

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 195**

**Representative Core**

**Cosponsors: Representatives McGregor, J., Evans, Bulp, Combs, Adams,  
Stebelton, Fende**

**—**

**A BILL**

To amend sections 2925.01, 2925.11, and 2925.22 of 1  
the Revised Code to provide that the 2  
prescription-related exemption from the drug 3  
possession offenses applies only when the 4  
controlled substance is obtained pursuant to a 5  
lawful prescription and to modify the penalty for 6  
"deception to obtain a dangerous drug" under 7  
specified circumstances. 8

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

**Section 1.** That sections 2925.01, 2925.11, and 2925.22 of the 9  
Revised Code be amended to read as follows: 10

**Sec. 2925.01.** As used in this chapter: 11

(A) "Administer," "controlled substance," "dispense," 12  
"distribute," "hypodermic," "manufacturer," "official written 13  
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 14  
"schedule II," "schedule III," "schedule IV," "schedule V," and 15  
"wholesaler" have the same meanings as in section 3719.01 of the 16  
Revised Code. 17

(B) "Drug dependent person" and "drug of abuse" have the same 18

meanings as in section 3719.011 of the Revised Code. 19

(C) "Drug," "dangerous drug," "licensed health professional 20  
authorized to prescribe drugs," and "prescription" have the same 21  
meanings as in section 4729.01 of the Revised Code. 22

(D) "Bulk amount" of a controlled substance means any of the 23  
following: 24

(1) For any compound, mixture, preparation, or substance 25  
included in schedule I, schedule II, or schedule III, with the 26  
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 27  
except as provided in division (D)(2) or (5) of this section, 28  
whichever of the following is applicable: 29

(a) An amount equal to or exceeding ten grams or twenty-five 30  
unit doses of a compound, mixture, preparation, or substance that 31  
is or contains any amount of a schedule I opiate or opium 32  
derivative; 33

(b) An amount equal to or exceeding ten grams of a compound, 34  
mixture, preparation, or substance that is or contains any amount 35  
of raw or gum opium; 36

(c) An amount equal to or exceeding thirty grams or ten unit 37  
doses of a compound, mixture, preparation, or substance that is or 38  
contains any amount of a schedule I hallucinogen other than 39  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 40  
stimulant or depressant; 41

(d) An amount equal to or exceeding twenty grams or five 42  
times the maximum daily dose in the usual dose range specified in 43  
a standard pharmaceutical reference manual of a compound, mixture, 44  
preparation, or substance that is or contains any amount of a 45  
schedule II opiate or opium derivative; 46

(e) An amount equal to or exceeding five grams or ten unit 47  
doses of a compound, mixture, preparation, or substance that is or 48

contains any amount of phencyclidine; 49

(f) An amount equal to or exceeding one hundred twenty grams 50  
or thirty times the maximum daily dose in the usual dose range 51  
specified in a standard pharmaceutical reference manual of a 52  
compound, mixture, preparation, or substance that is or contains 53  
any amount of a schedule II stimulant that is in a final dosage 54  
form manufactured by a person authorized by the "Federal Food, 55  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 56  
amended, and the federal drug abuse control laws, as defined in 57  
section 3719.01 of the Revised Code, that is or contains any 58  
amount of a schedule II depressant substance or a schedule II 59  
hallucinogenic substance; 60

(g) An amount equal to or exceeding three grams of a 61  
compound, mixture, preparation, or substance that is or contains 62  
any amount of a schedule II stimulant, or any of its salts or 63  
isomers, that is not in a final dosage form manufactured by a 64  
person authorized by the Federal Food, Drug, and Cosmetic Act and 65  
the federal drug abuse control laws. 66

(2) An amount equal to or exceeding one hundred twenty grams 67  
or thirty times the maximum daily dose in the usual dose range 68  
specified in a standard pharmaceutical reference manual of a 69  
compound, mixture, preparation, or substance that is or contains 70  
any amount of a schedule III or IV substance other than an 71  
anabolic steroid or a schedule III opiate or opium derivative; 72

(3) An amount equal to or exceeding twenty grams or five 73  
times the maximum daily dose in the usual dose range specified in 74  
a standard pharmaceutical reference manual of a compound, mixture, 75  
preparation, or substance that is or contains any amount of a 76  
schedule III opiate or opium derivative; 77

(4) An amount equal to or exceeding two hundred fifty 78  
milliliters or two hundred fifty grams of a compound, mixture, 79

preparation, or substance that is or contains any amount of a 80  
schedule V substance; 81

(5) An amount equal to or exceeding two hundred solid dosage 82  
units, sixteen grams, or sixteen milliliters of a compound, 83  
mixture, preparation, or substance that is or contains any amount 84  
of a schedule III anabolic steroid. 85

(E) "Unit dose" means an amount or unit of a compound, 86  
mixture, or preparation containing a controlled substance that is 87  
separately identifiable and in a form that indicates that it is 88  
the amount or unit by which the controlled substance is separately 89  
administered to or taken by an individual. 90

(F) "Cultivate" includes planting, watering, fertilizing, or 91  
tilling. 92

(G) "Drug abuse offense" means any of the following: 93

(1) A violation of division (A) of section 2913.02 that 94  
constitutes theft of drugs, or a violation of section 2925.02, 95  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 96  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 97  
2925.37 of the Revised Code; 98

(2) A violation of an existing or former law of this or any 99  
other state or of the United States that is substantially 100  
equivalent to any section listed in division (G)(1) of this 101  
section; 102

(3) An offense under an existing or former law of this or any 103  
other state, or of the United States, of which planting, 104  
cultivating, harvesting, processing, making, manufacturing, 105  
producing, shipping, transporting, delivering, acquiring, 106  
possessing, storing, distributing, dispensing, selling, inducing 107  
another to use, administering to another, using, or otherwise 108  
dealing with a controlled substance is an element; 109

(4) A conspiracy to commit, attempt to commit, or complicity	110
in committing or attempting to commit any offense under division	111
(G)(1), (2), or (3) of this section.	112
(H) "Felony drug abuse offense" means any drug abuse offense	113
that would constitute a felony under the laws of this state, any	114
other state, or the United States.	115
(I) "Harmful intoxicant" does not include beer or	116
intoxicating liquor but means any of the following:	117
(1) Any compound, mixture, preparation, or substance the gas,	118
fumes, or vapor of which when inhaled can induce intoxication,	119
excitement, giddiness, irrational behavior, depression,	120
stupefaction, paralysis, unconsciousness, asphyxiation, or other	121
harmful physiological effects, and includes, but is not limited	122
to, any of the following:	123
(a) Any volatile organic solvent, plastic cement, model	124
cement, fingernail polish remover, lacquer thinner, cleaning	125
fluid, gasoline, or other preparation containing a volatile	126
organic solvent;	127
(b) Any aerosol propellant;	128
(c) Any fluorocarbon refrigerant;	129
(d) Any anesthetic gas.	130
(2) Gamma Butyrolactone;	131
(3) 1,4 Butanediol.	132
(J) "Manufacture" means to plant, cultivate, harvest,	133
process, make, prepare, or otherwise engage in any part of the	134
production of a drug, by propagation, extraction, chemical	135
synthesis, or compounding, or any combination of the same, and	136
includes packaging, repackaging, labeling, and other activities	137
incident to production.	138
(K) "Possess" or "possession" means having control over a	139

thing or substance, but may not be inferred solely from mere 140  
access to the thing or substance through ownership or occupation 141  
of the premises upon which the thing or substance is found. 142

(L) "Sample drug" means a drug or pharmaceutical preparation 143  
that would be hazardous to health or safety if used without the 144  
supervision of a licensed health professional authorized to 145  
prescribe drugs, or a drug of abuse, and that, at one time, had 146  
been placed in a container plainly marked as a sample by a 147  
manufacturer. 148

(M) "Standard pharmaceutical reference manual" means the 149  
current edition, with cumulative changes if any, of any of the 150  
following reference works: 151

(1) "The National Formulary"; 152

(2) "The United States Pharmacopeia," prepared by authority 153  
of the United States Pharmacopeial Convention, Inc.; 154

(3) Other standard references that are approved by the state 155  
board of pharmacy. 156

(N) "Juvenile" means a person under eighteen years of age. 157

(O) "Counterfeit controlled substance" means any of the 158  
following: 159

(1) Any drug that bears, or whose container or label bears, a 160  
trademark, trade name, or other identifying mark used without 161  
authorization of the owner of rights to that trademark, trade 162  
name, or identifying mark; 163

(2) Any unmarked or unlabeled substance that is represented 164  
to be a controlled substance manufactured, processed, packed, or 165  
distributed by a person other than the person that manufactured, 166  
processed, packed, or distributed it; 167

(3) Any substance that is represented to be a controlled 168  
substance but is not a controlled substance or is a different 169

controlled substance;	170
(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.	171 172 173 174 175
(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.	176 177 178 179 180 181 182
(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.	183 184 185 186 187 188 189
(R) "School premises" means either of the following:	190
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	191 192 193 194
(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the	195 196 197 198 199 200

instruction, extracurricular activities, or training of the school 201  
is conducted, whether or not any instruction, extracurricular 202  
activities, or training provided by the school is being conducted 203  
on the parcel of real property at the time a criminal offense is 204  
committed. 205

(S) "School building" means any building in which any of the 206  
instruction, extracurricular activities, or training provided by a 207  
school is conducted, whether or not any instruction, 208  
extracurricular activities, or training provided by the school is 209  
being conducted in the school building at the time a criminal 210  
offense is committed. 211

(T) "Disciplinary counsel" means the disciplinary counsel 212  
appointed by the board of commissioners on grievances and 213  
discipline of the supreme court under the Rules for the Government 214  
of the Bar of Ohio. 215

(U) "Certified grievance committee" means a duly constituted 216  
and organized committee of the Ohio state bar association or of 217  
one or more local bar associations of the state of Ohio that 218  
complies with the criteria set forth in Rule V, section 6 of the 219  
Rules for the Government of the Bar of Ohio. 220

(V) "Professional license" means any license, permit, 221  
certificate, registration, qualification, admission, temporary 222  
license, temporary permit, temporary certificate, or temporary 223  
registration that is described in divisions (W)(1) to (36) of this 224  
section and that qualifies a person as a professionally licensed 225  
person. 226

(W) "Professionally licensed person" means any of the 227  
following: 228

(1) A person who has obtained a license as a manufacturer of 229  
controlled substances or a wholesaler of controlled substances 230  
under Chapter 3719. of the Revised Code; 231



(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;	232 233 234 235
(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	236 237 238
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	239 240 241
(5) A person licensed under Chapter 4707. of the Revised Code;	242 243
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	244 245 246
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	247 248 249
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, managing cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	250 251 252 253 254 255 256 257 258 259
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching	260 261 262

license, a dental hygienist's license, or a dental hygienist's	263
teacher's certificate under Chapter 4715. of the Revised Code;	264
(10) A person who has been issued an embalmer's license, a	265
funeral director's license, a funeral home license, or a crematory	266
license, or who has been registered for an embalmer's or funeral	267
director's apprenticeship under Chapter 4717. of the Revised Code;	268
(11) A person who has been licensed as a registered nurse or	269
practical nurse, or who has been issued a certificate for the	270
practice of nurse-midwifery under Chapter 4723. of the Revised	271
Code;	272
(12) A person who has been licensed to practice optometry or	273
to engage in optical dispensing under Chapter 4725. of the Revised	274
Code;	275
(13) A person licensed to act as a pawnbroker under Chapter	276
4727. of the Revised Code;	277
(14) A person licensed to act as a precious metals dealer	278
under Chapter 4728. of the Revised Code;	279
(15) A person licensed as a pharmacist, a pharmacy intern, a	280
wholesale distributor of dangerous drugs, or a terminal	281
distributor of dangerous drugs under Chapter 4729. of the Revised	282
Code;	283
(16) A person who is authorized to practice as a physician	284
assistant under Chapter 4730. of the Revised Code;	285
(17) A person who has been issued a certificate to practice	286
medicine and surgery, osteopathic medicine and surgery, a limited	287
branch of medicine, or podiatry under Chapter 4731. of the Revised	288
Code;	289
(18) A person licensed as a psychologist or school	290
psychologist under Chapter 4732. of the Revised Code;	291
(19) A person registered to practice the profession of	292

engineering or surveying under Chapter 4733. of the Revised Code;	293
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	294 295
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	296 297
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	298 299
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	300 301
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	302 303
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	304 305
(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;	306 307 308 309
(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;	310 311 312
(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;	313 314 315
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	316 317 318
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	319 320 321

(31) A person issued a license as an occupational therapist	322
or physical therapist under Chapter 4755. of the Revised Code;	323
(32) A person who is licensed as a professional clinical	324
counselor or professional counselor, licensed as a social worker	325
or independent social worker, or registered as a social work	326
assistant under Chapter 4757. of the Revised Code;	327
(33) A person issued a license to practice dietetics under	328
Chapter 4759. of the Revised Code;	329
(34) A person who has been issued a license or limited permit	330
to practice respiratory therapy under Chapter 4761. of the Revised	331
Code;	332
(35) A person who has been issued a real estate appraiser	333
certificate under Chapter 4763. of the Revised Code;	334
(36) A person who has been admitted to the bar by order of	335
the supreme court in compliance with its prescribed and published	336
rules.	337
(X) "Cocaine" means any of the following:	338
(1) A cocaine salt, isomer, or derivative, a salt of a	339
cocaine isomer or derivative, or the base form of cocaine;	340
(2) Coca leaves or a salt, compound, derivative, or	341
preparation of coca leaves, including ecgonine, a salt, isomer, or	342
derivative of ecgonine, or a salt of an isomer or derivative of	343
ecgonine;	344
(3) A salt, compound, derivative, or preparation of a	345
substance identified in division (X)(1) or (2) of this section	346
that is chemically equivalent to or identical with any of those	347
substances, except that the substances shall not include	348
decocainized coca leaves or extraction of coca leaves if the	349
extractions do not contain cocaine or ecgonine.	350
(Y) "L.S.D." means lysergic acid diethylamide.	351

(Z) "Hashish" means the resin or a preparation of the resin 352  
contained in marihuana, whether in solid form or in a liquid 353  
concentrate, liquid extract, or liquid distillate form. 354

(AA) "Marihuana" has the same meaning as in section 3719.01 355  
of the Revised Code, except that it does not include hashish. 356

(BB) An offense is "committed in the vicinity of a juvenile" 357  
if the offender commits the offense within one hundred feet of a 358  
juvenile or within the view of a juvenile, regardless of whether 359  
the offender knows the age of the juvenile, whether the offender 360  
knows the offense is being committed within one hundred feet of or 361  
within view of the juvenile, or whether the juvenile actually 362  
views the commission of the offense. 363

(CC) "Presumption for a prison term" or "presumption that a 364  
prison term shall be imposed" means a presumption, as described in 365  
division (D) of section 2929.13 of the Revised Code, that a prison 366  
term is a necessary sanction for a felony in order to comply with 367  
the purposes and principles of sentencing under section 2929.11 of 368  
the Revised Code. 369

(DD) "Major drug offender" has the same meaning as in section 370  
2929.01 of the Revised Code. 371

(EE) "Minor drug possession offense" means either of the 372  
following: 373

(1) A violation of section 2925.11 of the Revised Code as it 374  
existed prior to July 1, 1996; 375

(2) A violation of section 2925.11 of the Revised Code as it 376  
exists on and after July 1, 1996, that is a misdemeanor or a 377  
felony of the fifth degree. 378

(FF) "Mandatory prison term" has the same meaning as in 379  
section 2929.01 of the Revised Code. 380

(GG) "Crack cocaine" means a compound, mixture, preparation, 381

or substance that is or contains any amount of cocaine that is 382  
analytically identified as the base form of cocaine or that is in 383  
a form that resembles rocks or pebbles generally intended for 384  
individual use. 385

(HH) "Adulterate" means to cause a drug to be adulterated as 386  
described in section 3715.63 of the Revised Code. 387

(II) "Public premises" means any hotel, restaurant, tavern, 388  
store, arena, hall, or other place of public accommodation, 389  
business, amusement, or resort. 390

(JJ) "Methamphetamine" means methamphetamine, any salt, 391  
isomer, or salt of an isomer of methamphetamine, or any compound, 392  
mixture, preparation, or substance containing methamphetamine or 393  
any salt, isomer, or salt of an isomer of methamphetamine. 394

(KK) "Lawful prescription" means a prescription that is 395  
issued by a licensed health care practitioner authorized to 396  
prescribe drugs, that is not altered or forged, and that was not 397  
obtained by means of deception, as defined in section 2913.01 of 398  
the Revised Code, or by theft in violation of section 2913.02 of 399  
the Revised Code. 400

**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, 401  
or use a controlled substance. 402

(B) This section does not apply to any of the following: 403

(1) Manufacturers, licensed health professionals authorized 404  
to prescribe drugs, pharmacists, owners of pharmacies, and other 405  
persons whose conduct was in accordance with Chapters 3719., 406  
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 407

(2) If the offense involves an anabolic steroid, any person 408  
who is conducting or participating in a research project involving 409  
the use of an anabolic steroid if the project has been approved by 410  
the United States food and drug administration; 411

(3) Any person who sells, offers for sale, prescribes, 412  
dispenses, or administers for livestock or other nonhuman species 413  
an anabolic steroid that is expressly intended for administration 414  
through implants to livestock or other nonhuman species and 415  
approved for that purpose under the "Federal Food, Drug, and 416  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 417  
and is sold, offered for sale, prescribed, dispensed, or 418  
administered for that purpose in accordance with that act; 419

(4) Any person who obtained the controlled substance pursuant 420  
to a lawful prescription issued by a licensed health professional 421  
authorized to prescribe drugs. 422

(C) Whoever violates division (A) of this section is guilty 423  
of one of the following: 424

(1) If the drug involved in the violation is a compound, 425  
mixture, preparation, or substance included in schedule I or II, 426  
with the exception of marihuana, cocaine, L.S.D., heroin, and 427  
hashish, whoever violates division (A) of this section is guilty 428  
of aggravated possession of drugs. The penalty for the offense 429  
shall be determined as follows: 430

(a) Except as otherwise provided in division (C)(1)(b), (c), 431  
(d), or (e) of this section, aggravated possession of drugs is a 432  
felony of the fifth degree, and division (B) of section 2929.13 of 433  
the Revised Code applies in determining whether to impose a prison 434  
term on the offender. 435

(b) If the amount of the drug involved equals or exceeds the 436  
bulk amount but is less than five times the bulk amount, 437  
aggravated possession of drugs is a felony of the third degree, 438  
and there is a presumption for a prison term for the offense. 439

(c) If the amount of the drug involved equals or exceeds five 440  
times the bulk amount but is less than fifty times the bulk 441  
amount, aggravated possession of drugs is a felony of the second 442

degree, and the court shall impose as a mandatory prison term one 443  
of the prison terms prescribed for a felony of the second degree. 444

(d) If the amount of the drug involved equals or exceeds 445  
fifty times the bulk amount but is less than one hundred times the 446  
bulk amount, aggravated possession of drugs is a felony of the 447  
first degree, and the court shall impose as a mandatory prison 448  
term one of the prison terms prescribed for a felony of the first 449  
degree. 450

(e) If the amount of the drug involved equals or exceeds one 451  
hundred times the bulk amount, aggravated possession of drugs is a 452  
felony of the first degree, the offender is a major drug offender, 453  
and the court shall impose as a mandatory prison term the maximum 454  
prison term prescribed for a felony of the first degree and may 455  
impose an additional mandatory prison term prescribed for a major 456  
drug offender under division (D)(3)(b) of section 2929.14 of the 457  
Revised Code. 458

(2) If the drug involved in the violation is a compound, 459  
mixture, preparation, or substance included in schedule III, IV, 460  
or V, whoever violates division (A) of this section is guilty of 461  
possession of drugs. The penalty for the offense shall be 462  
determined as follows: 463

(a) Except as otherwise provided in division (C)(2)(b), (c), 464  
or (d) of this section, possession of drugs is a misdemeanor of 465  
the third degree or, if the offender previously has been convicted 466  
of a drug abuse offense, a misdemeanor of the second degree. If 467  
the drug involved in the violation is an anabolic steroid included 468  
in schedule III and if the offense is a misdemeanor of the third 469  
degree under this division, in lieu of sentencing the offender to 470  
a term of imprisonment in a detention facility, the court may 471  
place the offender under a community control sanction, as defined 472  
in section 2929.01 of the Revised Code, that requires the offender 473  
to perform supervised community service work pursuant to division 474



(B) of section 2951.02 of the Revised Code. 475

(b) If the amount of the drug involved equals or exceeds the 476  
bulk amount but is less than five times the bulk amount, 477  
possession of drugs is a felony of the fourth degree, and division 478  
(C) of section 2929.13 of the Revised Code applies in determining 479  
whether to impose a prison term on the offender. 480

(c) If the amount of the drug involved equals or exceeds five 481  
times the bulk amount but is less than fifty times the bulk 482  
amount, possession of drugs is a felony of the third degree, and 483  
there is a presumption for a prison term for the offense. 484

(d) If the amount of the drug involved equals or exceeds 485  
fifty times the bulk amount, possession of drugs is a felony of 486  
the second degree, and the court shall impose upon the offender as 487  
a mandatory prison term one of the prison terms prescribed for a 488  
felony of the second degree. 489

(3) If the drug involved in the violation is marihuana or a 490  
compound, mixture, preparation, or substance containing marihuana 491  
other than hashish, whoever violates division (A) of this section 492  
is guilty of possession of marihuana. The penalty for the offense 493  
shall be determined as follows: 494

(a) Except as otherwise provided in division (C)(3)(b), (c), 495  
(d), (e), or (f) of this section, possession of marihuana is a 496  
minor misdemeanor. 497

(b) If the amount of the drug involved equals or exceeds one 498  
hundred grams but is less than two hundred grams, possession of 499  
marihuana is a misdemeanor of the fourth degree. 500

(c) If the amount of the drug involved equals or exceeds two 501  
hundred grams but is less than one thousand grams, possession of 502  
marihuana is a felony of the fifth degree, and division (B) of 503  
section 2929.13 of the Revised Code applies in determining whether 504  
to impose a prison term on the offender. 505

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

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

(f) If the amount of the drug involved equals or exceeds twenty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree.

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

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), or (f) of this section, possession of cocaine 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 five grams but is less than twenty-five grams of cocaine that is not crack cocaine or equals or exceeds one gram but is less than five grams of crack cocaine, possession of cocaine is a felony of the fourth degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds

twenty-five grams but is less than one hundred grams of cocaine 537  
that is not crack cocaine or equals or exceeds five grams but is 538  
less than ten grams of crack cocaine, possession of cocaine is a 539  
felony of the third degree, and the court shall impose as a 540  
mandatory prison term one of the prison terms prescribed for a 541  
felony of the third degree. 542

(d) If the amount of the drug involved equals or exceeds one 543  
hundred grams but is less than five hundred grams of cocaine that 544  
is not crack cocaine or equals or exceeds ten grams but is less 545  
than twenty-five grams of crack cocaine, possession of cocaine is 546  
a felony of the second degree, and the court shall impose as a 547  
mandatory prison term one of the prison terms prescribed for a 548  
felony of the second degree. 549

(e) If the amount of the drug involved equals or exceeds five 550  
hundred grams but is less than one thousand grams of cocaine that 551  
is not crack cocaine or equals or exceeds twenty-five grams but is 552  
less than one hundred grams of crack cocaine, possession of 553  
cocaine is a felony of the first degree, and the court shall 554  
impose as a mandatory prison term one of the prison terms 555  
prescribed for a felony of the first degree. 556

(f) If the amount of the drug involved equals or exceeds one 557  
thousand grams of cocaine that is not crack cocaine or equals or 558  
exceeds one hundred grams of crack cocaine, possession of cocaine 559  
is a felony of the first degree, the offender is a major drug 560  
offender, and the court shall impose as a mandatory prison term 561  
the maximum prison term prescribed for a felony of the first 562  
degree and may impose an additional mandatory prison term 563  
prescribed for a major drug offender under division (D)(3)(b) of 564  
section 2929.14 of the Revised Code. 565

(5) If the drug involved in the violation is L.S.D., whoever 566  
violates division (A) of this section is guilty of possession of 567  
L.S.D. The penalty for the offense shall be determined as follows: 568

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

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

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

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

(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate,

liquid extract, or liquid distillate form, possession of L.S.D. is 601  
a felony of the first degree, and the court shall impose as a 602  
mandatory prison term one of the prison terms prescribed for a 603  
felony of the first degree. 604

(f) If the amount of L.S.D. involved equals or exceeds five 605  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 606  
five hundred grams of L.S.D. in a liquid concentrate, liquid 607  
extract, or liquid distillate form, possession of L.S.D. is a 608  
felony of the first degree, the offender is a major drug offender, 609  
and the court shall impose as a mandatory prison term the maximum 610  
prison term prescribed for a felony of the first degree and may 611  
impose an additional mandatory prison term prescribed for a major 612  
drug offender under division (D)(3)(b) of section 2929.14 of the 613  
Revised Code. 614

(6) If the drug involved in the violation is heroin or a 615  
compound, mixture, preparation, or substance containing heroin, 616  
whoever violates division (A) of this section is guilty of 617  
possession of heroin. The penalty for the offense shall be 618  
determined as follows: 619

(a) Except as otherwise provided in division (C)(6)(b), (c), 620  
(d), (e), or (f) of this section, possession of heroin is a felony 621  
of the fifth degree, and division (B) of section 2929.13 of the 622  
Revised Code applies in determining whether to impose a prison 623  
term on the offender. 624

(b) If the amount of the drug involved equals or exceeds ten 625  
unit doses but is less than fifty unit doses or equals or exceeds 626  
one gram but is less than five grams, possession of heroin is a 627  
felony of the fourth degree, and division (C) of section 2929.13 628  
of the Revised Code applies in determining whether to impose a 629  
prison term on the offender. 630

(c) If the amount of the drug involved equals or exceeds 631

fifty unit doses but is less than one hundred unit doses or equals 632  
or exceeds five grams but is less than ten grams, possession of 633  
heroin is a felony of the third degree, and there is a presumption 634  
for a prison term for the offense. 635

(d) If the amount of the drug involved equals or exceeds one 636  
hundred unit doses but is less than five hundred unit doses or 637  
equals or exceeds ten grams but is less than fifty grams, 638  
possession of heroin is a felony of the second degree, and the 639  
court shall impose as a mandatory prison term one of the prison 640  
terms prescribed for a felony of the second degree. 641

(e) If the amount of the drug involved equals or exceeds five 642  
hundred unit doses but is less than two thousand five hundred unit 643  
doses or equals or exceeds fifty grams but is less than two 644  
hundred fifty grams, possession of heroin is a felony of the first 645  
degree, and the court shall impose as a mandatory prison term one 646  
of the prison terms prescribed for a felony of the first degree. 647

(f) If the amount of the drug involved equals or exceeds two 648  
thousand five hundred unit doses or equals or exceeds two hundred 649  
fifty grams, possession of heroin is a felony of the first degree, 650  
the offender is a major drug offender, and the court shall impose 651  
as a mandatory prison term the maximum prison term prescribed for 652  
a felony of the first degree and may impose an additional 653  
mandatory prison term prescribed for a major drug offender under 654  
division (D)(3)(b) of section 2929.14 of the Revised Code. 655

(7) If the drug involved in the violation is hashish or a 656  
compound, mixture, preparation, or substance containing hashish, 657  
whoever violates division (A) of this section is guilty of 658  
possession of hashish. The penalty for the offense shall be 659  
determined as follows: 660

(a) Except as otherwise provided in division (C)(7)(b), (c), 661  
(d), (e), or (f) of this section, possession of hashish is a minor 662

misdemeanor. 663

(b) If the amount of the drug involved equals or exceeds five 664  
grams but is less than ten grams of hashish in a solid form or 665  
equals or exceeds one gram but is less than two grams of hashish 666  
in a liquid concentrate, liquid extract, or liquid distillate 667  
form, possession of hashish is a misdemeanor of the fourth degree. 668

(c) If the amount of the drug involved equals or exceeds ten 669  
grams but is less than fifty grams of hashish in a solid form or 670  
equals or exceeds two grams but is less than ten grams of hashish 671  
in a liquid concentrate, liquid extract, or liquid distillate 672  
form, possession of hashish is a felony of the fifth degree, and 673  
division (B) of section 2929.13 of the Revised Code applies in 674  
determining whether to impose a prison term on the offender. 675

(d) If the amount of the drug involved equals or exceeds 676  
fifty grams but is less than two hundred fifty grams of hashish in 677  
a solid form or equals or exceeds ten grams but is less than fifty 678  
grams of hashish in a liquid concentrate, liquid extract, or 679  
liquid distillate form, possession of hashish is a felony of the 680  
third degree, and division (C) of section 2929.13 of the Revised 681  
Code applies in determining whether to impose a prison term on the 682  
offender. 683

(e) If the amount of the drug involved equals or exceeds two 684  
hundred fifty grams but is less than one thousand grams of hashish 685  
in a solid form or equals or exceeds fifty grams but is less than 686  
two hundred grams of hashish in a liquid concentrate, liquid 687  
extract, or liquid distillate form, possession of hashish is a 688  
felony of the third degree, and there is a presumption that a 689  
prison term shall be imposed for the offense. 690

(f) If the amount of the drug involved equals or exceeds one 691  
thousand grams of hashish in a solid form or equals or exceeds two 692  
hundred grams of hashish in a liquid concentrate, liquid extract, 693

or liquid distillate form, possession of hashish is a felony of 694  
the second degree, and the court shall impose as a mandatory 695  
prison term the maximum prison term prescribed for a felony of the 696  
second degree. 697

(D) Arrest or conviction for a minor misdemeanor violation of 698  
this section does not constitute a criminal record and need not be 699  
reported by the person so arrested or convicted in response to any 700  
inquiries about the person's criminal record, including any 701  
inquiries contained in any application for employment, license, or 702  
other right or privilege, or made in connection with the person's 703  
appearance as a witness. 704

(E) In addition to any prison term or jail term authorized or 705  
required by division (C) of this section and sections 2929.13, 706  
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 707  
addition to any other sanction that is imposed for the offense 708  
under this section, sections 2929.11 to 2929.18, or sections 709  
2929.21 to 2929.28 of the Revised Code, the court that sentences 710  
an offender who is convicted of or pleads guilty to a violation of 711  
division (A) of this section shall do all of the following that 712  
are applicable regarding the offender: 713

(1)(a) If the violation is a felony of the first, second, or 714  
third degree, the court shall impose upon the offender the 715  
mandatory fine specified for the offense under division (B)(1) of 716  
section 2929.18 of the Revised Code unless, as specified in that 717  
division, the court determines that the offender is indigent. 718

(b) Notwithstanding any contrary provision of section 3719.21 719  
of the Revised Code, the clerk of the court shall pay a mandatory 720  
fine or other fine imposed for a violation of this section 721  
pursuant to division (A) of section 2929.18 of the Revised Code in 722  
accordance with and subject to the requirements of division (F) of 723  
section 2925.03 of the Revised Code. The agency that receives the 724  
fine shall use the fine as specified in division (F) of section 725



2925.03 of the Revised Code. 726

(c) If a person is charged with a violation of this section 727  
that is a felony of the first, second, or third degree, posts 728  
bail, and forfeits the bail, the clerk shall pay the forfeited 729  
bail pursuant to division (E)(1)(b) of this section as if it were 730  
a mandatory fine imposed under division (E)(1)(a) of this section. 731

(2) The court shall suspend for not less than six months or 732  
more than five years the offender's driver's or commercial 733  
driver's license or permit. 734

(3) If the offender is a professionally licensed person, in 735  
addition to any other sanction imposed for a violation of this 736  
section, the court immediately shall comply with section 2925.38 737  
of the Revised Code. 738

(F) It is an affirmative defense, as provided in section 739  
2901.05 of the Revised Code, to a charge of a fourth degree felony 740  
violation under this section that the controlled substance that 741  
gave rise to the charge is in an amount, is in a form, is 742  
prepared, compounded, or mixed with substances that are not 743  
controlled substances in a manner, or is possessed under any other 744  
circumstances, that indicate that the substance was possessed 745  
solely for personal use. Notwithstanding any contrary provision of 746  
this section, if, in accordance with section 2901.05 of the 747  
Revised Code, an accused who is charged with a fourth degree 748  
felony violation of division (C)(2), (4), (5), or (6) of this 749  
section sustains the burden of going forward with evidence of and 750  
establishes by a preponderance of the evidence the affirmative 751  
defense described in this division, the accused may be prosecuted 752  
for and may plead guilty to or be convicted of a misdemeanor 753  
violation of division (C)(2) of this section or a fifth degree 754  
felony violation of division (C)(4), (5), or (6) of this section 755  
respectively. 756

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

**Sec. 2925.22.** (A) No person, by deception, as defined in section 2913.01 of the Revised Code, shall procure the administration of, a prescription for, or the dispensing of, a dangerous drug or shall possess an uncompleted preprinted prescription blank used for writing a prescription for a dangerous drug.

(B) Whoever violates this section is guilty of deception to obtain a dangerous drug. The penalty for the offense shall be determined as follows:

(1) If the drug involved is a dangerous drug, except as otherwise provided in division (B)(2) or (3) of this section, deception to obtain a dangerous drug is a misdemeanor of the second degree or, if the offender previously has been convicted of or pleaded guilty to a drug abuse offense, a misdemeanor of the first degree.

(2) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, the penalty for deception to obtain drugs is one of the following:

(a) Except as otherwise provided in division (B)(2)(b), (c), or (d) of this section, it 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 amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the

prescription would equal or exceed the bulk amount but would be 787  
less than five times the bulk amount, it is a felony of the third 788  
degree, and there is a presumption for a prison term for the 789  
offense. 790

(c) If the amount of the drug involved equals or exceeds five 791  
times the bulk amount but is less than fifty times the bulk 792  
amount, or if the amount of the drug involved that could be 793  
obtained pursuant to the prescription would equal or exceed five 794  
times the bulk amount but would be less than fifty times the bulk 795  
amount, it is a felony of the second degree, and there is a 796  
presumption for a prison term for the offense. 797

(d) If the amount of the drug involved equals or exceeds 798  
fifty times the bulk amount, or if the amount of the drug involved 799  
that could be obtained pursuant to the prescription would equal or 800  
exceed fifty times the bulk amount, it is a felony of the first 801  
degree, and there is a presumption for a prison term for the 802  
offense. 803

~~(2)~~(3) If the drug involved is a ~~dangerous drug or a~~ 804  
compound, mixture, preparation, or substance included in schedule 805  
III, IV, or V or is marihuana, the penalty for deception to obtain 806  
a dangerous drug is one of the following: 807

(a) Except as otherwise provided in division (B)(3)(b), (c), 808  
or (d) of this section it is a felony of the fifth degree, and 809  
division (C) of section 2929.13 of the Revised Code applies in 810  
determining whether to impose a prison term on the offender. 811

(b) If the amount of the drug involved equals or exceeds the 812  
bulk amount but is less than five times the bulk amount, or if the 813  
amount of the drug involved that could be obtained pursuant to the 814  
prescription would equal or exceed the bulk amount but would be 815  
less than five times the bulk amount, it is a felony of the fourth 816  
degree, and division (C) of section 2929.13 of the Revised Code 817

applies in determining whether to impose a prison term on the 818  
offender. 819

(c) If the amount of the drug involved equals or exceeds five 820  
times the bulk amount but is less than fifty times the bulk 821  
amount, or if the amount of the drug involved that could be 822  
obtained pursuant to the prescription would equal or exceed five 823  
times the bulk amount but would be less than fifty times the bulk 824  
amount, it is a felony of the third degree, and there is a 825  
presumption for a prison term for the offense. 826

(d) If the amount of the drug involved equals or exceeds 827  
fifty times the bulk amount, or if the amount of the drug involved 828  
that could be obtained pursuant to the prescription would equal or 829  
exceed fifty times the bulk amount, it is a felony of the second 830  
degree, and there is a presumption for a prison term for the 831  
offense. 832

(C) In addition to any prison term authorized or required by 833  
division (B) of this section and sections 2929.13 and 2929.14 of 834  
the Revised Code and in addition to any other sanction imposed for 835  
the offense under this section or sections 2929.11 to 2929.18 of 836  
the Revised Code, the court that sentences an offender who is 837  
convicted of or pleads guilty to a violation of division (A) of 838  
this section shall do both of the following: 839

(1) The court shall suspend for not less than six months or 840  
more than five years the offender's driver's or commercial 841  
driver's license or permit. 842

(2) If the offender is a professionally licensed person, in 843  
addition to any other sanction imposed for a violation of this 844  
section, the court immediately shall comply with section 2925.38 845  
of the Revised Code. 846

(D) Notwithstanding any contrary provision of section 3719.21 847  
of the Revised Code, the clerk of the court shall pay a fine 848

imposed for a violation of this section pursuant to division (A) 849  
of section 2929.18 of the Revised Code in accordance with and 850  
subject to the requirements of division (F) of section 2925.03 of 851  
the Revised Code. The agency that receives the fine shall use the 852  
fine as specified in division (F) of section 2925.03 of the 853  
Revised Code. 854

**Section 2.** That existing sections 2925.01, 2925.11, and 855  
2925.22 of the Revised Code are hereby repealed. 856