

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 213

Representative Hagan

Cosponsors: Representatives Foley, Yuko

—

A B I L L

To amend sections 339.89, 2151.03, 2903.341, and 1
2919.22 of the Revised Code to eliminate the 2
exemption from the tuberculosis treatment 3
requirements for minors of parents who rely 4
exclusively on spiritual treatment through prayer, 5
to eliminate the exemption in Chapter 2151. of the 6
Revised Code from criminal prosecution for persons 7
who fail to provide medical treatment for children 8
because of religious beliefs, to similarly limit 9
the exemption for treatment of mentally retarded 10
and developmentally disabled persons, and to 11
eliminate the exception to endangering children 12
for persons who treat a child's physical or mental 13
illness through prayer alone in accordance with 14
the tenets of a recognized religious body. 15

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

Section 1. That sections 339.89, 2151.03, 2903.341, and 16
2919.22 of the Revised Code be amended to read as follows: 17

Sec. 339.89. Sections 339.71 to 339.88 of the Revised Code, 18
and the rules for tuberculosis adopted under section 3701.146 of 19

the Revised Code, do not require ~~a person~~ an adult to undergo 20
testing, medical treatment, or detention in a hospital or other 21
place for treatment if the person, ~~or, in the case of a child, the~~ 22
~~child's parents, rely~~ relies exclusively on spiritual treatment 23
through prayer, in lieu of medical treatment, in accordance with a 24
recognized, religious method of healing. The person may be 25
quarantined or otherwise safely isolated in the home or another 26
place that is suitable to the health of the person and has been 27
approved by the tuberculosis control unit as a place that provides 28
appropriate protection to other persons and the community. 29

Sec. 2151.03. (A) As used in this chapter, "neglected child" 30
includes any child: 31

(1) Who is abandoned by the child's parents, guardian, or 32
custodian; 33

(2) Who lacks adequate parental care because of the faults or 34
habits of the child's parents, guardian, or custodian; 35

(3) Whose parents, guardian, or custodian neglects the child 36
or refuses to provide proper or necessary subsistence, education, 37
medical or surgical care or treatment, or other care necessary for 38
the child's health, morals, or well being; 39

(4) Whose parents, guardian, or custodian neglects the child 40
or refuses to provide the special care made necessary by the 41
child's mental condition; 42

(5) Whose parents, legal guardian, or custodian have placed 43
or attempted to place the child in violation of sections 5103.16 44
and 5103.17 of the Revised Code; 45

(6) Who, because of the omission of the child's parents, 46
guardian, or custodian, suffers physical or mental injury that 47
harms or threatens to harm the child's health or welfare; 48

(7) Who is subjected to out-of-home care child neglect. 49

~~(B) Nothing in this chapter shall be construed as subjecting a parent, guardian, or custodian of a child to criminal liability when, solely in the practice of religious beliefs, the parent, guardian, or custodian fails to provide adequate medical or surgical care or treatment for the child.~~ This division does not abrogate or limit any person's responsibility under section 2151.421 of the Revised Code to report child abuse that is known or reasonably suspected or believed to have occurred, child neglect that is known or reasonably suspected or believed to have occurred, and children who are known to face or are reasonably suspected or believed to be facing a threat of suffering abuse or neglect and does not preclude any exercise of the authority of the state, any political subdivision, or any court to ensure that medical or surgical care or treatment is provided to a child when the child's health requires the provision of medical or surgical care or treatment.

Sec. 2903.341. (A) As used in this section:

(1) "MR/DD caretaker" means any MR/DD employee or any person who assumes the duty to provide for the care and protection of a mentally retarded person or a developmentally disabled person on a voluntary basis, by contract, through receipt of payment for care and protection, as a result of a family relationship, or by order of a court of competent jurisdiction. "MR/DD caretaker" includes a person who is an employee of a care facility and a person who is an employee of an entity under contract with a provider. "MR/DD caretaker" does not include a person who owns, operates, or administers a care facility or who is an agent of a care facility unless that person also personally provides care to persons with mental retardation or a developmental disability.

(2) "Mentally retarded person" and "developmentally disabled person" have the same meanings as in section 5123.01 of the

Revised Code. 81

(3) "MR/DD employee" has the same meaning as in section 82
5123.50 of the Revised Code. 83

(B) No MR/DD caretaker shall create a substantial risk to the 84
health or safety of a mentally retarded person or a 85
developmentally disabled person. An MR/DD caretaker does not 86
create a substantial risk to the health or safety of ~~a~~ an adult 87
mentally retarded person or a developmentally disabled person 88
under this division when the MR/DD caretaker treats a physical or 89
mental illness or defect of the mentally retarded person or 90
developmentally disabled person by spiritual means through prayer 91
alone, in accordance with the tenets of a recognized religious 92
body. 93

(C) No person who owns, operates, or administers a care 94
facility or who is an agent of a care facility shall condone, or 95
knowingly permit, any conduct by an MR/DD caretaker who is 96
employed by or under the control of the owner, operator, 97
administrator, or agent that is in violation of division (B) of 98
this section and that involves a mentally retarded person or a 99
developmentally disabled person who is under the care of the 100
owner, operator, administrator, or agent. ~~A person~~ An adult who 101
relies upon treatment by spiritual means through prayer alone, in 102
accordance with the tenets of a recognized religious denomination, 103
shall not be considered endangered under this division for that 104
reason alone. 105

(D)(1) It is an affirmative defense to a charge of a 106
violation of division (B) or (C) of this section that the actor's 107
conduct was committed in good faith solely because the actor was 108
ordered to commit the conduct by a person to whom one of the 109
following applies: 110

(a) The person has supervisory authority over the actor. 111

(b) The person has authority over the actor's conduct 112
pursuant to a contract for the provision of services. 113

(2) It is an affirmative defense to a charge of a violation 114
of division (C) of this section that the person who owns, 115
operates, or administers a care facility or who is an agent of a 116
care facility and who is charged with the violation is following 117
the individual service plan for the involved mentally retarded 118
person or a developmentally disabled person or that the admission, 119
discharge, and transfer rule set forth in the Administrative Code 120
is being followed. 121

(3) It is an affirmative defense to a charge of a violation 122
of division (C) of this section that the actor did not have 123
readily available a means to prevent either the harm to the person 124
with mental retardation or a developmental disability or the death 125
of such a person and the actor took reasonable steps to summon 126
aid. 127

(E)(1) Except as provided in division (E)(2) or (E)(3) of 128
this section, whoever violates division (B) or (C) of this section 129
is guilty of patient endangerment, a misdemeanor of the first 130
degree. 131

(2) If the offender previously has been convicted of, or 132
pleaded guilty to, a violation of this section, patient 133
endangerment is a felony of the fourth degree. 134

(3) If the violation results in serious physical harm to the 135
person with mental retardation or a developmental disability, 136
patient endangerment is a felony of the third degree. 137

Sec. 2919.22. (A) No person, who is the parent, guardian, 138
custodian, person having custody or control, or person in loco 139
parentis of a child under eighteen years of age or a mentally or 140
physically handicapped child under twenty-one years of age, shall 141

create a substantial risk to the health or safety of the child, by 142
violating a duty of care, protection, or support. ~~It is not a~~ 143
~~violation of a duty of care, protection, or support under this~~ 144
~~division when the parent, guardian, custodian, or person having~~ 145
~~custody or control of a child treats the physical or mental~~ 146
~~illness or defect of the child by spiritual means through prayer~~ 147
~~alone, in accordance with the tenets of a recognized religious~~ 148
~~body.~~ 149

(B) No person shall do any of the following to a child under 150
eighteen years of age or a mentally or physically handicapped 151
child under twenty-one years of age: 152

(1) Abuse the child; 153

(2) Torture or cruelly abuse the child; 154

(3) Administer corporal punishment or other physical 155
disciplinary measure, or physically restrain the child in a cruel 156
manner or for a prolonged period, which punishment, discipline, or 157
restraint is excessive under the circumstances and creates a 158
substantial risk of serious physical harm to the child; 159

(4) Repeatedly administer unwarranted disciplinary measures 160
to the child, when there is a substantial risk that such conduct, 161
if continued, will seriously impair or retard the child's mental 162
health or development; 163

(5) Entice, coerce, permit, encourage, compel, hire, employ, 164
use, or allow the child to act, model, or in any other way 165
participate in, or be photographed for, the production, 166
presentation, dissemination, or advertisement of any material or 167
performance that the offender knows or reasonably should know is 168
obscene, is sexually oriented matter, or is nudity-oriented 169
matter; 170

(6) Allow the child to be on the same parcel of real property 171

and within one hundred feet of, or, in the case of more than one 172
housing unit on the same parcel of real property, in the same 173
housing unit and within one hundred feet of, any act in violation 174
of section 2925.04 or 2925.041 of the Revised Code when the person 175
knows that the act is occurring, whether or not any person is 176
prosecuted for or convicted of the violation of section 2925.04 or 177
2925.041 of the Revised Code that is the basis of the violation of 178
this division. 179

(C)(1) No person shall operate a vehicle, streetcar, or 180
trackless trolley within this state in violation of division (A) 181
of section 4511.19 of the Revised Code when one or more children 182
under eighteen years of age are in the vehicle, streetcar, or 183
trackless trolley. Notwithstanding any other provision of law, a 184
person may be convicted at the same trial or proceeding of a 185
violation of this division and a violation of division (A) of 186
section 4511.19 of the Revised Code that constitutes the basis of 187
the charge of the violation of this division. For purposes of 188
sections 4511.191 to 4511.197 of the Revised Code and all related 189
provisions of law, a person arrested for a violation of this 190
division shall be considered to be under arrest for operating a 191
vehicle while under the influence of alcohol, a drug of abuse, or 192
a combination of them or for operating a vehicle with a prohibited 193
concentration of alcohol, a controlled substance, or a metabolite 194
of a controlled substance in the whole blood, blood serum or 195
plasma, breath, or urine. 196

(2) As used in division (C)(1) of this section: 197

(a) "Controlled substance" has the same meaning as in section 198
3719.01 of the Revised Code. 199

(b) "Vehicle," "streetcar," and "trackless trolley" have the 200
same meanings as in section 4511.01 of the Revised Code. 201

(D)(1) Division (B)(5) of this section does not apply to any 202

material or performance that is produced, presented, or 203
disseminated for a bona fide medical, scientific, educational, 204
religious, governmental, judicial, or other proper purpose, by or 205
to a physician, psychologist, sociologist, scientist, teacher, 206
person pursuing bona fide studies or research, librarian, member 207
of the clergy, prosecutor, judge, or other person having a proper 208
interest in the material or performance. 209

(2) Mistake of age is not a defense to a charge under 210
division (B)(5) of this section. 211

(3) In a prosecution under division (B)(5) of this section, 212
the trier of fact may infer that an actor, model, or participant 213
in the material or performance involved is a juvenile if the 214
material or performance, through its title, text, visual 215
representation, or otherwise, represents or depicts the actor, 216
model, or participant as a juvenile. 217

(4) As used in this division and division (B)(5) of this 218
section: 219

(a) "Material," "performance," "obscene," and "sexual 220
activity" have the same meanings as in section 2907.01 of the 221
Revised Code. 222

(b) "Nudity-oriented matter" means any material or 223
performance that shows a minor in a state of nudity and that, 224
taken as a whole by the average person applying contemporary 225
community standards, appeals to prurient interest. 226

(c) "Sexually oriented matter" means any material or 227
performance that shows a minor participating or engaging in sexual 228
activity, masturbation, or bestiality. 229

(E)(1) Whoever violates this section is guilty of endangering 230
children. 231

(2) If the offender violates division (A) or (B)(1) of this 232

section, endangering children is one of the following, and, in the 233
circumstances described in division (E)(2)(e) of this section, 234
that division applies: 235

(a) Except as otherwise provided in division (E)(2)(b), (c), 236
or (d) of this section, a misdemeanor of the first degree; 237

(b) If the offender previously has been convicted of an 238
offense under this section or of any offense involving neglect, 239
abandonment, contributing to the delinquency of, or physical abuse 240
of a child, except as otherwise provided in division (E)(2)(c) or 241
(d) of this section, a felony of the fourth degree; 242

(c) If the violation is a violation of division (A) of this 243
section and results in serious physical harm to the child 244
involved, a felony of the third degree; 245

(d) If the violation is a violation of division (B)(1) of 246
this section and results in serious physical harm to the child 247
involved, a felony of the second degree. 248

(e) If the violation is a felony violation of division (B)(1) 249
of this section and the offender also is convicted of or pleads 250
guilty to a specification as described in section 2941.1422 of the 251
Revised Code that was included in the indictment, count in the 252
indictment, or information charging the offense, the court shall 253
sentence the offender to a mandatory prison term as provided in 254
division (D)(7) of section 2929.14 of the Revised Code and shall 255
order the offender to make restitution as provided in division 256
(B)(8) of section 2929.18 of the Revised Code. 257

(3) If the offender violates division (B)(2), (3), (4), or 258
(6) of this section, except as otherwise provided in this 259
division, endangering children is a felony of the third degree. If 260
the violation results in serious physical harm to the child 261
involved, or if the offender previously has been convicted of an 262
offense under this section or of any offense involving neglect, 263

abandonment, contributing to the delinquency of, or physical abuse 264
of a child, endangering children is a felony of the second degree. 265
If the offender violates division (B)(2), (3), or (4) of this 266
section and the offender also is convicted of or pleads guilty to 267
a specification as described in section 2941.1422 of the Revised 268
Code that was included in the indictment, count in the indictment, 269
or information charging the offense, the court shall sentence the 270
offender to a mandatory prison term as provided in division (D)(7) 271
of section 2929.14 of the Revised Code and shall order the 272
offender to make restitution as provided in division (B)(8) of 273
section 2929.18 of the Revised Code. If the offender violates 274
division (B)(6) of this section and the drug involved is 275
methamphetamine, the court shall impose a mandatory prison term on 276
the offender as follows: 277

(a) If the violation is a violation of division (B)(6) of 278
this section that is a felony of the third degree under division 279
(E)(3) of this section and the drug involved is methamphetamine, 280
except as otherwise provided in this division, the court shall 281
impose as a mandatory prison term one of the prison terms 282
prescribed for a felony of the third degree that is not less than 283
two years. If the violation is a violation of division (B)(6) of 284
this section that is a felony of the third degree under division 285
(E)(3) of this section, if the drug involved is methamphetamine, 286
and if the offender previously has been convicted of or pleaded 287
guilty to a violation of division (B)(6) of this section, a 288
violation of division (A) of section 2925.04 of the Revised Code, 289
or a violation of division (A) of section 2925.041 of the Revised 290
Code, the court shall impose as a mandatory prison term one of the 291
prison terms prescribed for a felony of the third degree that is 292
not less than five years. 293

(b) If the violation is a violation of division (B)(6) of 294
this section that is a felony of the second degree under division 295

(E)(3) of this section and the drug involved is methamphetamine, 296
except as otherwise provided in this division, the court shall 297
impose as a mandatory prison term one of the prison terms 298
prescribed for a felony of the second degree that is not less than 299
three years. If the violation is a violation of division (B)(6) of 300
this section that is a felony of the second degree under division 301
(E)(3) of this section, if the drug involved is methamphetamine, 302
and if the offender previously has been convicted of or pleaded 303
guilty to a violation of division (B)(6) of this section, a 304
violation of division (A) of section 2925.04 of the Revised Code, 305
or a violation of division (A) of section 2925.041 of the Revised 306
Code, the court shall impose as a mandatory prison term one of the 307
prison terms prescribed for a felony of the second degree that is 308
not less than five years. 309

(4) If the offender violates division (B)(5) of this section, 310
endangering children is a felony of the second degree. If the 311
offender also is convicted of or pleads guilty to a specification 312
as described in section 2941.1422 of the Revised Code that was 313
included in the indictment, count in the indictment, or 314
information charging the offense, the court shall sentence the 315
offender to a mandatory prison term as provided in division (D)(7) 316
of section 2929.14 of the Revised Code and shall order the 317
offender to make restitution as provided in division (B)(8) of 318
section 2929.18 of the Revised Code. 319

(5) If the offender violates division (C) of this section, 320
the offender shall be punished as follows: 321

(a) Except as otherwise provided in division (E)(5)(b) or (c) 322
of this section, endangering children in violation of division (C) 323
of this section is a misdemeanor of the first degree. 324

(b) If the violation results in serious physical harm to the 325
child involved or the offender previously has been convicted of an 326
offense under this section or any offense involving neglect, 327

abandonment, contributing to the delinquency of, or physical abuse 328
of a child, except as otherwise provided in division (E)(5)(c) of 329
this section, endangering children in violation of division (C) of 330
this section is a felony of the fifth degree. 331

(c) If the violation results in serious physical harm to the 332
child involved and if the offender previously has been convicted 333
of a violation of division (C) of this section, section 2903.06 or 334
2903.08 of the Revised Code, section 2903.07 of the Revised Code 335
as it existed prior to March 23, 2000, or section 2903.04 of the 336
Revised Code in a case in which the offender was subject to the 337
sanctions described in division (D) of that section, endangering 338
children in violation of division (C) of this section is a felony 339
of the fourth degree. 340

(d) In addition to any term of imprisonment, fine, or other 341
sentence, penalty, or sanction it imposes upon the offender 342
pursuant to division (E)(5)(a), (b), or (c) of this section or 343
pursuant to any other provision of law and in addition to any 344
suspension of the offender's driver's or commercial driver's 345
license or permit or nonresident operating privilege under Chapter 346
4506., 4509., 4510., or 4511. of the Revised Code or under any 347
other provision of law, the court also may impose upon the 348
offender a class seven suspension of the offender's driver's or 349
commercial driver's license or permit or nonresident operating 350
privilege from the range specified in division (A)(7) of section 351
4510.02 of the Revised Code. 352

(e) In addition to any term of imprisonment, fine, or other 353
sentence, penalty, or sanction imposed upon the offender pursuant 354
to division (E)(5)(a), (b), (c), or (d) of this section or 355
pursuant to any other provision of law for the violation of 356
division (C) of this section, if as part of the same trial or 357
proceeding the offender also is convicted of or pleads guilty to a 358
separate charge charging the violation of division (A) of section 359

4511.19 of the Revised Code that was the basis of the charge of 360
the violation of division (C) of this section, the offender also 361
shall be sentenced in accordance with section 4511.19 of the 362
Revised Code for that violation of division (A) of section 4511.19 363
of the Revised Code. 364

(F)(1)(a) A court may require an offender to perform not more 365
than two hundred hours of supervised community service work under 366
the authority of an agency, subdivision, or charitable 367
organization. The requirement shall be part of the community 368
control sanction or sentence of the offender, and the court shall 369
impose the community service in accordance with and subject to 370
divisions (F)(1)(a) and (b) of this section. The court may require 371
an offender whom it requires to perform supervised community 372
service work as part of the offender's community control sanction 373
or sentence to pay the court a reasonable fee to cover the costs 374
of the offender's participation in the work, including, but not 375
limited to, the costs of procuring a policy or policies of 376
liability insurance to cover the period during which the offender 377
will perform the work. If the court requires the offender to 378
perform supervised community service work as part of the 379
offender's community control sanction or sentence, the court shall 380
do so in accordance with the following limitations and criteria: 381

(i) The court shall require that the community service work 382
be performed after completion of the term of imprisonment or jail 383
term imposed upon the offender for the violation of division (C) 384
of this section, if applicable. 385

(ii) The supervised community service work shall be subject 386
to the limitations set forth in divisions (B)(1), (2), and (3) of 387
section 2951.02 of the Revised Code. 388

(iii) The community service work shall be supervised in the 389
manner described in division (B)(4) of section 2951.02 of the 390
Revised Code by an official or person with the qualifications 391

described in that division. The official or person periodically 392
shall report in writing to the court concerning the conduct of the 393
offender in performing the work. 394

(iv) The court shall inform the offender in writing that if 395
the offender does not adequately perform, as determined by the 396
court, all of the required community service work, the court may 397
order that the offender be committed to a jail or workhouse for a 398
period of time that does not exceed the term of imprisonment that 399
the court could have imposed upon the offender for the violation 400
of division (C) of this section, reduced by the total amount of 401
time that the offender actually was imprisoned under the sentence 402
or term that was imposed upon the offender for that violation and 403
by the total amount of time that the offender was confined for any 404
reason arising out of the offense for which the offender was 405
convicted and sentenced as described in sections 2949.08 and 406
2967.191 of the Revised Code, and that, if the court orders that 407
the offender be so committed, the court is authorized, but not 408
required, to grant the offender credit upon the period of the 409
commitment for the community service work that the offender 410
adequately performed. 411

(b) If a court, pursuant to division (F)(1)(a) of this 412
section, orders an offender to perform community service work as 413
part of the offender's community control sanction or sentence and 414
if the offender does not adequately perform all of the required 415
community service work, as determined by the court, the court may 416
order that the offender be committed to a jail or workhouse for a 417
period of time that does not exceed the term of imprisonment that 418
the court could have imposed upon the offender for the violation 419
of division (C) of this section, reduced by the total amount of 420
time that the offender actually was imprisoned under the sentence 421
or term that was imposed upon the offender for that violation and 422
by the total amount of time that the offender was confined for any 423

reason arising out of the offense for which the offender was 424
convicted and sentenced as described in sections 2949.08 and 425
2967.191 of the Revised Code. The court may order that a person 426
committed pursuant to this division shall receive hour-for-hour 427
credit upon the period of the commitment for the community service 428
work that the offender adequately performed. No commitment 429
pursuant to this division shall exceed the period of the term of 430
imprisonment that the sentencing court could have imposed upon the 431
offender for the violation of division (C) of this section, 432
reduced by the total amount of time that the offender actually was 433
imprisoned under that sentence or term and by the total amount of 434
time that the offender was confined for any reason arising out of 435
the offense for which the offender was convicted and sentenced as 436
described in sections 2949.08 and 2967.191 of the Revised Code. 437

(2) Division (F)(1) of this section does not limit or affect 438
the authority of the court to suspend the sentence imposed upon a 439
misdemeanor offender and place the offender under a community 440
control sanction pursuant to section 2929.25 of the Revised Code, 441
to require a misdemeanor or felony offender to perform supervised 442
community service work in accordance with division (B) of section 443
2951.02 of the Revised Code, or to place a felony offender under a 444
community control sanction. 445

(G)(1) If a court suspends an offender's driver's or 446
commercial driver's license or permit or nonresident operating 447
privilege under division (E)(5)(d) of this section, the period of 448
the suspension shall be consecutive to, and commence after, the 449
period of suspension of the offender's driver's or commercial 450
driver's license or permit or nonresident operating privilege that 451
is imposed under Chapter 4506., 4509., 4510., or 4511. of the 452
Revised Code or under any other provision of law in relation to 453
the violation of division (C) of this section that is the basis of 454
the suspension under division (E)(5)(d) of this section or in 455

relation to the violation of division (A) of section 4511.19 of 456
the Revised Code that is the basis for that violation of division 457
(C) of this section. 458

(2) An offender is not entitled to request, and the court 459
shall not grant to the offender, limited driving privileges if the 460
offender's license, permit, or privilege has been suspended under 461
division (E)(5)(d) of this section and the offender, within the 462
preceding six years, has been convicted of or pleaded guilty to 463
three or more violations of one or more of the following: 464

(a) Division (C) of this section; 465

(b) Any equivalent offense, as defined in section 4511.181 of 466
the Revised Code. 467

(H)(1) If a person violates division (C) of this section and 468
if, at the time of the violation, there were two or more children 469
under eighteen years of age in the motor vehicle involved in the 470
violation, the offender may be convicted of a violation of 471
division (C) of this section for each of the children, but the 472
court may sentence the offender for only one of the violations. 473

(2)(a) If a person is convicted of or pleads guilty to a 474
violation of division (C) of this section but the person is not 475
also convicted of and does not also plead guilty to a separate 476
charge charging the violation of division (A) of section 4511.19 477
of the Revised Code that was the basis of the charge of the 478
violation of division (C) of this section, both of the following 479
apply: 480

(i) For purposes of the provisions of section 4511.19 of the 481
Revised Code that set forth the penalties and sanctions for a 482
violation of division (A) of section 4511.19 of the Revised Code, 483
the conviction of or plea of guilty to the violation of division 484
(C) of this section shall not constitute a violation of division 485
(A) of section 4511.19 of the Revised Code; 486

(ii) For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code and that is not described in division (H)(2)(a)(i) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall constitute a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(I) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code;

(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code;

(3) "Methamphetamine" has the same meaning as in section 2925.01 of the Revised Code.

Section 2. That existing sections 339.89, 2151.03, 2903.341, and 2919.22 of the Revised Code are hereby repealed.