhold the testimony or 7168  
evidence in issue; 7169

(21) Failure to practice in accordance with the 7170  
supervising physician's supervision agreement with the certified 7171  
mental health assistant; 7172

(22) Administering drugs for purposes other than those 7173  
authorized under this chapter; 7174

(23) Failure to comply with section 4772.13 of the Revised 7175  
Code, unless the board no longer maintains a drug database 7176  
pursuant to section 4729.75 of the Revised Code; 7177

(24) Assisting suicide, as defined in section 3795.01 of 7178  
the Revised Code. 7179

(C) The board shall not refuse to issue a license to an 7180  
applicant because of a plea of guilty to, a judicial finding of 7181  
guilt of, or a judicial finding of eligibility for intervention 7182  
in lieu of conviction for an offense unless the refusal is in 7183  
accordance with section 9.79 of the Revised Code. 7184

(D) Disciplinary actions taken by the board under 7185  
divisions (A) and (B) of this section shall be taken pursuant to 7186  
an adjudication under Chapter 119. of the Revised Code, except 7187  
that in lieu of an adjudication, the board may enter into a 7188  
consent agreement with a certified mental health assistant or 7189  
applicant to resolve an allegation of a violation of this 7190  
chapter or any rule adopted under it. A consent agreement, when 7191



ratified by an affirmative vote of not fewer than six members of 7192  
the board, shall constitute the findings and order of the board 7193  
with respect to the matter addressed in the agreement. If the 7194  
board refuses to ratify a consent agreement, the admissions and 7195  
findings contained in the consent agreement shall be of no force 7196  
or effect. 7197

(E) For purposes of divisions (B) (11), (14), and (15) of 7198  
this section, the commission of the act may be established by a 7199  
finding by the board, pursuant to an adjudication under Chapter 7200  
119. of the Revised Code, that the applicant or license holder 7201  
committed the act in question. The board shall have no 7202  
jurisdiction under these divisions in cases where the trial 7203  
court renders a final judgment in the license holder's favor and 7204  
that judgment is based upon an adjudication on the merits. The 7205  
board shall have jurisdiction under these divisions in cases 7206  
where the trial court issues an order of dismissal on technical 7207  
or procedural grounds. 7208

(F) The sealing or expungement of conviction records by 7209  
any court shall have no effect on a prior board order entered 7210  
under the provisions of this section or on the board's 7211  
jurisdiction to take action under the provisions of this section 7212  
if, based upon a plea of guilty, a judicial finding of guilt, or 7213  
a judicial finding of eligibility for intervention in lieu of 7214  
conviction, the board issued a notice of opportunity for a 7215  
hearing prior to the court's order to seal or expunge the 7216  
records. The board shall not be required to seal, destroy, 7217  
redact, or otherwise modify its records to reflect the court's 7218  
sealing or expungement of conviction records. 7219

(G) For purposes of this division, any individual who 7220  
holds a license to practice as a certified mental health 7221

assistant issued under this chapter, or applies for a license, 7222  
shall be deemed to have given consent to submit to a mental or 7223  
physical examination when directed to do so in writing by the 7224  
board and to have waived all objections to the admissibility of 7225  
testimony or examination reports that constitute a privileged 7226  
communication. 7227

(1) In enforcing division (B)(5) of this section, the 7228  
board, on a showing of a possible violation, may compel any 7229  
individual who holds a license to practice as a certified mental 7230  
health assistant issued under this chapter or who has applied 7231  
for a license to submit to a mental or physical examination, or 7232  
both. A physical examination may include an HIV test. The 7233  
expense of the examination is the responsibility of the 7234  
individual compelled to be examined. Failure to submit to a 7235  
mental or physical examination or consent to an HIV test ordered 7236  
by the board constitutes an admission of the allegations against 7237  
the individual unless the failure is due to circumstances beyond 7238  
the individual's control, and a default and final order may be 7239  
entered without the taking of testimony or presentation of 7240  
evidence. If the board finds a certified mental health assistant 7241  
unable to practice because of the reasons set forth in division 7242  
(B)(5) of this section, the board shall require the certified 7243  
mental health assistant to submit to care, counseling, or 7244  
treatment by physicians approved or designated by the board, as 7245  
a condition for an initial, continued, reinstated, or renewed 7246  
license. An individual affected by this division shall be 7247  
afforded an opportunity to demonstrate to the board the ability 7248  
to resume practicing in compliance with acceptable and 7249  
prevailing standards of care. 7250

(2) For purposes of division (B)(6) of this section, if 7251  
the board has reason to believe that any individual who holds a 7252

license to practice as a certified mental health assistant 7253  
issued under this chapter or any applicant for a license suffers 7254  
such impairment, the board may compel the individual to submit 7255  
to a mental or physical examination, or both. The expense of the 7256  
examination is the responsibility of the individual compelled to 7257  
be examined. Any mental or physical examination required under 7258  
this division shall be undertaken by a treatment provider or 7259  
physician qualified to conduct such examination and chosen by 7260  
the board. 7261

Failure to submit to a mental or physical examination 7262  
ordered by the board constitutes an admission of the allegations 7263  
against the individual unless the failure is due to 7264  
circumstances beyond the individual's control, and a default and 7265  
final order may be entered without the taking of testimony or 7266  
presentation of evidence. If the board determines that the 7267  
individual's ability to practice is impaired, the board shall 7268  
suspend the individual's license or deny the individual's 7269  
application and shall require the individual, as a condition for 7270  
an initial, continued, reinstated, or renewed license to 7271  
practice, to submit to treatment. 7272

Before being eligible to apply for reinstatement of a 7273  
license suspended under this division, the certified mental 7274  
health assistant shall demonstrate to the board the ability to 7275  
resume practice in compliance with acceptable and prevailing 7276  
standards of care. The demonstration shall include the 7277  
following: 7278

(a) Certification from a treatment provider approved under 7279  
section 4731.25 of the Revised Code that the individual has 7280  
successfully completed any required inpatient treatment; 7281

(b) Evidence of continuing full compliance with an 7282

aftercare contract or consent agreement; 7283

(c) Two written reports indicating that the individual's 7284  
ability to practice has been assessed and that the individual 7285  
has been found capable of practicing according to acceptable and 7286  
prevailing standards of care. The reports shall be made by 7287  
individuals or providers approved by the board for making such 7288  
assessments and shall describe the basis for their 7289  
determination. 7290

The board may reinstate a license suspended under this 7291  
division after such demonstration and after the individual has 7292  
entered into a written consent agreement. 7293

When the impaired certified mental health assistant 7294  
resumes practice, the board shall require continued monitoring 7295  
of the certified mental health assistant. The monitoring shall 7296  
include monitoring of compliance with the written consent 7297  
agreement entered into before reinstatement or with conditions 7298  
imposed by board order after a hearing, and, on termination of 7299  
the consent agreement, submission to the board for at least two 7300  
years of annual written progress reports made under penalty of 7301  
falsification stating whether the certified mental health 7302  
assistant has maintained sobriety. 7303

(H) If the secretary and supervising member determine that 7304  
there is clear and convincing evidence that a certified mental 7305  
health assistant has violated division (B) of this section and 7306  
that the individual's continued practice presents a danger of 7307  
immediate and serious harm to the public, they may recommend 7308  
that the board suspend the individual's license to practice 7309  
without a prior hearing. Written allegations shall be prepared 7310  
for consideration by the board. 7311

The board, on review of the allegations and by an 7312  
affirmative vote of not fewer than six of its members, excluding 7313  
the secretary and supervising member, may suspend a license 7314  
without a prior hearing. A telephone conference call may be 7315  
utilized for reviewing the allegations and taking the vote on 7316  
the summary suspension. 7317

The board shall issue a written order of suspension by 7318  
certified mail or in person in accordance with section 119.07 of 7319  
the Revised Code. The order shall not be subject to suspension 7320  
by the court during pendency of any appeal filed under section 7321  
119.12 of the Revised Code. If the certified mental health 7322  
assistant requests an adjudicatory hearing by the board, the 7323  
date set for the hearing shall be within fifteen days, but not 7324  
earlier than seven days, after the certified mental health 7325  
assistant requests the hearing, unless otherwise agreed to by 7326  
both the board and the license holder. 7327

A summary suspension imposed under this division shall 7328  
remain in effect, unless reversed on appeal, until a final 7329  
adjudicative order issued by the board pursuant to this section 7330  
and Chapter 119. of the Revised Code becomes effective. The 7331  
board shall issue its final adjudicative order within sixty days 7332  
after completion of its hearing. Failure to issue the order 7333  
within sixty days shall result in dissolution of the summary 7334  
suspension order, but shall not invalidate any subsequent, final 7335  
adjudicative order. 7336

(I) If the board takes action under division (B) (10), 7337  
(12), or (13) of this section, and the judicial finding of 7338  
guilt, guilty plea, or judicial finding of eligibility for 7339  
intervention in lieu of conviction is overturned on appeal, on 7340  
exhaustion of the criminal appeal, a petition for 7341

reconsideration of the order may be filed with the board along 7342  
with appropriate court documents. On receipt of a petition and 7343  
supporting court documents, the board shall reinstate the 7344  
license to practice as a certified mental health assistant. The 7345  
board may then hold an adjudication under Chapter 119. of the 7346  
Revised Code to determine whether the individual committed the 7347  
act in question. Notice of opportunity for hearing shall be 7348  
given in accordance with Chapter 119. of the Revised Code. If 7349  
the board finds, pursuant to an adjudication held under this 7350  
division, that the individual committed the act, or if no 7351  
hearing is requested, it may order any of the sanctions 7352  
specified in division (B) of this section. 7353

(J) The license to practice of a certified mental health 7354  
assistant and the assistant's practice in this state are 7355  
automatically suspended as of the date the certified mental 7356  
health assistant pleads guilty to, is found by a judge or jury 7357  
to be guilty of, or is subject to a judicial finding of 7358  
eligibility for intervention in lieu of conviction in this state 7359  
or treatment of intervention in lieu of conviction in another 7360  
jurisdiction for any of the following criminal offenses in this 7361  
state or a substantially equivalent criminal offense in another 7362  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 7363  
felonious assault, kidnapping, rape, sexual battery, gross 7364  
sexual imposition, aggravated arson, aggravated robbery, or 7365  
aggravated burglary. Continued practice after the suspension 7366  
shall be considered practicing without a license. 7367

The board shall notify the individual subject to the 7368  
suspension by certified mail or in person in accordance with 7369  
section 119.07 of the Revised Code. If an individual whose 7370  
license is suspended under this division fails to make a timely 7371  
request for an adjudication under Chapter 119. of the Revised 7372

Code, the board shall enter a final order permanently revoking 7373  
the individual's license. 7374

(K) In any instance in which the board is required by 7375  
Chapter 119. of the Revised Code to give notice of opportunity 7376  
for hearing and the individual subject to the notice does not 7377  
timely request a hearing in accordance with section 119.07 of 7378  
the Revised Code, the board is not required to hold a hearing, 7379  
but may adopt, by an affirmative vote of not fewer than six of 7380  
its members, a final order that contains the board's findings. 7381  
In the final order, the board may order any of the sanctions 7382  
identified under division (A) or (B) of this section. 7383

(L) Any action taken by the board under division (B) of 7384  
this section resulting in a suspension shall be accompanied by a 7385  
written statement of the conditions under which the certified 7386  
mental health assistant's license may be reinstated. The board 7387  
shall adopt rules in accordance with Chapter 119. of the Revised 7388  
Code governing conditions to be imposed for reinstatement. 7389  
Reinstatement of a license suspended pursuant to division (B) of 7390  
this section requires an affirmative vote of not fewer than six 7391  
members of the board. 7392

(M) When the board refuses to grant or issue a license to 7393  
practice as a certified mental health assistant to an applicant, 7394  
revokes an individual's license, refuses to renew an 7395  
individual's license, or refuses to reinstate an individual's 7396  
license, the board may specify that its action is permanent. An 7397  
individual subject to a permanent action taken by the board is 7398  
forever thereafter ineligible to hold a license to practice as a 7399  
certified mental health assistant and the board shall not accept 7400  
an application for reinstatement of the license or for issuance 7401  
of a new license. 7402

(N) Notwithstanding any other provision of the Revised Code, all of the following apply: 7403  
7404

(1) The surrender of a license to practice as a certified mental health assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board. 7405  
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(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board. 7410  
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(3) Failure by an individual to renew a license to practice in accordance with section 4772.08 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual. 7412  
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**Sec. 4772.201.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license to practice as a certified mental health assistant issued under this chapter. 7416  
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**Sec. 4772.202.** If the state medical board has reason to believe that any person who has been granted a license to practice as a certified mental health assistant under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which the person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the board secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in 7422  
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any proceeding commenced under this section. 7432

If any person who has been granted a license is adjudged 7433  
by a probate court to be mentally ill or mentally incompetent, 7434  
the person's license shall be automatically suspended until the 7435  
person has filed with the state medical board a certified copy 7436  
of an adjudication by a probate court of the person's subsequent 7437  
restoration to competency or has submitted to the board proof, 7438  
satisfactory to the board, that the person has been discharged 7439  
as having a restoration to competency in the manner and form 7440  
provided in section 5122.38 of the Revised Code. The judge of 7441  
the probate court shall forthwith notify the state medical board 7442  
of an adjudication of mental illness or mental incompetence, and 7443  
shall note any suspension of a license in the margin of the 7444  
court's record of such license. 7445

Sec. 4772.203. (A) (1) If a certified mental health 7446  
assistant violates any section of this chapter or any rule 7447  
adopted under this chapter, the state medical board may, 7448  
pursuant to an adjudication under Chapter 119. of the Revised 7449  
Code and an affirmative vote of not fewer than six of its 7450  
members, impose a civil penalty. The amount of the civil penalty 7451  
shall be determined by the board in accordance with the 7452  
guidelines adopted under division (A) (2) of this section. The 7453  
civil penalty may be in addition to any other action the board 7454  
may take under section 4772.20 of the Revised Code. 7455

(2) The board shall adopt and may amend guidelines 7456  
regarding the amounts of civil penalties to be imposed under 7457  
this section. Adoption or amendment of the guidelines requires 7458  
the approval of not fewer than six board members. 7459

Under the guidelines, no civil penalty amount shall exceed 7460  
twenty thousand dollars. 7461

(B) Amounts received from payment of civil penalties 7462  
imposed under this section shall be deposited by the board in 7463  
accordance with section 4731.24 of the Revised Code. Amounts 7464  
received from payment of civil penalties imposed for violations 7465  
of division (B) (6) of section 4772.20 of the Revised Code shall 7466  
be used by the board solely for investigations, enforcement, and 7467  
compliance monitoring. 7468

**Sec. 4772.21.** (A) The state medical board shall 7469  
investigate evidence that appears to show that any person has 7470  
violated this chapter or the rules adopted under it. Any person 7471  
may report to the board in a signed writing any information the 7472  
person has that appears to show a violation of any provision of 7473  
this chapter or the rules adopted under it. In the absence of 7474  
bad faith, a person who reports such information or testifies 7475  
before the board in an adjudication conducted under Chapter 119. 7476  
of the Revised Code shall not be liable for civil damages as a 7477  
result of reporting the information or providing testimony. Each 7478  
complaint or allegation of a violation received by the board 7479  
shall be assigned a case number and be recorded by the board. 7480

(B) Investigations of alleged violations of this chapter 7481  
or rules adopted under it shall be supervised by the supervising 7482  
member elected by the board in accordance with section 4731.02 7483  
of the Revised Code and by the secretary as provided in section 7484  
4772.24 of the Revised Code. The board's president may designate 7485  
another member of the board to supervise the investigation in 7486  
place of the supervising member. A member of the board who 7487  
supervises the investigation of a case shall not participate in 7488  
further adjudication of the case. 7489

(C) In investigating a possible violation of this chapter 7490  
or the rules adopted under it, the board may administer oaths, 7491

order the taking of depositions, issue subpoenas, and compel the 7492  
attendance of witnesses and production of books, accounts, 7493  
papers, records, documents, and testimony, except that a 7494  
subpoena for patient record information shall not be issued 7495  
without consultation with the attorney general's office and 7496  
approval of the secretary and supervising member of the board. 7497  
Before issuance of a subpoena for patient record information, 7498  
the secretary and supervising member shall determine whether 7499  
there is probable cause to believe that the complaint filed 7500  
alleges a violation of this chapter or the rules adopted under 7501  
it and that the records sought are relevant to the alleged 7502  
violation and material to the investigation. The subpoena may 7503  
apply only to records that cover a reasonable period of time 7504  
surrounding the alleged violation. 7505

On failure to comply with any subpoena issued by the board 7506  
and after reasonable notice to the person being subpoenaed, the 7507  
board may move for an order compelling the production of persons 7508  
or records pursuant to the Rules of Civil Procedure. 7509

A subpoena issued by the board may be served by a sheriff, 7510  
the sheriff's deputy, or a board employee designated by the 7511  
board. Service of a subpoena issued by the board may be made by 7512  
delivering a copy of the subpoena to the person named therein, 7513  
reading it to the person, or leaving it at the person's usual 7514  
place of residence. When the person being served is a certified 7515  
mental health assistant, service of the subpoena may be made by 7516  
certified mail, restricted delivery, return receipt requested, 7517  
and the subpoena shall be deemed served on the date delivery is 7518  
made or the date the person refuses to accept delivery. 7519

A sheriff's deputy who serves a subpoena shall receive the 7520  
same fees as a sheriff. Each witness who appears before the 7521

board in obedience to a subpoena shall receive the fees and 7522  
mileage provided for witnesses in civil cases in the courts of 7523  
common pleas. 7524

(D) All hearings and investigations of the board shall be 7525  
considered civil actions for the purposes of section 2305.252 of 7526  
the Revised Code. 7527

(E) Information received by the board pursuant to an 7528  
investigation is confidential and not subject to discovery in 7529  
any civil action. 7530

The board shall conduct all investigations and proceedings 7531  
in a manner that protects the confidentiality of patients and 7532  
persons who file complaints with the board. The board shall not 7533  
make public the names or any other identifying information about 7534  
patients or complainants unless proper consent is given. 7535

The board may share any information it receives pursuant 7536  
to an investigation, including patient records and patient 7537  
record information, with law enforcement agencies, other 7538  
licensing boards, and other governmental agencies that are 7539  
prosecuting, adjudicating, or investigating alleged violations 7540  
of statutes or administrative rules. An agency or board that 7541  
receives the information shall comply with the same requirements 7542  
regarding confidentiality as those with which the state medical 7543  
board must comply, notwithstanding any conflicting provision of 7544  
the Revised Code or procedure of the agency or board that 7545  
applies when it is dealing with other information in its 7546  
possession. In a judicial proceeding, the information may be 7547  
admitted into evidence only in accordance with the Rules of 7548  
Evidence, but the court shall require that appropriate measures 7549  
are taken to ensure that confidentiality is maintained with 7550  
respect to any part of the information that contains names or 7551

other identifying information about patients or complainants 7552  
whose confidentiality was protected by the state medical board 7553  
when the information was in the board's possession. Measures to 7554  
ensure confidentiality that may be taken by the court include 7555  
sealing its records or deleting specific information from its 7556  
records. 7557

(F) On a quarterly basis, the board shall prepare a report 7558  
that documents the disposition of all cases during the preceding 7559  
three months. The report shall contain the following information 7560  
for each case with which the board has completed its activities: 7561

(1) The case number assigned to the complaint or alleged 7562  
violation; 7563

(2) The type of license, if any, held by the individual 7564  
against whom the complaint is directed; 7565

(3) A description of the allegations contained in the 7566  
complaint; 7567

(4) The disposition of the case. 7568

The report shall state how many cases are still pending, 7569  
and shall be prepared in a manner that protects the identity of 7570  
each person involved in each case. The report is a public record 7571  
for purposes of section 149.43 of the Revised Code. 7572

**Sec. 4772.22.** (A) As used in this section, "prosecutor" 7573  
has the same meaning as in section 2935.01 of the Revised Code. 7574

(B) Whenever any person holding a valid license to 7575  
practice as a certified mental health assistant issued under 7576  
this chapter pleads guilty to, is subject to a judicial finding 7577  
of guilt of, or is subject to a judicial finding of eligibility 7578  
for intervention in lieu of conviction for a violation of 7579

Chapter 2907., 2925., or 3719. of the Revised Code or of any 7580  
substantively comparable ordinance of a municipal corporation in 7581  
connection with the person's practice, the prosecutor in the 7582  
case, on forms prescribed and provided by the state medical 7583  
board, shall promptly notify the board of the conviction. Within 7584  
thirty days of receipt of that information, the board shall 7585  
initiate action in accordance with Chapter 119. of the Revised 7586  
Code to determine whether to suspend or revoke the license under 7587  
section 4772.20 of the Revised Code. 7588

(C) The prosecutor in any case against any person holding 7589  
a valid license issued under this chapter, on forms prescribed 7590  
and provided by the state medical board, shall notify the board 7591  
of any of the following: 7592

(1) A plea of guilty to, a finding of guilt by a jury or 7593  
court of, or judicial finding of eligibility for intervention in 7594  
lieu of conviction for a felony, or a case in which the trial 7595  
court issues an order of dismissal upon technical or procedural 7596  
grounds of a felony charge; 7597

(2) A plea of guilty to, a finding of guilt by a jury or 7598  
court of, or judicial finding of eligibility for intervention in 7599  
lieu of conviction for a misdemeanor committed in the course of 7600  
practice, or a case in which the trial court issues an order of 7601  
dismissal upon technical or procedural grounds of a charge of a 7602  
misdemeanor, if the alleged act was committed in the course of 7603  
practice; 7604

(3) A plea of guilty to, a finding of guilt by a jury or 7605  
court of, or judicial finding of eligibility for intervention in 7606  
lieu of conviction for a misdemeanor involving moral turpitude, 7607  
or a case in which the trial court issues an order of dismissal 7608  
upon technical or procedural grounds of a charge of a 7609

misdemeanor involving moral turpitude. 7610

The report shall include the name and address of the 7611  
license holder, the nature of the offense for which the action 7612  
was taken, and the certified court documents recording the 7613  
action. 7614

**Sec. 4772.23.** (A) Within sixty days after the imposition 7615  
of any formal disciplinary action taken by any health care 7616  
facility, including a hospital, health care facility operated by 7617  
a health insuring corporation, ambulatory surgical facility, or 7618  
similar facility, against any individual holding a valid license 7619  
to practice as a certified mental health assistant, the chief 7620  
administrator or executive officer of the facility shall report 7621  
to the state medical board the name of the individual, the 7622  
action taken by the facility, and a summary of the underlying 7623  
facts leading to the action taken. On request, the board shall 7624  
be provided certified copies of the patient records that were 7625  
the basis for the facility's action. Prior to release to the 7626  
board, the summary shall be approved by the peer review 7627  
committee that reviewed the case or by the governing board of 7628  
the facility. 7629

The filing of a report with the board or decision not to 7630  
file a report, investigation by the board, or any disciplinary 7631  
action taken by the board, does not preclude a health care 7632  
facility from taking disciplinary action against a certified 7633  
mental health assistant. 7634

In the absence of fraud or bad faith, no individual or 7635  
entity that provides patient records to the board shall be 7636  
liable in damages to any person as a result of providing the 7637  
records. 7638

(B) (1) Except as provided in division (B) (2) of this 7639  
section, a certified mental health assistant, professional 7640  
association or society of certified mental health assistants, 7641  
physician, or professional association or society of physicians 7642  
that believes a violation of any provision of this chapter, 7643  
Chapter 4731. of the Revised Code, or rule of the board has 7644  
occurred shall report to the board the information on which the 7645  
belief is based. 7646

(2) A certified mental health assistant, professional 7647  
association or society of certified mental health assistants, 7648  
physician, or professional association or society of physicians 7649  
that believes a violation of division (B) (6) of section 4772.20 7650  
of the Revised Code has occurred shall report the information 7651  
upon which the belief is based to the monitoring organization 7652  
conducting the program established by the board under section 7653  
4731.251 of the Revised Code. If any such report is made to the 7654  
board, it shall be referred to the monitoring organization 7655  
unless the board is aware that the individual who is the subject 7656  
of the report does not meet the program eligibility requirements 7657  
of section 4731.252 of the Revised Code. 7658

(C) Any professional association or society composed 7659  
primarily of certified mental health assistants that suspends or 7660  
revokes an individual's membership for violations of 7661  
professional ethics, or for reasons of professional incompetence 7662  
or professional malpractice, within sixty days after a final 7663  
decision, shall report to the board, on forms prescribed and 7664  
provided by the board, the name of the individual, the action 7665  
taken by the professional organization, and a summary of the 7666  
underlying facts leading to the action taken. 7667

The filing of a report with the board or decision not to 7668



file a report, investigation by the board, or any disciplinary 7669  
action taken by the board, does not preclude a professional 7670  
organization from taking disciplinary action against a certified 7671  
mental health assistant. 7672

(D) Any insurer providing professional liability insurance 7673  
to any person holding a valid license to practice as a certified 7674  
mental health assistant or any other entity that seeks to 7675  
indemnify the professional liability of a certified mental 7676  
health assistant shall notify the board within thirty days after 7677  
the final disposition of any written claim for damages where 7678  
such disposition results in a payment exceeding twenty-five 7679  
thousand dollars. The notice shall contain the following 7680  
information: 7681

(1) The name and address of the person submitting the 7682  
notification; 7683

(2) The name and address of the insured who is the subject 7684  
of the claim; 7685

(3) The name of the person filing the written claim; 7686

(4) The date of final disposition; 7687

(5) If applicable, the identity of the court in which the 7688  
final disposition of the claim took place. 7689

(E) The board may investigate possible violations of this 7690  
chapter or the rules adopted under it that are brought to its 7691  
attention as a result of the reporting requirements of this 7692  
section, except that the board shall conduct an investigation if 7693  
a possible violation involves repeated malpractice. As used in 7694  
this division, "repeated malpractice" means three or more claims 7695  
for malpractice within the previous five-year period, each 7696  
resulting in a judgment or settlement in excess of twenty-five 7697

thousand dollars in favor of the claimant, and each involving 7698  
negligent conduct by the certified mental health assistant. 7699

(F) All summaries, reports, and records received and 7700  
maintained by the board pursuant to this section shall be held 7701  
in confidence and shall not be subject to discovery or 7702  
introduction in evidence in any federal or state civil action 7703  
involving a certified mental health assistant, supervising 7704  
physician, or health care facility arising out of matters that 7705  
are the subject of the reporting required by this section. The 7706  
board may use the information obtained only as the basis for an 7707  
investigation, as evidence in a disciplinary hearing against a 7708  
certified mental health assistant or supervising physician, or 7709  
in any subsequent trial or appeal of a board action or order. 7710

The board may disclose the summaries and reports it 7711  
receives under this section only to health care facility 7712  
committees within or outside this state that are involved in 7713  
credentialing or recredentialing a certified mental health 7714  
assistant or supervising physician, if applicable, or reviewing 7715  
their privilege to practice within a particular facility. The 7716  
board shall indicate whether or not the information has been 7717  
verified. Information transmitted by the board shall be subject 7718  
to the same confidentiality provisions as when maintained by the 7719  
board. 7720

(G) Except for reports filed by an individual pursuant to 7721  
division (B) of this section, the board shall send a copy of any 7722  
reports or summaries it receives pursuant to this section to the 7723  
certified mental health assistant. The certified mental health 7724  
assistant shall have the right to file a statement with the 7725  
board concerning the correctness or relevance of the 7726  
information. The statement shall at all times accompany that 7727

part of the record in contention. 7728

(H) An individual or entity that reports to the board, 7729  
reports to the monitoring organization described in section 7730  
4731.251 of the Revised Code, or refers an impaired certified 7731  
mental health assistant to a treatment provider approved by the 7732  
board under section 4731.25 of the Revised Code shall not be 7733  
subject to suit for civil damages as a result of the report, 7734  
referral, or provision of the information. 7735

(I) In the absence of fraud or bad faith, a professional 7736  
association or society of certified mental health assistants 7737  
that sponsors a committee or program to provide peer assistance 7738  
to a certified mental health assistant with substance abuse 7739  
problems, a representative or agent of such a committee or 7740  
program, a representative or agent of the monitoring 7741  
organization described in section 4731.251 of the Revised Code, 7742  
and a member of the state medical board shall not be held liable 7743  
in damages to any person by reason of actions taken to refer a 7744  
certified mental health assistant to a treatment provider 7745  
approved under section 4731.25 of the Revised Code for 7746  
examination or treatment. 7747

Sec. 4772.24. The secretary of the state medical board 7748  
shall enforce the laws relating to the practice of certified 7749  
mental health assistants. If the secretary has knowledge or 7750  
notice of a violation of this chapter or the rules adopted under 7751  
it, the secretary shall investigate the matter, and, upon 7752  
probable cause appearing, file a complaint and prosecute the 7753  
offender. When requested by the secretary, the prosecuting 7754  
attorney of the proper county shall take charge of and conduct 7755  
the prosecution. 7756

Sec. 4772.25. The attorney general, the prosecuting 7757

attorney of any county in which the offense was committed or the 7758  
offender resides, the state medical board, or any other person 7759  
having knowledge of a person engaged either directly or by 7760  
complicity in practicing as a certified mental health assistant 7761  
without having first obtained under this chapter a license to 7762  
practice as a certified mental health assistant, may, in 7763  
accordance with provisions of the Revised Code governing 7764  
injunctions, maintain an action in the name of the state to 7765  
enjoin any person from engaging either directly or by complicity 7766  
in unlawfully practicing as a certified mental health assistant 7767  
by applying for an injunction in any court of competent 7768  
jurisdiction. 7769

Prior to application for an injunction, the secretary of 7770  
the state medical board shall notify the person allegedly 7771  
engaged either directly or by complicity in the unlawful 7772  
practice by registered mail that the secretary has received 7773  
information indicating that this person is so engaged. The 7774  
person shall answer the secretary within thirty days showing 7775  
that the person is either properly licensed for the stated 7776  
activity or that the person is not in violation of this chapter. 7777  
If the answer is not forthcoming within thirty days after notice 7778  
by the secretary, the secretary shall request that the attorney 7779  
general, the prosecuting attorney of the county in which the 7780  
offense was committed or the offender resides, or the state 7781  
medical board proceed as authorized in this section. 7782

Upon the filing of a verified petition in court, the court 7783  
shall conduct a hearing on the petition and shall give the same 7784  
preference to this proceeding as is given all proceedings under 7785  
Chapter 119. of the Revised Code, irrespective of the position 7786  
of the proceeding on the calendar of the court. 7787

Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. 7788  
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Sec. 4772.26. The state medical board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in this chapter, except that the fees may not exceed the specified amounts by more than fifty per cent. 7791  
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All fees, penalties, and other funds received by the board under this chapter shall be deposited in accordance with section 4731.24 of the Revised Code. 7796  
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Sec. 4772.27. In the absence of fraud or bad faith, the state medical board, a current or former board member, an agent of the board, a person formally requested by the board to be the board's representative, or an employee of the board shall not be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to this chapter. If any such person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the person's defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay any part of a claim or judgment that is for punitive or exemplary damages. 7799  
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Sec. 4772.28. The state medical board shall comply with section 4776.20 of the Revised Code. 7816  
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Sec. 4772.99. (A) Whoever violates section 4772.02 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense; on each subsequent offense, the person is guilty of a felony of the fourth degree. 7818  
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(B) Whoever violates division (A), (B), (C), or (D) of section 4772.23 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense the person is guilty of a misdemeanor of the fourth degree, except that an individual guilty of a subsequent offense shall not be subject to imprisonment, but to a fine alone of up to one thousand dollars for each offense. 7822  
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**Sec. 4776.01.** As used in this chapter: 7829

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or, except in the case of the state dental board, to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction. 7830  
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(B) Except as provided in section 4776.20 of the Revised Code, "licensee" means the person to whom the license is issued by a licensing agency. "Licensee" includes a person who, for purposes of section 3796.13 of the Revised Code, has complied with sections 4776.01 to 4776.04 of the Revised Code and has been determined by the division of marijuana control, as the applicable licensing agency, to meet the requirements for employment. 7840  
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(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

(3) The division of marijuana control, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons seeking restoration of a license under section 4730.14, 4730.28, 4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061,

4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 7877  
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 7878  
"Applicant for a restored license" does not include a person 7879  
seeking restoration of a license under section 4751.33 of the 7880  
Revised Code. 7881

(F) "Criminal records check" has the same meaning as in 7882  
section 109.572 of the Revised Code. 7883

**Sec. 5123.47.** (A) As used in this section: 7884

(1) "In-home care" means the supportive services provided 7885  
within the home of an individual with a developmental disability 7886  
who receives funding for the services through a county board of 7887  
developmental disabilities, including any recipient of 7888  
residential services funded as home and community-based 7889  
services, family support services provided under section 5126.11 7890  
of the Revised Code, or supported living provided in accordance 7891  
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 7892  
care" includes care that is provided outside an individual's 7893  
home in places incidental to the home, and while traveling to 7894  
places incidental to the home, except that "in-home care" does 7895  
not include care provided in the facilities of a county board of 7896  
developmental disabilities or care provided in schools. 7897

(2) "Parent" means either parent of a child, including an 7898  
adoptive parent but not a foster parent. 7899

(3) "Unlicensed in-home care worker" means an individual 7900  
who provides in-home care but is not a health care professional. 7901

(4) "Family member" means a parent, sibling, spouse, son, 7902  
daughter, grandparent, aunt, uncle, cousin, or guardian of the 7903  
individual with a developmental disability if the individual 7904  
with a developmental disability lives with the person and is 7905



dependent on the person to the extent that, if the supports were 7906  
withdrawn, another living arrangement would have to be found. 7907

(5) "Health care professional" means any of the following: 7908

(a) A dentist who holds a valid license issued under 7909  
Chapter 4715. of the Revised Code; 7910

(b) A registered or licensed practical nurse who holds a 7911  
valid license issued under Chapter 4723. of the Revised Code; 7912

(c) An optometrist who holds a valid license issued under 7913  
Chapter 4725. of the Revised Code; 7914

(d) A pharmacist who holds a valid license issued under 7915  
Chapter 4729. of the Revised Code; 7916

(e) A person who holds a valid license or certificate 7917  
issued under Chapter 4731. of the Revised Code to practice 7918  
medicine and surgery, osteopathic medicine and surgery, 7919  
podiatric medicine and surgery, or a limited brand of medicine; 7920

(f) A physician assistant who holds a valid license issued 7921  
under Chapter 4730. of the Revised Code; 7922

(g) An occupational therapist or occupational therapy 7923  
assistant or a physical therapist or physical therapist 7924  
assistant who holds a valid license issued under Chapter 4755. 7925  
of the Revised Code; 7926

(h) A respiratory care professional who holds a valid 7927  
license issued under Chapter 4761. of the Revised Code; 7928

(i) A certified mental health assistant who holds a valid 7929  
license issued under Chapter 4772. of the Revised Code. 7930

(6) "Health care task" means a task that is prescribed, 7931  
ordered, delegated, or otherwise directed by a health care 7932

professional acting within the scope of the professional's 7933  
practice. "Health care task" includes the administration of oral 7934  
and topical prescribed medications; administration of nutrition 7935  
and medications through gastrostomy and jejunostomy tubes that 7936  
are stable and labeled; administration of oxygen and metered 7937  
dose inhaled medications; administration of insulin through 7938  
subcutaneous injections, inhalation, and insulin pumps; and 7939  
administration of prescribed medications for the treatment of 7940  
metabolic glyceic disorders through subcutaneous injections. 7941

(B) Except as provided in division (E) of this section, a 7942  
family member of an individual with a developmental disability 7943  
may authorize an unlicensed in-home care worker to perform 7944  
health care tasks as part of the in-home care the worker 7945  
provides to the individual, if all of the following apply: 7946

(1) The family member is the primary supervisor of the 7947  
care. 7948

(2) The unlicensed in-home care worker has been selected 7949  
by the family member or the individual receiving care and is 7950  
under the direct supervision of the family member. 7951

(3) The unlicensed in-home care worker is providing the 7952  
care through an employment or other arrangement entered into 7953  
directly with the family member and is not otherwise employed by 7954  
or under contract with a person or government entity to provide 7955  
services to individuals with developmental disabilities. 7956

(4) The health care task is completed in accordance with 7957  
standard, written instructions. 7958

(5) Performance of the health care task requires no 7959  
judgment based on specialized health care knowledge or 7960  
expertise. 7961

(6) The outcome of the health care task is reasonably 7962  
predictable. 7963

(7) Performance of the health care task requires no 7964  
complex observation of the individual receiving the care. 7965

(8) Improper performance of the health care task will 7966  
result in only minimal complications that are not life- 7967  
threatening. 7968

(C) A family member shall obtain a prescription, if 7969  
applicable, and written instructions from a health care 7970  
professional for the care to be provided to the individual. The 7971  
family member shall authorize the unlicensed in-home care worker 7972  
to provide the care by preparing a written document granting the 7973  
authority. The family member shall provide the unlicensed in- 7974  
home care worker with appropriate training and written 7975  
instructions in accordance with the instructions obtained from 7976  
the health care professional. The family member or a health care 7977  
professional shall be available to communicate with the 7978  
unlicensed in-home care worker either in person or by 7979  
telecommunication while the in-home care worker performs a 7980  
health care task. 7981

(D) A family member who authorizes an unlicensed in-home 7982  
care worker to administer oral and topical prescribed 7983  
medications or perform other health care tasks retains full 7984  
responsibility for the health and safety of the individual 7985  
receiving the care and for ensuring that the worker provides the 7986  
care appropriately and safely. No entity that funds or monitors 7987  
the provision of in-home care may be held liable for the results 7988  
of the care provided under this section by an unlicensed in-home 7989  
care worker, including such entities as the county board of 7990  
developmental disabilities and the department of developmental 7991

disabilities. 7992

An unlicensed in-home care worker who is authorized under 7993  
this section by a family member to provide care to an individual 7994  
may not be held liable for any injury caused in providing the 7995  
care, unless the worker provides the care in a manner that is 7996  
not in accordance with the training and instructions received or 7997  
the worker acts in a manner that constitutes willful or wanton 7998  
misconduct. 7999

(E) A county board of developmental disabilities may 8000  
evaluate the authority granted by a family member under this 8001  
section to an unlicensed in-home care worker at any time it 8002  
considers necessary and shall evaluate the authority on receipt 8003  
of a complaint. If the board determines that a family member has 8004  
acted in a manner that is inappropriate for the health and 8005  
safety of the individual receiving the care, the authorization 8006  
granted by the family member to an unlicensed in-home care 8007  
worker is void, and the family member may not authorize other 8008  
unlicensed in-home care workers to provide the care. In making 8009  
such a determination, the board shall use appropriately licensed 8010  
health care professionals and shall provide the family member an 8011  
opportunity to file a complaint under section 5126.06 of the 8012  
Revised Code. 8013

**Sec. 5164.95.** (A) As used in this section, "telehealth 8014  
service" means a health care service delivered to a patient 8015  
through the use of interactive audio, video, or other 8016  
telecommunications or electronic technology from a site other 8017  
than the site where the patient is located. 8018

(B) The department of medicaid shall establish standards 8019  
for medicaid payments for health care services the department 8020  
determines are appropriate to be covered by the medicaid program 8021

when provided as telehealth services. The standards shall be 8022  
established in rules adopted under section 5164.02 of the 8023  
Revised Code. 8024

In accordance with section 5162.021 of the Revised Code, 8025  
the medicaid director shall adopt rules authorizing the 8026  
directors of other state agencies to adopt rules regarding the 8027  
medicaid coverage of telehealth services under programs 8028  
administered by the other state agencies. Any such rules adopted 8029  
by the medicaid director or the directors of other state 8030  
agencies are not subject to the requirements of division (F) of 8031  
section 121.95 of the Revised Code. 8032

(C) (1) To the extent permitted under rules adopted under 8033  
section 5164.02 of the Revised Code and applicable federal law, 8034  
the following practitioners are eligible to provide telehealth 8035  
services covered pursuant to this section: 8036

(a) A physician licensed under Chapter 4731. of the 8037  
Revised Code to practice medicine and surgery, osteopathic 8038  
medicine and surgery, or podiatric medicine and surgery; 8039

(b) A psychologist, independent school psychologist, or 8040  
school psychologist licensed under Chapter 4732. of the Revised 8041  
Code; 8042

(c) A physician assistant licensed under Chapter 4730. of 8043  
the Revised Code; 8044

(d) A clinical nurse specialist, certified nurse-midwife, 8045  
or certified nurse practitioner licensed under Chapter 4723. of 8046  
the Revised Code; 8047

(e) An independent social worker, independent marriage and 8048  
family therapist, or professional clinical counselor licensed 8049  
under Chapter 4757. of the Revised Code; 8050

(f) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	8051 8052
(g) A supervised practitioner or supervised trainee;	8053
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	8054 8055
(i) An audiology aide or speech-language pathology aide, as defined in section 4753.072 of the Revised Code, or an individual holding a conditional license under section 4753.071 of the Revised Code;	8056 8057 8058 8059
(j) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	8060 8061
(k) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code.	8062 8063 8064
(l) A dietitian licensed under Chapter 4759. of the Revised Code;	8065 8066
(m) A chiropractor licensed under Chapter 4734. of the Revised Code;	8067 8068
(n) A pharmacist licensed under Chapter 4729. of the Revised Code;	8069 8070
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	8071 8072
(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	8073 8074
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	8075 8076
(r) A certified Ohio behavior analyst certified under	8077

Chapter 4783. of the Revised Code;	8078
(s) A practitioner who provides services through a medicaid school program;	8079 8080
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	8081 8082 8083 8084 8085
<u>(u) A certified mental health assistant licensed under     Chapter 4772. of the Revised Code;</u>	8086 8087
<u>(v) Any other practitioner the medicaid director considers     eligible to provide telehealth services.</u>	8088 8089
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services:	8090 8091 8092 8093 8094
(a) Any practitioner described in division (C)(1) of this section, except for those described in divisions (C)(1)(g), (i), and (k) of this section;	8095 8096 8097
(b) A professional medical group;	8098
(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	8099 8100 8101
(d) A rural health clinic;	8102
(e) An ambulatory health care clinic;	8103
(f) An outpatient hospital;	8104

(g) A medicaid school program;	8105
(h) Subject to section 5119.368 of the Revised Code, a community mental health services provider or community addiction services provider that offers services and supports certified under section 5119.36 of the Revised Code;	8106 8107 8108 8109
(i) Any other provider type the medicaid director considers eligible to submit the claims for payment.	8110 8111
(D) (1) When providing telehealth services under this section, a practitioner shall comply with all requirements under state and federal law regarding the protection of patient information. A practitioner shall ensure that any username or password information and any electronic communications between the practitioner and a patient are securely transmitted and stored.	8112 8113 8114 8115 8116 8117 8118
(2) When providing telehealth services under this section, every practitioner site shall have access to the medical records of the patient at the time telehealth services are provided.	8119 8120 8121
<b>Sec. 5903.12.</b> (A) As used in this section:	8122
"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 4735.141, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 4757.33, 4759.06, 4761.06, <del>and 4763.07</del> , <u>and 4772.081</u> of the Revised Code.	8123 8124 8125 8126 8127 8128 8129 8130
"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.	8131 8132 8133



(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

**Section 2.** That existing sections 2305.234, 2305.51, 2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 4765.51, 4769.01, 4776.01, 5123.47, 5164.95, and 5903.12 of the Revised Code are hereby repealed.

**Section 3.** The Medicaid Director shall submit a request to the United States Centers for Medicare and Medicaid Services for a Medicaid waiver to allow services provided by a certified mental health assistant, as authorized by Chapter 4772. of the Revised Code, to be paid by the Medicaid program.

**Section 4.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections,

presented in this act as composites of the sections as amended 8164  
by the acts indicated, are the resulting versions of the 8165  
sections in effect prior to the effective date of the sections 8166  
as presented in this act: 8167

Section 3719.121 of the Revised Code as amended by both 8168  
H.B. 216 and S.B. 319 of the 131st General Assembly. 8169

Section 4729.01 of the Revised Code as amended by both 8170  
H.B. 509 and H.B. 558 of the 134th General Assembly. 8171