

As Introduced

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

H. B. No. 478

Representative Yuko

Cosponsors: Representatives Hagan, Foley, Okey, Sykes, Stewart

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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
2925.43, 2925.44, 2925.45, 2925.46, 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
3728.31, 3728.35, 3728.351, 3728.37, 3728.38, 9
3728.381, 3728.40, 3728.41, 3728.42, 3728.43, 10
3728.45, 3728.47, and 3728.99 of the Revised Code 11
regarding the medical use of cannabis. 12

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

Section 1. That sections 2925.02, 2925.03, 2925.04, 2925.11, 13
2925.14, and 3781.32 be amended and sections 2925.43, 2925.44, 14
2925.45, 2925.46, 3728.01, 3728.02, 3728.03, 3728.04, 3728.05, 15
3728.06, 3728.07, 3728.08, 3728.10, 3728.11, 3728.12, 3728.13, 16
3728.14, 3728.15, 3728.16, 3728.17, 3728.18, 3728.20, 3728.21, 17
3728.22, 3728.25, 3728.26, 3728.27, 3728.28, 3728.29, 3728.30, 18
3728.31, 3728.35, 3728.351, 3728.37, 3728.38, 3728.381, 3728.40, 19
3728.41, 3728.42, 3728.43, 3728.45, 3728.47, and 3728.99 of the 20

Revised Code be enacted to read as follows: 21

Sec. 2925.02. (A) No person shall knowingly do any of the 22
following: 23

(1) By force, threat, or deception, administer to another or 24
induce or cause another to use a controlled substance; 25

(2) By any means, administer or furnish to another or induce 26
or cause another to use a controlled substance with purpose to 27
cause serious physical harm to the other person, or with purpose 28
to cause the other person to become drug dependent; 29

(3) By any means, administer or furnish to another or induce 30
or cause another to use a controlled substance, and thereby cause 31
serious physical harm to the other person, or cause the other 32
person to become drug dependent; 33

(4) By any means, do any of the following: 34

(a) Furnish or administer a controlled substance to a 35
juvenile who is at least two years the offender's junior, when the 36
offender knows the age of the juvenile or is reckless in that 37
regard; 38

(b) Induce or cause a juvenile who is at least two years the 39
offender's junior to use a controlled substance, when the offender 40
knows the age of the juvenile or is reckless in that regard; 41

(c) Induce or cause a juvenile who is at least two years the 42
offender's junior to commit a felony drug abuse offense, when the 43
offender knows the age of the juvenile or is reckless in that 44
regard; 45

(d) Use a juvenile, whether or not the offender knows the age 46
of the juvenile, to perform any surveillance activity that is 47
intended to prevent the detection of the offender or any other 48
person in the commission of a felony drug abuse offense or to 49

prevent the arrest of the offender or any other person for the 50
commission of a felony drug abuse offense. 51

(B)(1) Division (A)(1), (3), or (4) of this section does not 52
apply to manufacturers, wholesalers, licensed health professionals 53
authorized to prescribe drugs, pharmacists, owners of pharmacies, 54
and other persons whose conduct is in accordance with Chapters 55
3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 56
Code. 57

(2) Division (A)(4)(a) of this section does not apply when a 58
cardholder, as defined in section 3728.01 of the Revised Code, 59
provides cannabis to another cardholder pursuant to section 60
3728.06 of the Revised Code. 61

(3) Division (A)(4)(b) of this section does not apply when a 62
practitioner, as defined in section 3728.01 of the Revised Code, 63
signs a written certification under section 3728.08 of the Revised 64
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, as 184
defined in section 3728.01 of the Revised Code, to the extent and 185
under the circumstances described in Chapter 3728. of the Revised 186
Code. 187

(C) Whoever violates division (A) of this section is guilty 188
of one of the following: 189

(1) If the drug involved in the violation is any compound, 190
mixture, preparation, or substance included in schedule I or 191
schedule II, with the exception of marihuana, cocaine, L.S.D., 192
heroin, and hashish, whoever violates division (A) of this section 193
is guilty of aggravated trafficking in drugs. The penalty for the 194
offense shall be determined as follows: 195

(a) Except as otherwise provided in division (C)(1)(b), (c), 196
(d), (e), or (f) of this section, aggravated trafficking in drugs 197
is a felony of the fourth degree, and division (C) of section 198
2929.13 of the Revised Code applies in determining whether to 199
impose a prison term on the offender. 200

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

whether to impose a prison term on the offender. 206

(c) Except as otherwise provided in this division, if the 207
amount of the drug involved equals or exceeds the bulk amount but 208
is less than five times the bulk amount, aggravated trafficking in 209
drugs is a felony of the third degree, and the court shall impose 210
as a mandatory prison term one of the prison terms prescribed for 211
a felony of the third degree. If the amount of the drug involved 212
is within that range and if the offense was committed in the 213
vicinity of a school or in the vicinity of a juvenile, aggravated 214
trafficking in drugs is a felony of the second degree, and the 215
court shall impose as a mandatory prison term one of the prison 216
terms prescribed for a felony of the second degree. 217

(d) Except as otherwise provided in this division, if the 218
amount of the drug involved equals or exceeds five times the bulk 219
amount but is less than fifty times the bulk amount, aggravated 220
trafficking in drugs is a felony of the second degree, and the 221
court shall impose as a mandatory prison term one of the prison 222
terms prescribed for a felony of the second degree. If the amount 223
of the drug involved is within that range and if the offense was 224
committed in the vicinity of a school or in the vicinity of a 225
juvenile, aggravated trafficking in drugs is a felony of the first 226
degree, and the court shall impose as a mandatory prison term one 227
of the prison terms prescribed for a felony of the first degree. 228

(e) If the amount of the drug involved equals or exceeds 229
fifty times the bulk amount but is less than one hundred times the 230
bulk amount and regardless of whether the offense was committed in 231
the vicinity of a school or in the vicinity of a juvenile, 232
aggravated trafficking in drugs is a felony of the first degree, 233
and the court shall impose as a mandatory prison term one of the 234
prison terms prescribed for a felony of the first degree. 235

(f) If the amount of the drug involved equals or exceeds one 236
hundred times the bulk amount and regardless of whether the 237

offense was committed in the vicinity of a school or in the 238
vicinity of a juvenile, aggravated trafficking in drugs is a 239
felony of the first degree, the offender is a major drug offender, 240
and the court shall impose as a mandatory prison term the maximum 241
prison term prescribed for a felony of the first degree and may 242
impose an additional prison term prescribed for a major drug 243
offender under division (D)(3)(b) of section 2929.14 of the 244
Revised Code. 245

(2) If the drug involved in the violation is any compound, 246
mixture, preparation, or substance included in schedule III, IV, 247
or V, whoever violates division (A) of this section is guilty of 248
trafficking in drugs. The penalty for the offense shall be 249
determined as follows: 250

(a) Except as otherwise provided in division (C)(2)(b), (c), 251
(d), or (e) of this section, trafficking in drugs is a felony of 252
the fifth degree, and division (C) of section 2929.13 of the 253
Revised Code applies in determining whether to impose a prison 254
term on the offender. 255

(b) Except as otherwise provided in division (C)(2)(c), (d), 256
or (e) of this section, if the offense was committed in the 257
vicinity of a school or in the vicinity of a juvenile, trafficking 258
in drugs is a felony of the fourth degree, and division (C) of 259
section 2929.13 of the Revised Code applies in determining whether 260
to impose a prison term on the offender. 261

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

prison term for the offense. 270

(d) Except as otherwise provided in this division, if the 271
amount of the drug involved equals or exceeds five times the bulk 272
amount but is less than fifty times the bulk amount, trafficking 273
in drugs is a felony of the third degree, and there is a 274
presumption for a prison term for the offense. If the amount of 275
the drug involved is within that range and if the offense was 276
committed in the vicinity of a school or in the vicinity of a 277
juvenile, trafficking in drugs is a felony of the second degree, 278
and there is a presumption for a prison term for the offense. 279

(e) Except as otherwise provided in this division, if the 280
amount of the drug involved equals or exceeds fifty times the bulk 281
amount, trafficking in drugs is a felony of the second degree, and 282
the court shall impose as a mandatory prison term one of the 283
prison terms prescribed for a felony of the second degree. If the 284
amount of the drug involved equals or exceeds fifty times the bulk 285
amount and if the offense was committed in the vicinity of a 286
school or in the vicinity of a juvenile, trafficking in drugs is a 287
felony of the first degree, and the court shall impose as a 288
mandatory prison term one of the prison terms prescribed for a 289
felony of the first degree. 290

(3) If the drug involved in the violation is marihuana or a 291
compound, mixture, preparation, or substance containing marihuana 292
other than hashish, whoever violates division (A) of this section 293
is guilty of trafficking in marihuana. The penalty for the offense 294
shall be determined as follows: 295

(a) Except as otherwise provided in division (C)(3)(b), (c), 296
(d), (e), (f), or (g) of this section, trafficking in marihuana is 297
a felony of the fifth degree, and division (C) of section 2929.13 298
of the Revised Code applies in determining whether to impose a 299
prison term on the offender. 300

(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, trafficking in marihuana 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 two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 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 marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the

drug involved is within that range and if the offense was 333
committed in the vicinity of a school or in the vicinity of a 334
juvenile, trafficking in marihuana is a felony of the second 335
degree, and there is a presumption that a prison term shall be 336
imposed for the offense. 337

(f) Except as otherwise provided in this division, if the 338
amount of the drug involved equals or exceeds twenty thousand 339
grams, trafficking in marihuana is a felony of the second degree, 340
and the court shall impose as a mandatory prison term the maximum 341
prison term prescribed for a felony of the second degree. If the 342
amount of the drug involved equals or exceeds twenty thousand 343
grams and if the offense was committed in the vicinity of a school 344
or in the vicinity of a juvenile, trafficking in marihuana is a 345
felony of the first degree, and the court shall impose as a 346
mandatory prison term the maximum prison term prescribed for a 347
felony of the first degree. 348

(g) Except as otherwise provided in this division, if the 349
offense involves a gift of twenty grams or less of marihuana, 350
trafficking in marihuana is a minor misdemeanor upon a first 351
offense and a misdemeanor of the third degree upon a subsequent 352
offense. If the offense involves a gift of twenty grams or less of 353
marihuana and if the offense was committed in the vicinity of a 354
school or in the vicinity of a juvenile, trafficking in marihuana 355
is a misdemeanor of the third degree. 356

(4) If the drug involved in the violation is cocaine or a 357
compound, mixture, preparation, or substance containing cocaine, 358
whoever violates division (A) of this section is guilty of 359
trafficking in cocaine. The penalty for the offense shall be 360
determined as follows: 361

(a) Except as otherwise provided in division (C)(4)(b), (c), 362
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 363
felony of the fifth degree, and division (C) of section 2929.13 of 364

the Revised Code applies in determining whether to impose a prison term on the offender. 365
366

(b) Except as otherwise provided in division (C)(4)(c), (d), 367
(e), (f), or (g) of this section, if the offense was committed in 368
the vicinity of a school or in the vicinity of a juvenile, 369
trafficking in cocaine is a felony of the fourth degree, and 370
division (C) of section 2929.13 of the Revised Code applies in 371
determining whether to impose a prison term on the offender. 372

(c) Except as otherwise provided in this division, if the 373
amount of the drug involved equals or exceeds five grams but is 374
less than ten grams of cocaine that is not crack cocaine or equals 375
or exceeds one gram but is less than five grams of crack cocaine, 376
trafficking in cocaine is a felony of the fourth degree, and there 377
is a presumption for a prison term for the offense. If the amount 378
of the drug involved is within one of those ranges and if the 379
offense was committed in the vicinity of a school or in the 380
vicinity of a juvenile, trafficking in cocaine is a felony of the 381
third degree, and there is a presumption for a prison term for the 382
offense. 383

(d) Except as otherwise provided in this division, if the 384
amount of the drug involved equals or exceeds ten grams but is 385
less than one hundred grams of cocaine that is not crack cocaine 386
or equals or exceeds five grams but is less than ten grams of 387
crack cocaine, trafficking in cocaine is a felony of the third 388
degree, and the court shall impose as a mandatory prison term one 389
of the prison terms prescribed for a felony of the third degree. 390
If the amount of the drug involved is within one of those ranges 391
and if the offense was committed in the vicinity of a school or in 392
the vicinity of a juvenile, trafficking in cocaine is a felony of 393
the second degree, and the court shall impose as a mandatory 394
prison term one of the prison terms prescribed for a felony of the 395
second degree. 396

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred grams but is less than five hundred grams of cocaine that is not crack cocaine or equals or exceeds ten grams but is less than twenty-five grams of crack cocaine, trafficking in cocaine 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 one of those ranges and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine 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 five hundred grams but is less than one thousand grams of cocaine that is not crack cocaine or equals or exceeds twenty-five grams but is less than one hundred grams of crack cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine 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 one thousand grams of cocaine that is not crack cocaine or equals or exceeds one hundred grams of crack cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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. 429

(5) If the drug involved in the violation is L.S.D. or a 430
compound, mixture, preparation, or substance containing L.S.D., 431
whoever violates division (A) of this section is guilty of 432
trafficking in L.S.D. The penalty for the offense shall be 433
determined as follows: 434

(a) Except as otherwise provided in division (C)(5)(b), (c), 435
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 436
felony of the fifth degree, and division (C) of section 2929.13 of 437
the Revised Code applies in determining whether to impose a prison 438
term on the offender. 439

(b) Except as otherwise provided in division (C)(5)(c), (d), 440
(e), (f), or (g) of this section, if the offense was committed in 441
the vicinity of a school or in the vicinity of a juvenile, 442
trafficking in L.S.D. is a felony of the fourth degree, and 443
division (C) of section 2929.13 of the Revised Code applies in 444
determining whether to impose a prison term on the offender. 445

(c) Except as otherwise provided in this division, if the 446
amount of the drug involved equals or exceeds ten unit doses but 447
is less than fifty unit doses of L.S.D. in a solid form or equals 448
or exceeds one gram but is less than five grams of L.S.D. in a 449
liquid concentrate, liquid extract, or liquid distillate form, 450
trafficking in L.S.D. is a felony of the fourth degree, and there 451
is a presumption for a prison term for the offense. If the amount 452
of the drug involved is within that range and if the offense was 453
committed in the vicinity of a school or in the vicinity of a 454
juvenile, trafficking in L.S.D. is a felony of the third degree, 455
and there is a presumption for a prison term for the offense. 456

(d) Except as otherwise provided in this division, if the 457
amount of the drug involved equals or exceeds fifty unit doses but 458
is less than two hundred fifty unit doses of L.S.D. in a solid 459

form or equals or exceeds five grams but is less than twenty-five 460
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 461
distillate form, trafficking in L.S.D. is a felony of the third 462
degree, and the court shall impose as a mandatory prison term one 463
of the prison terms prescribed for a felony of the third degree. 464
If the amount of the drug involved is within that range and if the 465
offense was committed in the vicinity of a school or in the 466
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 467
second degree, and the court shall impose as a mandatory prison 468
term one of the prison terms prescribed for a felony of the second 469
degree. 470

(e) Except as otherwise provided in this division, if the 471
amount of the drug involved equals or exceeds two hundred fifty 472
unit doses but is less than one thousand unit doses of L.S.D. in a 473
solid form or equals or exceeds twenty-five grams but is less than 474
one hundred grams of L.S.D. in a liquid concentrate, liquid 475
extract, or liquid distillate form, trafficking in L.S.D. is a 476
felony of the second degree, and the court shall impose as a 477
mandatory prison term one of the prison terms prescribed for a 478
felony of the second degree. If the amount of the drug involved is 479
within that range and if the offense was committed in the vicinity 480
of a school or in the vicinity of a juvenile, trafficking in 481
L.S.D. is a felony of the first degree, and the court shall impose 482
as a mandatory prison term one of the prison terms prescribed for 483
a felony of the first degree. 484

(f) If the amount of the drug involved equals or exceeds one 485
thousand unit doses but is less than five thousand unit doses of 486
L.S.D. in a solid form or equals or exceeds one hundred grams but 487
is less than five hundred grams of L.S.D. in a liquid concentrate, 488
liquid extract, or liquid distillate form and regardless of 489
whether the offense was committed in the vicinity of a school or 490
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 491

of the first degree, and the court shall impose as a mandatory 492
prison term one of the prison terms prescribed for a felony of the 493
first degree. 494

(g) If the amount of the drug involved equals or exceeds five 495
thousand unit doses of L.S.D. in a solid form or equals or exceeds 496
five hundred grams of L.S.D. in a liquid concentrate, liquid 497
extract, or liquid distillate form and regardless of whether the 498
offense was committed in the vicinity of a school or in the 499
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 500
first degree, the offender is a major drug offender, and the court 501
shall impose as a mandatory prison term the maximum prison term 502
prescribed for a felony of the first degree and may impose an 503
additional mandatory prison term prescribed for a major drug 504
offender under division (D)(3)(b) of section 2929.14 of the 505
Revised Code. 506

(6) If the drug involved in the violation is heroin or a 507
compound, mixture, preparation, or substance containing heroin, 508
whoever violates division (A) of this section is guilty of 509
trafficking in heroin. The penalty for the offense shall be 510
determined as follows: 511

(a) Except as otherwise provided in division (C)(6)(b), (c), 512
(d), (e), (f), or (g) of this section, trafficking in heroin is a 513
felony of the fifth degree, and division (C) of section 2929.13 of 514
the Revised Code applies in determining whether to impose a prison 515
term on the offender. 516

(b) Except as otherwise provided in division (C)(6)(c), (d), 517
(e), (f), or (g) of this section, if the offense was committed in 518
the vicinity of a school or in the vicinity of a juvenile, 519
trafficking in heroin is a felony of the fourth degree, and 520
division (C) of section 2929.13 of the Revised Code applies in 521
determining whether to impose a prison term on the offender. 522

(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 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 heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

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

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams 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, 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 587
to impose a prison term on the offender. 588

(c) Except as otherwise provided in this division, if the 589
amount of the drug involved equals or exceeds ten grams but is 590
less than fifty grams of hashish in a solid form or equals or 591
exceeds two grams but is less than ten grams of hashish in a 592
liquid concentrate, liquid extract, or liquid distillate form, 593
trafficking in hashish is a felony of the fourth degree, and 594
division (C) of section 2929.13 of the Revised Code applies in 595
determining whether to impose a prison term on the offender. If 596
the amount of the drug involved is within that range and if the 597
offense was committed in the vicinity of a school or in the 598
vicinity of a juvenile, trafficking in hashish is a felony of the 599
third degree, and division (C) of section 2929.13 of the Revised 600
Code applies in determining whether to impose a prison term on the 601
offender. 602

(d) Except as otherwise provided in this division, if the 603
amount of the drug involved equals or exceeds fifty grams but is 604
less than two hundred fifty grams of hashish in a solid form or 605
equals or exceeds ten grams but is less than fifty grams of 606
hashish in a liquid concentrate, liquid extract, or liquid 607
distillate form, trafficking in hashish is a felony of the third 608
degree, and division (C) of section 2929.13 of the Revised Code 609
applies in determining whether to impose a prison term on the 610
offender. If the amount of the drug involved is within that range 611
and if the offense was committed in the vicinity of a school or in 612
the vicinity of a juvenile, trafficking in hashish is a felony of 613
the second degree, and there is a presumption that a prison term 614
shall be imposed for the offense. 615

(e) Except as otherwise provided in this division, if the 616
amount of the drug involved equals or exceeds two hundred fifty 617
grams but is less than one thousand grams of hashish in a solid 618

form or equals or exceeds fifty grams but is less than two hundred 619
grams of hashish in a liquid concentrate, liquid extract, or 620
liquid distillate form, trafficking in hashish is a felony of the 621
third degree, and there is a presumption that a prison term shall 622
be imposed for the offense. If the amount of the drug involved is 623
within that range and if the offense was committed in the vicinity 624
of a school or in the vicinity of a juvenile, trafficking in 625
hashish is a felony of the second degree, and there is a 626
presumption that a prison term shall be imposed for the offense. 627

(f) Except as otherwise provided in this division, if the 628
amount of the drug involved equals or exceeds one thousand grams 629
of hashish in a solid form or equals or exceeds two hundred grams 630
of hashish in a liquid concentrate, liquid extract, or liquid 631
distillate form, trafficking in hashish is a felony of the second 632
degree, and the court shall impose as a mandatory prison term the 633
maximum prison term prescribed for a felony of the second degree. 634
If the amount of the drug involved is within that range and if the 635
offense was committed in the vicinity of a school or in the 636
vicinity of a juvenile, trafficking in hashish is a felony of the 637
first degree, and the court shall impose as a mandatory prison 638
term the maximum prison term prescribed for a felony of the first 639
degree. 640

(D) In addition to any prison term authorized or required by 641
division (C) of this section and sections 2929.13 and 2929.14 of 642
the Revised Code, and in addition to any other sanction imposed 643
for the offense under this section or sections 2929.11 to 2929.18 644
of the Revised Code, the court that sentences an offender who is 645
convicted of or pleads guilty to a violation of division (A) of 646
this section shall do all of the following that are applicable 647
regarding the offender: 648

(1) If the violation of division (A) of this section is a 649
felony of the first, second, or third degree, the court shall 650

impose upon the offender the mandatory fine specified for the 651
offense under division (B)(1) of section 2929.18 of the Revised 652
Code unless, as specified in that division, the court determines 653
that the offender is indigent. Except as otherwise provided in 654
division (H)(1) of this section, a mandatory fine or any other 655
fine imposed for a violation of this section is subject to 656
division (F) of this section. If a person is charged with a 657
violation of this section that is a felony of the first, second, 658
or third degree, posts bail, and forfeits the bail, the clerk of 659
the court shall pay the forfeited bail pursuant to divisions 660
(D)(1) and (F) of this section, as if the forfeited bail was a 661
fine imposed for a violation of this section. If any amount of the 662
forfeited bail remains after that payment and if a fine is imposed 663
under division (H)(1) of this section, the clerk of the court 664
shall pay the remaining amount of the forfeited bail pursuant to 665
divisions (H)(2) and (3) of this section, as if that remaining 666
amount was a fine imposed under division (H)(1) of this section. 667

(2) The court shall suspend the driver's or commercial 668
driver's license or permit of the offender in accordance with 669
division (G) of this section. 670

(3) If the offender is a professionally licensed person, the 671
court immediately shall comply with section 2925.38 of the Revised 672
Code. 673

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

substance involved is the requisite amount, or that the amount of 683
the controlled substance involved is less than the requisite 684
amount. 685

(F)(1) Notwithstanding any contrary provision of section 686
3719.21 of the Revised Code and except as provided in division (H) 687
of this section, the clerk of the court shall pay any mandatory 688
fine imposed pursuant to division (D)(1) of this section and any 689
fine other than a mandatory fine that is imposed for a violation 690
of this section pursuant to division (A) or (B)(5) of section 691
2929.18 of the Revised Code to the county, township, municipal 692
corporation, park district, as created pursuant to section 511.18 693
or 1545.04 of the Revised Code, or state law enforcement agencies 694
in this state that primarily were responsible for or involved in 695
making the arrest of, and in prosecuting, the offender. However, 696
the clerk shall not pay a mandatory fine so imposed to a law 697
enforcement agency unless the agency has adopted a written 698
internal control policy under division (F)(2) of this section that 699
addresses the use of the fine moneys that it receives. Each agency 700
shall use the mandatory fines so paid to subsidize the agency's 701
law enforcement efforts that pertain to drug offenses, in 702
accordance with the written internal control policy adopted by the 703
recipient agency under division (F)(2) of this section. 704

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

ongoing investigation. All financial records of the receipts of 715
those fine moneys, the general types of expenditures made out of 716
those fine moneys, and the specific amount of each general type of 717
expenditure by an agency are public records open for inspection 718
under section 149.43 of the Revised Code. Additionally, a written 719
internal control policy adopted under this division is such a 720
public record, and the agency that adopted it shall comply with 721
it. 722

(b) Each law enforcement agency that receives in any calendar 723
year any fine moneys under division (F)(1) of this section or 724
division (B) of section 2925.42 of the Revised Code shall prepare 725
a report covering the calendar year that cumulates all of the 726
information contained in all of the public financial records kept 727
by the agency pursuant to division (F)(2)(a) of this section for 728
that calendar year, and shall send a copy of the cumulative 729
report, no later than the first day of March in the calendar year 730
following the calendar year covered by the report, to the attorney 731
general. Each report received by the attorney general is a public 732
record open for inspection under section 149.43 of the Revised 733
Code. Not later than the fifteenth day of April in the calendar 734
year in which the reports are received, the attorney general shall 735
send to the president of the senate and the speaker of the house 736
of representatives a written notification that does all of the 737
following: 738

(i) Indicates that the attorney general has received from law 739
enforcement agencies reports of the type described in this 740
division that cover the previous calendar year and indicates that 741
the reports were received under this division; 742

(ii) Indicates that the reports are open for inspection under 743
section 149.43 of the Revised Code; 744

(iii) Indicates that the attorney general will provide a copy 745
of any or all of the reports to the president of the senate or the 746

speaker of the house of representatives upon request. 747

(3) As used in division (F) of this section: 748

(a) "Law enforcement agencies" includes, but is not limited 749
to, the state board of pharmacy and the office of a prosecutor. 750

(b) "Prosecutor" has the same meaning as in section 2935.01 751
of the Revised Code. 752

(G) When required under division (D)(2) of this section or 753
any other provision of this chapter, the court shall suspend for 754
not less than six months or more than five years the driver's or 755
commercial driver's license or permit of any person who is 756
convicted of or pleads guilty to any violation of this section or 757
any other specified provision of this chapter. If an offender's 758
driver's or commercial driver's license or permit is suspended 759
pursuant to this division, the offender, at any time after the 760
expiration of two years from the day on which the offender's 761
sentence was imposed or from the day on which the offender finally 762
was released from a prison term under the sentence, whichever is 763
later, may file a motion with the sentencing court requesting 764
termination of the suspension; upon the filing of such a motion 765
and the court's finding of good cause for the termination, the 766
court may terminate the suspension. 767

(H)(1) In addition to any prison term authorized or required 768
by division (C) of this section and sections 2929.13 and 2929.14 769
of the Revised Code, in addition to any other penalty or sanction 770
imposed for the offense under this section or sections 2929.11 to 771
2929.18 of the Revised Code, and in addition to the forfeiture of 772
property in connection with the offense as prescribed in Chapter 773
2981. of the Revised Code, the court that sentences an offender 774
who is convicted of or pleads guilty to a violation of division 775
(A) of this section may impose upon the offender an additional 776
fine specified for the offense in division (B)(4) of section 777

2929.18 of the Revised Code. A fine imposed under division (H)(1) 778
of this section is not subject to division (F) of this section and 779
shall be used solely for the support of one or more eligible 780
alcohol and drug addiction programs in accordance with divisions 781
(H)(2) and (3) of this section. 782

(2) The court that imposes a fine under division (H)(1) of 783
this section shall specify in the judgment that imposes the fine 784
one or more eligible alcohol and drug addiction programs for the 785
support of which the fine money is to be used. No alcohol and drug 786
addiction program shall receive or use money paid or collected in 787
satisfaction of a fine imposed under division (H)(1) of this 788
section unless the program is specified in the judgment that 789
imposes the fine. No alcohol and drug addiction program shall be 790
specified in the judgment unless the program is an eligible 791
alcohol and drug addiction program and, except as otherwise 792
provided in division (H)(2) of this section, unless the program is 793
located in the county in which the court that imposes the fine is 794
located or in a county that is immediately contiguous to the 795
county in which that court is located. If no eligible alcohol and 796
drug addiction program is located in any of those counties, the 797
judgment may specify an eligible alcohol and drug addiction 798
program that is located anywhere within this state. 799

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

and drug addiction services by the alcohol and drug addiction 810
program specified in the judgment. 811

(4) Each alcohol and drug addiction program that receives in 812
a calendar year any fine moneys under division (H)(3) of this 813
section shall file an annual report covering that calendar year 814
with the court of common pleas and the board of county 815
commissioners of the county in which the program is located, with 816
the court of common pleas and the board of county commissioners of 817
each county from which the program received the moneys if that 818
county is different from the county in which the program is 819
located, and with the attorney general. The alcohol and drug 820
addiction program shall file the report no later than the first 821
day of March in the calendar year following the calendar year in 822
which the program received the fine moneys. The report shall 823
include statistics on the number of persons served by the alcohol 824
and drug addiction program, identify the types of alcohol and drug 825
addiction services provided to those persons, and include a 826
specific accounting of the purposes for which the fine moneys 827
received were used. No information contained in the report shall 828
identify, or enable a person to determine the identity of, any 829
person served by the alcohol and drug addiction program. Each 830
report received by a court of common pleas, a board of county 831
commissioners, or the attorney general is a public record open for 832
inspection under section 149.43 of the Revised Code. 833

(5) As used in divisions (H)(1) to (5) of this section: 834

(a) "Alcohol and drug addiction program" and "alcohol and 835
drug addiction services" have the same meanings as in section 836
3793.01 of the Revised Code. 837

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

services. 842

(I) As used in this section, "drug" includes any substance 843
that is represented to be a drug. 844

Sec. 2925.04. (A) No person shall knowingly cultivate 845
marihuana or knowingly manufacture or otherwise engage in any part 846
of the production of a controlled substance. 847

(B) This section does not apply to any person listed in 848
division (B)(1), (2), ~~or (3)~~, or (4) of section 2925.03 of the 849
Revised Code to the extent and under the circumstances described 850
in those divisions. 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 lawful prescription issued by a licensed health professional 1050
authorized to prescribe drugs; 1051

(5) A holder of a valid registry identification card, as 1052
defined in section 3728.01 of the Revised Code, to the extent and 1053
under the circumstances described in Chapter 3728. of the Revised 1054
Code. 1055

(C) Whoever violates division (A) of this section is guilty 1056
of one of the following: 1057

(1) If the drug involved in the violation is a compound, 1058
mixture, preparation, or substance included in schedule I or II, 1059

with the exception of marihuana, cocaine, L.S.D., heroin, and hashish, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:

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

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

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of 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) 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, aggravated possession of 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 one hundred times the bulk amount, aggravated possession of drugs 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. 1091

(2) If the drug involved in the violation is a compound, 1092
mixture, preparation, or substance included in schedule III, IV, 1093
or V, whoever violates division (A) of this section is guilty of 1094
possession of drugs. The penalty for the offense shall be 1095
determined as follows: 1096

(a) Except as otherwise provided in division (C)(2)(b), (c), 1097
or (d) of this section, possession of drugs is a misdemeanor of 1098
the first degree or, if the offender previously has been convicted 1099
of a drug abuse offense, a felony of the fifth degree. 1100

(b) If the amount of the drug involved equals or exceeds the 1101
bulk amount but is less than five times the bulk amount, 1102
possession of drugs is a felony of the fourth degree, and division 1103
(C) of section 2929.13 of the Revised Code applies in determining 1104
whether to impose a prison term on the offender. 1105

(c) If the amount of the drug involved equals or exceeds five 1106
times the bulk amount but is less than fifty times the bulk 1107
amount, possession of drugs is a felony of the third degree, and 1108
there is a presumption for a prison term for the offense. 1109

(d) If the amount of the drug involved equals or exceeds 1110
fifty times the bulk amount, possession of drugs is a felony of 1111
the second degree, and the court shall impose upon the offender as 1112
a mandatory prison term one of the prison terms prescribed for a 1113
felony of the second degree. 1114

(3) If the drug involved in the violation is marihuana or a 1115
compound, mixture, preparation, or substance containing marihuana 1116
other than hashish, whoever violates division (A) of this section 1117
is guilty of possession of marihuana. The penalty for the offense 1118
shall be determined as follows: 1119

(a) Except as otherwise provided in division (C)(3)(b), (c), 1120
(d), (e), or (f) of this section, possession of marihuana is a 1121

minor misdemeanor. 1122

(b) If the amount of the drug involved equals or exceeds one 1123
hundred grams but is less than two hundred grams, possession of 1124
marihuana is a misdemeanor of the fourth degree. 1125

(c) If the amount of the drug involved equals or exceeds two 1126
hundred grams but is less than one thousand grams, possession of 1127
marihuana is a felony of the fifth degree, and division (B) of 1128
section 2929.13 of the Revised Code applies in determining whether 1129
to impose a prison term on the offender. 1130

(d) If the amount of the drug involved equals or exceeds one 1131
thousand grams but is less than five thousand grams, possession of 1132
marihuana is a felony of the third degree, and division (C) of 1133
section 2929.13 of the Revised Code applies in determining whether 1134
to impose a prison term on the offender. 1135

(e) If the amount of the drug involved equals or exceeds five 1136
thousand grams but is less than twenty thousand grams, possession 1137
of marihuana is a felony of the third degree, and there is a 1138
presumption that a prison term shall be imposed for the offense. 1139

(f) If the amount of the drug involved equals or exceeds 1140
twenty thousand grams, possession of marihuana is a felony of the 1141
second degree, and the court shall impose as a mandatory prison 1142
term the maximum prison term prescribed for a felony of the second 1143
degree. 1144

(4) If the drug involved in the violation is cocaine or a 1145
compound, mixture, preparation, or substance containing cocaine, 1146
whoever violates division (A) of this section is guilty of 1147
possession of cocaine. The penalty for the offense shall be 1148
determined as follows: 1149

(a) Except as otherwise provided in division (C)(4)(b), (c), 1150
(d), (e), or (f) of this section, possession of cocaine is a 1151
felony of the fifth degree, and division (B) of section 2929.13 of 1152

the Revised Code applies in determining whether to impose a prison term on the offender.

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

(c) If the amount of the drug involved equals or exceeds twenty-five grams but is less than one hundred grams of cocaine that is not crack cocaine or equals or exceeds five grams but is less than ten grams of crack cocaine, possession of cocaine 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.

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

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

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

exceeds one hundred grams of crack cocaine, possession of cocaine 1184
is a felony of the first degree, the offender is a major drug 1185
offender, and the court shall impose as a mandatory prison term 1186
the maximum prison term prescribed for a felony of the first 1187
degree and may impose an additional mandatory prison term 1188
prescribed for a major drug offender under division (D)(3)(b) of 1189
section 2929.14 of the Revised Code. 1190

(5) If the drug involved in the violation is L.S.D., whoever 1191
violates division (A) of this section is guilty of possession of 1192
L.S.D. The penalty for the offense shall be determined as follows: 1193

(a) Except as otherwise provided in division (C)(5)(b), (c), 1194
(d), (e), or (f) of this section, possession of L.S.D. is a felony 1195
of the fifth degree, and division (B) of section 2929.13 of the 1196
Revised Code applies in determining whether to impose a prison 1197
term on the offender. 1198

(b) If the amount of L.S.D. involved equals or exceeds ten 1199
unit doses but is less than fifty unit doses of L.S.D. in a solid 1200
form or equals or exceeds one gram but is less than five grams of 1201
L.S.D. in a liquid concentrate, liquid extract, or liquid 1202
distillate form, possession of L.S.D. is a felony of the fourth 1203
degree, and division (C) of section 2929.13 of the Revised Code 1204
applies in determining whether to impose a prison term on the 1205
offender. 1206

(c) If the amount of L.S.D. involved equals or exceeds fifty 1207
unit doses, but is less than two hundred fifty unit doses of 1208
L.S.D. in a solid form or equals or exceeds five grams but is less 1209
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 1210
extract, or liquid distillate form, possession of L.S.D. is a 1211
felony of the third degree, and there is a presumption for a 1212
prison term for the offense. 1213

(d) If the amount of L.S.D. involved equals or exceeds two 1214

hundred fifty unit doses but is less than one thousand unit doses 1215
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1216
but is less than one hundred grams of L.S.D. in a liquid 1217
concentrate, liquid extract, or liquid distillate form, possession 1218
of L.S.D. is a felony of the second degree, and the court shall 1219
impose as a mandatory prison term one of the prison terms 1220
prescribed for a felony of the second degree. 1221

(e) If the amount of L.S.D. involved equals or exceeds one 1222
thousand unit doses but is less than five thousand unit doses of 1223
L.S.D. in a solid form or equals or exceeds one hundred grams but 1224
is less than five hundred grams of L.S.D. in a liquid concentrate, 1225
liquid extract, or liquid distillate form, possession of L.S.D. is 1226
a felony of the first degree, and the court shall impose as a 1227
mandatory prison term one of the prison terms prescribed for a 1228
felony of the first degree. 1229

(f) If the amount of L.S.D. involved equals or exceeds five 1230
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1231
five hundred grams of L.S.D. in a liquid concentrate, liquid 1232
extract, or liquid distillate form, possession of L.S.D. is a 1233
felony of the first degree, the offender is a major drug offender, 1234
and the court shall impose as a mandatory prison term the maximum 1235
prison term prescribed for a felony of the first degree and may 1236
impose an additional mandatory prison term prescribed for a major 1237
drug offender under division (D)(3)(b) of section 2929.14 of the 1238
Revised Code. 1239

(6) If the drug involved in the violation is heroin or a 1240
compound, mixture, preparation, or substance containing heroin, 1241
whoever violates division (A) of this section is guilty of 1242
possession of heroin. The penalty for the offense shall be 1243
determined as follows: 1244

(a) Except as otherwise provided in division (C)(6)(b), (c), 1245
(d), (e), or (f) of this section, possession of heroin is a felony 1246

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

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

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

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

(f) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams, possession of heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for

a felony of the first degree and may impose an additional 1278
mandatory prison term prescribed for a major drug offender under 1279
division (D)(3)(b) of section 2929.14 of the Revised Code. 1280

(7) If the drug involved in the violation is hashish or a 1281
compound, mixture, preparation, or substance containing hashish, 1282
whoever violates division (A) of this section is guilty of 1283
possession of hashish. The penalty for the offense shall be 1284
determined as follows: 1285

(a) Except as otherwise provided in division (C)(7)(b), (c), 1286
(d), (e), or (f) of this section, possession of hashish is a minor 1287
misdemeanor. 1288

(b) If the amount of the drug involved equals or exceeds five 1289
grams but is less than ten grams of hashish in a solid form or 1290
equals or exceeds one gram but is less than two grams of hashish 1291
in a liquid concentrate, liquid extract, or liquid distillate 1292
form, possession of hashish is a misdemeanor of the fourth degree. 1293

(c) If the amount of the drug involved equals or exceeds ten 1294
grams but is less than fifty grams of hashish in a solid form or 1295
equals or exceeds two grams but is less than ten grams of hashish 1296
in a liquid concentrate, liquid extract, or liquid distillate 1297
form, possession of hashish is a felony of the fifth degree, and 1298
division (B) of section 2929.13 of the Revised Code applies in 1299
determining whether to impose a prison term on the offender. 1300

(d) If the amount of the drug involved equals or exceeds 1301
fifty grams but is less than two hundred fifty grams of hashish in 1302
a solid form or equals or exceeds ten grams but is less than fifty 1303
grams of hashish in a liquid concentrate, liquid extract, or 1304
liquid distillate form, possession of hashish is a felony of the 1305
third degree, and division (C) of section 2929.13 of the Revised 1306
Code applies in determining whether to impose a prison term on the 1307
offender. 1308

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

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

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

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

(1)(a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the

mandatory fine specified for the offense under division (B)(1) of 1341
section 2929.18 of the Revised Code unless, as specified in that 1342
division, the court determines that the offender is indigent. 1343

(b) Notwithstanding any contrary provision of section 3719.21 1344
of the Revised Code, the clerk of the court shall pay a mandatory 1345
fine or other fine imposed for a violation of this section 1346
pursuant to division (A) of section 2929.18 of the Revised Code in 1347
accordance with and subject to the requirements of division (F) of 1348
section 2925.03 of the Revised Code. The agency that receives the 1349
fine shall use the fine as specified in division (F) of section 1350
2925.03 of the Revised Code. 1351

(c) If a person is charged with a violation of this section 1352
that is a felony of the first, second, or third degree, posts 1353
bail, and forfeits the bail, the clerk shall pay the forfeited 1354
bail pursuant to division (E)(1)(b) of this section as if it were 1355
a mandatory fine imposed under division (E)(1)(a) of this section. 1356

(2) The court shall suspend for not less than six months or 1357
more than five years the offender's driver's or commercial 1358
driver's license or permit. 1359

(3) If the offender is a professionally licensed person, in 1360
addition to any other sanction imposed for a violation of this 1361
section, the court immediately shall comply with section 2925.38 1362
of the Revised Code. 1363

(F) It is an affirmative defense, as provided in section 1364
2901.05 of the Revised Code, to a charge of a fourth degree felony 1365
violation under this section that the controlled substance that 1366
gave rise to the charge is in an amount, is in a form, is 1367
prepared, compounded, or mixed with substances that are not 1368
controlled substances in a manner, or is possessed under any other 1369
circumstances, that indicate that the substance was possessed 1370
solely for personal use. Notwithstanding any contrary provision of 1371

this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C)(2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C)(2) of this section or a fifth degree felony violation of division (C)(4), (5), or (6) of this section respectively.

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

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

(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

(2) A kit for manufacturing, compounding, converting,

producing, processing, or preparing a controlled substance;	1403
(3) Any object, instrument, or device for manufacturing,	1404
compounding, converting, producing, processing, or preparing	1405
methamphetamine;	1406
(4) An isomerization device for increasing the potency of any	1407
species of a plant that is a controlled substance;	1408
(5) Testing equipment for identifying, or analyzing the	1409
strength, effectiveness, or purity of, a controlled substance;	1410
(6) A scale or balance for weighing or measuring a controlled	1411
substance;	1412
(7) A diluent or adulterant, such as quinine hydrochloride,	1413
mannitol, mannite, dextrose, or lactose, for cutting a controlled	1414
substance;	1415
(8) A separation gin or sifter for removing twigs and seeds	1416
from, or otherwise cleaning or refining, marihuana;	1417
(9) A blender, bowl, container, spoon, or mixing device for	1418
compounding a controlled substance;	1419
(10) A capsule, balloon, envelope, or container for packaging	1420
small quantities of a controlled substance;	1421
(11) A container or device for storing or concealing a	1422
controlled substance;	1423
(12) A hypodermic syringe, needle, or instrument for	1424
parenterally injecting a controlled substance into the human body;	1425
(13) An object, instrument, or device for ingesting,	1426
inhaling, or otherwise introducing into the human body, marihuana,	1427
cocaine, hashish, or hashish oil, such as a metal, wooden,	1428
acrylic, glass, stone, plastic, or ceramic pipe, with or without a	1429
screen, permanent screen, hashish head, or punctured metal bowl;	1430
water pipe; carburetion tube or device; smoking or carburetion	1431
mask; roach clip or similar object used to hold burning material,	1432

such as a marihuana cigarette, that has become too small or too 1433
short to be held in the hand; miniature cocaine spoon, or cocaine 1434
vial; chamber pipe; carburetor pipe; electric pipe; air driver 1435
pipe; chillum; bong; or ice pipe or chiller. 1436

(B) In determining if any equipment, product, or material is 1437
drug paraphernalia, a court or law enforcement officer shall 1438
consider, in addition to other relevant factors, the following: 1439

(1) Any statement by the owner, or by anyone in control, of 1440
the equipment, product, or material, concerning its use; 1441

(2) The proximity in time or space of the equipment, product, 1442
or material, or of the act relating to the equipment, product, or 1443
material, to a violation of any provision of this chapter; 1444

(3) The proximity of the equipment, product, or material to 1445
any controlled substance; 1446

(4) The existence of any residue of a controlled substance on 1447
the equipment, product, or material; 1448

(5) Direct or circumstantial evidence of the intent of the 1449
owner, or of anyone in control, of the equipment, product, or 1450
material, to deliver it to any person whom the owner or person in 1451
control of the equipment, product, or material knows intends to 1452
use the object to facilitate a violation of any provision of this 1453
chapter. A finding that the owner, or anyone in control, of the 1454
equipment, product, or material, is not guilty of a violation of 1455
any other provision of this chapter does not prevent a finding 1456
that the equipment, product, or material was intended or designed 1457
by the offender for use as drug paraphernalia. 1458

(6) Any oral or written instruction provided with the 1459
equipment, product, or material concerning its use; 1460

(7) Any descriptive material accompanying the equipment, 1461
product, or material and explaining or depicting its use; 1462

(8) National or local advertising concerning the use of the equipment, product, or material;	1463 1464
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	1465 1466
(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;	1467 1468 1469
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	1470 1471
(12) Expert testimony concerning the use of the equipment, product, or material.	1472 1473
(C)(1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia.	1474 1475
(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.	1476 1477 1478 1479
(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia.	1480 1481 1482 1483 1484 1485 1486
(D)(1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by	1487 1488 1489 1490 1491 1492

section 3719.172 of the Revised Code. 1493

(2) This section does not apply to a holder of a valid 1494
registry identification card, as defined in section 3728.01 of the 1495
Revised Code, to the extent and under the circumstances described 1496
in Chapter 3728. of the Revised Code. 1497

(E) Notwithstanding Chapter 2981. of the Revised Code, any 1498
drug paraphernalia that was used, possessed, sold, or manufactured 1499
in a violation of this section shall be seized, after a conviction 1500
for that violation shall be forfeited, and upon forfeiture shall 1501
be disposed of pursuant to division (B) of section 2981.12 of the 1502
Revised Code. 1503

(F)(1) Whoever violates division (C)(1) of this section is 1504
guilty of illegal use or possession of drug paraphernalia, a 1505
misdemeanor of the fourth degree. 1506

(2) Except as provided in division (F)(3) of this section, 1507
whoever violates division (C)(2) of this section is guilty of 1508
dealing in drug paraphernalia, a misdemeanor of the second degree. 1509

(3) Whoever violates division (C)(2) of this section by 1510
selling drug paraphernalia to a juvenile is guilty of selling drug 1511
paraphernalia to juveniles, a misdemeanor of the first degree. 1512

(4) Whoever violates division (C)(3) of this section is 1513
guilty of illegal advertising of drug paraphernalia, a misdemeanor 1514
of the second degree. 1515

(G) In addition to any other sanction imposed upon an 1516
offender for a violation of this section, the court shall suspend 1517
for not less than six months or more than five years the 1518
offender's driver's or commercial driver's license or permit. If 1519
the offender is a professionally licensed person, in addition to 1520
any other sanction imposed for a violation of this section, the 1521
court immediately shall comply with section 2925.38 of the Revised 1522
Code. 1523

Sec. 2925.43. (A) As used in this section and in sections 1524
2925.44 to 2925.46 of the Revised Code, "cannabis," "cannabis 1525
plant," "cardholder," "debilitating medical condition," "law 1526
enforcement officer," "licensing agency," "mature cannabis plant," 1527
"medical use of cannabis," "practitioner," "registered primary 1528
caregiver," "registered qualifying patient," "registry 1529
identification card," "valid registry identification card," and 1530
"usable cannabis" have the same meanings as in section 3728.01 of 1531
the Revised Code. 1532

(B) The following persons are not subject to arrest, 1533
prosecution, or any criminal or civil penalty and shall not be 1534
denied any right or privilege for engaging in any of the following 1535
specified activities: 1536

(1) A registered qualifying patient for engaging in the 1537
medical use of cannabis; 1538

(2) A registered primary caregiver for engaging in an 1539
activity authorized by section 3728.03 of the Revised Code; 1540

(3) A cardholder for engaging in an activity authorized by 1541
section 3728.06 of the Revised Code; 1542

(4) Any person for engaging in an activity authorized by 1543
section 3728.07 of the Revised Code; 1544

(5) A practitioner for engaging in an activity authorized by 1545
section 3728.08 of the Revised Code. 1546

(C)(1) There is a presumption that a registered qualifying 1547
patient is engaged in the medical use of cannabis if the patient 1548
is in possession of a valid registry identification card and an 1549
amount of usable cannabis or number of mature cannabis plants that 1550
does not exceed the applicable limit established by division 1551
(B)(1) of section 3728.02 of the Revised Code. The presumption may 1552
be rebutted by evidence that conduct related to cannabis was not 1553

for the purpose of treating or alleviating the registered 1554
qualifying patient's debilitating medical condition or symptoms 1555
associated with the debilitating medical condition. 1556

(2) There is a presumption that a registered primary 1557
caregiver is engaging in an activity authorized by section 3728.03 1558
of the Revised Code if the registered primary caregiver is in 1559
possession of a valid registry identification card and an amount 1560
of usable cannabis or number of mature cannabis plants that does 1561
not exceed the applicable limit established by division (B)(1) of 1562
section 3728.03 of the Revised Code. The presumption may be 1563
rebutted by evidence that conduct related to cannabis was not for 1564
the purpose of treating or alleviating the debilitating medical 1565
condition or symptoms associated with the debilitating medical 1566
condition of a registered qualifying patient for whom the 1567
registered primary caregiver was serving as a registered primary 1568
caregiver. 1569

Sec. 2925.44. (A) Possession of a valid registry 1570
identification card or application for a registry identification 1571
card shall not constitute probable cause or reasonable suspicion 1572
to search or seize the person or property of the person possessing 1573
or applying for the card. 1574

(B) No person shall be subject to arrest, prosecution, or any 1575
criminal or civil penalty or shall be denied any right or 1576
privilege solely for being in the presence or vicinity of a 1577
registered qualifying patient engaging in the medical use of 1578
cannabis or for assisting a registered qualifying patient's use or 1579
administration of cannabis, regardless of whether the person is a 1580
registered primary caregiver. 1581

(C) No law enforcement officer or law enforcement agency 1582
shall seize any cannabis, cannabis paraphernalia, licit property, 1583
or interest in licit property that is possessed, owned, or used in 1584

connection with a registered qualifying patient's medical use of 1585
cannabis or in connection with acts incidental to a registered 1586
qualifying patient's medical use of cannabis. No court shall order 1587
the forfeiture of any cannabis, cannabis paraphernalia, licit 1588
property, or interest in licit property that is so possessed, 1589
owned, or used. If a law enforcement officer seizes and does not 1590
return cannabis that is possessed by a cardholder in accordance 1591
with section 3728.02 or 3728.03 of the Revised Code, the agency 1592
that employs the officer shall be liable to the cardholder for the 1593
value of the cannabis. 1594

Sec. 2925.45. If an individual being investigated by a law 1595
enforcement officer employed by a state-funded or locally funded 1596
law enforcement agency credibly asserts during the course of the 1597
investigation that the individual is a registered qualifying 1598
patient or registered primary caregiver, neither the law 1599
enforcement officer nor the law enforcement agency shall provide 1600
any information, except as required by federal law or the United 1601
States Constitution, from any cannabis-related investigation of 1602
the individual to any law enforcement authority that does not 1603
recognize the protections of sections 2925.43 to 2925.45 of the 1604
Revised Code. Any prosecution of the individual for a violation of 1605
this chapter shall be conducted pursuant to the laws of this 1606
state. 1607

Sec. 2925.46. (A) A person who is not a registered qualifying 1608
patient may assert the medical purpose for using cannabis as a 1609
defense to any prosecution involving cannabis unless the person is 1610
being prosecuted for an activity described in division (B) of 1611
section 3748.02 of the Revised Code, and this defense shall be 1612
presumed valid if the evidence shows that all of the following 1613
apply: 1614

(1) At least thirty days before the date the charges against 1615

the person are filed, a practitioner stated, after completing a 1616
full assessment of the person's medical history and current 1617
medical condition made in the course of a bona fide 1618
practitioner-patient relationship, that in the practitioner's 1619
professional opinion and scope of practice the person is likely to 1620
receive therapeutic or palliative benefit from the medical use of 1621
cannabis to treat or alleviate the person's serious or 1622
debilitating medical condition or symptoms associated with the 1623
person's serious or debilitating medical condition. 1624

(2) The person was in possession of not more than two hundred 1625
grams of usable cannabis or twelve mature cannabis plants. 1626

(3) The person was engaged in the acquisition, possession, 1627
cultivation, manufacture, use, delivery, transfer, or 1628
transportation of cannabis or paraphernalia necessary for the 1629
administration of cannabis to treat or alleviate the person's 1630
serious or debilitating medical condition or symptoms associated 1631
with the person's serious or debilitating medical condition. 1632

(B) If a person who is not a registered qualifying patient 1633
demonstrates the person's medical purpose for using cannabis 1634
pursuant to this section, the person shall not be subject to 1635
either of the following: 1636

(1) Disciplinary action by a business or licensing agency; 1637

(2) Forfeiture of any interest in or right to property. 1638

Sec. 3728.01. As used in this chapter: 1639

(A) "Cannabis" means marihuana as defined in section 3719.01 1640
of the Revised Code. 1641

(B) "Cannabis plant" means female individuals of the cannabis 1642
genus or their cultivars. 1643

(C) "Cardholder" means a registered qualifying patient or 1644
registered primary caregiver. 1645

(D) "Debilitating medical condition" means one or more of the 1646
following: 1647

(1) Cancer; glaucoma; positive status for human 1648
immunodeficiency virus; acquired immune deficiency syndrome; 1649
hepatitis C; amyotrophic lateral sclerosis; Crohn's disease; 1650
agitation of Alzheimer's disease; nail patella; multiple 1651
sclerosis; injury or disease to the spinal cord, spinal column, or 1652
vertebra; myelomalacia; celiac disease; sickle cell anemia; or the 1653
treatment of these conditions; 1654

(2) A chronic or debilitating disease or medical condition or 1655
its treatment that produces one or more of the following: 1656

(a) Cachexia or wasting syndrome; 1657

(b) Severe or chronic pain; 1658

(c) Severe or chronic nausea; 1659

(d) Seizures, including those characteristic of epilepsy; 1660

(e) Severe or persistent muscle spasms. 1661

(3) Any other medical condition or its treatment added as a 1662
debilitating medical condition pursuant to section 3728.37 of the 1663
Revised Code. 1664

(E) "Felony drug abuse offense" means both of the following: 1665

(1) A violation of any provision of Chapter 2925., 3719., or 1666
4729. of the Revised Code that is classified as a felony; 1667

(2) A violation of an existing or former law of this state, 1668
any other state, or the United States that is substantially 1669
equivalent to the violations described in division (E)(1) of this 1670
section. 1671

(F) "Immature cannabis plant" means a cannabis plant that has 1672
not undergone sexual differentiation to make the cannabis plant a 1673
mature cannabis plant. 1674

(G) "Law enforcement officer" has the same meaning as in section 2901.01 of the Revised Code. 1675
1676

(H) "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. 1677
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(I) "Mature cannabis plant" means a cannabis plant that has undergone sexual differentiation as shown by having flower buds that are readily observable by unaided visual examination or, in the case of an observer who relies on eyeglasses or contact lenses to see correctly, readily observable by examination aided solely by the observer's eyeglasses or contact lenses. 1683
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(J) "Medical use of cannabis" means the activities authorized by section 3728.02 of the Revised Code. 1689
1690

(K) "Practitioner" means any of the following: 1691

(1) A dentist licensed under Chapter 4715. of the Revised Code; 1692
1693

(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; 1694
1695
1696

(3) An optometrist who holds a therapeutic pharmaceutical agents certificate issued under section 4725.13 of the Revised Code; 1697
1698
1699

(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 1700
1701
1702

(5) A physician assistant who holds a certificate to prescribe issued under section 4730.44 of the Revised Code. 1703
1704

(L) "Primary caregiver" means an individual who has agreed to assist with a registered qualifying patient's medical use of cannabis. 1705
1706
1707

(M) "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. 1708
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(N) "Registered cultivation sites" are the locations, if any, at which a cardholder may cultivate cannabis as specified in the cardholder's valid registry identification card. 1711
1712
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(O) "Registered primary caregiver" means a primary caregiver who holds a valid registry identification card. 1714
1715

(P) "Registered qualifying patient" means a qualifying patient who holds a valid registry identification card. 1716
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(Q) "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. 1718
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(R) "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. 1722
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(S) "Valid registry identification card" means all of the following: 1727
1728

(1) A card issued by the department of health under section 3728.13 of the Revised Code that has neither expired under section 3728.17 of the Revised Code nor been revoked under section 3728.18, 3728.20, or 3728.21 of the Revised Code; 1729
1730
1731
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(2) A document that is deemed a registry identification card, as provided in sections 3728.14 to 3728.16 of the Revised Code; 1733
1734

(3) A document issued by another jurisdiction that has the same force and effect as a registry identification card, as provided in section 3728.47 of the Revised Code. 1735
1736
1737

(T) "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. 1738
1739
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(U) "Written certification" means a document signed by a practitioner under section 3728.08 of the Revised Code. 1741
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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 debilitating medical condition: 1743
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(1) Acquire, possess, transport, and use cannabis and paraphernalia relating to the administration of cannabis; 1748
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(2) Cultivate cannabis at the registered qualifying patient's registered cultivation sites; 1750
1751

(3) Manufacture paraphernalia relating to the administration of cannabis. 1752
1753

(B) A registered qualifying patient's possession of a valid registry identification card does not authorize the patient to do any of the following: 1754
1755
1756

(1) Possess more than two hundred grams of usable cannabis or more than twelve mature cannabis plants; 1757
1758

(2) Undertake any task under the influence of cannabis when doing so would constitute negligence or professional malpractice; 1759
1760

(3) Possess cannabis or otherwise engage in the medical use of cannabis in a school bus, on the grounds of any preschool, primary school, or secondary school, or in any correctional 1761
1762
1763

<u>facility;</u>	1764
<u>(4) Smoke cannabis on any form of public transportation or in any public place;</u>	1765
<u>(5) Violate section 4511.19 or 4511.194 of the Revised Code;</u>	1766
<u>(6) Transport cannabis into this state from outside this state.</u>	1767
<u>(C) Neither of the following shall be included for purposes of determining whether a registered qualified patient possesses more usable cannabis or mature cannabis plants than permitted by division (B)(1) of this section:</u>	1770
<u>(1) Immature cannabis plants;</u>	1771
<u>(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 included in the food.</u>	1772
<u>Sec. 3728.03. (A) Subject to division (B) of this section, a registered primary caregiver may do any of the following to assist a registered qualifying patient who is listed on the caregiver's registry identification card pursuant to division (B)(2) of section 3728.13 of the Revised Code:</u>	1773
<u>(1) Acquire, possess, and transport cannabis and paraphernalia relating to the administration of cannabis;</u>	1774
<u>(2) Cultivate cannabis at the registered primary caregiver's registered cultivation sites;</u>	1775
<u>(3) Manufacture paraphernalia relating to the administration of cannabis.</u>	1776
<u>(B) A registered primary caregiver's possession of a valid registry identification card does not authorize the caregiver to do any of the following:</u>	1777
<u>(1) Possess more than one hundred ninety-nine grams of usable</u>	1778

<u>cannabis or more than twelve mature cannabis plants;</u>	1793
<u>(2) Possess cannabis in a school bus, on the grounds of any</u>	1794
<u>preschool, primary school, or secondary school, or in any</u>	1795
<u>correctional facility;</u>	1796
<u>(3) Transport cannabis into this state from outside this</u>	1797
<u>state.</u>	1798
<u>(C) Neither of the following shall be included for purposes</u>	1799
<u>of determining whether a registered primary caregiver possesses</u>	1800
<u>more usable cannabis or mature cannabis plants than permitted by</u>	1801
<u>division (B)(1) of this section:</u>	1802
<u>(1) Immature cannabis plants;</u>	1803
<u>(2) If the usable cannabis is added as an ingredient to food</u>	1804
<u>to be consumed by a registered qualifying patient, the weight of</u>	1805
<u>the other ingredients included in the food.</u>	1806
<u>Sec. 3728.04. A registered primary caregiver may receive</u>	1807
<u>compensation for costs associated with the activities the</u>	1808
<u>caregiver engages in pursuant to section 3728.03 of the Revised</u>	1809
<u>Code.</u>	1810
<u>Sec. 3728.05. No individual under twenty-one years of age may</u>	1811
<u>become a registered primary caregiver.</u>	1812
<u>Sec. 3728.06. A cardholder may deliver, transport, transfer,</u>	1813
<u>or otherwise provide cannabis to another cardholder if the</u>	1814
<u>transfer does not cause the other cardholder to possess more</u>	1815
<u>usable cannabis or mature cannabis plants than permitted by</u>	1816
<u>division (B)(1) of section 3728.02 or division (B)(1) of section</u>	1817
<u>3728.03 of the Revised Code, as applicable.</u>	1818
<u>Sec. 3728.07. Any person may deliver, transport, transfer, or</u>	1819
<u>otherwise provide paraphernalia relating to the administration of</u>	1820

cannabis for free or for a charge to a cardholder. 1821

Sec. 3728.08. A practitioner may sign a written document 1822
certifying that in the practitioner's professional opinion a 1823
qualifying patient is likely to receive therapeutic or palliative 1824
benefit from the medical use of cannabis. The practitioner shall 1825
sign the document only in the course of a bona fide 1826
practitioner-patient relationship with the qualifying patient and 1827
only after the practitioner has completed a full assessment of the 1828
qualifying patient's medical history. The practitioner shall 1829
specify in the document the qualifying patient's debilitating 1830
medical condition. 1831

Sec. 3728.10. A qualifying patient who seeks an initial or 1832
renewed registry identification card shall submit all of the 1833
following to the department of health in accordance with the rules 1834
adopted under section 3728.35 of the Revised Code: 1835

(A) A completed application for the registry identification 1836
card that shall include, at a minimum, all of the following 1837
information: 1838

(1) The name, address, and date of birth of the qualifying 1839
patient, except that no address is required for an applicant who 1840
is homeless; 1841

(2) The name, address, and telephone number of the 1842
practitioner who signed the written certification for the 1843
qualifying patient; 1844

(3) The name, address, and telephone number of the qualifying 1845
patient's primary caregiver, if any; 1846

(4) A specification as to whether the qualifying patient, the 1847
qualifying patient's primary caregiver (if any), both, or neither 1848
will cultivate cannabis once issued a registry identification card 1849

and, subject to section 3728.26 of the Revised Code, the address 1850
of each location, if any, at which the cannabis will be 1851
cultivated. 1852

(B) The initial or renewal fee, as appropriate, established 1853
in rules adopted under section 3728.35 of the Revised Code; 1854

(C) A written certification for the qualifying patient. 1855

Sec. 3728.11. A primary caregiver who seeks an initial or 1856
renewed registry identification card shall submit all of the 1857
following to the department of health in accordance with the rules 1858
adopted under section 3728.35 of the Revised Code: 1859

(A) A completed application for the registry identification 1860
card that shall include, at a minimum, all of the following 1861
information: 1862

(1) The name, address, and date of birth of the primary 1863
caregiver; 1864

(2) The name, address, and date of birth of each qualifying 1865
patient the primary caregiver seeks to serve as a registered 1866
primary caregiver, except that no address is required for a 1867
qualifying patient who is homeless; 1868

(3) Subject to section 3728.26 of the Revised Code, the 1869
address of each location, if any, at which the primary caregiver 1870
will cultivate cannabis once issued a registry identification 1871
card; 1872

(4) A list of each felony drug abuse offense for which the 1873
primary caregiver has been convicted or to which the primary 1874
caregiver has pleaded guilty. 1875

(B) Evidence satisfactory to the department that the primary 1876
caregiver is at least twenty-one years of age; 1877

(C) The initial or renewal fee, as appropriate, established 1878

in rules adopted under section 3728.35 of the Revised Code. 1879

Sec. 3728.12. (A) The department of health shall verify the 1880
information contained in each application for an initial or 1881
renewed registry identification card submitted under section 1882
3728.10 or 3728.11 of the Revised Code. The department shall 1883
approve or deny each application in accordance with Chapter 119. 1884
of the Revised Code. Except as provided in division (B) of this 1885
section, the department shall approve or deny an application not 1886
later than fifteen days after it receives the application. 1887

(B) If the application is not complete, the department shall 1888
notify the applicant that the application is not complete and that 1889
the department may deny the application if the applicant does not 1890
submit a complete application before the end of the ten-day period 1891
that commences when the applicant receives the notice. If a 1892
complete application is submitted, the department shall approve or 1893
deny the application not later than fifteen days after it receives 1894
the application. 1895

(C) The department may deny an application if any of the 1896
following apply: 1897

(1) The application as originally submitted is not complete 1898
and the applicant does not submit a complete application after 1899
receiving the notice required under division (B) of this section 1900
or within the time period specified in that division for 1901
submitting a complete application. 1902

(2) In the case of an application from a qualifying patient, 1903
the applicant does not submit a written certification with the 1904
application. 1905

(3) The department determines that the application or written 1906
certification was purposefully falsified. 1907

(4) The applicant fails to pay the initial or renewal fee, as 1908

<u>appropriate.</u>	1909
<u>(5) The applicant is a qualifying patient under eighteen</u>	1910
<u>years of age and either of the following applies:</u>	1911
<u>(a) The practitioner who signed the written certification for</u>	1912
<u>the qualifying patient has not explained the potential risks and</u>	1913
<u>benefits of the medical use of cannabis to the applicant and to a</u>	1914
<u>parent, guardian, or legal custodian of the applicant.</u>	1915
<u>(b) The parent, guardian, or legal custodian of the applicant</u>	1916
<u>has not consented in writing to all of the following:</u>	1917
<u>(i) Allowing the applicant's medical use of cannabis in</u>	1918
<u>accordance with section 3728.02 of the Revised Code;</u>	1919
<u>(ii) Becoming, and serving as, one of the applicant's</u>	1920
<u>registered primary caregivers;</u>	1921
<u>(iii) Controlling the applicant's acquisition and dosage of</u>	1922
<u>cannabis and frequency of the medical use of cannabis.</u>	1923
<u>(6) In the case of an application from a primary caregiver,</u>	1924
<u>the department determines that a felony drug abuse offense of the</u>	1925
<u>applicant listed in the application, if any, is sufficient grounds</u>	1926
<u>to deny the application.</u>	1927
<u>(D) An applicant whose application is denied may not reapply</u>	1928
<u>under section 3728.10 or 3728.11 of the Revised Code, as</u>	1929
<u>appropriate, until at least thirty days after the department</u>	1930
<u>issues the denial.</u>	1931
<u>Sec. 3728.13.</u> <u>The department of health shall issue a registry</u>	1932
<u>identification card to an applicant not later than five business</u>	1933
<u>days after approving the applicant's application under section</u>	1934
<u>3728.12 of the Revised Code. The registry identification card</u>	1935
<u>shall contain all of the following:</u>	1936
<u>(A) In the case of a registry identification card for a</u>	1937

qualifying patient, the name and date of birth of the qualifying patient; 1938
1939

(B) In the case of a registry identification card for a primary caregiver, both of the following: 1940
1941

(1) The name and date of birth of the primary caregiver; 1942

(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. 1943
1944
1945
1946

(C) The date of issuance and expiration date of the registry identification card; 1947
1948

(D) The address of each of the cardholder's registered cultivation sites, if any; 1949
1950

(E) A random identification number that is unique to the cardholder; 1951
1952

(F) At the option of the department, a photograph of the cardholder. 1953
1954

Sec. 3728.14. (A) An application for an initial or renewed registry identification card shall be deemed a registry identification card on the twentieth day after the date the application was 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: 1955
1956
1957
1958
1959
1960

(1) Fails to approve or deny the application within the applicable time period specified in division (A) or (B) of section 3728.12 of the Revised Code; 1961
1962
1963

(2) Fails to issue the registry identification card within the time period specified in section 3728.13 of the Revised Code. 1964
1965

(B) An application that is deemed a registry identification 1966

card remains valid as long as the requirements for approval of the 1967
application continue to be met. 1968

Sec. 3728.15. (A) If, at any time after the date that is one 1969
hundred forty days after the effective date of this section, the 1970
department of health is not accepting applications from qualifying 1971
patients for a registry identification card for any reason, 1972
including failure to adopt rules under section 3728.35 of the 1973
Revised Code, a written certification for the qualifying patient 1974
together with a notarized statement by the qualifying patient of 1975
all of the following shall be deemed a registry identification 1976
card for the qualifying patient: 1977

(1) The name, address, and date of birth of the qualifying 1978
patient, except that no address is required if the qualifying 1979
patient is homeless; 1980

(2) The name, address, and telephone number of the 1981
practitioner who signed the written certification for the 1982
qualifying patient; 1983

(3) The address of each location, if any, at which the 1984
qualifying patient will cultivate cannabis. 1985

(B) A written certification and notarized statement that are 1986
deemed a registry identification card remain valid as long as the 1987
holder remains a qualifying patient. 1988

Sec. 3728.16. (A) If, at any time after the date that is one 1989
hundred forty days after the effective date of this section, the 1990
department of health is not accepting applications from primary 1991
caregivers for a registry identification card for any reason, 1992
including failure to adopt rules under section 3728.35 of the 1993
Revised Code, a notarized statement by the primary caregiver of 1994
all of the following shall be deemed a registry identification 1995
card for the primary caregiver: 1996

<u>(1) The name, address, and date of birth of the primary caregiver;</u>	1997 1998
<u>(2) The name, address, and date of birth of each qualifying patient the primary caregiver seeks to serve as a registered primary caregiver, except that no address is required for a qualifying patient who is homeless;</u>	1999 2000 2001 2002
<u>(3) The address of each location, if any, at which the primary caregiver will cultivate cannabis.</u>	2003 2004
<u>(B) A notarized statement that is deemed a registry identification card remains valid as long as the holder remains a primary caregiver.</u>	2005 2006 2007
<u>Sec. 3728.17. A registry identification card shall expire one year after the date of issuance unless revoked earlier.</u>	2008 2009
<u>Sec. 3728.18. The department of health may revoke the registry identification card of a cardholder who does any of the following:</u>	2010 2011 2012
<u>(A) Delivers, transports, transfers, or otherwise provides cannabis for free or for a charge to a person who is not a cardholder;</u>	2013 2014 2015
<u>(B) Fails to comply with a requirement of this chapter;</u>	2016
<u>(C) Violates a prohibition of this chapter.</u>	2017
<u>Sec. 3728.20. A registered qualifying patient who ceases to have a debilitating medical condition shall notify the department of health of that fact not later than thirty days after ceasing to have the debilitating medical condition. Not later than ten days after receipt of the notice, the department shall revoke the patient's registry identification card.</u>	2018 2019 2020 2021 2022 2023

Sec. 3728.21. A registered primary caregiver for a registered 2024
qualifying patient who ceases to have a debilitating medical 2025
condition shall notify the department of health of that fact not 2026
later than thirty days after the registered qualifying patient 2027
ceases to have the debilitating medical condition. If the patient 2028
who ceased to have a debilitating medical condition was the only 2029
patient for whom the caregiver was serving as a registered primary 2030
caregiver, the department shall revoke the caregiver's registry 2031
identification card not later than ten days after the department 2032
receives the caregiver's notice. 2033

Sec. 3728.22. A cardholder whose name or address changes 2034
shall notify the department of health of the change not later than 2035
thirty days after the change occurs. The department shall issue a 2036
new registry identification card to the cardholder not later than 2037
ten business days after the department has received both of the 2038
following: 2039

(A) The notice from the cardholder; 2040

(B) A ten-dollar fee for the new registry identification 2041
card. 2042

Sec. 3728.25. A cardholder who loses the cardholder's 2043
registry identification card shall notify the department of health 2044
of the loss not later than ten days after the loss occurs. The 2045
department shall issue a replacement registry identification card 2046
with a new random identification number to the cardholder not 2047
later than five business days after the date the department has 2048
received both of the following: 2049

(A) The notice from the cardholder; 2050

(B) A ten-dollar fee for the replacement registry 2051
identification card. 2052

Sec. 3728.26. No cardholder may have more than two registered 2053
cultivation sites. 2054

Sec. 3728.27. (A) Except as provided in division (B) of this 2055
section, a cardholder shall maintain cannabis plants in a room, 2056
greenhouse, garden, or other enclosed area that is kept locked 2057
whenever the cardholder is away and out of public view. 2058

(B) Division (A) of this section does not apply whenever 2059
either of the following occurs: 2060

(1) The plants are being transported because the cardholder 2061
is moving. 2062

(2) The plants are being transported to the property of the 2063
cardholder or, in the case of a registered primary caregiver, to 2064
the property of the caregiver's registered qualifying patient. 2065

Sec. 3728.28. (A) An employer or licensing agency shall not 2066
do any of the following: 2067

(1) Take disciplinary action against a registered qualifying 2068
patient because the patient engages in the medical use of 2069
cannabis; 2070

(2) Take disciplinary action against a registered primary 2071
caregiver because the caregiver engages in an activity authorized 2072
by section 3728.03 of the Revised Code; 2073

(3) Take disciplinary action against a cardholder because the 2074
cardholder engages in an activity authorized by section 3728.06 of 2075
the Revised Code; 2076

(4) Take disciplinary action against a person because the 2077
person engages in an activity authorized by section 3728.07 of the 2078
Revised Code; 2079

(5) Take disciplinary action against a practitioner because 2080

the practitioner engages in an activity authorized by section 2081
3728.08 of the Revised Code; 2082

(6) Take disciplinary action against a person because the 2083
person is in the presence or vicinity of a registered qualifying 2084
patient engaging in the medical use of cannabis; 2085

(7) Take disciplinary action against a person because the 2086
person assists a registered qualifying patient's use or 2087
administration of cannabis, regardless of whether the person is a 2088
registered primary caregiver. 2089

(B) Division (A)(5) of this section does not prohibit a 2090
licensing agency from taking disciplinary action against a 2091
practitioner for failing to properly evaluate a patient's medical 2092
condition or for otherwise violating the standard of care for 2093
evaluating medical conditions. 2094

Sec. 3728.29. A school, employer, or landlord shall not 2095
refuse to enroll, employ, or lease to a person and shall not 2096
otherwise penalize a person because of the person's status as a 2097
cardholder, unless failing to do so would render the school, 2098
employer, or landlord in violation of federal law. 2099

Sec. 3728.30. A person's status as a cardholder shall not be 2100
considered as a factor in any determination of the person's 2101
parental rights and responsibilities, parenting time, or 2102
companionship or visitation rights with a minor, unless the 2103
person's behavior is such that it creates an unreasonable danger 2104
to the minor that can be clearly articulated and substantiated. 2105

Sec. 3728.31. Nothing in this chapter shall be construed to 2106
require either of the following: 2107

(A) A government medical assistance program or private health 2108
insurer to reimburse a person for costs associated with the 2109

medical use of cannabis; 2110

(B) An employer to accommodate the use of cannabis in any 2111
workplace or any employee working while impaired, provided that a 2112
registered qualifying patient shall not be considered to be 2113
impaired solely because of the presence in the patient's body of 2114
metabolites or components of cannabis, if the metabolites or 2115
components are in a concentration insufficient to cause 2116
impairment. 2117

Sec. 3728.35. (A) The director of health shall adopt rules in 2118
accordance with Chapter 119. of the Revised Code that do all of 2119
the following: 2120

(1) For the purpose of sections 3728.10 and 3728.11 of the 2121
Revised Code, do both of the following: 2122

(a) Govern the manner in which the department of health shall 2123
consider applications for initial and renewed registry 2124
identification cards; 2125

(b) Subject to division (B) of this section, establish fees 2126
for initial and renewed registry identification cards. 2127

(2) For the purpose of section 3728.37 of the Revised Code, 2128
govern the submission of petitions requesting that a medical 2129
condition or its treatment be added as a debilitating medical 2130
condition for the purpose of this chapter. 2131

(B) The amount of the fees for initial and renewed registry 2132
identification cards may be established according to a sliding 2133
scale based on family income. The amount of the fees shall be 2134
sufficient to generate enough revenue to offset all expenses of 2135
implementing and administering this chapter. The department of 2136
health may accept donations from private sources to help offset 2137
the expenses in order to reduce the fees. 2138

Sec. 3728.351. The director of health shall adopt the initial 2139
rules required by section 3728.35 of the Revised Code not later 2140
than one hundred twenty days after the effective date of that 2141
section. If the director fails to adopt the initial rules within 2142
that time period, a qualifying patient or primary caregiver may 2143
petition the Franklin county court of appeals for a writ of 2144
mandamus to compel the director to adopt the rules. 2145

Sec. 3728.37. Any person may submit a petition to the 2146
director of health requesting that a medical condition or its 2147
treatment be added as a debilitating medical condition for the 2148
purpose of this chapter. All petitions shall be submitted in 2149
accordance with rules adopted under section 3728.35 of the Revised 2150
Code. The director shall conduct a hearing for each petition and 2151
may hear multiple petitions in one hearing. The director shall 2152
give public notice of each hearing and make each hearing open to 2153
the public. Any person may comment on a petition at a hearing. The 2154
director shall approve or deny a petition not later than one 2155
hundred eighty days after the date it is submitted to the 2156
director. In determining whether to approve or deny a petition, 2157
the director shall consider the petition, any comments regarding 2158
the petition made at the hearing, and the advice of the medical 2159
cannabis advisory council created under section 3728.38 of the 2160
Revised Code. The director's approval or denial shall be in the 2161
form of an adjudication issued in accordance with, and subject to, 2162
Chapter 119. of the Revised Code. 2163

Sec. 3728.38. (A) There is hereby established the medical 2164
cannabis advisory council. The council shall consist of all of the 2165
following members appointed by the director of health: 2166

(1) Four physicians who are certified by a national 2167
organization recognized by the state medical board as specializing 2168

in family medicine or an area that focuses on pain management or 2169
clinical oncology; 2170

(2) Three registered qualifying patients. 2171

(B) The Ohio patients network, inc., may submit to the 2172
director of health recommendations regarding individuals to be 2173
appointed to the council. The director shall not appoint any 2174
individual to the council who is opposed to the legal use of 2175
cannabis to treat or alleviate a debilitating medical condition or 2176
symptoms associated with a debilitating medical condition. 2177

(C) Members of the council shall serve two-year terms. Each 2178
member shall hold office from the date of the member's appointment 2179
until the end of the term for which the member was appointed. 2180
Members may be reappointed. Vacancies shall be filled in the 2181
manner provided for original appointments. Any member appointed to 2182
fill a vacancy occurring before the expiration date of the term 2183
for which the member's predecessor was appointed shall hold office 2184
as a member for the remainder of that term. A member shall 2185
continue in office subsequent to the expiration date of the 2186
member's term until the member's successor takes office or until a 2187
period of sixty days has elapsed, whichever occurs first. 2188

(D) Members of the council shall not receive compensation for 2189
their service on the council but shall be reimbursed for their 2190
actual and necessary expenses incurred in the performance of their 2191
service on the council. 2192

(E) The council shall select one of the council members to 2193
serve as chairperson of the council. 2194

(F) The chairperson shall call the council to meet at least 2195
quarterly and at other times as necessary. 2196

(G) The department of health shall provide the council with 2197
support services as necessary for the council to perform its 2198
duties, including providing the council with a place to meet. 2199

Sec. 3728.381. The medical cannabis advisory council shall 2200
provide outreach services regarding this chapter and provide the 2201
director of health advice regarding petitions submitted under 2202
section 3728.37 of the Revised Code. 2203

Sec. 3728.40. The department of health shall maintain a list 2204
of the persons to whom the department has issued registry 2205
identification cards. All identifying information on the list is 2206
confidential and not subject to disclosure, except to authorized 2207
employees of the department as necessary to perform the 2208
department's official duties under this chapter or as authorized 2209
by sections 3728.42 and 3728.43 of the Revised Code. 2210

Sec. 3728.41. No person or government entity shall disclose 2211
any information contained in an application for an initial or 2212
renewed registry identification card, a written certification 2213
submitted with an application, or a registry identification card 2214
except as necessary in the administration of this chapter or as 2215
authorized by sections 3728.42 and 3728.43 of the Revised Code. 2216

Sec. 3728.42. An employee of the department of health may 2217
notify a law enforcement officer about falsified or fraudulent 2218
information submitted to the department in an application for an 2219
initial or renewed registry identification card or a written 2220
certification submitted with such an application if the employee 2221
first confers with the employee's supervisor or at least one other 2222
employee of the department and both agree that circumstances 2223
warranting notification exist. 2224

Sec. 3728.43. The department of health shall operate an 2225
internet-based system for use by law enforcement officers to 2226
verify whether a person is a cardholder and whether the address of 2227
a location at which cannabis is being cultivated is a cardholder's 2228

registered cultivation site. The department shall update the 2229
system and verify its accuracy weekly. The system shall be 2230
available for use by law enforcement officers twenty-four hours 2231
each day. A law enforcement officer shall use the system to verify 2232
the status of an individual or address before initiating an 2233
arrest, raid, or other law enforcement action concerning cannabis. 2234
If the person is a cardholder or the address of a location at 2235
which cannabis is being cultivated is a cardholder's registered 2236
cultivation site, no further action may be initiated except on 2237
issuance of a warrant. 2238

Sec. 3728.45. (A) The department of health shall submit to 2239
the general assembly an annual report that contains, at a minimum, 2240
all of the following information for the previous year: 2241

(1) The number of applications that were submitted to the 2242
department for initial and renewed registry identification cards; 2243

(2) The number of applications that were denied and the 2244
reasons for the denials; 2245

(3) The number of registered qualifying patients and 2246
registered primary caregivers in each county; 2247

(4) The nature of the debilitating medical conditions of the 2248
registered qualifying patients; 2249

(5) The number of registry identification cards revoked; 2250

(6) The number of practitioners providing written 2251
certifications for qualifying patients. 2252

(B) The report shall not disclose any identifying information 2253
about qualifying patients, primary caregivers, or practitioners. 2254

Sec. 3728.47. A valid document issued to a visiting 2255
qualifying patient under the laws of another state, district, 2256

territory, commonwealth, or insular possession of the United 2257
States that is the equivalent to a registry identification card 2258
shall have the same force and effect as a registry identification 2259
card issued to a registered qualifying patient. 2260

Sec. 3728.99. Whoever violates section 3728.41 of the Revised 2261
Code is guilty of a misdemeanor of the first degree. 2262

Sec. 3781.32. (A) Any connections or tie-ins to existing 2263
utility services within a public right-of-way shall comply with 2264
permit requirements of the public agency that has jurisdiction 2265
over that right-of-way. 2266

(B) A developer shall not require, as a condition for 2267
entering into a contract for a project that will require 2268
excavation, that responsibility for performance of duties imposed 2269
under sections 3781.25 to 3781.32 of the Revised Code shall be 2270
assumed by a person other than the person on whom those duties are 2271
imposed under those sections. This division does not prohibit a 2272
utility from entering into any contract for the performance of 2273
duties that are imposed on a utility under those sections. 2274

(C) Nothing in sections ~~3728.25~~ 3781.25 to ~~3728.32~~ 3781.32 of 2275
the Revised Code shall be construed to require a utility to 2276
relocate its underground utility facilities located at an 2277
excavation site. 2278

Section 2. That existing sections 2925.02, 2925.03, 2925.04, 2279
2925.11, 2925.14, and 3781.32 of the Revised Code are hereby 2280
repealed. 2281

Section 3. The Director of Health shall make the initial 2282
appointments to the Medical Cannabis Advisory Council established 2283
under section 3728.38 of the Revised Code not later than one 2284

hundred twenty days after the effective date of this act.	2285
Notwithstanding division (A)(2) of section 3728.38 of the Revised	2286
Code, the initial members who are to be registered qualifying	2287
patients shall be instead persons who suffer from a debilitating	2288
medical condition as defined in section 3728.01 of the Revised	2289
Code and are nominated by the Ohio Patients Network, Inc.	2290