

As Reported by the House Criminal Justice Committee

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Sub. H. B. No. 195

Representative Core

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

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A B I L L

To amend sections 2925.01, 2925.03, 2925.11, and 1
2925.22 of 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, to modify the penalty for 6
"deception to obtain a dangerous drug" and 7
"possession of drugs" under specified 8
circumstances, and to modify an element of the 9
trafficking in drugs offenses. 10

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

Section 1. That sections 2925.01, 2925.03, 2925.11, and 11
2925.22 of the Revised Code be amended to read as follows: 12

Sec. 2925.01. As used in this chapter: 13

(A) "Administer," "controlled substance," "dispense," 14
"distribute," "hypodermic," "manufacturer," "official written 15
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 16
"schedule II," "schedule III," "schedule IV," "schedule V," and 17
"wholesaler" have the same meanings as in section 3719.01 of the 18

Revised Code.	19
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	20 21
(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.	22 23 24
(D) "Bulk amount" of a controlled substance means any of the following:	25 26
(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:	27 28 29 30 31
(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;	32 33 34 35
(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;	36 37 38
(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;	39 40 41 42 43
(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;	44 45 46 47 48

(e) An amount equal to or exceeding five grams or ten unit 49
doses of a compound, mixture, preparation, or substance that is or 50
contains any amount of phencyclidine; 51

(f) An amount equal to or exceeding one hundred twenty grams 52
or thirty times the maximum daily dose in the usual dose range 53
specified in a standard pharmaceutical reference manual of a 54
compound, mixture, preparation, or substance that is or contains 55
any amount of a schedule II stimulant that is in a final dosage 56
form manufactured by a person authorized by the "Federal Food, 57
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 58
amended, and the federal drug abuse control laws, as defined in 59
section 3719.01 of the Revised Code, that is or contains any 60
amount of a schedule II depressant substance or a schedule II 61
hallucinogenic substance; 62

(g) An amount equal to or exceeding three grams of a 63
compound, mixture, preparation, or substance that is or contains 64
any amount of a schedule II stimulant, or any of its salts or 65
isomers, that is not in a final dosage form manufactured by a 66
person authorized by the Federal Food, Drug, and Cosmetic Act and 67
the federal drug abuse control laws. 68

(2) An amount equal to or exceeding one hundred twenty grams 69
or thirty times the maximum daily dose in the usual dose range 70
specified in a standard pharmaceutical reference manual of a 71
compound, mixture, preparation, or substance that is or contains 72
any amount of a schedule III or IV substance other than an 73
anabolic steroid or a schedule III opiate or opium derivative; 74

(3) An amount equal to or exceeding twenty grams or five 75
times the maximum daily dose in the usual dose range specified in 76
a standard pharmaceutical reference manual of a compound, mixture, 77
preparation, or substance that is or contains any amount of a 78
schedule III opiate or opium derivative; 79

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

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

(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;	111
(4) A conspiracy to commit, attempt to commit, or complicity	112
in committing or attempting to commit any offense under division	113
(G)(1), (2), or (3) of this section.	114
(H) "Felony drug abuse offense" means any drug abuse offense	115
that would constitute a felony under the laws of this state, any	116
other state, or the United States.	117
(I) "Harmful intoxicant" does not include beer or	118
intoxicating liquor but means any of the following:	119
(1) Any compound, mixture, preparation, or substance the gas,	120
fumes, or vapor of which when inhaled can induce intoxication,	121
excitement, giddiness, irrational behavior, depression,	122
stupefaction, paralysis, unconsciousness, asphyxiation, or other	123
harmful physiological effects, and includes, but is not limited	124
to, any of the following:	125
(a) Any volatile organic solvent, plastic cement, model	126
cement, fingernail polish remover, lacquer thinner, cleaning	127
fluid, gasoline, or other preparation containing a volatile	128
organic solvent;	129
(b) Any aerosol propellant;	130
(c) Any fluorocarbon refrigerant;	131
(d) Any anesthetic gas.	132
(2) Gamma Butyrolactone;	133
(3) 1,4 Butanediol.	134
(J) "Manufacture" means to plant, cultivate, harvest,	135
process, make, prepare, or otherwise engage in any part of the	136
production of a drug, by propagation, extraction, chemical	137
synthesis, or compounding, or any combination of the same, and	138
includes packaging, repackaging, labeling, and other activities	139
incident to production.	140

(K) "Possess" or "possession" means having control over a 141
thing or substance, but may not be inferred solely from mere 142
access to the thing or substance through ownership or occupation 143
of the premises upon which the thing or substance is found. 144

(L) "Sample drug" means a drug or pharmaceutical preparation 145
that would be hazardous to health or safety if used without the 146
supervision of a licensed health professional authorized to 147
prescribe drugs, or a drug of abuse, and that, at one time, had 148
been placed in a container plainly marked as a sample by a 149
manufacturer. 150

(M) "Standard pharmaceutical reference manual" means the 151
current edition, with cumulative changes if any, of any of the 152
following reference works: 153

(1) "The National Formulary"; 154

(2) "The United States Pharmacopeia," prepared by authority 155
of the United States Pharmacopeial Convention, Inc.; 156

(3) Other standard references that are approved by the state 157
board of pharmacy. 158

(N) "Juvenile" means a person under eighteen years of age. 159

(O) "Counterfeit controlled substance" means any of the 160
following: 161

(1) Any drug that bears, or whose container or label bears, a 162
trademark, trade name, or other identifying mark used without 163
authorization of the owner of rights to that trademark, trade 164
name, or identifying mark; 165

(2) Any unmarked or unlabeled substance that is represented 166
to be a controlled substance manufactured, processed, packed, or 167
distributed by a person other than the person that manufactured, 168
processed, packed, or distributed it; 169

(3) Any substance that is represented to be a controlled 170

substance but is not a controlled substance or is a different 171
controlled substance; 172

(4) Any substance other than a controlled substance that a 173
reasonable person would believe to be a controlled substance 174
because of its similarity in shape, size, and color, or its 175
markings, labeling, packaging, distribution, or the price for 176
which it is sold or offered for sale. 177

(P) An offense is "committed in the vicinity of a school" if 178
the offender commits the offense on school premises, in a school 179
building, or within one thousand feet of the boundaries of any 180
school premises, regardless of whether the offender knows the 181
offense is being committed on school premises, in a school 182
building, or within one thousand feet of the boundaries of any 183
school premises. 184

(Q) "School" means any school operated by a board of 185
education, any community school established under Chapter 3314. of 186
the Revised Code, or any nonpublic school for which the state 187
board of education prescribes minimum standards under section 188
3301.07 of the Revised Code, whether or not any instruction, 189
extracurricular activities, or training provided by the school is 190
being conducted at the time a criminal offense is committed. 191

(R) "School premises" means either of the following: 192

(1) The parcel of real property on which any school is 193
situated, whether or not any instruction, extracurricular 194
activities, or training provided by the school is being conducted 195
on the premises at the time a criminal offense is committed; 196

(2) Any other parcel of real property that is owned or leased 197
by a board of education of a school, the governing authority of a 198
community school established under Chapter 3314. of the Revised 199
Code, or the governing body of a nonpublic school for which the 200
state board of education prescribes minimum standards under 201

section 3301.07 of the Revised Code and on which some of the 202
instruction, extracurricular activities, or training of the school 203
is conducted, whether or not any instruction, extracurricular 204
activities, or training provided by the school is being conducted 205
on the parcel of real property at the time a criminal offense is 206
committed. 207

(S) "School building" means any building in which any of the 208
instruction, extracurricular activities, or training provided by a 209
school is conducted, whether or not any instruction, 210
extracurricular activities, or training provided by the school is 211
being conducted in the school building at the time a criminal 212
offense is committed. 213

(T) "Disciplinary counsel" means the disciplinary counsel 214
appointed by the board of commissioners on grievances and 215
discipline of the supreme court under the Rules for the Government 216
of the Bar of Ohio. 217

(U) "Certified grievance committee" means a duly constituted 218
and organized committee of the Ohio state bar association or of 219
one or more local bar associations of the state of Ohio that 220
complies with the criteria set forth in Rule V, section 6 of the 221
Rules for the Government of the Bar of Ohio. 222

(V) "Professional license" means any license, permit, 223
certificate, registration, qualification, admission, temporary 224
license, temporary permit, temporary certificate, or temporary 225
registration that is described in divisions (W)(1) to (36) of this 226
section and that qualifies a person as a professionally licensed 227
person. 228

(W) "Professionally licensed person" means any of the 229
following: 230

(1) A person who has obtained a license as a manufacturer of 231
controlled substances or a wholesaler of controlled substances 232

under Chapter 3719. of the Revised Code;	233
(2) A person who has received a certificate or temporary	234
certificate as a certified public accountant or who has registered	235
as a public accountant under Chapter 4701. of the Revised Code and	236
who holds an Ohio permit issued under that chapter;	237
(3) A person who holds a certificate of qualification to	238
practice architecture issued or renewed and registered under	239
Chapter 4703. of the Revised Code;	240
(4) A person who is registered as a landscape architect under	241
Chapter 4703. of the Revised Code or who holds a permit as a	242
landscape architect issued under that chapter;	243
(5) A person licensed under Chapter 4707. of the Revised	244
Code;	245
(6) A person who has been issued a certificate of	246
registration as a registered barber under Chapter 4709. of the	247
Revised Code;	248
(7) A person licensed and regulated to engage in the business	249
of a debt pooling company by a legislative authority, under	250
authority of Chapter 4710. of the Revised Code;	251
(8) A person who has been issued a cosmetologist's license,	252
hair designer's license, manicurist's license, esthetician's	253
license, natural hair stylist's license, managing cosmetologist's	254
license, managing hair designer's license, managing manicurist's	255
license, managing esthetician's license, managing natural hair	256
stylist's license, cosmetology instructor's license, hair design	257
instructor's license, manicurist instructor's license, esthetics	258
instructor's license, natural hair style instructor's license,	259
independent contractor's license, or tanning facility permit under	260
Chapter 4713. of the Revised Code;	261
(9) A person who has been issued a license to practice	262

dentistry, a general anesthesia permit, a conscious intravenous 263
sedation permit, a limited resident's license, a limited teaching 264
license, a dental hygienist's license, or a dental hygienist's 265
teacher's certificate under Chapter 4715. of the Revised Code; 266

(10) A person who has been issued an embalmer's license, a 267
funeral director's license, a funeral home license, or a crematory 268
license, or who has been registered for an embalmer's or funeral 269
director's apprenticeship under Chapter 4717. of the Revised Code; 270

(11) A person who has been licensed as a registered nurse or 271
practical nurse, or who has been issued a certificate for the 272
practice of nurse-midwifery under Chapter 4723. of the Revised 273
Code; 274

(12) A person who has been licensed to practice optometry or 275
to engage in optical dispensing under Chapter 4725. of the Revised 276
Code; 277

(13) A person licensed to act as a pawnbroker under Chapter 278
4727. of the Revised Code; 279

(14) A person licensed to act as a precious metals dealer 280
under Chapter 4728. of the Revised Code; 281

(15) A person licensed as a pharmacist, a pharmacy intern, a 282
wholesale distributor of dangerous drugs, or a terminal 283
distributor of dangerous drugs under Chapter 4729. of the Revised 284
Code; 285

(16) A person who is authorized to practice as a physician 286
assistant under Chapter 4730. of the Revised Code; 287

(17) A person who has been issued a certificate to practice 288
medicine and surgery, osteopathic medicine and surgery, a limited 289
branch of medicine, or podiatry under Chapter 4731. of the Revised 290
Code; 291

(18) A person licensed as a psychologist or school 292

psychologist under Chapter 4732. of the Revised Code;	293
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	294 295
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	296 297
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	298 299
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	300 301
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	302 303
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	304 305
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	306 307
(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;	308 309 310 311
(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;	312 313 314
(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;	315 316 317
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	318 319 320
(30) A person licensed to practice as a speech-language	321

pathologist or audiologist under Chapter 4753. of the Revised Code;	322 323
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	324 325
(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;	326 327 328 329
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	330 331
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	332 333 334
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	335 336
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	337 338 339
(X) "Cocaine" means any of the following:	340
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	341 342
(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;	343 344 345 346
(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	347 348 349 350 351

extractions do not contain cocaine or ecgonine.	352
(Y) "L.S.D." means lysergic acid diethylamide.	353
(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.	354 355 356
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	357 358
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	359 360 361 362 363 364 365
(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.	366 367 368 369 370 371
(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.	372 373
(EE) "Minor drug possession offense" means either of the following:	374 375
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	376 377
(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.	378 379 380
(FF) "Mandatory prison term" has the same meaning as in	381

section 2929.01 of the Revised Code. 382

(GG) "Crack cocaine" means a compound, mixture, preparation, 383
or substance that is or contains any amount of cocaine that is 384
analytically identified as the base form of cocaine or that is in 385
a form that resembles rocks or pebbles generally intended for 386
individual use. 387

(HH) "Adulterate" means to cause a drug to be adulterated as 388
described in section 3715.63 of the Revised Code. 389

(II) "Public premises" means any hotel, restaurant, tavern, 390
store, arena, hall, or other place of public accommodation, 391
business, amusement, or resort. 392

(JJ) "Methamphetamine" means methamphetamine, any salt, 393
isomer, or salt of an isomer of methamphetamine, or any compound, 394
mixture, preparation, or substance containing methamphetamine or 395
any salt, isomer, or salt of an isomer of methamphetamine. 396

(KK) "Lawful prescription" means a prescription that is 397
issued for a legitimate medical purpose by a licensed health 398
professional authorized to prescribe drugs, that is not altered or 399
forged, and that was not obtained by means of deception or by the 400
commission of any theft offense. 401

(LL) "Deception" and "theft offense" have the same meanings 402
as in section 2913.01 of the Revised Code. 403

Sec. 2925.03. (A) No person shall knowingly do any of the 404
following: 405

(1) Sell or offer to sell a controlled substance; 406

(2) Prepare for shipment, ship, transport, deliver, prepare 407
for distribution, or distribute a controlled substance, when the 408
offender knows or has reasonable cause to believe that the 409
controlled substance is intended for sale or resale by the 410
offender or another person. 411

(B) This section does not apply to any of the following: 412

(1) Manufacturers, licensed health professionals authorized 413
to prescribe drugs, pharmacists, owners of pharmacies, and other 414
persons whose conduct is in accordance with Chapters 3719., 4715., 415
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 416

(2) If the offense involves an anabolic steroid, any person 417
who is conducting or participating in a research project involving 418
the use of an anabolic steroid if the project has been approved by 419
the United States food and drug administration; 420

(3) Any person who sells, offers for sale, prescribes, 421
dispenses, or administers for livestock or other nonhuman species 422
an anabolic steroid that is expressly intended for administration 423
through implants to livestock or other nonhuman species and 424
approved for that purpose under the "Federal Food, Drug, and 425
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 426
and is sold, offered for sale, prescribed, dispensed, or 427
administered for that purpose in accordance with that act. 428

(C) Whoever violates division (A) of this section is guilty 429
of one of the following: 430

(1) If the drug involved in the violation is any compound, 431
mixture, preparation, or substance included in schedule I or 432
schedule II, with the exception of marihuana, cocaine, L.S.D., 433
heroin, and hashish, whoever violates division (A) of this section 434
is guilty of aggravated trafficking in drugs. The penalty for the 435
offense shall be determined as follows: 436

(a) Except as otherwise provided in division (C)(1)(b), (c), 437
(d), (e), or (f) of this section, aggravated trafficking in drugs 438
is a felony of the fourth degree, and division (C) of section 439
2929.13 of the Revised Code applies in determining whether to 440
impose a prison term on the offender. 441

(b) Except as otherwise provided in division (C)(1)(c), (d), 442

(e), or (f) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs 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.

(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 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 or in the vicinity of a juvenile, aggravated trafficking in drugs 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.

(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 one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(e) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree,

and the court shall impose as a mandatory prison term one of the 475
prison terms prescribed for a felony of the first degree. 476

(f) If the amount of the drug involved equals or exceeds one 477
hundred times the bulk amount and regardless of whether the 478
offense was committed in the vicinity of a school or in the 479
vicinity of a juvenile, aggravated trafficking in drugs is a 480
felony of the first degree, the offender is a major drug offender, 481
and the court shall impose as a mandatory prison term the maximum 482
prison term prescribed for a felony of the first degree and may 483
impose an additional prison term prescribed for a major drug 484
offender under division (D)(3)(b) of section 2929.14 of the 485
Revised Code. 486

(2) If the drug involved in the violation is any compound, 487
mixture, preparation, or substance included in schedule III, IV, 488
or V, whoever violates division (A) of this section is guilty of 489
trafficking in drugs. The penalty for the offense shall be 490
determined as follows: 491

(a) Except as otherwise provided in division (C)(2)(b), (c), 492
(d), or (e) of this section, trafficking in drugs is a felony of 493
the fifth degree, and division (C) of section 2929.13 of the 494
Revised Code applies in determining whether to impose a prison 495
term on the offender. 496

(b) Except as otherwise provided in division (C)(2)(c), (d), 497
or (e) of this section, if the offense was committed in the 498
vicinity of a school or in the vicinity of a juvenile, trafficking 499
in drugs is a felony of the fourth degree, and division (C) of 500
section 2929.13 of the Revised Code applies in determining whether 501
to impose a prison term on the offender. 502

(c) Except as otherwise provided in this division, if the 503
amount of the drug involved equals or exceeds the bulk amount but 504
is less than five times the bulk amount, trafficking in drugs is a 505

felony of the fourth degree, and there is a presumption for a 506
prison term for the offense. If the amount of the drug involved is 507
within that range and if the offense was committed in the vicinity 508
of a school or in the vicinity of a juvenile, trafficking in drugs 509
is a felony of the third degree, and there is a presumption for a 510
prison term for the offense. 511

(d) Except as otherwise provided in this division, if the 512
amount of the drug involved equals or exceeds five times the bulk 513
amount but is less than fifty times the bulk amount, trafficking 514
in drugs is a felony of the third degree, and there is a 515
presumption for a prison term for the offense. If the amount of 516
the drug involved is within that range and if the offense was 517
committed in the vicinity of a school or in the vicinity of a 518
juvenile, trafficking in drugs is a felony of the second degree, 519
and there is a presumption for a prison term for the offense. 520

(e) Except as otherwise provided in this division, if the 521
amount of the drug involved equals or exceeds fifty times the bulk 522
amount, trafficking in drugs is a felony of the second degree, and 523
the court shall impose as a mandatory prison term one of the 524
prison terms prescribed for a felony of the second degree. If the 525
amount of the drug involved equals or exceeds fifty times the bulk 526
amount and if the offense was committed in the vicinity of a 527
school or in the vicinity of a juvenile, trafficking in drugs is a 528
felony of the first degree, and the court shall impose as a 529
mandatory prison term one of the prison terms prescribed for a 530
felony of the first degree. 531

(3) If the drug involved in the violation is marihuana or a 532
compound, mixture, preparation, or substance containing marihuana 533
other than hashish, whoever violates division (A) of this section 534
is guilty of trafficking in marihuana. The penalty for the offense 535
shall be determined as follows: 536

(a) Except as otherwise provided in division (C)(3)(b), (c), 537

(d), (e), (f), or (g) of this section, trafficking in marihuana is 538
a felony of the fifth degree, and division (C) of section 2929.13 539
of the Revised Code applies in determining whether to impose a 540
prison term on the offender. 541

(b) Except as otherwise provided in division (C)(3)(c), (d), 542
(e), (f), or (g) of this section, if the offense was committed in 543
the vicinity of a school or in the vicinity of a juvenile, 544
trafficking in marihuana is a felony of the fourth degree, and 545
division (C) of section 2929.13 of the Revised Code applies in 546
determining whether to impose a prison term on the offender. 547

(c) Except as otherwise provided in this division, if the 548
amount of the drug involved equals or exceeds two hundred grams 549
but is less than one thousand grams, trafficking in marihuana is a 550
felony of the fourth degree, and division (C) of section 2929.13 551
of the Revised Code applies in determining whether to impose a 552
prison term on the offender. If the amount of the drug involved is 553
within that range and if the offense was committed in the vicinity 554
of a school or in the vicinity of a juvenile, trafficking in 555
marihuana is a felony of the third degree, and division (C) of 556
section 2929.13 of the Revised Code applies in determining whether 557
to impose a prison term on the offender. 558

(d) Except as otherwise provided in this division, if the 559
amount of the drug involved equals or exceeds one thousand grams 560
but is less than five thousand grams, trafficking in marihuana is 561
a felony of the third degree, and division (C) of section 2929.13 562
of the Revised Code applies in determining whether to impose a 563
prison term on the offender. If the amount of the drug involved is 564
within that range and if the offense was committed in the vicinity 565
of a school or in the vicinity of a juvenile, trafficking in 566
marihuana is a felony of the second degree, and there is a 567
presumption that a prison term shall be imposed for the offense. 568

(e) Except as otherwise provided in this division, if the 569

amount of the drug involved equals or exceeds five thousand grams 570
but is less than twenty thousand grams, trafficking in marihuana 571
is a felony of the third degree, and there is a presumption that a 572
prison term shall be imposed for the offense. If the amount of the 573
drug involved is within that range and if the offense was 574
committed in the vicinity of a school or in the vicinity of a 575
juvenile, trafficking in marihuana is a felony of the second 576
degree, and there is a presumption that a prison term shall be 577
imposed for the offense. 578

(f) Except as otherwise provided in this division, if the 579
amount of the drug involved equals or exceeds twenty thousand 580
grams, trafficking in marihuana is a felony of the second degree, 581
and the court shall impose as a mandatory prison term the maximum 582
prison term prescribed for a felony of the second degree. If the 583
amount of the drug involved equals or exceeds twenty thousand 584
grams and if the offense was committed in the vicinity of a school 585
or in the vicinity of a juvenile, trafficking in marihuana is a 586
felony of the first degree, and the court shall impose as a 587
mandatory prison term the maximum prison term prescribed for a 588
felony of the first degree. 589

(g) Except as otherwise provided in this division, if the 590
offense involves a gift of twenty grams or less of marihuana, 591
trafficking in marihuana is a minor misdemeanor upon a first 592
offense and a misdemeanor of the third degree upon a subsequent 593
offense. If the offense involves a gift of twenty grams or less of 594
marihuana and if the offense was committed in the vicinity of a 595
school or in the vicinity of a juvenile, trafficking in marihuana 596
is a misdemeanor of the third degree. 597

(4) If the drug involved in the violation is cocaine or a 598
compound, mixture, preparation, or substance containing cocaine, 599
whoever violates division (A) of this section is guilty of 600
trafficking in cocaine. The penalty for the offense shall be 601

determined as follows: 602

(a) Except as otherwise provided in division (C)(4)(b), (c), 603
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 604
felony of the fifth degree, and division (C) of section 2929.13 of 605
the Revised Code applies in determining whether to impose a prison 606
term on the offender. 607

(b) Except as otherwise provided in division (C)(4)(c), (d), 608
(e), (f), or (g) of this section, if the offense was committed in 609
the vicinity of a school or in the vicinity of a juvenile, 610
trafficking in cocaine is a felony of the fourth degree, and 611
division (C) of section 2929.13 of the Revised Code applies in 612
determining whether to impose a prison term on the offender. 613

(c) Except as otherwise provided in this division, if the 614
amount of the drug involved equals or exceeds five grams but is 615
less than ten grams of cocaine that is not crack cocaine or equals 616
or exceeds one gram but is less than five grams of crack cocaine, 617
trafficking in cocaine is a felony of the fourth degree, and there 618
is a presumption for a prison term for the offense. If the amount 619
of the drug involved is within one of those ranges and if the 620
offense was committed in the vicinity of a school or in the 621
vicinity of a juvenile, trafficking in cocaine is a felony of the 622
third degree, and there is a presumption for a prison term for the 623
offense. 624

(d) Except as otherwise provided in this division, if the 625
amount of the drug involved equals or exceeds ten grams but is 626
less than one hundred grams of cocaine that is not crack cocaine 627
or equals or exceeds five grams but is less than ten grams of 628
crack cocaine, trafficking in cocaine is a felony of the third 629
degree, and the court shall impose as a mandatory prison term one 630
of the prison terms prescribed for a felony of the third degree. 631
If the amount of the drug involved is within one of those ranges 632
and if the offense was committed in the vicinity of a school or in 633

the vicinity of a juvenile, trafficking in cocaine is a felony of 634
the second degree, and the court shall impose as a mandatory 635
prison term one of the prison terms prescribed for a felony of the 636
second degree. 637

(e) Except as otherwise provided in this division, if the 638
amount of the drug involved equals or exceeds one hundred grams 639
but is less than five hundred grams of cocaine that is not crack 640
cocaine or equals or exceeds ten grams but is less than 641
twenty-five grams of crack cocaine, trafficking in cocaine is a 642
felony of the second degree, and the court shall impose as a 643
mandatory prison term one of the prison terms prescribed for a 644
felony of the second degree. If the amount of the drug involved is 645
within one of those ranges and if the offense was committed in the 646
vicinity of a school or in the vicinity of a juvenile, trafficking 647
in cocaine is a felony of the first degree, and the court shall 648
impose as a mandatory prison term one of the prison terms 649
prescribed for a felony of the first degree. 650

(f) If the amount of the drug involved equals or exceeds five 651
hundred grams but is less than one thousand grams of cocaine that 652
is not crack cocaine or equals or exceeds twenty-five grams but is 653
less than one hundred grams of crack cocaine and regardless of 654
whether the offense was committed in the vicinity of a school or 655
in the vicinity of a juvenile, trafficking in cocaine is a felony 656
of the first degree, and the court shall impose as a mandatory 657
prison term one of the prison terms prescribed for a felony of the 658
first degree. 659

(g) If the amount of the drug involved equals or exceeds one 660
thousand grams of cocaine that is not crack cocaine or equals or 661
exceeds one hundred grams of crack cocaine and regardless of 662
whether the offense was committed in the vicinity of a school or 663
in the vicinity of a juvenile, trafficking in cocaine is a felony 664
of the first degree, the offender is a major drug offender, and 665

the court shall impose as a mandatory prison term the maximum 666
prison term prescribed for a felony of the first degree and may 667
impose an additional mandatory prison term prescribed for a major 668
drug offender under division (D)(3)(b) of section 2929.14 of the 669
Revised Code. 670

(5) If the drug involved in the violation is L.S.D. or a 671
compound, mixture, preparation, or substance containing L.S.D., 672
whoever violates division (A) of this section is guilty of 673
trafficking in L.S.D. The penalty for the offense shall be 674
determined as follows: 675

(a) Except as otherwise provided in division (C)(5)(b), (c), 676
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 677
felony of the fifth degree, and division (C) of section 2929.13 of 678
the Revised Code applies in determining whether to impose a prison 679
term on the offender. 680

(b) Except as otherwise provided in division (C)(5)(c), (d), 681
(e), (f), or (g) of this section, if the offense was committed in 682
the vicinity of a school or in the vicinity of a juvenile, 683
trafficking in L.S.D. is a felony of the fourth degree, and 684
division (C) of section 2929.13 of the Revised Code applies in 685
determining whether to impose a prison term on the offender. 686

(c) Except as otherwise provided in this division, if the 687
amount of the drug involved equals or exceeds ten unit doses but 688
is less than fifty unit doses of L.S.D. in a solid form or equals 689
or exceeds one gram but is less than five grams of L.S.D. in a 690
liquid concentrate, liquid extract, or liquid distillate form, 691
trafficking in L.S.D. is a felony of the fourth degree, and there 692
is a presumption for a prison term for the offense. If the amount 693
of the drug involved is within that range and if the offense was 694
committed in the vicinity of a school or in the vicinity of a 695
juvenile, trafficking in L.S.D. is a felony of the third degree, 696
and there is a presumption for a prison term for the offense. 697

(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 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, trafficking in L.S.D. is a felony of the third degree, and 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 or in the vicinity of a juvenile, trafficking in 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) Except as otherwise provided in this division, if the amount of the drug 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, trafficking in 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. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug 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 and regardless of 730
whether the offense was committed in the vicinity of a school or 731
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 732
of the first degree, and the court shall impose as a mandatory 733
prison term one of the prison terms prescribed for a felony of the 734
first degree. 735

(g) If the amount of the drug involved equals or exceeds five 736
thousand unit doses of L.S.D. in a solid form or equals or exceeds 737
five hundred grams of L.S.D. in a liquid concentrate, liquid 738
extract, or liquid distillate form and regardless of whether the 739
offense was committed in the vicinity of a school or in the 740
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 741
first degree, the offender is a major drug offender, and the court 742
shall impose as a mandatory prison term the maximum prison term 743
prescribed for a felony of the first degree and may impose an 744
additional mandatory prison term prescribed for a major drug 745
offender under division (D)(3)(b) of section 2929.14 of the 746
Revised Code. 747

(6) If the drug involved in the violation is heroin or a 748
compound, mixture, preparation, or substance containing heroin, 749
whoever violates division (A) of this section is guilty of 750
trafficking in heroin. The penalty for the offense shall be 751
determined as follows: 752

(a) Except as otherwise provided in division (C)(6)(b), (c), 753
(d), (e), (f), or (g) of this section, trafficking in heroin is a 754
felony of the fifth degree, and division (C) of section 2929.13 of 755
the Revised Code applies in determining whether to impose a prison 756
term on the offender. 757

(b) Except as otherwise provided in division (C)(6)(c), (d), 758
(e), (f), or (g) of this section, if the offense was committed in 759
the vicinity of a school or in the vicinity of a juvenile, 760
trafficking in heroin is a felony of the fourth degree, and 761

division (C) of section 2929.13 of the Revised Code applies in 762
determining whether to impose a prison term on the offender. 763

(c) Except as otherwise provided in this division, if the 764
amount of the drug involved equals or exceeds ten unit doses but 765
is less than fifty unit doses or equals or exceeds one gram but is 766
less than five grams, trafficking in heroin is a felony of the 767
fourth degree, and there is a presumption for a prison term for 768
the offense. If the amount of the drug involved is within that 769
range and if the offense was committed in the vicinity of a school 770
or in the vicinity of a juvenile, trafficking in heroin is a 771
felony of the third degree, and there is a presumption for a 772
prison term for the offense. 773

(d) Except as otherwise provided in this division, if the 774
amount of the drug involved equals or exceeds fifty unit doses but 775
is less than one hundred unit doses or equals or exceeds five 776
grams but is less than ten grams, trafficking in heroin is a 777
felony of the third degree, and there is a presumption for a 778
prison term for the offense. If the amount of the drug involved is 779
within that range and if the offense was committed in the vicinity 780
of a school or in the vicinity of a juvenile, trafficking in 781
heroin is a felony of the second degree, and there is a 782
presumption for a prison term for the offense. 783

(e) Except as otherwise provided in this division, if the 784
amount of the drug involved equals or exceeds one hundred unit 785
doses but is less than five hundred unit doses or equals or 786
exceeds ten grams but is less than fifty grams, trafficking in 787
heroin is a felony of the second degree, and the court shall 788
impose as a mandatory prison term one of the prison terms 789
prescribed for a felony of the second degree. If the amount of the 790
drug involved is within that range and if the offense was 791
committed in the vicinity of a school or in the vicinity of a 792
juvenile, trafficking in heroin is a felony of the first degree, 793

and the court shall impose as a mandatory prison term one of the 794
prison terms prescribed for a felony of the first degree. 795

(f) If the amount of the drug involved equals or exceeds five 796
hundred unit doses but is less than two thousand five hundred unit 797
doses or equals or exceeds fifty grams but is less than two 798
hundred fifty grams and regardless of whether the offense was 799
committed in the vicinity of a school or in the vicinity of a 800
juvenile, trafficking in heroin is a felony of the first degree, 801
and the court shall impose as a mandatory prison term one of the 802
prison terms prescribed for a felony of the first degree. 803

(g) If the amount of the drug involved equals or exceeds two 804
thousand five hundred unit doses or equals or exceeds two hundred 805
fifty grams and regardless of whether the offense was committed in 806
the vicinity of a school or in the vicinity of a juvenile, 807
trafficking in heroin is a felony of the first degree, the 808
offender is a major drug offender, and the court shall impose as a 809
mandatory prison term the maximum prison term prescribed for a 810
felony of the first degree and may impose an additional mandatory 811
prison term prescribed for a major drug offender under division 812
(D)(3)(b) of section 2929.14 of the Revised Code. 813

(7) If the drug involved in the violation is hashish or a 814
compound, mixture, preparation, or substance containing hashish, 815
whoever violates division (A) of this section is guilty of 816
trafficking in hashish. The penalty for the offense shall be 817
determined as follows: 818

(a) Except as otherwise provided in division (C)(7)(b), (c), 819
(d), (e), or (f) of this section, trafficking in hashish is a 820
felony of the fifth degree, and division (C) of section 2929.13 of 821
the Revised Code applies in determining whether to impose a prison 822
term on the offender. 823

(b) Except as otherwise provided in division (C)(7)(c), (d), 824

(e), or (f) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish 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. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish 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.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish 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. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed 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 or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams of hashish in a solid form or equals or exceeds two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish 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. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable

regarding the offender: 889

(1) If the violation of division (A) of this section is a 890
felony of the first, second, or third degree, the court shall 891
impose upon the offender the mandatory fine specified for the 892
offense under division (B)(1) of section 2929.18 of the Revised 893
Code unless, as specified in that division, the court determines 894
that the offender is indigent. Except as otherwise provided in 895
division (H)(1) of this section, a mandatory fine or any other 896
fine imposed for a violation of this section is subject to 897
division (F) of this section. If a person is charged with a 898
violation of this section that is a felony of the first, second, 899
or third degree, posts bail, and forfeits the bail, the clerk of 900
the court shall pay the forfeited bail pursuant to divisions 901
(D)(1) and (F) of this section, as if the forfeited bail was a 902
fine imposed for a violation of this section. If any amount of the 903
forfeited bail remains after that payment and if a fine is imposed 904
under division (H)(1) of this section, the clerk of the court 905
shall pay the remaining amount of the forfeited bail pursuant to 906
divisions (H)(2) and (3) of this section, as if that remaining 907
amount was a fine imposed under division (H)(1) of this section. 908

(2) The court shall suspend the driver's or commercial 909
driver's license or permit of the offender in accordance with 910
division (G) of this section. 911

(3) If the offender is a professionally licensed person, the 912
court immediately shall comply with section 2925.38 of the Revised 913
Code. 914

(E) When a person is charged with the sale of or offer to 915
sell a bulk amount or a multiple of a bulk amount of a controlled 916
substance, the jury, or the court trying the accused, shall 917
determine the amount of the controlled substance involved at the 918
time of the offense and, if a guilty verdict is returned, shall 919
return the findings as part of the verdict. In any such case, it 920

is unnecessary to find and return the exact amount of the 921
controlled substance involved, and it is sufficient if the finding 922
and return is to the effect that the amount of the controlled 923
substance involved is the requisite amount, or that the amount of 924
the controlled substance involved is less than the requisite 925
amount. 926

(F)(1) Notwithstanding any contrary provision of section 927
3719.21 of the Revised Code and except as provided in division (H) 928
of this section, the clerk of the court shall pay any mandatory 929
fine imposed pursuant to division (D)(1) of this section and any 930
fine other than a mandatory fine that is imposed for a violation 931
of this section pursuant to division (A) or (B)(5) of section 932
2929.18 of the Revised Code to the county, township, municipal 933
corporation, park district, as created pursuant to section 511.18 934
or 1545.04 of the Revised Code, or state law enforcement agencies 935
in this state that primarily were responsible for or involved in 936
making the arrest of, and in prosecuting, the offender. However, 937
the clerk shall not pay a mandatory fine so imposed to a law 938
enforcement agency unless the agency has adopted a written 939
internal control policy under division (F)(2) of this section that 940
addresses the use of the fine moneys that it receives. Each agency 941
shall use the mandatory fines so paid to subsidize the agency's 942
law enforcement efforts that pertain to drug offenses, in 943
accordance with the written internal control policy adopted by the 944
recipient agency under division (F)(2) of this section. 945

(2)(a) Prior to receiving any fine moneys under division 946
(F)(1) of this section or division (B) of section 2925.42 of the 947
Revised Code, a law enforcement agency shall adopt a written 948
internal control policy that addresses the agency's use and 949
disposition of all fine moneys so received and that provides for 950
the keeping of detailed financial records of the receipts of those 951
fine moneys, the general types of expenditures made out of those 952

fine moneys, and the specific amount of each general type of 953
expenditure. The policy shall not provide for or permit the 954
identification of any specific expenditure that is made in an 955
ongoing investigation. All financial records of the receipts of 956
those fine moneys, the general types of expenditures made out of 957
those fine moneys, and the specific amount of each general type of 958
expenditure by an agency are public records open for inspection 959
under section 149.43 of the Revised Code. Additionally, a written 960
internal control policy adopted under this division is such a 961
public record, and the agency that adopted it shall comply with 962
it. 963

(b) Each law enforcement agency that receives in any calendar 964
year any fine moneys under division (F)(1) of this section or 965
division (B) of section 2925.42 of the Revised Code shall prepare 966
a report covering the calendar year that cumulates all of the 967
information contained in all of the public financial records kept 968
by the agency pursuant to division (F)(2)(a) of this section for 969
that calendar year, and shall send a copy of the cumulative 970
report, no later than the first day of March in the calendar year 971
following the calendar year covered by the report, to the attorney 972
general. Each report received by the attorney general is a public 973
record open for inspection under section 149.43 of the Revised 974
Code. Not later than the fifteenth day of April in the calendar 975
year in which the reports are received, the attorney general shall 976
send to the president of the senate and the speaker of the house 977
of representatives a written notification that does all of the 978
following: 979

(i) Indicates that the attorney general has received from law 980
enforcement agencies reports of the type described in this 981
division that cover the previous calendar year and indicates that 982
the reports were received under this division; 983

(ii) Indicates that the reports are open for inspection under 984

section 149.43 of the Revised Code; 985

(iii) Indicates that the attorney general will provide a copy 986
of any or all of the reports to the president of the senate or the 987
speaker of the house of representatives upon request. 988

(3) As used in division (F) of this section: 989

(a) "Law enforcement agencies" includes, but is not limited 990
to, the state board of pharmacy and the office of a prosecutor. 991

(b) "Prosecutor" has the same meaning as in section 2935.01 992
of the Revised Code. 993

(G) When required under division (D)(2) of this section or 994
any other provision of this chapter, the court shall suspend for 995
not less than six months or more than five years the driver's or 996
commercial driver's license or permit of any person who is 997
convicted of or pleads guilty to any violation of this section or 998
any other specified provision of this chapter. If an offender's 999
driver's or commercial driver's license or permit is suspended 1000
pursuant to this division, the offender, at any time after the 1001
expiration of two years from the day on which the offender's 1002
sentence was imposed or from the day on which the offender finally 1003
was released from a prison term under the sentence, whichever is 1004
later, may file a motion with the sentencing court requesting 1005
termination of the suspension; upon the filing of such a motion 1006
and the court's finding of good cause for the termination, the 1007
court may terminate the suspension. 1008

(H)(1) In addition to any prison term authorized or required 1009
by division (C) of this section and sections 2929.13 and 2929.14 1010
of the Revised Code, in addition to any other penalty or sanction 1011
imposed for the offense under this section or sections 2929.11 to 1012
2929.18 of the Revised Code, and in addition to the forfeiture of 1013
property in connection with the offense as prescribed in Chapter 1014
2981. of the Revised Code, the court that sentences an offender 1015

who is convicted of or pleads guilty to a violation of division 1016
(A) of this section may impose upon the offender an additional 1017
fine specified for the offense in division (B)(4) of section 1018
2929.18 of the Revised Code. A fine imposed under division (H)(1) 1019
of this section is not subject to division (F) of this section and 1020
shall be used solely for the support of one or more eligible 1021
alcohol and drug addiction programs in accordance with divisions 1022
(H)(2) and (3) of this section. 1023

(2) The court that imposes a fine under division (H)(1) of 1024
this section shall specify in the judgment that imposes the fine 1025
one or more eligible alcohol and drug addiction programs for the 1026
support of which the fine money is to be used. No alcohol and drug 1027
addiction program shall receive or use money paid or collected in 1028
satisfaction of a fine imposed under division (H)(1) of this 1029
section unless the program is specified in the judgment that 1030
imposes the fine. No alcohol and drug addiction program shall be 1031
specified in the judgment unless the program is an eligible 1032
alcohol and drug addiction program and, except as otherwise 1033
provided in division (H)(2) of this section, unless the program is 1034
located in the county in which the court that imposes the fine is 1035
located or in a county that is immediately contiguous to the 1036
county in which that court is located. If no eligible alcohol and 1037
drug addiction program is located in any of those counties, the 1038
judgment may specify an eligible alcohol and drug addiction 1039
program that is located anywhere within this state. 1040

(3) Notwithstanding any contrary provision of section 3719.21 1041
of the Revised Code, the clerk of the court shall pay any fine 1042
imposed under division (H)(1) of this section to the eligible 1043
alcohol and drug addiction program specified pursuant to division 1044
(H)(2) of this section in the judgment. The eligible alcohol and 1045
drug addiction program that receives the fine moneys shall use the 1046
moneys only for the alcohol and drug addiction services identified 1047

in the application for certification under section 3793.06 of the Revised Code or in the application for a license under section 3793.11 of the Revised Code filed with the department of alcohol and drug addiction services by the alcohol and drug addiction program specified in the judgment.

(4) Each alcohol and drug addiction program that receives in a calendar year any fine moneys under division (H)(3) of this section shall file an annual report covering that calendar year with the court of common pleas and the board of county commissioners of the county in which the program is located, with the court of common pleas and the board of county commissioners of each county from which the program received the moneys if that county is different from the county in which the program is located, and with the attorney general. The alcohol and drug addiction program shall file the report no later than the first day of March in the calendar year following the calendar year in which the program received the fine moneys. The report shall include statistics on the number of persons served by the alcohol and drug addiction program, identify the types of alcohol and drug addiction services provided to those persons, and include a specific accounting of the purposes for which the fine moneys received were used. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the alcohol and drug addiction program. Each report received by a court of common pleas, a board of county commissioners, or the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

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

(a) "Alcohol and drug addiction program" and "alcohol and drug addiction services" have the same meanings as in section 3793.01 of the Revised Code.

(b) "Eligible alcohol and drug addiction program" means an

alcohol and drug addiction program that is certified under section 1080
3793.06 of the Revised Code or licensed under section 3793.11 of 1081
the Revised Code by the department of alcohol and drug addiction 1082
services. 1083

(I) As used in this section, "drug" includes any substance 1084
that is represented to be a drug. 1085

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 1086
or use a controlled substance. 1087

(B) This section does not apply to any of the following: 1088

(1) Manufacturers, licensed health professionals authorized 1089
to prescribe drugs, pharmacists, owners of pharmacies, and other 1090
persons whose conduct was in accordance with Chapters 3719., 1091
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1092

(2) If the offense involves an anabolic steroid, any person 1093
who is conducting or participating in a research project involving 1094
the use of an anabolic steroid if the project has been approved by 1095
the United States food and drug administration; 1096

(3) Any person who sells, offers for sale, prescribes, 1097
dispenses, or administers for livestock or other nonhuman species 1098
an anabolic steroid that is expressly intended for administration 1099
through implants to livestock or other nonhuman species and 1100
approved for that purpose under the "Federal Food, Drug, and 1101
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1102
and is sold, offered for sale, prescribed, dispensed, or 1103
administered for that purpose in accordance with that act; 1104

(4) Any person who obtained the controlled substance pursuant 1105
to a lawful prescription issued by a licensed health professional 1106
authorized to prescribe drugs. 1107

(C) Whoever violates division (A) of this section is guilty 1108
of one of the following: 1109

(1) If the drug involved in the violation is a compound, 1110
mixture, preparation, or substance included in schedule I or II, 1111
with the exception of marihuana, cocaine, L.S.D., heroin, and 1112
hashish, whoever violates division (A) of this section is guilty 1113
of aggravated possession of drugs. The penalty for the offense 1114
shall be determined as follows: 1115

(a) Except as otherwise provided in division (C)(1)(b), (c), 1116
(d), or (e) of this section, aggravated possession of drugs is a 1117
felony of the fifth degree, and division (B) of section 2929.13 of 1118
the Revised Code applies in determining whether to impose a prison 1119
term on the offender. 1120

(b) If the amount of the drug involved equals or exceeds the 1121
bulk amount but is less than five times the bulk amount, 1122
aggravated possession of drugs is a felony of the third degree, 1123
and there is a presumption for a prison term for the offense. 1124

(c) If the amount of the drug involved equals or exceeds five 1125
times the bulk amount but is less than fifty times the bulk 1126
amount, aggravated possession of drugs is a felony of the second 1127
degree, and the court shall impose as a mandatory prison term one 1128
of the prison terms prescribed for a felony of the second degree. 1129

(d) If the amount of the drug involved equals or exceeds 1130
fifty times the bulk amount but is less than one hundred times the 1131
bulk amount, aggravated possession of drugs is a felony of the 1132
first degree, and the court shall impose as a mandatory prison 1133
term one of the prison terms prescribed for a felony of the first 1134
degree. 1135

(e) If the amount of the drug involved equals or exceeds one 1136
hundred times the bulk amount, aggravated possession of drugs is a 1137
felony of the first degree, the offender is a major drug offender, 1138
and the court shall impose as a mandatory prison term the maximum 1139
prison term prescribed for a felony of the first degree and may 1140

impose an additional mandatory prison term prescribed for a major 1141
drug offender under division (D)(3)(b) of section 2929.14 of the 1142
Revised Code. 1143

(2) If the drug involved in the violation is a compound, 1144
mixture, preparation, or substance included in schedule III, IV, 1145
or V, whoever violates division (A) of this section is guilty of 1146
possession of drugs. The penalty for the offense shall be 1147
determined as follows: 1148

(a) Except as otherwise provided in division (C)(2)(b), (c), 1149
or (d) of this section, possession of drugs is a ~~misdemeanor~~ 1150
felony of the ~~third~~ fifth degree or, if the offender previously 1151
has been convicted of a drug abuse offense, a ~~misdemeanor of the~~ 1152
~~second~~ felony of the fourth degree. ~~If the drug involved in the~~ 1153
~~violation is an anabolic steroid included in schedule III and if~~ 1154
~~the offense is a misdemeanor of the third degree under this~~ 1155
~~division, in lieu of sentencing the offender to a term of~~ 1156
~~imprisonment in a detention facility, the court may place the~~ 1157
~~offender under a community control sanction, as defined in section~~ 1158
~~2929.01 of the Revised Code, that requires the offender to perform~~ 1159
~~supervised community service work pursuant to division (B) of~~ 1160
~~section 2951.02 of the Revised Code.~~ 1161

(b) If the amount of the drug involved equals or exceeds the 1162
bulk amount but is less than five times the bulk amount, 1163
possession of drugs is a felony of the fourth degree, and division 1164
(C) of section 2929.13 of the Revised Code applies in determining 1165
whether to impose a prison term on the offender. 1166

(c) If the amount of the drug involved equals or exceeds five 1167
times the bulk amount but is less than fifty times the bulk 1168
amount, possession of drugs is a felony of the third degree, and 1169
there is a presumption for a prison term for the offense. 1170

(d) If the amount of the drug involved equals or exceeds 1171

fifty times the bulk amount, possession of drugs is a felony of 1172
the second degree, and the court shall impose upon the offender as 1173
a mandatory prison term one of the prison terms prescribed for a 1174
felony of the second degree. 1175

(3) If the drug involved in the violation is marihuana or a 1176
compound, mixture, preparation, or substance containing marihuana 1177
other than hashish, whoever violates division (A) of this section 1178
is guilty of possession of marihuana. The penalty for the offense 1179
shall be determined as follows: 1180

(a) Except as otherwise provided in division (C)(3)(b), (c), 1181
(d), (e), or (f) of this section, possession of marihuana is a 1182
minor misdemeanor. 1183

(b) If the amount of the drug involved equals or exceeds one 1184
hundred grams but is less than two hundred grams, possession of 1185
marihuana is a misdemeanor of the fourth degree. 1186

(c) If the amount of the drug involved equals or exceeds two 1187
hundred grams but is less than one thousand grams, possession of 1188
marihuana is a felony of the fifth degree, and division (B) of 1189
section 2929.13 of the Revised Code applies in determining whether 1190
to impose a prison term on the offender. 1191

(d) If the amount of the drug involved equals or exceeds one 1192
thousand grams but is less than five thousand grams, possession of 1193
marihuana is a felony of the third degree, and division (C) of 1194
section 2929.13 of the Revised Code applies in determining whether 1195
to impose a prison term on the offender. 1196

(e) If the amount of the drug involved equals or exceeds five 1197
thousand grams but is less than twenty thousand grams, possession 1198
of marihuana is a felony of the third degree, and there is a 1199
presumption that a prison term shall be imposed for the offense. 1200

(f) If the amount of the drug involved equals or exceeds 1201
twenty thousand grams, possession of marihuana is a felony of the 1202

second degree, and the court shall impose as a mandatory prison 1203
term the maximum prison term prescribed for a felony of the second 1204
degree. 1205

(4) If the drug involved in the violation is cocaine or a 1206
compound, mixture, preparation, or substance containing cocaine, 1207
whoever violates division (A) of this section is guilty of 1208
possession of cocaine. The penalty for the offense shall be 1209
determined as follows: 1210

(a) Except as otherwise provided in division (C)(4)(b), (c), 1211
(d), (e), or (f) of this section, possession of cocaine is a 1212
felony of the fifth degree, and division (B) of section 2929.13 of 1213
the Revised Code applies in determining whether to impose a prison 1214
term on the offender. 1215

(b) If the amount of the drug involved equals or exceeds five 1216
grams but is less than twenty-five grams of cocaine that is not 1217
crack cocaine or equals or exceeds one gram but is less than five 1218
grams of crack cocaine, possession of cocaine is a felony of the 1219
fourth degree, and there is a presumption for a prison term for 1220
the offense. 1221

(c) If the amount of the drug involved equals or exceeds 1222
twenty-five grams but is less than one hundred grams of cocaine 1223
that is not crack cocaine or equals or exceeds five grams but is 1224
less than ten grams of crack cocaine, possession of cocaine is a 1225
felony of the third degree, and the court shall impose as a 1226
mandatory prison term one of the prison terms prescribed for a 1227
felony of the third degree. 1228

(d) If the amount of the drug involved equals or exceeds one 1229
hundred grams but is less than five hundred grams of cocaine that 1230
is not crack cocaine or equals or exceeds ten grams but is less 1231
than twenty-five grams of crack cocaine, possession of cocaine is 1232
a felony of the second degree, and the court shall impose as a 1233

mandatory prison term one of the prison terms prescribed for a 1234
felony of the second degree. 1235

(e) If the amount of the drug involved equals or exceeds five 1236
hundred grams but is less than one thousand grams of cocaine that 1237
is not crack cocaine or equals or exceeds twenty-five grams but is 1238
less than one hundred grams of crack cocaine, possession of 1239
cocaine is a felony of the first degree, and the court shall 1240
impose as a mandatory prison term one of the prison terms 1241
prescribed for a felony of the first degree. 1242

(f) If the amount of the drug involved equals or exceeds one 1243
thousand grams of cocaine that is not crack cocaine or equals or 1244
exceeds one hundred grams of crack cocaine, possession of cocaine 1245
is a felony of the first degree, the offender is a major drug 1246
offender, and the court shall impose as a mandatory prison term 1247
the maximum prison term prescribed for a felony of the first 1248
degree and may impose an additional mandatory prison term 1249
prescribed for a major drug offender under division (D)(3)(b) of 1250
section 2929.14 of the Revised Code. 1251

(5) If the drug involved in the violation is L.S.D., whoever 1252
violates division (A) of this section is guilty of possession of 1253
L.S.D. The penalty for the offense shall be determined as follows: 1254

(a) Except as otherwise provided in division (C)(5)(b), (c), 1255
(d), (e), or (f) of this section, possession of L.S.D. is a felony 1256
of the fifth degree, and division (B) of section 2929.13 of the 1257
Revised Code applies in determining whether to impose a prison 1258
term on the offender. 1259

(b) If the amount of L.S.D. involved equals or exceeds ten 1260
unit doses but is less than fifty unit doses of L.S.D. in a solid 1261
form or equals or exceeds one gram but is less than five grams of 1262
L.S.D. in a liquid concentrate, liquid extract, or liquid 1263
distillate form, possession of L.S.D. is a felony of the fourth 1264

degree, and division (C) of section 2929.13 of the Revised Code 1265
applies in determining whether to impose a prison term on the 1266
offender. 1267

(c) If the amount of L.S.D. involved equals or exceeds fifty 1268
unit doses, but is less than two hundred fifty unit doses of 1269
L.S.D. in a solid form or equals or exceeds five grams but is less 1270
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 1271
extract, or liquid distillate form, possession of L.S.D. is a 1272
felony of the third degree, and there is a presumption for a 1273
prison term for the offense. 1274

(d) If the amount of L.S.D. involved equals or exceeds two 1275
hundred fifty unit doses but is less than one thousand unit doses 1276
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1277
but is less than one hundred grams of L.S.D. in a liquid 1278
concentrate, liquid extract, or liquid distillate form, possession 1279
of L.S.D. is a felony of the second degree, and the court shall 1280
impose as a mandatory prison term one of the prison terms 1281
prescribed for a felony of the second degree. 1282

(e) If the amount of L.S.D. involved equals or exceeds one 1283
thousand unit doses but is less than five thousand unit doses of 1284
L.S.D. in a solid form or equals or exceeds one hundred grams but 1285
is less than five hundred grams of L.S.D. in a liquid concentrate, 1286
liquid extract, or liquid distillate form, possession of L.S.D. is 1287
a felony of the first degree, and the court shall impose as a 1288
mandatory prison term one of the prison terms prescribed for a 1289
felony of the first degree. 1290

(f) If the amount of L.S.D. involved equals or exceeds five 1291
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1292
five hundred grams of L.S.D. in a liquid concentrate, liquid 1293
extract, or liquid distillate form, possession of L.S.D. is a 1294
felony of the first degree, the offender is a major drug offender, 1295
and the court shall impose as a mandatory prison term the maximum 1296

prison term prescribed for a felony of the first degree and may 1297
impose an additional mandatory prison term prescribed for a major 1298
drug offender under division (D)(3)(b) of section 2929.14 of the 1299
Revised Code. 1300

(6) If the drug involved in the violation is heroin or a 1301
compound, mixture, preparation, or substance containing heroin, 1302
whoever violates division (A) of this section is guilty of 1303
possession of heroin. The penalty for the offense shall be 1304
determined as follows: 1305

(a) Except as otherwise provided in division (C)(6)(b), (c), 1306
(d), (e), or (f) of this section, possession of heroin is a felony 1307
of the fifth degree, and division (B) of section 2929.13 of the 1308
Revised Code applies in determining whether to impose a prison 1309
term on the offender. 1310

(b) If the amount of the drug involved equals or exceeds ten 1311
unit doses but is less than fifty unit doses or equals or exceeds 1312
one gram but is less than five grams, possession of heroin is a 1313
felony of the fourth degree, and division (C) of section 2929.13 1314
of the Revised Code applies in determining whether to impose a 1315
prison term on the offender. 1316

(c) If the amount of the drug involved equals or exceeds 1317
fifty unit doses but is less than one hundred unit doses or equals 1318
or exceeds five grams but is less than ten grams, possession of 1319
heroin is a felony of the third degree, and there is a presumption 1320
for a prison term for the offense. 1321

(d) If the amount of the drug involved equals or exceeds one 1322
hundred unit doses but is less than five hundred unit doses or 1323
equals or exceeds ten grams but is less than fifty grams, 1324
possession of heroin is a felony of the second degree, and the 1325
court shall impose as a mandatory prison term one of the prison 1326
terms prescribed for a felony of the second degree. 1327

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

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

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

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

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

(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate

form, possession of hashish is a felony of the fifth degree, and 1359
division (B) of section 2929.13 of the Revised Code applies in 1360
determining whether to impose a prison term on the offender. 1361

(d) If the amount of the drug involved equals or exceeds 1362
fifty grams but is less than two hundred fifty grams of hashish in 1363
a solid form or equals or exceeds ten grams but is less than fifty 1364
grams of hashish in a liquid concentrate, liquid extract, or 1365
liquid distillate form, possession of hashish is a felony of the 1366
third degree, and division (C) of section 2929.13 of the Revised 1367
Code applies in determining whether to impose a prison term on the 1368
offender. 1369

(e) If the amount of the drug involved equals or exceeds two 1370
hundred fifty grams but is less than one thousand grams of hashish 1371
in a solid form or equals or exceeds fifty grams but is less than 1372
two hundred grams of hashish in a liquid concentrate, liquid 1373
extract, or liquid distillate form, possession of hashish is a 1374
felony of the third degree, and there is a presumption that a 1375
prison term shall be imposed for the offense. 1376

(f) If the amount of the drug involved equals or exceeds one 1377
thousand grams of hashish in a solid form or equals or exceeds two 1378
hundred grams of hashish in a liquid concentrate, liquid extract, 1379
or liquid distillate form, possession of hashish is a felony of 1380
the second degree, and the court shall impose as a mandatory 1381
prison term the maximum prison term prescribed for a felony of the 1382
second degree. 1383

(D) Arrest or conviction for a minor misdemeanor violation of 1384
this section does not constitute a criminal record and need not be 1385
reported by the person so arrested or convicted in response to any 1386
inquiries about the person's criminal record, including any 1387
inquiries contained in any application for employment, license, or 1388
other right or privilege, or made in connection with the person's 1389
appearance as a witness. 1390

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

(1)(a) If the violation 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.

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a mandatory fine or other 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.

(c) 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 shall pay the forfeited bail pursuant to division (E)(1)(b) of this section as if it were a mandatory fine imposed under division (E)(1)(a) of this section.

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

(3) If the offender is a professionally licensed person, in

addition to any other sanction imposed for a violation of this 1422
section, the court immediately shall comply with section 2925.38 1423
of the Revised Code. 1424

(F) It is an affirmative defense, as provided in section 1425
2901.05 of the Revised Code, to a charge of a fourth degree felony 1426
violation under this section that the controlled substance that 1427
gave rise to the charge is in an amount, is in a form, is 1428
prepared, compounded, or mixed with substances that are not 1429
controlled substances in a manner, or is possessed under any other 1430
circumstances, that indicate that the substance was possessed 1431
solely for personal use. Notwithstanding any contrary provision of 1432
this section, if, in accordance with section 2901.05 of the 1433
Revised Code, an accused who is charged with a fourth degree 1434
felony violation of division (C)(2), (4), (5), or (6) of this 1435
section sustains the burden of going forward with evidence of and 1436
establishes by a preponderance of the evidence the affirmative 1437
defense described in this division, the accused may be prosecuted 1438
for and may plead guilty to or be convicted of a misdemeanor 1439
violation of division (C)(2) of this section or a fifth degree 1440
felony violation of division (C)(4), (5), or (6) of this section 1441
respectively. 1442

(G) When a person is charged with possessing a bulk amount or 1443
multiple of a bulk amount, division (E) of section 2925.03 of the 1444
Revised Code applies regarding the determination of the amount of 1445
the controlled substance involved at the time of the offense. 1446

Sec. 2925.22. (A) No person, by deception, ~~as defined in~~ 1447
~~section 2913.01 of the Revised Code~~, shall procure the 1448
administration of, a prescription for, or the dispensing of, a 1449
dangerous drug or shall possess an uncompleted preprinted 1450
prescription blank used for writing a prescription for a dangerous 1451
drug. 1452

(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 person possesses an uncompleted preprinted prescription blank used for writing a prescription for a dangerous drug or 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 felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to a drug abuse offense, a felony of the fourth degree. Division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender pursuant to this division.

(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 less than five times the bulk amount, it is a felony of the third degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, or if the amount of the drug involved that could be

obtained pursuant to the prescription would equal or exceed five 1484
times the bulk amount but would be less than fifty times the bulk 1485
amount, it is a felony of the second degree, and there is a 1486
presumption for a prison term for the offense. 1487

(d) If the amount of the drug involved equals or exceeds 1488
fifty times the bulk amount, or if the amount of the drug involved 1489
that could be obtained pursuant to the prescription would equal or 1490
exceed fifty times the bulk amount, it is a felony of the first 1491
degree, and there is a presumption for a prison term for the 1492
offense. 1493

~~(2)(3)~~ If the drug involved is a dangerous drug or a 1494
compound, mixture, preparation, or substance included in schedule 1495
III, IV, or V or is marihuana, the penalty for deception to obtain 1496
a dangerous drug is one of the following: 1497

(a) Except as otherwise provided in division (B)(3)(b), (c), 1498
or (d) of this section it is a felony of the fifth degree, and 1499
division (C) of section 2929.13 of the Revised Code applies in 1500
determining whether to impose a prison term on the offender. 1501

(b) If the amount of the drug involved equals or exceeds the 1502
bulk amount but is less than five times the bulk amount, or if the 1503
amount of the drug involved that could be obtained pursuant to the 1504
prescription would equal or exceed the bulk amount but would be 1505
less than five times the bulk amount, it is a felony of the fourth 1506
degree, and division (C) of section 2929.13 of the Revised Code 1507
applies in determining whether to impose a prison term on the 1508
offender. 1509

(c) If the amount of the drug involved equals or exceeds five 1510
times the bulk amount but is less than fifty times the bulk 1511
amount, or if the amount of the drug involved that could be 1512
obtained pursuant to the prescription would equal or exceed five 1513
times the bulk amount but would be less than fifty times the bulk 1514

amount, it is a felony of the third degree, and there is a 1515
presumption for a prison term for the offense. 1516

(d) If the amount of the drug involved equals or exceeds 1517
fifty times the bulk amount, or if the amount of the drug involved 1518
that could be obtained pursuant to the prescription would equal or 1519
exceed fifty times the bulk amount, it is a felony of the second 1520
degree, and there is a presumption for a prison term for the 1521
offense. 1522

(C) In addition to any prison term authorized or required by 1523
division (B) of this section and sections 2929.13 and 2929.14 of 1524
the Revised Code and in addition to any other sanction imposed for 1525
the offense under this section or sections 2929.11 to 2929.18 of 1526
the Revised Code, the court that sentences an offender who is 1527
convicted of or pleads guilty to a violation of division (A) of 1528
this section shall do both of the following: 1529

(1) The court shall suspend for not less than six months or 1530
more than five years the offender's driver's or commercial 1531
driver's license or permit. 1532

(2) If the offender is a professionally licensed person, in 1533
addition to any other sanction imposed for a violation of this 1534
section, the court immediately shall comply with section 2925.38 1535
of the Revised Code. 1536

(D) Notwithstanding any contrary provision of section 3719.21 1537
of the Revised Code, the clerk of the court shall pay a fine 1538
imposed for a violation of this section pursuant to division (A) 1539
of section 2929.18 of the Revised Code in accordance with and 1540
subject to the requirements of division (F) of section 2925.03 of 1541
the Revised Code. The agency that receives the fine shall use the 1542
fine as specified in division (F) of section 2925.03 of the 1543
Revised Code. 1544

Section 2. That existing sections 2925.01, 2925.03, 2925.11, 1545

and 2925.22 of the Revised Code are hereby repealed.

1546