

**As Introduced**

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

**S. B. No. 343**

**Senator Roberts**

**Cosponsor: Senator Miller, D.**

—

**A B I L L**

To amend sections 2925.02, 2925.03, 2925.04, 2925.11, 1  
2925.14, and 3781.32 and to enact sections 2  
2925.41, 2925.43, 2925.44, 2925.45, 3728.01, 3  
3728.02, 3728.03, 3728.04, 3728.05, 3728.06, 4  
3728.07, 3728.08, 3728.10, 3728.11, 3728.12, 5  
3728.13, 3728.14, 3728.15, 3728.16, 3728.17, 6  
3728.18, 3728.20, 3728.21, 3728.22, 3728.25, 7  
3728.26, 3728.27, 3728.28, 3728.29, 3728.30, 8  
3728.35, 3728.36, 3728.37, 3728.371, 3728.372, 9  
3728.373, 3728.38, 3728.381, 3728.382, 3728.40, 10  
3728.41, 3728.42, 3728.43, 3728.45, 3728.47, and 11  
3728.99 of the Revised Code regarding the medical 12  
use of cannabis. 13

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

**Section 1.** That sections 2925.02, 2925.03, 2925.04, 2925.11, 14  
2925.14, and 3781.32 be amended and sections 2925.41, 2925.43, 15  
2925.44, 2925.45, 3728.01, 3728.02, 3728.03, 3728.04, 3728.05, 16  
3728.06, 3728.07, 3728.08, 3728.10, 3728.11, 3728.12, 3728.13, 17  
3728.14, 3728.15, 3728.16, 3728.17, 3728.18, 3728.20, 3728.21, 18  
3728.22, 3728.25, 3728.26, 3728.27, 3728.28, 3728.29, 3728.30, 19  
3728.35, 3728.36, 3728.37, 3728.371, 3728.372, 3728.373, 3728.38, 20

3728.381, 3728.382, 3728.40, 3728.41, 3728.42, 3728.43, 3728.45, 21  
3728.47, and 3728.99 of the Revised Code be enacted to read as 22  
follows: 23

**Sec. 2925.02.** (A) No person shall knowingly do any of the 24  
following: 25

(1) By force, threat, or deception, administer to another or 26  
induce or cause another to use a controlled substance; 27

(2) By any means, administer or furnish to another or induce 28  
or cause another to use a controlled substance with purpose to 29  
cause serious physical harm to the other person, or with purpose 30  
to cause the other person to become drug dependent; 31

(3) By any means, administer or furnish to another or induce 32  
or cause another to use a controlled substance, and thereby cause 33  
serious physical harm to the other person, or cause the other 34  
person to become drug dependent; 35

(4) By any means, do any of the following: 36

(a) Furnish or administer a controlled substance to a 37  
juvenile who is at least two years the offender's junior, when the 38  
offender knows the age of the juvenile or is reckless in that 39  
regard; 40

(b) Induce or cause a juvenile who is at least two years the 41  
offender's junior to use a controlled substance, when the offender 42  
knows the age of the juvenile or is reckless in that regard; 43

(c) Induce or cause a juvenile who is at least two years the 44  
offender's junior to commit a felony drug abuse offense, when the 45  
offender knows the age of the juvenile or is reckless in that 46  
regard; 47

(d) Use a juvenile, whether or not the offender knows the age 48  
of the juvenile, to perform any surveillance activity that is 49

intended to prevent the detection of the offender or any other 50  
person in the commission of a felony drug abuse offense or to 51  
prevent the arrest of the offender or any other person for the 52  
commission of a felony drug abuse offense. 53

(B)(1) Division (A)(1), (3), or (4) of this section does not 54  
apply to manufacturers, wholesalers, licensed health professionals 55  
authorized to prescribe drugs, pharmacists, owners of pharmacies, 56  
and other persons whose conduct is in accordance with Chapters 57  
3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 58  
Code. 59

(2) Division (A)(3) or (4) of this section does not apply to 60  
a holder of a valid registry identification card issued under 61  
section 3728.13 of the Revised Code or to a physician who provides 62  
a practitioner's written certification under section 3728.08 of 63  
the Revised Code to the extent and under the circumstances 64  
described in Chapter 3728. of the Revised Code. 65

(C) Whoever violates this section is guilty of corrupting 66  
another with drugs. The penalty for the offense shall be 67  
determined as follows: 68

(1) Except as otherwise provided in this division, if the 69  
drug involved is any compound, mixture, preparation, or substance 70  
included in schedule I or II, with the exception of marihuana, 71  
corrupting another with drugs is a felony of the second degree, 72  
and, subject to division (E) of this section, the court shall 73  
impose as a mandatory prison term one of the prison terms 74  
prescribed for a felony of the second degree. If the drug involved 75  
is any compound, mixture, preparation, or substance included in 76  
schedule I or II, with the exception of marihuana, and if the 77  
offense was committed in the vicinity of a school, corrupting 78  
another with drugs is a felony of the first degree, and, subject 79  
to division (E) of this section, the court shall impose as a 80  
mandatory prison term one of the prison terms prescribed for a 81

felony of the first degree. 82

(2) Except as otherwise provided in this division, if the 83  
drug involved is any compound, mixture, preparation, or substance 84  
included in schedule III, IV, or V, corrupting another with drugs 85  
is a felony of the second degree, and there is a presumption for a 86  
prison term for the offense. If the drug involved is any compound, 87  
mixture, preparation, or substance included in schedule III, IV, 88  
or V and if the offense was committed in the vicinity of a school, 89  
corrupting another with drugs is a felony of the second degree, 90  
and the court shall impose as a mandatory prison term one of the 91  
prison terms prescribed for a felony of the second degree. 92

(3) Except as otherwise provided in this division, if the 93  
drug involved is marihuana, corrupting another with drugs is a 94  
felony of the fourth degree, and division (C) of section 2929.13 95  
of the Revised Code applies in determining whether to impose a 96  
prison term on the offender. If the drug involved is marihuana and 97  
if the offense was committed in the vicinity of a school, 98  
corrupting another with drugs is a felony of the third degree, and 99  
division (C) of section 2929.13 of the Revised Code applies in 100  
determining whether to impose a prison term on the offender. 101

(D) In addition to any prison term authorized or required by 102  
division (C) or (E) of this section and sections 2929.13 and 103  
2929.14 of the Revised Code and in addition to any other sanction 104  
imposed for the offense under this section or sections 2929.11 to 105  
2929.18 of the Revised Code, the court that sentences an offender 106  
who is convicted of or pleads guilty to a violation of division 107  
(A) of this section or the clerk of that court shall do all of the 108  
following that are applicable regarding the offender: 109

(1)(a) If the violation is a felony of the first, second, or 110  
third degree, the court shall impose upon the offender the 111  
mandatory fine specified for the offense under division (B)(1) of 112  
section 2929.18 of the Revised Code unless, as specified in that 113

division, the court determines that the offender is indigent. 114

(b) Notwithstanding any contrary provision of section 3719.21 115  
of the Revised Code, any mandatory fine imposed pursuant to 116  
division (D)(1)(a) of this section and any fine imposed for a 117  
violation of this section pursuant to division (A) of section 118  
2929.18 of the Revised Code shall be paid by the clerk of the 119  
court in accordance with and subject to the requirements of, and 120  
shall be used as specified in, division (F) of section 2925.03 of 121  
the Revised Code. 122

(c) If a person is charged with any violation of this section 123  
that is a felony of the first, second, or third degree, posts 124  
bail, and forfeits the bail, the forfeited bail shall be paid by 125  
the clerk of the court pursuant to division (D)(1)(b) of this 126  
section as if it were a fine imposed for a violation of this 127  
section. 128

(2) The court shall suspend for not less than six months nor 129  
more than five years the offender's driver's or commercial 130  
driver's license or permit. If an offender's driver's or 131  
commercial driver's license or permit is suspended pursuant to 132  
this division, the offender, at any time after the expiration of 133  
two years from the day on which the offender's sentence was 134  
imposed or from the day on which the offender finally was released 135  
from a prison term under the sentence, whichever is later, may 136  
file a motion with the sentencing court requesting termination of 137  
the suspension. Upon the filing of the motion and the court's 138  
finding of good cause for the termination, the court may terminate 139  
the suspension. 140

(3) If the offender is a professionally licensed person, in 141  
addition to any other sanction imposed for a violation of this 142  
section, the court immediately shall comply with section 2925.38 143  
of the Revised Code. 144

(E) Notwithstanding the prison term otherwise authorized or 145  
required for the offense under division (C) of this section and 146  
sections 2929.13 and 2929.14 of the Revised Code, if the violation 147  
of division (A) of this section involves the sale, offer to sell, 148  
or possession of a schedule I or II controlled substance, with the 149  
exception of marihuana, and if the court imposing sentence upon 150  
the offender finds that the offender as a result of the violation 151  
is a major drug offender and is guilty of a specification of the 152  
type described in section 2941.1410 of the Revised Code, the 153  
court, in lieu of the prison term that otherwise is authorized or 154  
required, shall impose upon the offender the mandatory prison term 155  
specified in division (D)(3)(a) of section 2929.14 of the Revised 156  
Code and may impose an additional prison term under division 157  
(D)(3)(b) of that section. 158

**Sec. 2925.03.** (A) No person shall knowingly do any of the 159  
following: 160

(1) Sell or offer to sell a controlled substance; 161

(2) Prepare for shipment, ship, transport, deliver, prepare 162  
for distribution, or distribute a controlled substance, when the 163  
offender knows or has reasonable cause to believe that the 164  
controlled substance is intended for sale or resale by the 165  
offender or another person. 166

(B) This section does not apply to any of the following: 167

(1) Manufacturers, licensed health professionals authorized 168  
to prescribe drugs, pharmacists, owners of pharmacies, and other 169  
persons whose conduct is in accordance with Chapters 3719., 4715., 170  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 171

(2) If the offense involves an anabolic steroid, any person 172  
who is conducting or participating in a research project involving 173  
the use of an anabolic steroid if the project has been approved by 174

the United States food and drug administration; 175

(3) Any person who sells, offers for sale, prescribes, 176  
dispenses, or administers for livestock or other nonhuman species 177  
an anabolic steroid that is expressly intended for administration 178  
through implants to livestock or other nonhuman species and 179  
approved for that purpose under the "Federal Food, Drug, and 180  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 181  
and is sold, offered for sale, prescribed, dispensed, or 182  
administered for that purpose in accordance with that act; 183

(4) A holder of a valid registry identification card under 184  
section 3728.13 of the Revised Code to the extent and under the 185  
circumstances described in Chapter 3728. of the Revised Code. 186

(C) Whoever violates division (A) of this section is guilty 187  
of one of the following: 188

(1) If the drug involved in the violation is any compound, 189  
mixture, preparation, or substance included in schedule I or 190  
schedule II, with the exception of marihuana, cocaine, L.S.D., 191  
heroin, and hashish, whoever violates division (A) of this section 192  
is guilty of aggravated trafficking in drugs. The penalty for the 193  
offense shall be determined as follows: 194

(a) Except as otherwise provided in division (C)(1)(b), (c), 195  
(d), (e), or (f) of this section, aggravated trafficking in drugs 196  
is a felony of the fourth degree, and division (C) of section 197  
2929.13 of the Revised Code applies in determining whether to 198  
impose a prison term on the offender. 199

(b) Except as otherwise provided in division (C)(1)(c), (d), 200  
(e), or (f) of this section, if the offense was committed in the 201  
vicinity of a school or in the vicinity of a juvenile, aggravated 202  
trafficking in drugs is a felony of the third degree, and division 203  
(C) of section 2929.13 of the Revised Code applies in determining 204  
whether to impose a prison term on the offender. 205

(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 prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds 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 238  
felony of the first degree, the offender is a major drug offender, 239  
and the court shall impose as a mandatory prison term the maximum 240  
prison term prescribed for a felony of the first degree and may 241  
impose an additional prison term prescribed for a major drug 242  
offender under division (D)(3)(b) of section 2929.14 of the 243  
Revised Code. 244

(2) If the drug involved in the violation is any compound, 245  
mixture, preparation, or substance included in schedule III, IV, 246  
or V, whoever violates division (A) of this section is guilty of 247  
trafficking in drugs. The penalty for the offense shall be 248  
determined as follows: 249

(a) Except as otherwise provided in division (C)(2)(b), (c), 250  
(d), or (e) of this section, trafficking in drugs is a felony of 251  
the fifth degree, and division (C) of section 2929.13 of the 252  
Revised Code applies in determining whether to impose a prison 253  
term on the offender. 254

(b) Except as otherwise provided in division (C)(2)(c), (d), 255  
or (e) of this section, if the offense was committed in the 256  
vicinity of a school or in the vicinity of a juvenile, trafficking 257  
in drugs is a felony of the fourth degree, and division (C) of 258  
section 2929.13 of the Revised Code applies in determining whether 259  
to impose a prison term on the offender. 260

(c) Except as otherwise provided in this division, if the 261  
amount of the drug involved equals or exceeds the bulk amount but 262  
is less than five times the bulk amount, trafficking in drugs is a 263  
felony of the fourth degree, and there is a presumption for a 264  
prison term for the offense. If the amount of the drug involved is 265  
within that range and if the offense was committed in the vicinity 266  
of a school or in the vicinity of a juvenile, trafficking in drugs 267  
is a felony of the third degree, and there is a presumption for a 268  
prison term for the offense. 269

(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, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, 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 equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, 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.

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

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), or (g) of this section, trafficking in marihuana is a felony of the fifth 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) Except as otherwise provided in division (C)(3)(c), (d), (e), (f), or (g) of this section, if the offense was committed in

the vicinity of a school or in the vicinity of a juvenile, 302  
trafficking in marihuana is a felony of the fourth degree, and 303  
division (C) of section 2929.13 of the Revised Code applies in 304  
determining whether to impose a prison term on the offender. 305

(c) Except as otherwise provided in this division, if the 306  
amount of the drug involved equals or exceeds two hundred grams 307  
but is less than one thousand grams, trafficking in marihuana is a 308  
felony of the fourth degree, and division (C) of section 2929.13 309  
of the Revised Code applies in determining whether to impose a 310  
prison term on the offender. If the amount of the drug involved is 311  
within that range and if the offense was committed in the vicinity 312  
of a school or in the vicinity of a juvenile, trafficking in 313  
marihuana is a felony of the third degree, and division (C) of 314  
section 2929.13 of the Revised Code applies in determining whether 315  
to impose a prison term on the offender. 316

(d) Except as otherwise provided in this division, if the 317  
amount of the drug involved equals or exceeds one thousand grams 318  
but is less than five thousand grams, trafficking in marihuana is 319  
a felony of the third degree, and division (C) of section 2929.13 320  
of the Revised Code applies in determining whether to impose a 321  
prison term on the offender. If the amount of the drug involved is 322  
within that range and if the offense was committed in the vicinity 323  
of a school or in the vicinity of a juvenile, trafficking in 324  
marihuana is a felony of the second degree, and there is a 325  
presumption that a prison term shall be imposed for the offense. 326

(e) Except as otherwise provided in this division, if the 327  
amount of the drug involved equals or exceeds five thousand grams 328  
but is less than twenty thousand grams, trafficking in marihuana 329  
is a felony of the third degree, and there is a presumption that a 330  
prison term shall be imposed for the offense. If the amount of the 331  
drug involved is within that range and if the offense was 332  
committed in the vicinity of a school or in the vicinity of a 333

juvenile, trafficking in marihuana is a felony of the second 334  
degree, and there is a presumption that a prison term shall be 335  
imposed for the offense. 336

(f) Except as otherwise provided in this division, if the 337  
amount of the drug involved equals or exceeds twenty thousand 338  
grams, trafficking in marihuana is a felony of the second degree, 339  
and the court shall impose as a mandatory prison term the maximum 340  
prison term prescribed for a felony of the second degree. If the 341  
amount of the drug involved equals or exceeds twenty thousand 342  
grams and if the offense was committed in the vicinity of a school 343  
or in the vicinity of a juvenile, trafficking in marihuana is a 344  
felony of the first degree, and the court shall impose as a 345  
mandatory prison term the maximum prison term prescribed for a 346  
felony of the first degree. 347

(g) Except as otherwise provided in this division, if the 348  
offense involves a gift of twenty grams or less of marihuana, 349  
trafficking in marihuana is a minor misdemeanor upon a first 350  
offense and a misdemeanor of the third degree upon a subsequent 351  
offense. If the offense involves a gift of twenty grams or less of 352  
marihuana and if the offense was committed in the vicinity of a 353  
school or in the vicinity of a juvenile, trafficking in marihuana 354  
is a misdemeanor of the third degree. 355

(4) If the drug involved in the violation is cocaine or a 356  
compound, mixture, preparation, or substance containing cocaine, 357  
whoever violates division (A) of this section is guilty of 358  
trafficking in cocaine. The penalty for the offense shall be 359  
determined as follows: 360

(a) Except as otherwise provided in division (C)(4)(b), (c), 361  
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 362  
felony of the fifth degree, and division (C) of section 2929.13 of 363  
the Revised Code applies in determining whether to impose a prison 364  
term on the offender. 365

(b) Except as otherwise provided in division (C)(4)(c), (d), 366  
(e), (f), or (g) of this section, if the offense was committed in 367  
the vicinity of a school or in the vicinity of a juvenile, 368  
trafficking in cocaine is a felony of the fourth degree, and 369  
division (C) of section 2929.13 of the Revised Code applies in 370  
determining whether to impose a prison term on the offender. 371

(c) Except as otherwise provided in this division, if the 372  
amount of the drug involved equals or exceeds five grams but is 373  
less than ten grams of cocaine that is not crack cocaine or equals 374  
or exceeds one gram but is less than five grams of crack cocaine, 375  
trafficking in cocaine is a felony of the fourth degree, and there 376  
is a presumption for a prison term for the offense. If the amount 377  
of the drug involved is within one of those ranges and if the 378  
offense was committed in the vicinity of a school or in the 379  
vicinity of a juvenile, trafficking in cocaine is a felony of the 380  
third degree, and there is a presumption for a prison term for the 381  
offense. 382

(d) Except as otherwise provided in this division, if the 383  
amount of the drug involved equals or exceeds ten grams but is 384  
less than one hundred grams of cocaine that is not crack cocaine 385  
or equals or exceeds five grams but is less than ten grams of 386  
crack cocaine, trafficking in cocaine is a felony of the third 387  
degree, and the court shall impose as a mandatory prison term one 388  
of the prison terms prescribed for a felony of the third degree. 389  
If the amount of the drug involved is within one of those ranges 390  
and if the offense was committed in the vicinity of a school or in 391  
the vicinity of a juvenile, trafficking in cocaine is a felony of 392  
the second degree, and the court shall impose as a mandatory 393  
prison term one of the prison terms prescribed for a felony of the 394  
second degree. 395

(e) Except as otherwise provided in this division, if the 396  
amount of the drug involved equals or exceeds one hundred grams 397

but is less than five hundred grams of cocaine that is not crack 398  
cocaine or equals or exceeds ten grams but is less than 399  
twenty-five grams of crack cocaine, trafficking in cocaine is a 400  
felony of the second degree, and the court shall impose as a 401  
mandatory prison term one of the prison terms prescribed for a 402  
felony of the second degree. If the amount of the drug involved is 403  
within one of those ranges and if the offense was committed in the 404  
vicinity of a school or in the vicinity of a juvenile, trafficking 405  
in cocaine is a felony of the first degree, and the court shall 406  
impose as a mandatory prison term one of the prison terms 407  
prescribed for a felony of the first degree. 408

(f) If the amount of the drug involved equals or exceeds five 409  
hundred grams but is less than one thousand grams of cocaine that 410  
is not crack cocaine or equals or exceeds twenty-five grams but is 411  
less than one hundred grams of crack cocaine and regardless of 412  
whether the offense was committed in the vicinity of a school or 413  
in the vicinity of a juvenile, trafficking in cocaine is a felony 414  
of the first degree, and the court shall impose as a mandatory 415  
prison term one of the prison terms prescribed for a felony of the 416  
first degree. 417

(g) If the amount of the drug involved equals or exceeds one 418  
thousand grams of cocaine that is not crack cocaine or equals or 419  
exceeds one hundred grams of crack cocaine and regardless of 420  
whether the offense was committed in the vicinity of a school or 421  
in the vicinity of a juvenile, trafficking in cocaine is a felony 422  
of the first degree, the offender is a major drug offender, and 423  
the court shall impose as a mandatory prison term the maximum 424  
prison term prescribed for a felony of the first degree and may 425  
impose an additional mandatory prison term prescribed for a major 426  
drug offender under division (D)(3)(b) of section 2929.14 of the 427  
Revised Code. 428

(5) If the drug involved in the violation is L.S.D. or a 429

compound, mixture, preparation, or substance containing L.S.D., 430  
whoever violates division (A) of this section is guilty of 431  
trafficking in L.S.D. The penalty for the offense shall be 432  
determined as follows: 433

(a) Except as otherwise provided in division (C)(5)(b), (c), 434  
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 435  
felony of the fifth degree, and division (C) of section 2929.13 of 436  
the Revised Code applies in determining whether to impose a prison 437  
term on the offender. 438

(b) Except as otherwise provided in division (C)(5)(c), (d), 439  
(e), (f), or (g) of this section, if the offense was committed in 440  
the vicinity of a school or in the vicinity of a juvenile, 441  
trafficking in L.S.D. is a felony of the fourth degree, and 442  
division (C) of section 2929.13 of the Revised Code applies in 443  
determining whether to impose a prison term on the offender. 444

(c) Except as otherwise provided in this division, if the 445  
amount of the drug involved equals or exceeds ten unit doses but 446  
is less than fifty unit doses of L.S.D. in a solid form or equals 447  
or exceeds one gram but is less than five grams of L.S.D. in a 448  
liquid concentrate, liquid extract, or liquid distillate form, 449  
trafficking in L.S.D. is a felony of the fourth degree, and there 450  
is a presumption for a prison term for the offense. If the amount 451  
of the drug involved is within that range and if the offense was 452  
committed in the vicinity of a school or in the vicinity of a 453  
juvenile, trafficking in L.S.D. is a felony of the third degree, 454  
and there is a presumption for a prison term for the offense. 455

(d) Except as otherwise provided in this division, if the 456  
amount of the drug involved equals or exceeds fifty unit doses but 457  
is less than two hundred fifty unit doses of L.S.D. in a solid 458  
form or equals or exceeds five grams but is less than twenty-five 459  
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 460  
distillate form, trafficking in L.S.D. is a felony of the third 461

degree, and the court shall impose as a mandatory prison term one 462  
of the prison terms prescribed for a felony of the third degree. 463  
If the amount of the drug involved is within that range and if the 464  
offense was committed in the vicinity of a school or in the 465  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 466  
second degree, and the court shall impose as a mandatory prison 467  
term one of the prison terms prescribed for a felony of the second 468  
degree. 469

(e) Except as otherwise provided in this division, if the 470  
amount of the drug involved equals or exceeds two hundred fifty 471  
unit doses but is less than one thousand unit doses of L.S.D. in a 472  
solid form or equals or exceeds twenty-five grams but is less than 473  
one hundred grams of L.S.D. in a liquid concentrate, liquid 474  
extract, or liquid distillate form, trafficking in L.S.D. is a 475  
felony of the second degree, and the court shall impose as a 476  
mandatory prison term one of the prison terms prescribed for a 477  
felony of the second degree. If the amount of the drug involved is 478  
within that range and if the offense was committed in the vicinity 479  
of a school or in the vicinity of a juvenile, trafficking in 480  
L.S.D. is a felony of the first degree, and the court shall impose 481  
as a mandatory prison term one of the prison terms prescribed for 482  
a felony of the first degree. 483

(f) If the amount of the drug involved equals or exceeds one 484  
thousand unit doses but is less than five thousand unit doses of 485  
L.S.D. in a solid form or equals or exceeds one hundred grams but 486  
is less than five hundred grams of L.S.D. in a liquid concentrate, 487  
liquid extract, or liquid distillate form and regardless of 488  
whether the offense was committed in the vicinity of a school or 489  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 490  
of the first degree, and the court shall impose as a mandatory 491  
prison term one of the prison terms prescribed for a felony of the 492  
first degree. 493



(g) If the amount of the drug involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether 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, 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.

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

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin is a felony of the fifth 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) Except as otherwise provided in division (C)(6)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin 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 unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the

fourth degree, and there is a presumption for a prison term for 526  
the offense. If the amount of the drug involved is within that 527  
range and if the offense was committed in the vicinity of a school 528  
or in the vicinity of a juvenile, trafficking in heroin is a 529  
felony of the third degree, and there is a presumption for a 530  
prison term for the offense. 531

(d) Except as otherwise provided in this division, if the 532  
amount of the drug involved equals or exceeds fifty unit doses but 533  
is less than one hundred unit doses or equals or exceeds five 534  
grams but is less than ten grams, trafficking in heroin is a 535  
felony of the third degree, and there is a presumption for a 536  
prison term for the offense. If the amount of the drug involved is 537  
within that range and if the offense was committed in the vicinity 538  
of a school or in the vicinity of a juvenile, trafficking in 539  
heroin is a felony of the second degree, and there is a 540  
presumption for a prison term for the offense. 541

(e) Except as otherwise provided in this division, if the 542  
amount of the drug involved equals or exceeds one hundred unit 543  
doses but is less than five hundred unit doses or equals or 544  
exceeds ten grams but is less than fifty grams, trafficking in 545  
heroin is a felony of the second degree, and the court shall 546  
impose as a mandatory prison term one of the prison terms 547  
prescribed for a felony of the second degree. If the amount of the 548  
drug involved is within that range and if the offense was 549  
committed in the vicinity of a school or in the vicinity of a 550  
juvenile, trafficking in heroin is a felony of the first degree, 551  
and the court shall impose as a mandatory prison term one of the 552  
prison terms prescribed for a felony of the first degree. 553

(f) If the amount of the drug involved equals or exceeds five 554  
hundred unit doses but is less than two thousand five hundred unit 555  
doses or equals or exceeds fifty grams but is less than two 556  
hundred fifty grams and regardless of whether the offense was 557

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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.

(g) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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 trafficking in 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, trafficking in hashish is a felony of the fifth 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) Except as otherwise provided in division (C)(7)(c), (d), (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 589  
less than fifty grams of hashish in a solid form or equals or 590  
exceeds two grams but is less than ten grams of hashish in a 591  
liquid concentrate, liquid extract, or liquid distillate form, 592  
trafficking in hashish is a felony of the fourth degree, and 593  
division (C) of section 2929.13 of the Revised Code applies in 594  
determining whether to impose a prison term on the offender. If 595  
the amount of the drug involved is within that range and if the 596  
offense was committed in the vicinity of a school or in the 597  
vicinity of a juvenile, trafficking in hashish is a felony of the 598  
third degree, and division (C) of section 2929.13 of the Revised 599  
Code applies in determining whether to impose a prison term on the 600  
offender. 601

(d) Except as otherwise provided in this division, if the 602  
amount of the drug involved equals or exceeds fifty grams but is 603  
less than two hundred fifty grams of hashish in a solid form or 604  
equals or exceeds ten grams but is less than fifty grams of 605  
hashish in a liquid concentrate, liquid extract, or liquid 606  
distillate form, trafficking in hashish is a felony of the third 607  
degree, and division (C) of section 2929.13 of the Revised Code 608  
applies in determining whether to impose a prison term on the 609  
offender. If the amount of the drug involved is within that range 610  
and if the offense was committed in the vicinity of a school or in 611  
the vicinity of a juvenile, trafficking in hashish is a felony of 612  
the second degree, and there is a presumption that a prison term 613  
shall be imposed for the offense. 614

(e) Except as otherwise provided in this division, if the 615  
amount of the drug involved equals or exceeds two hundred fifty 616  
grams but is less than one thousand grams of hashish in a solid 617  
form or equals or exceeds fifty grams but is less than two hundred 618  
grams of hashish in a liquid concentrate, liquid extract, or 619  
liquid distillate form, trafficking in hashish is a felony of the 620

third degree, and there is a presumption that a prison term shall 621  
be imposed for the offense. If the amount of the drug involved is 622  
within that range and if the offense was committed in the vicinity 623  
of a school or in the vicinity of a juvenile, trafficking in 624  
hashish is a felony of the second degree, and there is a 625  
presumption that a prison term shall be imposed for the offense. 626

(f) Except as otherwise provided in this division, if the 627  
amount of the drug involved equals or exceeds one thousand grams 628  
of hashish in a solid form or equals or exceeds two hundred grams 629  
of hashish in a liquid concentrate, liquid extract, or liquid 630  
distillate form, trafficking in hashish is a felony of the second 631  
degree, and the court shall impose as a mandatory prison term the 632  
maximum prison term prescribed for a felony of the second degree. 633  
If the amount of the drug involved is within that range and if the 634  
offense was committed in the vicinity of a school or in the 635  
vicinity of a juvenile, trafficking in hashish is a felony of the 636  
first degree, and the court shall impose as a mandatory prison 637  
term the maximum prison term prescribed for a felony of the first 638  
degree. 639

(D) In addition to any prison term authorized or required by 640  
division (C) of this section and sections 2929.13 and 2929.14 of 641  
the Revised Code, and in addition to any other sanction imposed 642  
for the offense under this section or sections 2929.11 to 2929.18 643  
of the Revised Code, the court that sentences an offender who is 644  
convicted of or pleads guilty to a violation of division (A) of 645  
this section shall do all of the following that are applicable 646  
regarding the offender: 647

(1) If the violation of division (A) of this section is a 648  
felony of the first, second, or third degree, the court shall 649  
impose upon the offender the mandatory fine specified for the 650  
offense under division (B)(1) of section 2929.18 of the Revised 651  
Code unless, as specified in that division, the court determines 652

that the offender is indigent. Except as otherwise provided in 653  
division (H)(1) of this section, a mandatory fine or any other 654  
fine imposed for a violation of this section is subject to 655  
division (F) of this section. If a person is charged with a 656  
violation of this section that is a felony of the first, second, 657  
or third degree, posts bail, and forfeits the bail, the clerk of 658  
the court shall pay the forfeited bail pursuant to divisions 659  
(D)(1) and (F) of this section, as if the forfeited bail was a 660  
fine imposed for a violation of this section. If any amount of the 661  
forfeited bail remains after that payment and if a fine is imposed 662  
under division (H)(1) of this section, the clerk of the court 663  
shall pay the remaining amount of the forfeited bail pursuant to 664  
divisions (H)(2) and (3) of this section, as if that remaining 665  
amount was a fine imposed under division (H)(1) of this section. 666

(2) The court shall suspend the driver's or commercial 667  
driver's license or permit of the offender in accordance with 668  
division (G) of this section. 669

(3) If the offender is a professionally licensed person, the 670  
court immediately shall comply with section 2925.38 of the Revised 671  
Code. 672

(E) When a person is charged with the sale of or offer to 673  
sell a bulk amount or a multiple of a bulk amount of a controlled 674  
substance, the jury, or the court trying the accused, shall 675  
determine the amount of the controlled substance involved at the 676  
time of the offense and, if a guilty verdict is returned, shall 677  
return the findings as part of the verdict. In any such case, it 678  
is unnecessary to find and return the exact amount of the 679  
controlled substance involved, and it is sufficient if the finding 680  
and return is to the effect that the amount of the controlled 681  
substance involved is the requisite amount, or that the amount of 682  
the controlled substance involved is less than the requisite 683  
amount. 684

(F)(1) Notwithstanding any contrary provision of section 685  
3719.21 of the Revised Code and except as provided in division (H) 686  
of this section, the clerk of the court shall pay any mandatory 687  
fine imposed pursuant to division (D)(1) of this section and any 688  
fine other than a mandatory fine that is imposed for a violation 689  
of this section pursuant to division (A) or (B)(5) of section 690  
2929.18 of the Revised Code to the county, township, municipal 691  
corporation, park district, as created pursuant to section 511.18 692  
or 1545.04 of the Revised Code, or state law enforcement agencies 693  
in this state that primarily were responsible for or involved in 694  
making the arrest of, and in prosecuting, the offender. However, 695  
the clerk shall not pay a mandatory fine so imposed to a law 696  
enforcement agency unless the agency has adopted a written 697  
internal control policy under division (F)(2) of this section that 698  
addresses the use of the fine moneys that it receives. Each agency 699  
shall use the mandatory fines so paid to subsidize the agency's 700  
law enforcement efforts that pertain to drug offenses, in 701  
accordance with the written internal control policy adopted by the 702  
recipient agency under division (F)(2) of this section. 703

(2)(a) Prior to receiving any fine moneys under division 704  
(F)(1) of this section or division (B) of section 2925.42 of the 705  
Revised Code, a law enforcement agency shall adopt a written 706  
internal control policy that addresses the agency's use and 707  
disposition of all fine moneys so received and that provides for 708  
the keeping of detailed financial records of the receipts of those 709  
fine moneys, the general types of expenditures made out of those 710  
fine moneys, and the specific amount of each general type of 711  
expenditure. The policy shall not provide for or permit the 712  
identification of any specific expenditure that is made in an 713  
ongoing investigation. All financial records of the receipts of 714  
those fine moneys, the general types of expenditures made out of 715  
those fine moneys, and the specific amount of each general type of 716  
expenditure by an agency are public records open for inspection 717

under section 149.43 of the Revised Code. Additionally, a written 718  
internal control policy adopted under this division is such a 719  
public record, and the agency that adopted it shall comply with 720  
it. 721

(b) Each law enforcement agency that receives in any calendar 722  
year any fine moneys under division (F)(1) of this section or 723  
division (B) of section 2925.42 of the Revised Code shall prepare 724  
a report covering the calendar year that cumulates all of the 725  
information contained in all of the public financial records kept 726  
by the agency pursuant to division (F)(2)(a) of this section for 727  
that calendar year, and shall send a copy of the cumulative 728  
report, no later than the first day of March in the calendar year 729  
following the calendar year covered by the report, to the attorney 730  
general. Each report received by the attorney general is a public 731  
record open for inspection under section 149.43 of the Revised 732  
Code. Not later than the fifteenth day of April in the calendar 733  
year in which the reports are received, the attorney general shall 734  
send to the president of the senate and the speaker of the house 735  
of representatives a written notification that does all of the 736  
following: 737

(i) Indicates that the attorney general has received from law 738  
enforcement agencies reports of the type described in this 739  
division that cover the previous calendar year and indicates that 740  
the reports were received under this division; 741

(ii) Indicates that the reports are open for inspection under 742  
section 149.43 of the Revised Code; 743

(iii) Indicates that the attorney general will provide a copy 744  
of any or all of the reports to the president of the senate or the 745  
speaker of the house of representatives upon request. 746

(3) As used in division (F) of this section: 747

(a) "Law enforcement agencies" includes, but is not limited 748



to, the state board of pharmacy and the office of a prosecutor. 749

(b) "Prosecutor" has the same meaning as in section 2935.01 750  
of the Revised Code. 751

(G) When required under division (D)(2) of this section or 752  
any other provision of this chapter, the court shall suspend for 753  
not less than six months or more than five years the driver's or 754  
commercial driver's license or permit of any person who is 755  
convicted of or pleads guilty to any violation of this section or 756  
any other specified provision of this chapter. If an offender's 757  
driver's or commercial driver's license or permit is suspended 758  
pursuant to this division, the offender, at any time after the 759  
expiration of two years from the day on which the offender's 760  
sentence was imposed or from the day on which the offender finally 761  
was released from a prison term under the sentence, whichever is 762  
later, may file a motion with the sentencing court requesting 763  
termination of the suspension; upon the filing of such a motion 764  
and the court's finding of good cause for the termination, the 765  
court may terminate the suspension. 766

(H)(1) In addition to any prison term authorized or required 767  
by division (C) of this section and sections 2929.13 and 2929.14 768  
of the Revised Code, in addition to any other penalty or sanction 769  
imposed for the offense under this section or sections 2929.11 to 770  
2929.18 of the Revised Code, and in addition to the forfeiture of 771  
property in connection with the offense as prescribed in Chapter 772  
2981. of the Revised Code, the court that sentences an offender 773  
who is convicted of or pleads guilty to a violation of division 774  
(A) of this section may impose upon the offender an additional 775  
fine specified for the offense in division (B)(4) of section 776  
2929.18 of the Revised Code. A fine imposed under division (H)(1) 777  
of this section is not subject to division (F) of this section and 778  
shall be used solely for the support of one or more eligible 779  
alcohol and drug addiction programs in accordance with divisions 780

(H)(2) and (3) of this section. 781

(2) The court that imposes a fine under division (H)(1) of 782  
this section shall specify in the judgment that imposes the fine 783  
one or more eligible alcohol and drug addiction programs for the 784  
support of which the fine money is to be used. No alcohol and drug 785  
addiction program shall receive or use money paid or collected in 786  
satisfaction of a fine imposed under division (H)(1) of this 787  
section unless the program is specified in the judgment that 788  
imposes the fine. No alcohol and drug addiction program shall be 789  
specified in the judgment unless the program is an eligible 790  
alcohol and drug addiction program and, except as otherwise 791  
provided in division (H)(2) of this section, unless the program is 792  
located in the county in which the court that imposes the fine is 793  
located or in a county that is immediately contiguous to the 794  
county in which that court is located. If no eligible alcohol and 795  
drug addiction program is located in any of those counties, the 796  
judgment may specify an eligible alcohol and drug addiction 797  
program that is located anywhere within this state. 798

(3) Notwithstanding any contrary provision of section 3719.21 799  
of the Revised Code, the clerk of the court shall pay any fine 800  
imposed under division (H)(1) of this section to the eligible 801  
alcohol and drug addiction program specified pursuant to division 802  
(H)(2) of this section in the judgment. The eligible alcohol and 803  
drug addiction program that receives the fine moneys shall use the 804  
moneys only for the alcohol and drug addiction services identified 805  
in the application for certification under section 3793.06 of the 806  
Revised Code or in the application for a license under section 807  
3793.11 of the Revised Code filed with the department of alcohol 808  
and drug addiction services by the alcohol and drug addiction 809  
program specified in the judgment. 810

(4) Each alcohol and drug addiction program that receives in 811  
a calendar year any fine moneys under division (H)(3) of this 812

section shall file an annual report covering that calendar year 813  
with the court of common pleas and the board of county 814  
commissioners of the county in which the program is located, with 815  
the court of common pleas and the board of county commissioners of 816  
each county from which the program received the moneys if that 817  
county is different from the county in which the program is 818  
located, and with the attorney general. The alcohol and drug 819  
addiction program shall file the report no later than the first 820  
day of March in the calendar year following the calendar year in 821  
which the program received the fine moneys. The report shall 822  
include statistics on the number of persons served by the alcohol 823  
and drug addiction program, identify the types of alcohol and drug 824  
addiction services provided to those persons, and include a 825  
specific accounting of the purposes for which the fine moneys 826  
received were used. No information contained in the report shall 827  
identify, or enable a person to determine the identity of, any 828  
person served by the alcohol and drug addiction program. Each 829  
report received by a court of common pleas, a board of county 830  
commissioners, or the attorney general is a public record open for 831  
inspection under section 149.43 of the Revised Code. 832

(5) As used in divisions (H)(1) to (5) of this section: 833

(a) "Alcohol and drug addiction program" and "alcohol and 834  
drug addiction services" have the same meanings as in section 835  
3793.01 of the Revised Code. 836

(b) "Eligible alcohol and drug addiction program" means an 837  
alcohol and drug addiction program that is certified under section 838  
3793.06 of the Revised Code or licensed under section 3793.11 of 839  
the Revised Code by the department of alcohol and drug addiction 840  
services. 841

**Sec. 2925.04.** (A) No person shall knowingly cultivate 842  
marihuana or knowingly manufacture or otherwise engage in any part 843

of the production of a controlled substance. 844

(B) This section does not apply to any person listed in 845  
division (B)(1), (2), or (3) of section 2925.03 of the Revised 846  
Code to the extent and under the circumstances described in those 847  
divisions or to a holder of a valid registry identification card 848  
issued under section 3728.13 of the Revised Code to the extent and 849  
under the circumstances described in Chapter 3728. of the Revised 850  
Code. 851

(C)(1) Whoever commits a violation of division (A) of this 852  
section that involves any drug other than marihuana is guilty of 853  
illegal manufacture of drugs, and whoever commits a violation of 854  
division (A) of this section that involves marihuana is guilty of 855  
illegal cultivation of marihuana. 856

(2) Except as otherwise provided in this division, if the 857  
drug involved in the violation of division (A) of this section is 858  
any compound, mixture, preparation, or substance included in 859  
schedule I or II, with the exception of methamphetamine or 860  
marihuana, illegal manufacture of drugs is a felony of the second 861  
degree, and, subject to division (E) of this section, the court 862  
shall impose as a mandatory prison term one of the prison terms 863  
prescribed for a felony of the second degree. 864

If the drug involved in the violation is any compound, 865  
mixture, preparation, or substance included in schedule I or II, 866  
with the exception of methamphetamine or marihuana, and if the 867  
offense was committed in the vicinity of a juvenile or in the 868  
vicinity of a school, illegal manufacture of drugs is a felony of 869  
the first degree, and, subject to division (E) of this section, 870  
the court shall impose as a mandatory prison term one of the 871  
prison terms prescribed for a felony of the first degree. 872

(3) If the drug involved in the violation of division (A) of 873  
this section is methamphetamine, the penalty for the violation 874

shall be determined as follows: 875

(a) Except as otherwise provided in division (C)(3)(b) of 876  
this section, if the drug involved in the violation is 877  
methamphetamine, illegal manufacture of drugs is a felony of the 878  
second degree, and, subject to division (E) of this section, the 879  
court shall impose a mandatory prison term on the offender 880  
determined in accordance with this division. Except as otherwise 881  
provided in this division, the court shall impose as a mandatory 882  
prison term one of the prison terms prescribed for a felony of the 883  
second degree that is not less than three years. If the offender 884  
previously has been convicted of or pleaded guilty to a violation 885  
of division (A) of this section, a violation of division (B)(6) of 886  
section 2919.22 of the Revised Code, or a violation of division 887  
(A) of section 2925.041 of the Revised Code, the court shall 888  
impose as a mandatory prison term one of the prison terms 889  
prescribed for a felony of the second degree that is not less than 890  
five years. 891

(b) If the drug involved in the violation is methamphetamine 892  
and if the offense was committed in the vicinity of a juvenile, in 893  
the vicinity of a school, or on public premises, illegal 894  
manufacture of drugs is a felony of the first degree, and, subject 895  
to division (E) of this section, the court shall impose a 896  
mandatory prison term on the offender determined in accordance 897  
with this division. Except as otherwise provided in this division, 898  
the court shall impose as a mandatory prison term one of the 899  
prison terms prescribed for a felony of the first degree that is 900  
not less than four years. If the offender previously has been 901  
convicted of or pleaded guilty to a violation of division (A) of 902  
this section, a violation of division (B)(6) of section 2919.22 of 903  
the Revised Code, or a violation of division (A) of section 904  
2925.041 of the Revised Code, the court shall impose as a 905  
mandatory prison term one of the prison terms prescribed for a 906

felony of the first degree that is not less than five years. 907

(4) If the drug involved in the violation of division (A) of 908  
this section is any compound, mixture, preparation, or substance 909  
included in schedule III, IV, or V, illegal manufacture of drugs 910  
is a felony of the third degree or, if the offense was committed 911  
in the vicinity of a school or in the vicinity of a juvenile, a 912  
felony of the second degree, and there is a presumption for a 913  
prison term for the offense. 914

(5) If the drug involved in the violation is marihuana, the 915  
penalty for the offense shall be determined as follows: 916

(a) Except as otherwise provided in division (C)(5)(b), (c), 917  
(d), (e), or (f) of this section, illegal cultivation of marihuana 918  
is a minor misdemeanor or, if the offense was committed in the 919  
vicinity of a school or in the vicinity of a juvenile, a 920  
misdemeanor of the fourth degree. 921

(b) If the amount of marihuana involved equals or exceeds one 922  
hundred grams but is less than two hundred grams, illegal 923  
cultivation of marihuana is a misdemeanor of the fourth degree or, 924  
if the offense was committed in the vicinity of a school or in the 925  
vicinity of a juvenile, a misdemeanor of the third degree. 926

(c) If the amount of marihuana involved equals or exceeds two 927  
hundred grams but is less than one thousand grams, illegal 928  
cultivation of marihuana is a felony of the fifth degree or, if 929  
the offense was committed in the vicinity of a school or in the 930  
vicinity of a juvenile, a felony of the fourth degree, and 931  
division (B) of section 2929.13 of the Revised Code applies in 932  
determining whether to impose a prison term on the offender. 933

(d) If the amount of marihuana involved equals or exceeds one 934  
thousand grams but is less than five thousand grams, illegal 935  
cultivation of marihuana is a felony of the third degree or, if 936  
the offense was committed in the vicinity of a school or in the 937

vicinity of a juvenile, a felony of the second degree, and 938  
division (C) of section 2929.13 of the Revised Code applies in 939  
determining whether to impose a prison term on the offender. 940

(e) If the amount of marihuana involved equals or exceeds 941  
five thousand grams but is less than twenty thousand grams, 942  
illegal cultivation of marihuana is a felony of the third degree 943  
or, if the offense was committed in the vicinity of a school or in 944  
the vicinity of a juvenile, a felony of the second degree, and 945  
there is a presumption for a prison term for the offense. 946

(f) Except as otherwise provided in this division, if the 947  
amount of marihuana involved equals or exceeds twenty thousand 948  
grams, illegal cultivation of marihuana is a felony of the second 949  
degree, and the court shall impose as a mandatory prison term the 950  
maximum prison term prescribed for a felony of the second degree. 951  
If the amount of the drug involved equals or exceeds twenty 952  
thousand grams and if the offense was committed in the vicinity of 953  
a school or in the vicinity of a juvenile, illegal cultivation of 954  
marihuana is a felony of the first degree, and the court shall 955  
impose as a mandatory prison term the maximum prison term 956  
prescribed for a felony of the first degree. 957

(D) In addition to any prison term authorized or required by 958  
division (C) or (E) of this section and sections 2929.13 and 959  
2929.14 of the Revised Code and in addition to any other sanction 960  
imposed for the offense under this section or sections 2929.11 to 961  
2929.18 of the Revised Code, the court that sentences an offender 962  
who is convicted of or pleads guilty to a violation of division 963  
(A) of this section shall do all of the following that are 964  
applicable regarding the offender: 965

(1) If the violation of division (A) of this section is a 966  
felony of the first, second, or third degree, the court shall 967  
impose upon the offender the mandatory fine specified for the 968  
offense under division (B)(1) of section 2929.18 of the Revised 969

Code unless, as specified in that division, the court determines 970  
that the offender is indigent. The clerk of the court shall pay a 971  
mandatory fine or other fine imposed for a violation of this 972  
section pursuant to division (A) of section 2929.18 of the Revised 973  
Code in accordance with and subject to the requirements of 974  
division (F) of section 2925.03 of the Revised Code. The agency 975  
that receives the fine shall use the fine as specified in division 976  
(F) of section 2925.03 of the Revised Code. If a person is charged 977  
with a violation of this section that is a felony of the first, 978  
second, or third degree, posts bail, and forfeits the bail, the 979  
clerk shall pay the forfeited bail as if the forfeited bail were a 980  
fine imposed for a violation of this section. 981

(2) The court shall suspend the offender's driver's or 982  
commercial driver's license or permit in accordance with division 983  
(G) of section 2925.03 of the Revised Code. If an offender's 984  
driver's or commercial driver's license or permit is suspended in 985  
accordance with that division, the offender may request 986  
termination of, and the court may terminate, the suspension in 987  
accordance with that division. 988

(3) If the offender is a professionally licensed person, the 989  
court immediately shall comply with section 2925.38 of the Revised 990  
Code. 991

(E) Notwithstanding the prison term otherwise authorized or 992  
required for the offense under division (C) of this section and 993  
sections 2929.13 and 2929.14 of the Revised Code, if the violation 994  
of division (A) of this section involves the sale, offer to sell, 995  
or possession of a schedule I or II controlled substance, with the 996  
exception of marihuana, and if the court imposing sentence upon 997  
the offender finds that the offender as a result of the violation 998  
is a major drug offender and is guilty of a specification of the 999  
type described in section 2941.1410 of the Revised Code, the 1000  
court, in lieu of the prison term otherwise authorized or 1001



required, shall impose upon the offender the mandatory prison term 1002  
specified in division (D)(3)(a) of section 2929.14 of the Revised 1003  
Code and may impose an additional prison term under division 1004  
(D)(3)(b) of that section. 1005

(F) It is an affirmative defense, as provided in section 1006  
2901.05 of the Revised Code, to a charge under this section for a 1007  
fifth degree felony violation of illegal cultivation of marihuana 1008  
that the marihuana that gave rise to the charge is in an amount, 1009  
is in a form, is prepared, compounded, or mixed with substances 1010  
that are not controlled substances in a manner, or is possessed or 1011  
cultivated under any other circumstances that indicate that the 1012  
marihuana was solely for personal use. 1013

Notwithstanding any contrary provision of division (F) of 1014  
this section, if, in accordance with section 2901.05 of the 1015  
Revised Code, a person who is charged with a violation of illegal 1016  
cultivation of marihuana that is a felony of the fifth degree 1017  
sustains the burden of going forward with evidence of and 1018  
establishes by a preponderance of the evidence the affirmative 1019  
defense described in this division, the person may be prosecuted 1020  
for and may be convicted of or plead guilty to a misdemeanor 1021  
violation of illegal cultivation of marihuana. 1022

(G) Arrest or conviction for a minor misdemeanor violation of 1023  
this section does not constitute a criminal record and need not be 1024  
reported by the person so arrested or convicted in response to any 1025  
inquiries about the person's criminal record, including any 1026  
inquiries contained in an application for employment, a license, 1027  
or any other right or privilege or made in connection with the 1028  
person's appearance as a witness. 1029

**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, 1030  
or use a controlled substance. 1031

(B) This section does not apply to any of the following: 1032

(1) Manufacturers, licensed health professionals authorized 1033  
to prescribe drugs, pharmacists, owners of pharmacies, and other 1034  
persons whose conduct was in accordance with Chapters 3719., 1035  
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1036

(2) If the offense involves an anabolic steroid, any person 1037  
who is conducting or participating in a research project involving 1038  
the use of an anabolic steroid if the project has been approved by 1039  
the United States food and drug administration; 1040

(3) Any person who sells, offers for sale, prescribes, 1041  
dispenses, or administers for livestock or other nonhuman species 1042  
an anabolic steroid that is expressly intended for administration 1043  
through implants to livestock or other nonhuman species and 1044  
approved for that purpose under the "Federal Food, Drug, and 1045  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1046  
and is sold, offered for sale, prescribed, dispensed, or 1047  
administered for that purpose in accordance with that act; 1048

(4) Any person who obtained the controlled substance pursuant 1049  
to a prescription issued by a licensed health professional 1050  
authorized to prescribe drugs; 1051

(5) A holder of a valid registry identification card issued 1052  
under section 3728.13 of the Revised Code to the extent and under 1053  
the circumstances described in Chapter 3728. of the Revised Code. 1054

(C) Whoever violates division (A) of this section is guilty 1055  
of one of the following: 1056

(1) If the drug involved in the violation is a compound, 1057  
mixture, preparation, or substance included in schedule I or II, 1058  
with the exception of marihuana, cocaine, L.S.D., heroin, and 1059  
hashish, whoever violates division (A) of this section is guilty 1060  
of aggravated possession of drugs. The penalty for the offense 1061  
shall be determined as follows: 1062

(a) Except as otherwise provided in division (C)(1)(b), (c), 1063

(d), or (e) of this section, aggravated possession of drugs is a 1064  
felony of the fifth degree, and division (B) of section 2929.13 of 1065  
the Revised Code applies in determining whether to impose a prison 1066  
term on the offender. 1067

(b) If the amount of the drug involved equals or exceeds the 1068  
bulk amount but is less than five times the bulk amount, 1069  
aggravated possession of drugs is a felony of the third degree, 1070  
and there is a presumption for a prison term for the offense. 1071

(c) If the amount of the drug involved equals or exceeds five 1072  
times the bulk amount but is less than fifty times the bulk 1073  
amount, aggravated possession of drugs is a felony of the second 1074  
degree, and the court shall impose as a mandatory prison term one 1075  
of the prison terms prescribed for a felony of the second degree. 1076

(d) If the amount of the drug involved equals or exceeds 1077  
fifty times the bulk amount but is less than one hundred times the 1078  
bulk amount, aggravated possession of drugs is a felony of the 1079  
first degree, and the court shall impose as a mandatory prison 1080  
term one of the prison terms prescribed for a felony of the first 1081  
degree. 1082

(e) If the amount of the drug involved equals or exceeds one 1083  
hundred times the bulk amount, aggravated possession of drugs is a 1084  
felony of the first degree, the offender is a major drug offender, 1085  
and the court shall impose as a mandatory prison term the maximum 1086  
prison term prescribed for a felony of the first degree and may 1087  
impose an additional mandatory prison term prescribed for a major 1088  
drug offender under division (D)(3)(b) of section 2929.14 of the 1089  
Revised Code. 1090

(2) If the drug involved in the violation is a compound, 1091  
mixture, preparation, or substance included in schedule III, IV, 1092  
or V, whoever violates division (A) of this section is guilty of 1093  
possession of drugs. The penalty for the offense shall be 1094

determined as follows: 1095

(a) Except as otherwise provided in division (C)(2)(b), (c), 1096  
or (d) of this section, possession of drugs is a misdemeanor of 1097  
the third degree or, if the offender previously has been convicted 1098  
of a drug abuse offense, a misdemeanor of the second degree. If 1099  
the drug involved in the violation is an anabolic steroid included 1100  
in schedule III and if the offense is a misdemeanor of the third 1101  
degree under this division, in lieu of sentencing the offender to 1102  
a term of imprisonment in a detention facility, the court may 1103  
place the offender under a community control sanction, as defined 1104  
in section 2929.01 of the Revised Code, that requires the offender 1105  
to perform supervised community service work pursuant to division 1106  
(B) of section 2951.02 of the Revised Code. 1107

(b) If the amount of the drug involved equals or exceeds the 1108  
bulk amount but is less than five times the bulk amount, 1109  
possession of drugs is a felony of the fourth degree, and division 1110  
(C) of section 2929.13 of the Revised Code applies in determining 1111  
whether to impose a prison term on the offender. 1112

(c) If the amount of the drug involved equals or exceeds five 1113  
times the bulk amount but is less than fifty times the bulk 1114  
amount, possession of drugs is a felony of the third degree, and 1115  
there is a presumption for a prison term for the offense. 1116

(d) If the amount of the drug involved equals or exceeds 1117  
fifty times the bulk amount, possession of drugs is a felony of 1118  
the second degree, and the court shall impose upon the offender as 1119  
a mandatory prison term one of the prison terms prescribed for a 1120  
felony of the second degree. 1121

(3) If the drug involved in the violation is marihuana or a 1122  
compound, mixture, preparation, or substance containing marihuana 1123  
other than hashish, whoever violates division (A) of this section 1124  
is guilty of possession of marihuana. The penalty for the offense 1125

shall be determined as follows: 1126

(a) Except as otherwise provided in division (C)(3)(b), (c), 1127  
(d), (e), or (f) of this section, possession of marihuana is a 1128  
minor misdemeanor. 1129

(b) If the amount of the drug involved equals or exceeds one 1130  
hundred grams but is less than two hundred grams, possession of 1131  
marihuana is a misdemeanor of the fourth degree. 1132

(c) If the amount of the drug involved equals or exceeds two 1133  
hundred grams but is less than one thousand grams, possession of 1134  
marihuana is a felony of the fifth degree, and division (B) of 1135  
section 2929.13 of the Revised Code applies in determining whether 1136  
to impose a prison term on the offender. 1137

(d) If the amount of the drug involved equals or exceeds one 1138  
thousand grams but is less than five thousand grams, possession of 1139  
marihuana is a felony of the third degree, and division (C) of 1140  
section 2929.13 of the Revised Code applies in determining whether 1141  
to impose a prison term on the offender. 1142

(e) If the amount of the drug involved equals or exceeds five 1143  
thousand grams but is less than twenty thousand grams, possession 1144  
of marihuana is a felony of the third degree, and there is a 1145  
presumption that a prison term shall be imposed for the offense. 1146

(f) If the amount of the drug involved equals or exceeds 1147  
twenty thousand grams, possession of marihuana is a felony of the 1148  
second degree, and the court shall impose as a mandatory prison 1149  
term the maximum prison term prescribed for a felony of the second 1150  
degree. 1151

(4) If the drug involved in the violation is cocaine or a 1152  
compound, mixture, preparation, or substance containing cocaine, 1153  
whoever violates division (A) of this section is guilty of 1154  
possession of cocaine. The penalty for the offense shall be 1155  
determined as follows: 1156

(a) Except as otherwise provided in division (C)(4)(b), (c), 1157  
(d), (e), or (f) of this section, possession of cocaine is a 1158  
felony of the fifth degree, and division (B) of section 2929.13 of 1159  
the Revised Code applies in determining whether to impose a prison 1160  
term on the offender. 1161

(b) If the amount of the drug involved equals or exceeds five 1162  
grams but is less than twenty-five grams of cocaine that is not 1163  
crack cocaine or equals or exceeds one gram but is less than five 1164  
grams of crack cocaine, possession of cocaine is a felony of the 1165  
fourth degree, and there is a presumption for a prison term for 1166  
the offense. 1167

(c) If the amount of the drug involved equals or exceeds 1168  
twenty-five grams but is less than one hundred grams of cocaine 1169  
that is not crack cocaine or equals or exceeds five grams but is 1170  
less than ten grams of crack cocaine, possession of cocaine is a 1171  
felony of the third degree, and the court shall impose as a 1172  
mandatory prison term one of the prison terms prescribed for a 1173  
felony of the third degree. 1174

(d) If the amount of the drug involved equals or exceeds one 1175  
hundred grams but is less than five hundred grams of cocaine that 1176  
is not crack cocaine or equals or exceeds ten grams but is less 1177  
than twenty-five grams of crack cocaine, possession of cocaine is 1178  
a felony of the second degree, and the court shall impose as a 1179  
mandatory prison term one of the prison terms prescribed for a 1180  
felony of the second degree. 1181

(e) If the amount of the drug involved equals or exceeds five 1182  
hundred grams but is less than one thousand grams of cocaine that 1183  
is not crack cocaine or equals or exceeds twenty-five grams but is 1184  
less than one hundred grams of crack cocaine, possession of 1185  
cocaine is a felony of the first degree, and the court shall 1186  
impose as a mandatory prison term one of the prison terms 1187  
prescribed for a felony of the first degree. 1188

(f) If the amount of the drug involved equals or exceeds one thousand grams of cocaine that is not crack cocaine or equals or exceeds one hundred grams of crack cocaine, possession of cocaine 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.

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

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

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

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

(d) If the amount of L.S.D. involved equals or exceeds two 1221  
hundred fifty unit doses but is less than one thousand unit doses 1222  
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1223  
but is less than one hundred grams of L.S.D. in a liquid 1224  
concentrate, liquid extract, or liquid distillate form, possession 1225  
of L.S.D. is a felony of the second degree, and the court shall 1226  
impose as a mandatory prison term one of the prison terms 1227  
prescribed for a felony of the second degree. 1228

(e) If the amount of L.S.D. involved equals or exceeds one 1229  
thousand unit doses but is less than five thousand unit doses of 1230  
L.S.D. in a solid form or equals or exceeds one hundred grams but 1231  
is less than five hundred grams of L.S.D. in a liquid concentrate, 1232  
liquid extract, or liquid distillate form, possession of L.S.D. is 1233  
a felony of the first degree, and the court shall impose as a 1234  
mandatory prison term one of the prison terms prescribed for a 1235  
felony of the first degree. 1236

(f) If the amount of L.S.D. involved equals or exceeds five 1237  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1238  
five hundred grams of L.S.D. in a liquid concentrate, liquid 1239  
extract, or liquid distillate form, possession of L.S.D. is a 1240  
felony of the first degree, the offender is a major drug offender, 1241  
and the court shall impose as a mandatory prison term the maximum 1242  
prison term prescribed for a felony of the first degree and may 1243  
impose an additional mandatory prison term prescribed for a major 1244  
drug offender under division (D)(3)(b) of section 2929.14 of the 1245  
Revised Code. 1246

(6) If the drug involved in the violation is heroin or a 1247  
compound, mixture, preparation, or substance containing heroin, 1248  
whoever violates division (A) of this section is guilty of 1249  
possession of heroin. The penalty for the offense shall be 1250  
determined as follows: 1251

(a) Except as otherwise provided in division (C)(6)(b), (c), 1252



(d), (e), or (f) of this section, possession of heroin is a felony 1253  
of the fifth degree, and division (B) of section 2929.13 of the 1254  
Revised Code applies in determining whether to impose a prison 1255  
term on the offender. 1256

(b) If the amount of the drug involved equals or exceeds ten 1257  
unit doses but is less than fifty unit doses or equals or exceeds 1258  
one gram but is less than five grams, possession of heroin is a 1259  
felony of the fourth degree, and division (C) of section 2929.13 1260  
of the Revised Code applies in determining whether to impose a 1261  
prison term on the offender. 1262

(c) If the amount of the drug involved equals or exceeds 1263  
fifty unit doses but is less than one hundred unit doses or equals 1264  
or exceeds five grams but is less than ten grams, possession of 1265  
heroin is a felony of the third degree, and there is a presumption 1266  
for a prison term for the offense. 1267

(d) If the amount of the drug involved equals or exceeds one 1268  
hundred unit doses but is less than five hundred unit doses or 1269  
equals or exceeds ten grams but is less than fifty grams, 1270  
possession of heroin is a felony of the second degree, and the 1271  
court shall impose as a mandatory prison term one of the prison 1272  
terms prescribed for a felony of the second degree. 1273

(e) If the amount of the drug involved equals or exceeds five 1274  
hundred unit doses but is less than two thousand five hundred unit 1275  
doses or equals or exceeds fifty grams but is less than two 1276  
hundred fifty grams, possession of heroin is a felony of the first 1277  
degree, and the court shall impose as a mandatory prison term one 1278  
of the prison terms prescribed for a felony of the first degree. 1279

(f) If the amount of the drug involved equals or exceeds two 1280  
thousand five hundred unit doses or equals or exceeds two hundred 1281  
fifty grams, possession of heroin is a felony of the first degree, 1282  
the offender is a major drug offender, and the court shall impose 1283

as a mandatory prison term the maximum prison term prescribed for 1284  
a felony of the first degree and may impose an additional 1285  
mandatory prison term prescribed for a major drug offender under 1286  
division (D)(3)(b) of section 2929.14 of the Revised Code. 1287

(7) If the drug involved in the violation is hashish or a 1288  
compound, mixture, preparation, or substance containing hashish, 1289  
whoever violates division (A) of this section is guilty of 1290  
possession of hashish. The penalty for the offense shall be 1291  
determined as follows: 1292

(a) Except as otherwise provided in division (C)(7)(b), (c), 1293  
(d), (e), or (f) of this section, possession of hashish is a minor 1294  
misdemeanor. 1295

(b) If the amount of the drug involved equals or exceeds five 1296  
grams but is less than ten grams of hashish in a solid form or 1297  
equals or exceeds one gram but is less than two grams of hashish 1298  
in a liquid concentrate, liquid extract, or liquid distillate 1299  
form, possession of hashish is a misdemeanor of the fourth degree. 1300

(c) If the amount of the drug involved equals or exceeds ten 1301  
grams but is less than fifty grams of hashish in a solid form or 1302  
equals or exceeds two grams but is less than ten grams of hashish 1303  
in a liquid concentrate, liquid extract, or liquid distillate 1304  
form, possession of hashish is a felony of the fifth degree, and 1305  
division (B) of section 2929.13 of the Revised Code applies in 1306  
determining whether to impose a prison term on the offender. 1307

(d) If the amount of the drug involved equals or exceeds 1308  
fifty grams but is less than two hundred fifty grams of hashish in 1309  
a solid form or equals or exceeds ten grams but is less than fifty 1310  
grams of hashish in a liquid concentrate, liquid extract, or 1311  
liquid distillate form, possession of hashish is a felony of the 1312  
third degree, and division (C) of section 2929.13 of the Revised 1313  
Code applies in determining whether to impose a prison term on the 1314

offender. 1315

(e) If the amount of the drug involved equals or exceeds two 1316  
hundred fifty grams but is less than one thousand grams of hashish 1317  
in a solid form or equals or exceeds fifty grams but is less than 1318  
two hundred grams of hashish in a liquid concentrate, liquid 1319  
extract, or liquid distillate form, possession of hashish is a 1320  
felony of the third degree, and there is a presumption that a 1321  
prison term shall be imposed for the offense. 1322

(f) If the amount of the drug involved equals or exceeds one 1323  
thousand grams of hashish in a solid form or equals or exceeds two 1324  
hundred grams of hashish in a liquid concentrate, liquid extract, 1325  
or liquid distillate form, possession of hashish is a felony of 1326  
the second degree, and the court shall impose as a mandatory 1327  
prison term the maximum prison term prescribed for a felony of the 1328  
second degree. 1329

(D) Arrest or conviction for a minor misdemeanor violation of 1330  
this section does not constitute a criminal record and need not be 1331  
reported by the person so arrested or convicted in response to any 1332  
inquiries about the person's criminal record, including any 1333  
inquiries contained in any application for employment, license, or 1334  
other right or privilege, or made in connection with the person's 1335  
appearance as a witness. 1336

(E) In addition to any prison term or jail term authorized or 1337  
required by division (C) of this section and sections 2929.13, 1338  
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 1339  
addition to any other sanction that is imposed for the offense 1340  
under this section, sections 2929.11 to 2929.18, or sections 1341  
2929.21 to 2929.28 of the Revised Code, the court that sentences 1342  
an offender who is convicted of or pleads guilty to a violation of 1343  
division (A) of this section shall do all of the following that 1344  
are applicable regarding the offender: 1345

(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 section, the court immediately shall comply with section 2925.38 of the Revised Code.

(F) It is an affirmative defense, as provided in section 2901.05 of the Revised Code, to a charge of a fourth degree felony violation under this section that the controlled substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other

circumstances, that indicate that the substance was possessed 1377  
solely for personal use. Notwithstanding any contrary provision of 1378  
this section, if, in accordance with section 2901.05 of the 1379  
Revised Code, an accused who is charged with a fourth degree 1380  
felony violation of division (C)(2), (4), (5), or (6) of this 1381  
section sustains the burden of going forward with evidence of and 1382  
establishes by a preponderance of the evidence the affirmative 1383  
defense described in this division, the accused may be prosecuted 1384  
for and may plead guilty to or be convicted of a misdemeanor 1385  
violation of division (C)(2) of this section or a fifth degree 1386  
felony violation of division (C)(4), (5), or (6) of this section 1387  
respectively. 1388

(G) When a person is charged with possessing a bulk amount or 1389  
multiple of a bulk amount, division (E) of section 2925.03 of the 1390  
Revised Code applies regarding the determination of the amount of 1391  
the controlled substance involved at the time of the offense. 1392

**Sec. 2925.14.** (A) As used in this section, "drug 1393  
paraphernalia" means any equipment, product, or material of any 1394  
kind that is used by the offender, intended by the offender for 1395  
use, or designed for use, in propagating, cultivating, growing, 1396  
harvesting, manufacturing, compounding, converting, producing, 1397  
processing, preparing, testing, analyzing, packaging, repackaging, 1398  
storing, containing, concealing, injecting, ingesting, inhaling, 1399  
or otherwise introducing into the human body, a controlled 1400  
substance in violation of this chapter. "Drug paraphernalia" 1401  
includes, but is not limited to, any of the following equipment, 1402  
products, or materials that are used by the offender, intended by 1403  
the offender for use, or designed by the offender for use, in any 1404  
of the following manners: 1405

(1) A kit for propagating, cultivating, growing, or 1406  
harvesting any species of a plant that is a controlled substance 1407

or from which a controlled substance can be derived;	1408
(2) A kit for manufacturing, compounding, converting,	1409
producing, processing, or preparing a controlled substance;	1410
(3) Any object, instrument, or device for manufacturing,	1411
compounding, converting, producing, processing, or preparing	1412
methamphetamine;	1413
(4) An isomerization device for increasing the potency of any	1414
species of a plant that is a controlled substance;	1415
(5) Testing equipment for identifying, or analyzing the	1416
strength, effectiveness, or purity of, a controlled substance;	1417
(6) A scale or balance for weighing or measuring a controlled	1418
substance;	1419
(7) A diluent or adulterant, such as quinine hydrochloride,	1420
mannitol, mannite, dextrose, or lactose, for cutting a controlled	1421
substance;	1422
(8) A separation gin or sifter for removing twigs and seeds	1423
from, or otherwise cleaning or refining, marihuana;	1424
(9) A blender, bowl, container, spoon, or mixing device for	1425
compounding a controlled substance;	1426
(10) A capsule, balloon, envelope, or container for packaging	1427
small quantities of a controlled substance;	1428
(11) A container or device for storing or concealing a	1429
controlled substance;	1430
(12) A hypodermic syringe, needle, or instrument for	1431
parenterally injecting a controlled substance into the human body;	1432
(13) An object, instrument, or device for ingesting,	1433
inhaling, or otherwise introducing into the human body, marihuana,	1434
cocaine, hashish, or hashish oil, such as a metal, wooden,	1435
acrylic, glass, stone, plastic, or ceramic pipe, with or without a	1436

screen, permanent screen, hashish head, or punctured metal bowl; 1437  
water pipe; carburetion tube or device; smoking or carburetion 1438  
mask; roach clip or similar object used to hold burning material, 1439  
such as a marihuana cigarette, that has become too small or too 1440  
short to be held in the hand; miniature cocaine spoon, or cocaine 1441  
vial; chamber pipe; carburetor pipe; electric pipe; air driver 1442  
pipe; chillum; bong; or ice pipe or chiller. 1443

(B) In determining if any equipment, product, or material is 1444  
drug paraphernalia, a court or law enforcement officer shall 1445  
consider, in addition to other relevant factors, the following: 1446

(1) Any statement by the owner, or by anyone in control, of 1447  
the equipment, product, or material, concerning its use; 1448

(2) The proximity in time or space of the equipment, product, 1449  
or material, or of the act relating to the equipment, product, or 1450  
material, to a violation of any provision of this chapter; 1451

(3) The proximity of the equipment, product, or material to 1452  
any controlled substance; 1453

(4) The existence of any residue of a controlled substance on 1454  
the equipment, product, or material; 1455

(5) Direct or circumstantial evidence of the intent of the 1456  
owner, or of anyone in control, of the equipment, product, or 1457  
material, to deliver it to any person whom the owner or person in 1458  
control of the equipment, product, or material knows intends to 1459  
use the object to facilitate a violation of any provision of this 1460  
chapter. A finding that the owner, or anyone in control, of the 1461  
equipment, product, or material, is not guilty of a violation of 1462  
any other provision of this chapter does not prevent a finding 1463  
that the equipment, product, or material was intended or designed 1464  
by the offender for use as drug paraphernalia. 1465

(6) Any oral or written instruction provided with the 1466  
equipment, product, or material concerning its use; 1467

(7) Any descriptive material accompanying the equipment,	1468
product, or material and explaining or depicting its use;	1469
(8) National or local advertising concerning the use of the	1470
equipment, product, or material;	1471
(9) The manner and circumstances in which the equipment,	1472
product, or material is displayed for sale;	1473
(10) Direct or circumstantial evidence of the ratio of the	1474
sales of the equipment, product, or material to the total sales of	1475
the business enterprise;	1476
(11) The existence and scope of legitimate uses of the	1477
equipment, product, or material in the community;	1478
(12) Expert testimony concerning the use of the equipment,	1479
product, or material.	1480
(C)(1) No person shall knowingly use, or possess with purpose	1481
to use, drug paraphernalia.	1482
(2) No person shall knowingly sell, or possess or manufacture	1483
with purpose to sell, drug paraphernalia, if the person knows or	1484
reasonably should know that the equipment, product, or material	1485
will be used as drug paraphernalia.	1486
(3) No person shall place an advertisement in any newspaper,	1487
magazine, handbill, or other publication that is published and	1488
printed and circulates primarily within this state, if the person	1489
knows that the purpose of the advertisement is to promote the	1490
illegal sale in this state of the equipment, product, or material	1491
that the offender intended or designed for use as drug	1492
paraphernalia.	1493
(D)(1) This section does not apply to manufacturers, licensed	1494
health professionals authorized to prescribe drugs, pharmacists,	1495
owners of pharmacies, and other persons whose conduct is in	1496
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731.,	1497



and 4741. of the Revised Code. This section shall not be construed 1498  
to prohibit the possession or use of a hypodermic as authorized by 1499  
section 3719.172 of the Revised Code. 1500

(2) This section does not apply to a holder of a valid 1501  
registry identification card issued under section 3728.13 of the 1502  
Revised Code to the extent and under the circumstances described 1503  
in Chapter 3728. of the Revised Code. 1504

(E) Notwithstanding Chapter 2981. of the Revised Code, any 1505  
drug paraphernalia that was used, possessed, sold, or manufactured 1506  
in a violation of this section shall be seized, after a conviction 1507  
for that violation shall be forfeited, and upon forfeiture shall 1508  
be disposed of pursuant to division (B) of section 2981.12 of the 1509  
Revised Code. 1510

(F)(1) Whoever violates division (C)(1) of this section is 1511  
guilty of illegal use or possession of drug paraphernalia, a 1512  
misdemeanor of the fourth degree. 1513

(2) Except as provided in division (F)(3) of this section, 1514  
whoever violates division (C)(2) of this section is guilty of 1515  
dealing in drug paraphernalia, a misdemeanor of the second degree. 1516

(3) Whoever violates division (C)(2) of this section by 1517  
selling drug paraphernalia to a juvenile is guilty of selling drug 1518  
paraphernalia to juveniles, a misdemeanor of the first degree. 1519

(4) Whoever violates division (C)(3) of this section is 1520  
guilty of illegal advertising of drug paraphernalia, a misdemeanor 1521  
of the second degree. 1522

(G) In addition to any other sanction imposed upon an 1523  
offender for a violation of this section, the court shall suspend 1524  
for not less than six months or more than five years the 1525  
offender's driver's or commercial driver's license or permit. If 1526  
the offender is a professionally licensed person, in addition to 1527  
any other sanction imposed for a violation of this section, the 1528

court immediately shall comply with section 2925.38 of the Revised Code. 1529  
Code. 1530

Sec. 2925.41. (A) As used in sections 2925.41 to 2925.45 of 1531  
the Revised Code, "cannabis," "cardholder," "medical use of 1532  
cannabis," "practitioner," "registered primary caregiver," and 1533  
"registered qualifying patient" have the same meanings as in 1534  
section 3728.01 of the Revised Code. 1535

(B) The following persons are not subject to arrest, 1536  
prosecution, or any criminal or civil penalty and shall not be 1537  
denied any right or privilege for engaging in any of the following 1538  
specified activities: 1539

(1) A registered qualifying patient for engaging in the 1540  
medical use of cannabis; 1541

(2) A registered primary caregiver for engaging in an 1542  
activity authorized by section 3728.03 of the Revised Code; 1543

(3) A cardholder for engaging in an activity authorized by 1544  
section 3728.06 of the Revised Code; 1545

(4) Any person for engaging in an activity authorized by 1546  
section 3728.07 of the Revised Code; 1547

(5) A practitioner for engaging in an activity authorized by 1548  
section 3728.08 of the Revised Code. 1549

(C)(1) There is a presumption that a registered qualifying 1550  
patient is engaged in the medical use of cannabis if the patient 1551  
is in possession of a valid registry identification card and an 1552  
amount of usable cannabis or number of mature cannabis plants that 1553  
does not exceed the limit established by division (B)(1) of 1554  
section 3728.02 of the Revised Code or rules adopted under section 1555  
3728.371 of the Revised Code. The presumption may be rebutted by 1556  
evidence that conduct related to cannabis was not for the purpose 1557  
of treating or alleviating the registered qualifying patient's 1558

debilitating medical condition or symptoms associated with the 1559  
debilitating medical condition. 1560

(2) There is a presumption that a registered primary 1561  
caregiver is engaging in an activity authorized by section 3728.03 1562  
of the Revised Code if the registered primary caregiver is in 1563  
possession of a valid registry identification card and an amount 1564  
of usable cannabis or number of mature cannabis plants that does 1565  
not exceed the limit established by division (B)(1) of section 1566  
3728.02 of the Revised Code or rules adopted under section 1567  
3728.371 of the Revised Code. The presumption may be rebutted by 1568  
evidence that conduct related to cannabis was not for the purpose 1569  
of treating or alleviating the debilitating medical condition or 1570  
symptoms associated with the debilitating medical condition of a 1571  
registered qualifying patient for whom the registered primary 1572  
caregiver serves as a registered primary caregiver. 1573

**Sec. 2925.43.** (A) Possession of or application for a registry 1574  
identification card shall not constitute probable cause or 1575  
reasonable suspicion to search or seize the person or property of 1576  
the person possessing or applying for the card. 1577

(B) No person shall be subject to arrest, prosecution, or any 1578  
criminal or civil penalty or shall be denied any right or 1579  
privilege solely for being in the presence or vicinity of a 1580  
registered primary caregiver engaging in the medical use of 1581  
cannabis or for assisting a registered qualifying patient's use or 1582  
administration of cannabis, regardless of whether the person is a 1583  
registered primary caregiver. 1584

(C) No law enforcement officer or law enforcement agency 1585  
shall seize any cannabis, cannabis paraphernalia, licit property, 1586  
or interest in licit property that is possessed, owned, or used in 1587  
connection with a registered qualifying patient's medical use of 1588  
cannabis or in connection with acts incidental to a registered 1589

qualifying patient's medical use of cannabis. No court shall order 1590  
the forfeiture of any cannabis, cannabis paraphernalia, licit 1591  
property, or interest in licit property that is so possessed, 1592  
owned, or used. If a law enforcement officer seizes and does not 1593  
return cannabis that is possessed by a cardholder in accordance 1594  
with section 3728.02 or 3728.03 of the Revised Code, the agency 1595  
that employs the officer shall be liable to the cardholder for the 1596  
value of the cannabis. 1597

**Sec. 2925.44.** If an individual being investigated by a law 1598  
enforcement officer employed by a state-funded or locally funded 1599  
law enforcement agency credibly asserts during the course of the 1600  
investigation that he or she is a registered qualifying patient or 1601  
registered primary caregiver, neither the law enforcement officer 1602  
nor the law enforcement agency shall provide any information, 1603  
except as required by federal law or the United States 1604  
Constitution, from any cannabis-related investigation of the 1605  
person to any law enforcement authority that does not recognize 1606  
the protections of sections 2925.41 to 2925.44 of the Revised 1607  
Code. Any prosecution of the individual for a violation of this 1608  
chapter shall be conducted pursuant to the laws of this state. 1609

**Sec. 2925.45.** (A) Except as provided in division (B) of 1610  
section 3728.02 of the Revised Code, a person who is not a 1611  
registered qualifying patient may assert the medical purpose for 1612  
using cannabis as a defense to any prosecution involving cannabis, 1613  
and this defense shall be presumed valid if the evidence shows 1614  
that all of the following apply: 1615

(1) A practitioner has stated that in the practitioner's 1616  
professional opinion and scope of practice and after having 1617  
completed a full assessment of the person's medical history and 1618  
current medical condition made in the course of a bona fide 1619  
practitioner-patient relationship the person is likely to receive 1620

therapeutic or palliative benefit from the medical use of cannabis 1621  
to treat or alleviate the person's serious or debilitating medical 1622  
condition or symptoms associated with the person's serious or 1623  
debilitating medical condition. 1624

(2) The person was in possession of a quantity of cannabis 1625  
that was not more than was reasonably necessary to ensure the 1626  
uninterrupted availability of cannabis for the purpose of treating 1627  
or alleviating the person's serious or debilitating medical 1628  
condition or symptoms associated with the person's serious or 1629  
debilitating medical condition. 1630

(3) The person was engaged in the acquisition, possession, 1631  
cultivation, manufacture, use, delivery, transfer, or 1632  
transportation of cannabis or paraphernalia relating to the 1633  
administration of cannabis to treat or alleviate the serious or 1634  
debilitating medical condition or symptoms associated with the 1635  
serious or debilitating medical condition. 1636

(B) If a person who is not a registered qualifying patient 1637  
demonstrates the person's medical purpose for using cannabis 1638  
pursuant to this section, the person shall not be subject to 1639  
either of the following: 1640

(1) Disciplinary action by a business or licensing agency; 1641

(2) Forfeiture of any interest in or right to property. 1642

**Sec. 3728.01. As used in this chapter:** 1643

(A) "Cannabis" means marihuana as defined in section 3719.01 1644  
of the Revised Code. 1645

(B) "Cannabis plant" means female individuals of the cannabis 1646  
genus or their cultivars. 1647

(C) "Cardholder" means a registered qualifying patient or 1648  
registered primary caregiver. 1649

(D) "Debilitating medical condition" means one or more of the following: 1650  
1651

(1) Cancer; glaucoma; positive status for human immunodeficiency virus; acquired immune deficiency syndrome; hepatitis C; amyotrophic lateral sclerosis; Crohn's disease; agitation of Alzheimer's disease; nail patella; multiple sclerosis; injury or disease to the spinal cord, spinal column, or vertebra; myelomalacia; celiac disease; or the treatment of these conditions; 1652  
1653  
1654  
1655  
1656  
1657  
1658

(2) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: 1659  
1660

(a) Cachexia or wasting syndrome; 1661

(b) Severe or chronic pain; 1662

(c) Severe or chronic nausea; 1663

(d) Seizures, including those characteristic of epilepsy; 1664

(e) Severe or persistent muscle spasms. 1665

(3) Any other medical condition or its treatment added as a debilitating medical condition pursuant to section 3728.371 of the Revised Code. 1666  
1667  
1668

(E) "Law enforcement officer" has the same meaning as in section 2901.01 of the Revised Code. 1669  
1670

(F) "Licensing agency" means a department, division, board, section of a board, or other state governmental unit authorized by the Revised Code to issue a license, certificate, permit, card, or other authority to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises. 1671  
1672  
1673  
1674  
1675  
1676

(G) "Medical use of cannabis" means the activities authorized by section 3728.02 of the Revised Code. 1677  
1678

<u>(H) "Practitioner" means any of the following:</u>	1679
<u>(1) A dentist licensed under Chapter 4715. of the Revised Code;</u>	1680
<u>(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;</u>	1681
<u>(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;</u>	1682
<u>(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;</u>	1683
<u>(5) A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code.</u>	1684
<u>(I) "Primary caregiver" means an individual who has agreed to assist with a registered qualifying patient's medical use of cannabis.</u>	1685
<u>(J) "Qualifying patient" means a person who has been diagnosed by a practitioner acting within the practitioner's scope of practice as having a debilitating medical condition.</u>	1686
<u>(K) "Registered cultivation sites" are the locations, if any, at which a cardholder may cultivate cannabis as specified in the cardholder's application for a registry identification card.</u>	1687
<u>(L) "Registry identification card" means a document issued by the department of health under section 3728.13 of the Revised Code that identifies a person as a registered qualifying patient or registered primary caregiver.</u>	1688
<u>(M) "Registered primary caregiver" means a primary caregiver who holds a valid registry identification card.</u>	1689
<u>(N) "Registered qualifying patient" means a qualifying</u>	1690
	1691
	1692
	1693
	1694
	1695
	1696
	1697
	1698
	1699
	1700
	1701
	1702
	1703
	1704
	1705
	1706
	1707
	1708

patient who holds a valid registry identification card. 1709

(O) "Usable cannabis" means the dried flowers of the female cannabis plant and any mixture, tincture, oil, reduction, compound, or preparation thereof. "Usable cannabis" does not include the leaves, seeds, stalks, or roots of the female cannabis plant. 1710  
1711  
1712  
1713  
1714

(P) "Visiting qualifying patient" means a qualifying patient who is not a resident of this state or who has been a resident of this state for less than thirty days. 1715  
1716  
1717

(O) "Written certification" means a document signed by a practitioner under section 3728.08 of the Revised Code stating that in the practitioner's professional opinion and scope of practice a patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis. 1718  
1719  
1720  
1721  
1722

**Sec. 3728.02.** (A) Subject to division (B) of this section, a registered qualifying patient may do any of the following to treat or alleviate the registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition: 1723  
1724  
1725  
1726  
1727

(1) Acquire, possess, transport, and use cannabis and paraphernalia relating to the administration of cannabis. 1728  
1729

(2) Cultivate cannabis at the registered qualifying patient's registered cultivation sites. 1730  
1731

(3) Manufacture paraphernalia relating to the administration of cannabis. 1732  
1733

(B) A registered qualifying patient's possession of a valid registry identification card does not authorize the patient to do any of the following: 1734  
1735  
1736

(1) Except as provided in rules adopted under section 3728.371 of the Revised Code, possess more than two hundred grams 1737  
1738



of usable cannabis or more than twelve mature cannabis plants; 1739

(2) Undertake any task under the influence of cannabis, when 1740  
doing so would constitute negligence or professional malpractice; 1741

(3) Possess cannabis or otherwise engage in the medical use 1742  
of cannabis in a school bus, on the grounds of any preschool or 1743  
primary or secondary school, or in any correctional facility; 1744

(4) Smoke cannabis on any form of public transportation or in 1745  
any public place; 1746

(5) Subject to division (D) of this section, operate, 1747  
navigate, or be in actual physical control of any motor vehicle, 1748  
aircraft, or motorboat while impaired; 1749

(6) Transport cannabis into this state from outside this 1750  
state. 1751

(C) Neither of the following shall be included for purposes 1752  
of determining whether a registered qualified patient possesses 1753  
more usable cannabis or mature cannabis plants than permitted by 1754  
division (B)(1) of this section or rules adopted under section 1755  
3728.371 of the Revised Code: 1756

(1) Immature cannabis plants; 1757

(2) If the usable cannabis is added as an ingredient to food 1758  
to be consumed by a registered qualifying patient, the weight of 1759  
the other ingredients that are not usable cannabis included in the 1760  
food. 1761

(D) A registered qualifying patient shall not be considered 1762  
to be impaired solely because of the presence of metabolites or 1763  
components of cannabis that appear in insufficient concentration 1764  
to cause impairment. 1765

**Sec. 3728.03.** (A) Subject to division (B) of this section, a 1766  
registered primary caregiver may do any of the following to assist 1767

a registered qualifying patient for whom the registered primary caregiver serves as registered primary caregiver to engage in the medical use of cannabis: 1768  
1769  
1770

(1) Acquire, possess, and transport cannabis and paraphernalia relating to the administration of cannabis. 1771  
1772

(2) Cultivate cannabis at the registered primary caregiver's registered cultivation sites. 1773  
1774

(3) Manufacture paraphernalia relating to the administration of cannabis. 1775  
1776

(B) A registered primary caregiver's possession of a valid registry identification card does not authorize the caregiver to do any of the following: 1777  
1778  
1779

(1) Except as provided in rules adopted under section 3728.371 of the Revised Code, possess more than two hundred grams of usable cannabis or more than twelve mature cannabis plants; 1780  
1781  
1782

(2) Possess cannabis in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility; 1783  
1784  
1785

(3) Transport cannabis into this state from outside this state. 1786  
1787

(C) Neither of the following shall be included for purposes of determining whether a registered primary caregiver possesses more usable cannabis or mature cannabis plants than permitted by division (B)(1) of this section or rules adopted under section 3728.371 of the Revised Code: 1788  
1789  
1790  
1791  
1792

(1) Immature cannabis plants; 1793

(2) If the usable cannabis is added as an ingredient to food to be consumed by a registered qualifying patient, the weight of the other ingredients that are not usable cannabis included in the 1794  
1795  
1796

food. 1797

Sec. 3728.04. A registered primary caregiver may receive 1798  
compensation for costs associated with the activities the 1799  
caregiver engages in pursuant to section 3728.03 of the Revised 1800  
Code. 1801

Sec. 3728.05. No individual under twenty-one years of age may 1802  
become a registered primary caregiver. 1803

Sec. 3728.06. A cardholder may deliver, transport, transfer, 1804  
or otherwise provide cannabis to another cardholder if the 1805  
transfer does not cause the other cardholder to possess more 1806  
usable cannabis or mature cannabis plants than permitted by 1807  
division (B)(1) of section 3728.02, division (B)(1) of section 1808  
3728.03 of the Revised Code, or rules adopted under section 1809  
3728.371 of the Revised Code. 1810

Sec. 3728.07. Any person may deliver, transport, transfer, or 1811  
otherwise provide paraphernalia relating to the administration of 1812  
cannabis for free or charge to a cardholder. 1813

Sec. 3728.08. A practitioner may sign a written certification 1814  
for a qualifying patient stating that in the practitioner's 1815  
professional opinion and scope of practice the qualifying patient 1816  
is likely to receive therapeutic or palliative benefit from the 1817  
medical use of cannabis. The practitioner may sign the written 1818  
certification only in the course of a bona fide 1819  
practitioner-patient relationship with the qualifying patient and 1820  
after the practitioner has completed a full assessment of the 1821  
qualifying patient's medical history. The written certification 1822  
shall specify the qualifying patient's debilitating medical 1823  
condition. 1824

Sec. 3728.10. A qualifying patient who seeks an initial or renewed registry identification card shall submit all of the following to the department of health in accordance with the rules adopted under section 3728.35 of the Revised Code: 1825  
1826  
1827  
1828

(A) A completed application for the registry identification card which shall include, at a minimum, all of the following information: 1829  
1830  
1831

(1) The name, address, and date of birth of the qualifying patient, except that no address is required for an applicant who is homeless; 1832  
1833  
1834

(2) The name, address, and telephone number of the qualifying patient's practitioner who signs the written certification for the qualifying patient; 1835  
1836  
1837

(3) The address of each location, if any, at which the qualifying patient will cultivate cannabis once issued a registry identification card. 1838  
1839  
1840

(B) The initial or renewal fee, as appropriate, established in rules adopted under section 3728.35 of the Revised Code; 1841  
1842

(C) A written certification for the qualifying patient. 1843

Sec. 3728.11. A primary caregiver who seeks an initial or renewed registry identification card shall submit all of the following to the department of health in accordance with the rules adopted under section 3728.35 of the Revised Code: 1844  
1845  
1846  
1847

(A) A completed application for the registry identification card which shall include, at a minimum, all of the following information: 1848  
1849  
1850

(1) The name, address, and date of birth of the primary caregiver; 1851  
1852

(2) The name, address, and date of birth of each qualifying 1853

patient the primary caregiver seeks to serve as a registered 1854  
primary caregiver, except that no address is required for a 1855  
qualifying patient who is homeless; 1856

(3) The address of each location, if any, at which the 1857  
primary caregiver will cultivate cannabis once issued a registry 1858  
identification card. 1859

(B) Evidence satisfactory to the department that the primary 1860  
caregiver is at least twenty-one years of age; 1861

(C) The initial or renewal fee, as appropriate, established 1862  
in rules adopted under section 3728.35 of the Revised Code. 1863

**Sec. 3728.12.** (A) The department of health shall verify the 1864  
information contained in an application for an initial or renewed 1865  
registry identification card under section 3728.10 or 3728.11 of 1866  
the Revised Code and, in accordance with Chapter 119. of the 1867  
Revised Code, approve or deny the application. Except as provided 1868  
in division (B) of this section, the department shall issue the 1869  
approval or denial not later than fifteen days after receiving the 1870  
application. 1871

(B) If the application is not complete, the department shall 1872  
notify the applicant that the application is not complete and that 1873  
the applicant has ten days from the date of receiving the notice 1874  
to provide a complete application to the department. The 1875  
department shall issue the approval or denial not later than 1876  
fifteen days after the date the applicant receives the notice. 1877

(C) The department may deny the application if one or more of 1878  
the following applies: 1879

(1) The application is not complete; 1880

(2) In the case of an application from a qualifying patient, 1881  
the applicant does not submit a written certification for the 1882  
qualifying patient with the application; 1883

(3) The department determines that the application or written certification was purposefully falsified; 1884  
1885

(4) The applicant fails to pay the initial or renewal fee, as appropriate; 1886  
1887

(5) In the case of an applicant who is a qualifying patient under eighteen years of age, either of the following apply: 1888  
1889

(a) The applicant's practitioner who signs the written certification for the qualifying patient has not explained the potential risks and benefits of the medical use of cannabis to the applicant and to a parent, guardian, or legal custodian of the applicant; 1890  
1891  
1892  
1893  
1894

(b) The parent, guardian, or legal custodian fails to consent in writing to all of the following: 1895  
1896

(i) Allowing the applicant's medical use of cannabis in accordance with section 3728.02 of the Revised Code; 1897  
1898

(ii) Becoming, and serving as, one of the applicant's registered primary caregivers; 1899  
1900

(iii) Controlling the applicant's acquisition, dosage, and frequency of the medical use of cannabis. 1901  
1902

(D) An applicant whose application is denied may reapply under section 3728.10 or 3728.11 of the Revised Code, as appropriate, no earlier than thirty days after the department issues the denial. 1903  
1904  
1905  
1906

**Sec. 3728.13.** Not later than five business days after approving an application under section 3728.12 of the Revised Code, the department of health shall issue a registry identification card to the applicant. The registry identification card shall contain all of the following: 1907  
1908  
1909  
1910  
1911

(A) In the case of a registry identification card for a 1912

qualifying patient, the name and date of birth of the qualifying patient; 1913  
1914

(B) In the case of a registry identification card for a primary caregiver, both of the following: 1915  
1916

(1) The name and date of birth of the primary caregiver; 1917

(2) The name and date of birth of each registered qualifying patient for whom the registered primary caregiver is to serve as a registered primary caregiver as specified in the application for the registry identification card. 1918  
1919  
1920  
1921

(C) The date of issuance and expiration date of the registry identification card; 1922  
1923

(D) A random identification number that is unique to the cardholder; 1924  
1925

(E) A photograph of the cardholder, if the department requires one. 1926  
1927

**Sec. 3728.14.** An application for an initial or renewed registry identification card shall be deemed a valid registry identification card beginning on the twentieth day after the date the application is submitted to the department of health if all of the requirements for approval of the application have been met and the department does either of the following: 1928  
1929  
1930  
1931  
1932  
1933

(A) Fails to approve or deny the application within the time required by section 3728.12 of the Revised Code; 1934  
1935

(B) Fails to issue the registry identification card within the time required by section 3728.13 of the Revised Code. 1936  
1937

**Sec. 3728.15.** If at any time after one hundred forty days after the effective date of this section the department of health is not accepting applications from qualifying patients for a registry identification card for any reason, including due to 1938  
1939  
1940  
1941

failure to adopt rules under section 3728.35 of the Revised Code, 1942  
a written certification for the qualifying patient together with a 1943  
notarized statement by the qualifying patient of all of the 1944  
following shall be deemed a valid registry identification card for 1945  
the qualifying patient: 1946

(A) The name, address, and date of birth of the qualifying 1947  
patient, except that no address is required if the qualifying 1948  
patient is homeless; 1949

(B) The name, address, and telephone number of the qualifying 1950  
patient's practitioner who signs the written certification for the 1951  
qualifying patient; 1952

(C) The address of each location, if any, at which the 1953  
qualifying patient will cultivate cannabis. 1954

**Sec. 3728.16.** If at any time after one hundred forty days 1955  
after the effective date of this section the department of health 1956  
is not accepting applications from primary caregivers for a 1957  
registry identification card for any reason, including due to 1958  
failure to adopt rules under section 3728.35 of the Revised Code, 1959  
a notarized statement by the primary caregiver of all of the 1960  
following shall be deemed a valid registry identification card for 1961  
the primary caregiver: 1962

(A) The name, address, and date of birth of the primary 1963  
caregiver; 1964

(B) The name, address, and date of birth of each qualifying 1965  
patient the primary caregiver seeks to serve as a registered 1966  
primary caregiver, except that no address is required for a 1967  
qualifying patient who is homeless; 1968

(C) The address of each location, if any, at which the 1969  
primary caregiver will cultivate cannabis. 1970



Sec. 3728.17. A registry identification card shall expire one 1971  
year after the date of issuance unless revoked earlier. 1972

Sec. 3728.18. The department may revoke the registry 1973  
identification card of a cardholder who does either of the 1974  
following: 1975

(A) Delivers, transports, transfers, or otherwise provides 1976  
cannabis for free or charge to a person who is not a cardholder; 1977

(B) Fails to comply with a requirement of this chapter. 1978

Sec. 3728.20. A registered qualifying patient who ceases to 1979  
have a debilitating medical condition shall notify the department 1980  
of health of that fact not later than thirty days after ceasing to 1981  
have the debilitating medical condition. Not later than ten days 1982  
after receipt of the notice, the department shall revoke the 1983  
registered qualifying patient's registry identification card. 1984

Sec. 3728.21. A registered primary caregiver for a registered 1985  
qualifying patient who ceases to have a debilitating medical 1986  
condition shall notify the department of health of that fact not 1987  
later than thirty days after the registered qualifying patient 1988  
ceases to have the debilitating medical condition. Not later than 1989  
ten days after receipt of the notice, the department shall revoke 1990  
the registered primary caregiver's registry identification card 1991  
unless the registered primary caregiver serves as the registered 1992  
primary caregiver for another registered qualifying patient who 1993  
still has a debilitating medical condition. 1994

Sec. 3728.22. A cardholder whose name or address changes 1995  
shall notify the department of health of the change not later than 1996  
thirty days after the change. The department shall issue a new 1997  
registry identification card to the cardholder not later than ten 1998

business days after the date the department receives both of the 1999  
following: 2000

(A) The notice from the cardholder; 2001

(B) A ten-dollar fee for the new registry identification 2002  
card. 2003

Sec. 3728.25. A cardholder who loses the cardholder's 2004  
registry identification card shall notify the department of health 2005  
of the loss not later than ten days after the loss. The department 2006  
shall issue a replacement registry identification card with a new 2007  
random identification number to the cardholder not later than five 2008  
business days after the date the department receives both of the 2009  
following: 2010

(A) The notice from the cardholder; 2011

(B) A ten-dollar fee for the replacement registry 2012  
identification card. 2013

Sec. 3728.26. A cardholder shall maintain cannabis plants in 2014  
a room, greenhouse, garden, or other enclosed area that is out of 2015  
public view unless either of the following apply: 2016

(A) The plants are being transported because the cardholder 2017  
is moving; 2018

(B) The plants are being transported to the cardholder's 2019  
property or, in the case of a registered primary caregiver, to the 2020  
property of the registered primary caregiver's registered 2021  
qualifying patient. 2022

Sec. 3728.27. (A) No employer or licensing agency shall do 2023  
any of the following: 2024

(1) Take disciplinary action against a registered qualifying 2025

patient because the patient engages in the medical use of 2026  
cannabis; 2027

(2) Take disciplinary action against a registered primary 2028  
caregiver because the caregiver engages in an activity authorized 2029  
by section 3728.03 of the Revised Code; 2030

(3) Take disciplinary action against a cardholder because the 2031  
cardholder engages in an activity authorized by section 3728.06 of 2032  
the Revised Code; 2033

(4) Take disciplinary action against a person because the 2034  
person engages in an activity authorized by section 3728.07 of the 2035  
Revised Code; 2036

(5) Take disciplinary action against a practitioner because 2037  
the practitioner engages in an activity authorized by section 2038  
3728.08 of the Revised Code; 2039

(6) Take disciplinary action against a person because the 2040  
person is in the presence or vicinity of a registered primary 2041  
caregiver engaging in the medical use of cannabis; 2042

(7) Take disciplinary action against a person because the 2043  
person assists a registered qualifying patient's use or 2044  
administration of cannabis, regardless of whether the person is a 2045  
registered primary caregiver. 2046

(B) Division (A)(5) of this section does not prohibit a 2047  
licensing agency from taking disciplinary action against a 2048  
practitioner for failing to properly evaluate a patient's medical 2049  
condition or otherwise violating the standard of care for 2050  
evaluating medical conditions. 2051

**Sec. 3728.28.** No school, employer, or landlord may refuse to 2052  
enroll, employ, or lease to, or otherwise penalize a person 2053  
because of the person's status as a cardholder, unless failing to 2054  
do so would put the school, employer, or landlord in violation of 2055

federal law. 2056

Sec. 3728.29. No person shall be denied any parental rights 2057  
and responsibilities or visitation with a minor because of the 2058  
person's status as a cardholder, unless the person's behavior is 2059  
such that it creates an unreasonable danger to the minor that can 2060  
be clearly articulated and substantiated. 2061

Sec. 3728.30. Nothing in this chapter shall be construed to 2062  
require either of the following: 2063

(A) A government medical assistance program or private health 2064  
insurer to reimburse a person for costs associated with the 2065  
medical use of cannabis; 2066

(B) An employer to accommodate the use of cannabis in any 2067  
workplace or any employee working while impaired, provided that a 2068  
registered qualifying patient shall not be considered to be 2069  
impaired solely because of the presence of metabolites or 2070  
components of cannabis that appear in insufficient concentration 2071  
to cause impairment. 2072

Sec. 3728.35. Not later than one hundred twenty days after 2073  
the effective date of this section, the director of health shall 2074  
adopt rules in accordance with Chapter 119. of the Revised Code 2075  
governing the manner in which the department of health shall 2076  
consider applications for initial and renewed registry 2077  
identification cards. The rules shall establish fees for initial 2078  
and renewed registry identification cards. The amount of the fees 2079  
shall be on a sliding scale based on family income and shall be 2080  
sufficient to generate enough revenues to offset all expenses of 2081  
implementing and administering this chapter. The department may 2082  
accept donations from private sources in order to reduce the fees. 2083

Sec. 3728.36. If the director of health fails to adopt rules 2084  
under section 3728.35 of the Revised Code within one hundred 2085  
twenty days of the effective date of this section, a qualifying 2086  
patient or primary caregiver may commence a mandamus action in the 2087  
Franklin county court of appeals to compel the director to adopt 2088  
the rules. 2089

Sec. 3728.37. (A) There is hereby established the medical 2090  
cannabis advisory council. The council shall consist of all of the 2091  
following members appointed by the governor: 2092

(1) Four physicians who are certified by a national 2093  
organization recognized by the state medical board as specializing 2094  
in family medicine or an area that focuses on pain management or 2095  
clinical oncology; 2096

(2) Three registered qualifying patients. 2097

(B) The state medical board shall provide the governor with a 2098  
list of physicians eligible for appointment to the medical 2099  
cannabis advisory council each time the governor is to appoint a 2100  
physician to the council. 2101

(C) Members of the medical cannabis advisory council shall 2102  
serve two-year terms. Each member shall hold office from the date 2103  
of the member's appointment until the end of the term for which 2104  
the member was appointed. Members may be reappointed. Vacancies 2105  
shall be filled in the manner provided for original appointments. 2106  
Any member appointed to fill a vacancy occurring before the 2107  
expiration date of the term for which the member's predecessor was 2108  
appointed shall hold office as a member for the remainder of that 2109  
term. A member shall continue in office subsequent to the 2110  
expiration date of the member's term until the member's successor 2111  
takes office or until a period of sixty days has elapsed, 2112  
whichever occurs first. 2113

(D) Members of the medical cannabis advisory council shall 2114  
not receive compensation for their service on the council but 2115  
shall be reimbursed for their actual and necessary expenses 2116  
incurred in the performance of their service on the council. 2117

(E) The medical cannabis advisory council shall select one of 2118  
the members of the council to serve as chairperson of the council. 2119

(F) The chairperson of the medical cannabis advisory council 2120  
shall call the council to meet at least quarterly and at other 2121  
times as necessary. 2122

(G) The department of health shall provide the medical 2123  
cannabis advisory council with support services as necessary for 2124  
the council to perform its duties, including providing the council 2125  
with a place to meet. 2126

**Sec. 3728.371.** (A) The medical cannabis advisory council 2127  
shall, in accordance with rules adopted under section 3728.372 of 2128  
the Revised Code, accept and consider petitions from the public to 2129  
do either or both of the following: 2130

(1) Add medical conditions to the list of debilitating 2131  
medical conditions included in the definition of debilitating 2132  
medical conditions in section 3728.01 of the Revised Code; 2133

(2) Increase, for the purpose of division (B)(1) of section 2134  
3728.02 of the Revised Code and division (B)(1) of section 3728.03 2135  
of the Revised Code, the number of grams of medical cannabis and 2136  
the number of mature cannabis plants a cardholder may possess. 2137

(B) After consideration of a petition filed under this 2138  
section, the council shall provide the director of health the 2139  
council's recommendation on whether the petition should be 2140  
approved or denied. The director shall approve or deny the 2141  
petition not later than thirty days after receiving the council's 2142  
recommendation and shall provide written notice of the director's 2143

decision to the petitioner by certified mail, return receipt 2144  
requested. If the director denies a petition in whole or in part, 2145  
the petitioner may appeal the director's decision to the court of 2146  
common pleas of Franklin county by filing a notice of appeal with 2147  
the director setting forth the decision appealed from and the 2148  
grounds of the appeal. The petitioner shall also file a copy of 2149  
the notice of appeal with the court. The petitioner shall file the 2150  
notice of appeal within fifteen days after the mailing of the 2151  
notice of the director's decision. The court shall order that the 2152  
petition be approved if it finds that the petitioner presented the 2153  
director with substantial evidence that the medical conditions 2154  
requested to be added to the list of debilitating medical 2155  
conditions should be added or that the number of grams of medical 2156  
cannabis and the number of mature cannabis plants a cardholder may 2157  
possess should be increased. If the director approves the petition 2158  
or is ordered by a court to approve the petition, the director 2159  
shall adopt rules in accordance with Chapter 119. of the Revised 2160  
Code to implement the petition. 2161

Sec. 3728.372. The medical cannabis advisory council shall 2162  
adopt rules in accordance with Chapter 119. of the Revised Code 2163  
governing the manner in which the council shall accept and 2164  
consider petitions from the public under section 3728.371 of the 2165  
Revised Code. The rules shall provide for public notice of, and an 2166  
opportunity to comment in a public hearing upon, such petitions. 2167

Sec. 3728.373. Sections 101.82 to 101.87 of the Revised Code 2168  
do not apply to the medical cannabis advisory council. 2169

Sec. 3728.38. (A) There is hereby established the cannabis 2170  
cultivation advisory council. The council shall consist of the 2171  
following members appointed by the governor: 2172

(1) Four representatives of the department of agriculture who 2173

are knowledgeable about botany; 2174

(2) Three cardholders. 2175

(B) Members of the cannabis cultivation advisory council 2176  
shall serve two-year terms. Each member shall hold office from the 2177  
date of the member's appointment until the end of the term for 2178  
which the member was appointed. Members may be reappointed. 2179  
Vacancies shall be filled in the manner provided for original 2180  
appointments. Any member appointed to fill a vacancy occurring 2181  
before the expiration date of the term for which the member's 2182  
predecessor was appointed shall hold office as a member for the 2183  
remainder of that term. A member shall continue in office 2184  
subsequent to the expiration date of the member's term until the 2185  
member's successor takes office or until a period of sixty days 2186  
has elapsed, whichever occurs first. 2187

(C) Members of the cannabis cultivation advisory council 2188  
shall not receive compensation for their service on the council 2189  
but shall be reimbursed for their actual and necessary expenses 2190  
incurred in the performance of their service on the council. 2191

(D) The cannabis cultivation advisory council shall select 2192  
one of the members of the council to serve as chairperson of the 2193  
council. 2194

(E) The chairperson of the cannabis cultivation advisory 2195  
council shall call the council to meet at least quarterly and at 2196  
other times as necessary. 2197

(F) The department of agriculture shall provide the cannabis 2198  
cultivation advisory council with support services as necessary 2199  
for the council to perform its duties, including providing the 2200  
council with a place to meet. 2201

**Sec. 3728.381. The cannabis cultivation advisory council** 2202  
**shall provide cardholders sound advice and recommendations on the** 2203



best practices for the safe and efficient cultivation of cannabis. 2204

Sec. 3728.382. Sections 101.82 to 101.87 of the Revised Code 2205  
do not apply to the cannabis cultivation advisory council. 2206

Sec. 3728.40. The department of health shall maintain a list 2207  
of the persons to whom the department has issued registry 2208  
identification cards. All identifying information on the list is 2209  
confidential and not subject to disclosure, except to authorized 2210  
employees of the department as necessary to perform the 2211  
department's official duties or as authorized by sections 3728.42 2212  
and 3728.43 of the Revised Code. 2213

Sec. 3728.41. No person or government entity shall disclose 2214  
any information contained in an application for an initial or 2215  
renewed registry identification card, a written certification 2216  
submitted with such an application, or a registry identification 2217  
card except as necessary in the administration of this chapter or 2218  
as authorized by sections 3728.42 and 3728.43 of the Revised Code. 2219

Sec. 3728.42. An employee of the department of health may 2220  
notify a law enforcement officer about falsified or fraudulent 2221  
information submitted to the department in an application for an 2222  
initial or renewed registry identification card or a written 2223  
certification submitted with such an application if the employee 2224  
first confers with his or her supervisor or at least one other 2225  
employee of the department and both agree that circumstances exist 2226  
that warrant notification. 2227

Sec. 3728.43. The department of health shall operate a system 2228  
under which law enforcement officers contact the department to 2229  
verify whether a person is a cardholder and whether the address of 2230  
a location at which cannabis is being cultivated is a cardholder's 2231

registered cultivation site. The system shall be available for use 2232  
by law enforcement officers twenty-four hours each day. A law 2233  
enforcement officer shall utilize the system to verify the status 2234  
of an individual or address before initiating an arrest, raid, or 2235  
other law enforcement action concerning cannabis. If the person is 2236  
a cardholder or the address of a location at which cannabis is 2237  
being cultivated is a cardholder's registered cultivation site, no 2238  
further action may be initiated except on issuance of a warrant. 2239

2240

**Sec. 3728.45.** (A) The department of health shall submit to 2241  
the general assembly an annual report that contains, at a minimum, 2242  
all of the following information for the previous year: 2243

(1) The number of applications that were submitted to the 2244  
department for initial and renewed registry identification cards. 2245

(2) The number of such applications that were denied and the 2246  
reasons for the denials. 2247

(3) The number of registered qualifying patients and 2248  
registered primary caregivers in each county. 2249

(4) The nature of the debilitating medical conditions of the 2250  
registered qualifying patients. 2251

(5) The number of registry identification cards revoked. 2252

(6) The number of practitioners providing written 2253  
certifications for qualifying patients. 2254

(B) The report the department submits to the general assembly 2255  
under this section shall not disclose any identifying information 2256  
about qualifying patients, primary caregivers, or practitioners. 2257

**Sec. 3728.47.** A valid document issued to a visiting 2258  
qualifying patient under the laws of another state, district, 2259

territory, commonwealth, or insular possession of the United 2260  
States that is the equivalent to a registry identification card 2261  
shall have the same force and effect as a registry identification 2262  
card issued to a registered qualifying patient. 2263

Sec. 3728.99. Whoever violates section 3728.41 of the Revised 2264  
Code is guilty of a misdemeanor of the first degree. 2265

**Sec. 3781.32.** (A) Any connections or tie-ins to existing 2266  
utility services within a public right-of-way shall comply with 2267  
permit requirements of the public agency that has jurisdiction 2268  
over that right-of-way. 2269

(B) A developer shall not require, as a condition for 2270  
entering into a contract for a project that will require 2271  
excavation, that responsibility for performance of duties imposed 2272  
under sections 3781.25 to 3781.32 of the Revised Code shall be 2273  
assumed by a person other than the person on whom those duties are 2274  
imposed under those sections. This division does not prohibit a 2275  
utility from entering into any contract for the performance of 2276  
duties that are imposed on a utility under those sections. 2277

(C) Nothing in sections ~~3728.25~~ 3781.25 to ~~3728.32~~ 3781.32 of 2278  
the Revised Code shall be construed to require a utility to 2279  
relocate its underground utility facilities located at an 2280  
excavation site. 2281

**Section 2.** That existing sections 2925.02, 2925.03, 2925.04, 2282  
2925.11, 2925.14, and 3781.32 of the Revised Code are hereby 2283  
repealed. 2284

**Section 3.** The Governor shall make the initial appointments 2285  
to the Medical Cannabis Advisory Council established under section 2286  
3728.37 of the Revised Code not later than one hundred twenty days 2287

after the effective date of this section. Notwithstanding division 2288  
(A)(2) of section 3728.37 of the Revised Code, the initial members 2289  
who are to be registered qualifying patients shall be instead 2290  
persons who suffer from a debilitating medical condition as 2291  
defined in section 3728.01 of the Revised Code and are nominated 2292  
to the Council by the Ohio Patient Action Network. 2293

**Section 4.** The Governor shall make the initial appointments 2294  
to the Cannabis Cultivation Advisory Council established under 2295  
section 3728.38 of the Revised Code not later than one hundred 2296  
twenty days after the effective date of this section. 2297  
Notwithstanding division (A)(2) of section 3728.38 of the Revised 2298  
Code, the initial members who are to be cardholders shall be 2299  
instead persons who suffer from a debilitating medical condition 2300  
as defined in section 3728.01 of the Revised Code or are the 2301  
primary caregivers of such persons and are nominated to the 2302  
Council by the Ohio Patient Action Network. 2303