

As Reported by the Senate Judiciary--Criminal Justice Committee

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A B I L L

To amend section 2925.01 of the Revised Code to
classify Gamma Butyrolactone and 1,4 Butanediol as
harmful intoxicants. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2925.01 of the Revised Code be
amended to read as follows: 4
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Sec. 2925.01. As used in this chapter: 6

(A) "Administer," "controlled substance," "dispense,"
"distribute," "hypodermic," "manufacturer," "official written
order," "person," "pharmacist," "pharmacy," "sale," "schedule I,"
"schedule II," "schedule III," "schedule IV," "schedule V," and
"wholesaler" have the same meanings as in section 3719.01 of the
Revised Code. 7
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(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.

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

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

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:

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

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

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

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

(e) An amount equal to or exceeding five grams or ten unit

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doses of a compound, mixture, preparation, or substance that is or
contains any amount of phencyclidine;

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

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

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

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

(4) An amount equal to or exceeding two hundred fifty

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milliliters or two hundred fifty grams of a compound, mixture,
preparation, or substance that is or contains any amount of a
schedule V substance;

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

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

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

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

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

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

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

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(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.	105 106 107
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	108 109 110
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any <u>of the following</u> :	111 112
(1) <u>Any</u> compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	113 114 115 116 117 118
(1) (a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	119 120 121 122
(2) (b) Any aerosol propellant;	123
(3) (c) Any fluorocarbon refrigerant;	124
(4) (d) Any anesthetic gas.	125
<u>(2) Gamma Butyrolactone;</u>	126
<u>(3) 1,4 Butanediol.</u>	127
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	128 129 130 131 132 133

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

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

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of any of the following reference works:

(1) "The National Formulary";

(2) "The United States Pharmacopeia," prepared by authority of the United States Pharmacopeial Convention, Inc.;

(3) Other standard references that are approved by the state board of pharmacy.

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

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

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

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

(3) Any substance that is represented to be a controlled

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substance but is not a controlled substance or is a different
controlled substance; 164
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(4) Any substance other than a controlled substance that a
reasonable person would believe to be a controlled substance 166
because of its similarity in shape, size, and color, or its 167
markings, labeling, packaging, distribution, or the price for 168
which it is sold or offered for sale. 169
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(P) An offense is "committed in the vicinity of a school" if 171
the offender commits the offense on school premises, in a school 172
building, or within one thousand feet of the boundaries of any 173
school premises. 174

(Q) "School" means any school operated by a board of 175
education or any school for which the state board of education 176
prescribes minimum standards under section 3301.07 of the Revised 177
Code, whether or not any instruction, extracurricular activities, 178
or training provided by the school is being conducted at the time 179
a criminal offense is committed. 180

(R) "School premises" means either of the following: 181

(1) The parcel of real property on which any school is 182
situated, whether or not any instruction, extracurricular 183
activities, or training provided by the school is being conducted 184
on the premises at the time a criminal offense is committed; 185

(2) Any other parcel of real property that is owned or leased 186
by a board of education of a school or the governing body of a 187
school for which the state board of education prescribes minimum 188
standards under section 3301.07 of the Revised Code and on which 189
some of the instruction, extracurricular activities, or training 190
of the school is conducted, whether or not any instruction, 191
extracurricular activities, or training provided by the school is 192
being conducted on the parcel of real property at the time a 193
criminal offense is committed. 194

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

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

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

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W)(1) to (35) of this section and that qualifies a person as a professionally licensed person.

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

(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;

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

(3) A person who holds a certificate of qualification to

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practice architecture issued or renewed and registered under	226
Chapter 4703. of the Revised Code;	227
(4) A person who is registered as a landscape architect under	228
Chapter 4703. of the Revised Code or who holds a permit as a	229
landscape architect issued under that chapter;	230
(5) A person licensed as an auctioneer or apprentice	231
auctioneer or licensed to operate an auction company under Chapter	232
4707. of the Revised Code;	233
(6) A person who has been issued a certificate of	234
registration as a registered barber under Chapter 4709. of the	235
Revised Code;	236
(7) A person licensed and regulated to engage in the business	237
of a debt pooling company by a legislative authority, under	238
authority of Chapter 4710. of the Revised Code;	239
(8) A person who has been issued a cosmetologist's license,	240
manicurist's license, esthetician's license, managing	241
cosmetologist's license, managing manicurist's license, managing	242
esthetician's license, cosmetology instructor's license,	243
manicurist instructor's license, esthetician instructor's license,	244
or tanning facility permit under Chapter 4713. of the Revised	245
Code;	246
(9) A person who has been issued a license to practice	247
dentistry, a general anesthesia permit, a conscious intravenous	248
sedation permit, a limited resident's license, a limited teaching	249
license, a dental hygienist's license, or a dental hygienist's	250
teacher's certificate under Chapter 4715. of the Revised Code;	251
(10) A person who has been issued an embalmer's license, a	252
funeral director's license, a funeral home license, or a crematory	253
license, or who has been registered for an embalmer's or funeral	254
director's apprenticeship under Chapter 4717. of the Revised Code;	255

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(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	256 257 258 259
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	260 261 262
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	263 264
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	265 266
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	267 268 269 270
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	271 272
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	273 274 275 276
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	277 278
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	279 280
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	281 282
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	283 284

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(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	285 286
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	287 288
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	289 290
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	291 292
(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;	293 294 295 296
(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;	297 298 299
(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;	300 301 302
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	303 304 305
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	306 307 308
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	309 310
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	311 312 313 314

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- (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code; 315
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- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code; 317
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- (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code. 320
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- (X) "Cocaine" means any of the following: 322
- (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 323
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- (2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 325
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- (3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 329
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- (Y) "L.S.D." means lysergic acid diethylamide. 335
- (Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 336
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- (AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 339
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- (BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender 341
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knows the offense is being committed within one hundred feet of or
within view of the juvenile, or whether the juvenile actually
views the commission of the offense.

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

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

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

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

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

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

(GG) "Crack cocaine" means a compound, mixture, preparation,
or substance that is or contains any amount of cocaine that is
analytically identified as the base form of cocaine or that is in
a form that resembles rocks or pebbles generally intended for
individual use.

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

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

Section 2. That existing section 2925.01 of the Revised Code 375
is hereby repealed. 376