

As Introduced

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

S. B. No. 314

Senator Seitz

**Cosponsors: Senators Goodman, Fedor, Miller, R., Patton, Smith, Sawyer,
Stewart**

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A BILL

To amend sections 2925.02, 2925.03, 2925.11, 2925.12, 1
2925.14, 2925.23, 2925.36, 3719.06, 3719.81, 2
4729.01, 4729.51, and 4732.01 and to enact 3
sections 4732.29, 4732.291, 4732.292, 4732.293, 4
5120.052, and 5120.053 of the Revised Code to 5
authorize the Director of Rehabilitation and 6
Correction to implement a program to improve 7
prisoners' access to psychotropic drugs and a 8
program authorizing the provision of medical and 9
behavioral health care to prisoners through 10
telecommunication methods. 11

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

Section 1. That sections 2925.02, 2925.03, 2925.11, 2925.12, 12
2925.14, 2925.23, 2925.36, 3719.06, 3719.81, 4729.01, 4729.51, and 13
4732.01 be amended and sections 4732.29, 4732.291, 4732.292, 14
4732.293, 5120.052, and 5120.053 of the Revised Code be enacted to 15
read as follows: 16

Sec. 2925.02. (A) No person shall knowingly do any of the 17
following: 18

(1) By force, threat, or deception, administer to another or induce or cause another to use a controlled substance;	19 20
(2) By any means, administer or furnish to another or induce or cause another to use a controlled substance with purpose to cause serious physical harm to the other person, or with purpose to cause the other person to become drug dependent;	21 22 23 24
(3) By any means, administer or furnish to another or induce or cause another to use a controlled substance, and thereby cause serious physical harm to the other person, or cause the other person to become drug dependent;	25 26 27 28
(4) By any means, do any of the following:	29
(a) Furnish or administer a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard;	30 31 32 33
(b) Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance, when the offender knows the age of the juvenile or is reckless in that regard;	34 35 36
(c) Induce or cause a juvenile who is at least two years the offender's junior to commit a felony drug abuse offense, when the offender knows the age of the juvenile or is reckless in that regard;	37 38 39 40
(d) Use a juvenile, whether or not the offender knows the age of the juvenile, to perform any surveillance activity that is intended to prevent the detection of the offender or any other person in the commission of a felony drug abuse offense or to prevent the arrest of the offender or any other person for the commission of a felony drug abuse offense.	41 42 43 44 45 46
(B) Division (A)(1), (3), or (4) of this section does not apply to manufacturers, wholesalers, licensed health professionals	47 48

authorized to prescribe drugs, pharmacists, owners of pharmacies, 49
and other persons whose conduct is in accordance with Chapters 50
3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 51
Code or section 5120.052 of the Revised Code. 52

(C) Whoever violates this section is guilty of corrupting 53
another with drugs. The penalty for the offense shall be 54
determined as follows: 55

(1) Except as otherwise provided in this division, if the 56
drug involved is any compound, mixture, preparation, or substance 57
included in schedule I or II, with the exception of marihuana, 58
corrupting another with drugs is a felony of the second degree, 59
and, subject to division (E) of this section, the court shall 60
impose as a mandatory prison term one of the prison terms 61
prescribed for a felony of the second degree. If the drug involved 62
is any compound, mixture, preparation, or substance included in 63
schedule I or II, with the exception of marihuana, and if the 64
offense was committed in the vicinity of a school, corrupting 65
another with drugs is a felony of the first degree, and, subject 66
to division (E) of this section, the court shall impose as a 67
mandatory prison term one of the prison terms prescribed for a 68
felony of the first degree. 69

(2) Except as otherwise provided in this division, if the 70
drug involved is any compound, mixture, preparation, or substance 71
included in schedule III, IV, or V, corrupting another with drugs 72
is a felony of the second degree, and there is a presumption for a 73
prison term for the offense. If the drug involved is any compound, 74
mixture, preparation, or substance included in schedule III, IV, 75
or V and if the offense was committed in the vicinity of a school, 76
corrupting another with drugs is a felony of the second degree, 77
and the court shall impose as a mandatory prison term one of the 78
prison terms prescribed for a felony of the second degree. 79

(3) Except as otherwise provided in this division, if the 80

drug involved is marihuana, corrupting another with drugs is a 81
felony of the fourth degree, and division (C) of section 2929.13 82
of the Revised Code applies in determining whether to impose a 83
prison term on the offender. If the drug involved is marihuana and 84
if the offense was committed in the vicinity of a school, 85
corrupting another with drugs is a felony of the third degree, and 86
division (C) of section 2929.13 of the Revised Code applies in 87
determining whether to impose a prison term on the offender. 88

(D) In addition to any prison term authorized or required by 89
division (C) or (E) of this section and sections 2929.13 and 90
2929.14 of the Revised Code and in addition to any other sanction 91
imposed for the offense under this section or sections 2929.11 to 92
2929.18 of the Revised Code, the court that sentences an offender 93
who is convicted of or pleads guilty to a violation of division 94
(A) of this section or the clerk of that court shall do all of the 95
following that are applicable regarding the offender: 96

(1)(a) If the violation is a felony of the first, second, or 97
third degree, the court shall impose upon the offender the 98
mandatory fine specified for the offense under division (B)(1) of 99
section 2929.18 of the Revised Code unless, as specified in that 100
division, the court determines that the offender is indigent. 101

(b) Notwithstanding any contrary provision of section 3719.21 102
of the Revised Code, any mandatory fine imposed pursuant to 103
division (D)(1)(a) of this section and any fine imposed for a 104
violation of this section pursuant to division (A) of section 105
2929.18 of the Revised Code shall be paid by the clerk of the 106
court in accordance with and subject to the requirements of, and 107
shall be used as specified in, division (F) of section 2925.03 of 108
the Revised Code. 109

(c) If a person is charged with any violation of this section 110
that is a felony of the first, second, or third degree, posts 111
bail, and forfeits the bail, the forfeited bail shall be paid by 112

the clerk of the court pursuant to division (D)(1)(b) of this 113
section as if it were a fine imposed for a violation of this 114
section. 115

(2) The court shall suspend for not less than six months nor 116
more than five years the offender's driver's or commercial 117
driver's license or permit. If an offender's driver's or 118
commercial driver's license or permit is suspended pursuant to 119
this division, the offender, at any time after the expiration of 120
two years from the day on which the offender's sentence was 121
imposed or from the day on which the offender finally was released 122
from a prison term under the sentence, whichever is later, may 123
file a motion with the sentencing court requesting termination of 124
the suspension. Upon the filing of the motion and the court's 125
finding of good cause for the termination, the court may terminate 126
the suspension. 127

(3) If the offender is a professionally licensed person, in 128
addition to any other sanction imposed for a violation of this 129
section, the court immediately shall comply with section 2925.38 130
of the Revised Code. 131

(E) Notwithstanding the prison term otherwise authorized or 132
required for the offense under division (C) of this section and 133
sections 2929.13 and 2929.14 of the Revised Code, if the violation 134
of division (A) of this section involves the sale, offer to sell, 135
or possession of a schedule I or II controlled substance, with the 136
exception of marihuana, and if the court imposing sentence upon 137
the offender finds that the offender as a result of the violation 138
is a major drug offender and is guilty of a specification of the 139
type described in section 2941.1410 of the Revised Code, the 140
court, in lieu of the prison term that otherwise is authorized or 141
required, shall impose upon the offender the mandatory prison term 142
specified in division (D)(3)(a) of section 2929.14 of the Revised 143
Code and may impose an additional prison term under division 144

(D)(3)(b) of that section. 145

Sec. 2925.03. (A) No person shall knowingly do any of the 146
following: 147

(1) Sell or offer to sell a controlled substance; 148

(2) Prepare for shipment, ship, transport, deliver, prepare 149
for distribution, or distribute a controlled substance, when the 150
offender knows or has reasonable cause to believe that the 151
controlled substance is intended for sale or resale by the 152
offender or another person. 153

(B) This section does not apply to any of the following: 154

(1) Manufacturers, licensed health professionals authorized 155
to prescribe drugs, pharmacists, owners of pharmacies, and other 156
persons whose conduct is in accordance with Chapters 3719., 4715., 157
4723., 4729., 4730., 4731., and 4741. of the Revised Code or 158
section 5120.052 of the Revised Code; 159

(2) If the offense involves an anabolic steroid, any person 160
who is conducting or participating in a research project involving 161
the use of an anabolic steroid if the project has been approved by 162
the United States food and drug administration; 163

(3) Any person who sells, offers for sale, prescribes, 164
dispenses, or administers for livestock or other nonhuman species 165
an anabolic steroid that is expressly intended for administration 166
through implants to livestock or other nonhuman species and 167
approved for that purpose under the "Federal Food, Drug, and 168
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 169
and is sold, offered for sale, prescribed, dispensed, or 170
administered for that purpose in accordance with that act. 171

(C) Whoever violates division (A) of this section is guilty 172
of one of the following: 173

(1) If the drug involved in the violation is any compound, 174

mixture, preparation, or substance included in schedule I or 175
schedule II, with the exception of marihuana, cocaine, L.S.D., 176
heroin, and hashish, whoever violates division (A) of this section 177
is guilty of aggravated trafficking in drugs. The penalty for the 178
offense shall be determined as follows: 179

(a) Except as otherwise provided in division (C)(1)(b), (c), 180
(d), (e), or (f) of this section, aggravated trafficking in drugs 181
is a felony of the fourth degree, and division (C) of section 182
2929.13 of the Revised Code applies in determining whether to 183
impose a prison term on the offender. 184

(b) Except as otherwise provided in division (C)(1)(c), (d), 185
(e), or (f) of this section, if the offense was committed in the 186
vicinity of a school or in the vicinity of a juvenile, aggravated 187
trafficking in drugs is a felony of the third degree, and division 188
(C) of section 2929.13 of the Revised Code applies in determining 189
whether to impose a prison term on the offender. 190

(c) Except as otherwise provided in this division, if the 191
amount of the drug involved equals or exceeds the bulk amount but 192
is less than five times the bulk amount, aggravated trafficking in 193
drugs is a felony of the third degree, and the court shall impose 194
as a mandatory prison term one of the prison terms prescribed for 195
a felony of the third degree. If the amount of the drug involved 196
is within that range and if the offense was committed in the 197
vicinity of a school or in the vicinity of a juvenile, aggravated 198
trafficking in drugs is a felony of the second degree, and the 199
court shall impose as a mandatory prison term one of the prison 200
terms prescribed for a felony of the second degree. 201

(d) Except as otherwise provided in this division, if the 202
amount of the drug involved equals or exceeds five times the bulk 203
amount but is less than fifty times the bulk amount, aggravated 204
trafficking in drugs is a felony of the second degree, and the 205
court shall impose as a mandatory prison term one of the prison 206

terms prescribed for a felony of the second degree. If the amount 207
of the drug involved is within that range and if the offense was 208
committed in the vicinity of a school or in the vicinity of a 209
juvenile, aggravated trafficking in drugs is a felony of the first 210
degree, and the court shall impose as a mandatory prison term one 211
of the prison terms prescribed for a felony of the first degree. 212

(e) If the amount of the drug involved equals or exceeds 213
fifty times the bulk amount but is less than one hundred times the 214
bulk amount and regardless of whether the offense was committed in 215
the vicinity of a school or in the vicinity of a juvenile, 216
aggravated trafficking in drugs is a felony of the first degree, 217
and the court shall impose as a mandatory prison term one of the 218
prison terms prescribed for a felony of the first degree. 219

(f) If the amount of the drug involved equals or exceeds one 220
hundred times the bulk amount and regardless of whether the 221
offense was committed in the vicinity of a school or in the 222
vicinity of a juvenile, aggravated trafficking in drugs is a 223
felony of the first degree, the offender is a major drug offender, 224
and the court shall impose as a mandatory prison term the maximum 225
prison term prescribed for a felony of the first degree and may 226
impose an additional prison term prescribed for a major drug 227
offender under division (D)(3)(b) of section 2929.14 of the 228
Revised Code. 229

(2) If the drug involved in the violation is any compound, 230
mixture, preparation, or substance included in schedule III, IV, 231
or V, whoever violates division (A) of this section is guilty of 232
trafficking in drugs. The penalty for the offense shall be 233
determined as follows: 234

(a) Except as otherwise provided in division (C)(2)(b), (c), 235
(d), or (e) of this section, trafficking in drugs is a felony of 236
the fifth degree, and division (C) of section 2929.13 of the 237
Revised Code applies in determining whether to impose a prison 238

term on the offender. 239

(b) Except as otherwise provided in division (C)(2)(c), (d), 240
or (e) of this section, if the offense was committed in the 241
vicinity of a school or in the vicinity of a juvenile, trafficking 242
in drugs is a felony of the fourth degree, and division (C) of 243
section 2929.13 of the Revised Code applies in determining whether 244
to impose a prison term on the offender. 245

(c) Except as otherwise provided in this division, if the 246
amount of the drug involved equals or exceeds the bulk amount but 247
is less than five times the bulk amount, trafficking in drugs is a 248
felony of the fourth degree, and there is a presumption for a 249
prison term for the offense. If the amount of the drug involved is 250
within that range and if the offense was committed in the vicinity 251
of a school or in the vicinity of a juvenile, trafficking in drugs 252
is a felony of the third degree, and there is a presumption for a 253
prison term for the offense. 254

(d) Except as otherwise provided in this division, if the 255
amount of the drug involved equals or exceeds five times the bulk 256
amount but is less than fifty times the bulk amount, trafficking 257
in drugs is a felony of the third degree, and there is a 258
presumption for a prison term for the offense. If the amount of 259
the drug involved is within that range and if the offense was 260
committed in the vicinity of a school or in the vicinity of a 261
juvenile, trafficking in drugs is a felony of the second degree, 262
and there is a presumption for a prison term for the offense. 263

(e) Except as otherwise provided in this division, if the 264
amount of the drug involved equals or exceeds fifty times the bulk 265
amount, trafficking in drugs is a felony of the second degree, and 266
the court shall impose as a mandatory prison term one of the 267
prison terms prescribed for a felony of the second degree. If the 268
amount of the drug involved equals or exceeds fifty times the bulk 269
amount and if the offense was committed in the vicinity of a 270

school or in the vicinity of a juvenile, trafficking in drugs is a 271
felony of the first degree, and the court shall impose as a 272
mandatory prison term one of the prison terms prescribed for a 273
felony of the first degree. 274

(3) If the drug involved in the violation is marihuana or a 275
compound, mixture, preparation, or substance containing marihuana 276
other than hashish, whoever violates division (A) of this section 277
is guilty of trafficking in marihuana. The penalty for the offense 278
shall be determined as follows: 279

(a) Except as otherwise provided in division (C)(3)(b), (c), 280
(d), (e), (f), or (g) of this section, trafficking in marihuana is 281
a felony of the fifth degree, and division (C) of section 2929.13 282
of the Revised Code applies in determining whether to impose a 283
prison term on the offender. 284

(b) Except as otherwise provided in division (C)(3)(c), (d), 285
(e), (f), or (g) of this section, if the offense was committed in 286
the vicinity of a school or in the vicinity of a juvenile, 287
trafficking in marihuana is a felony of the fourth degree, and 288
division (C) of section 2929.13 of the Revised Code applies in 289
determining whether to impose a prison term on the offender. 290

(c) Except as otherwise provided in this division, if the 291
amount of the drug involved equals or exceeds two hundred grams 292
but is less than one thousand grams, trafficking in marihuana is a 293
felony of the fourth degree, and division (C) of section 2929.13 294
of the Revised Code applies in determining whether to impose a 295
prison term on the offender. If the amount of the drug involved is 296
within that range and if the offense was committed in the vicinity 297
of a school or in the vicinity of a juvenile, trafficking in 298
marihuana is a felony of the third degree, and division (C) of 299
section 2929.13 of the Revised Code applies in determining whether 300
to impose a prison term on the offender. 301

(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 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.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds twenty thousand grams 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 first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

offense involves a gift of twenty grams or less of marihuana, 334
trafficking in marihuana is a minor misdemeanor upon a first 335
offense and a misdemeanor of the third degree upon a subsequent 336
offense. If the offense involves a gift of twenty grams or less of 337
marihuana and if the offense was committed in the vicinity of a 338
school or in the vicinity of a juvenile, trafficking in marihuana 339
is a misdemeanor of the third degree. 340

(4) If the drug involved in the violation is cocaine or a 341
compound, mixture, preparation, or substance containing cocaine, 342
whoever violates division (A) of this section is guilty of 343
trafficking in cocaine. The penalty for the offense shall be 344
determined as follows: 345

(a) Except as otherwise provided in division (C)(4)(b), (c), 346
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 347
felony of the fifth degree, and division (C) of section 2929.13 of 348
the Revised Code applies in determining whether to impose a prison 349
term on the offender. 350

(b) Except as otherwise provided in division (C)(4)(c), (d), 351
(e), (f), or (g) of this section, if the offense was committed in 352
the vicinity of a school or in the vicinity of a juvenile, 353
trafficking in cocaine is a felony of the fourth degree, and 354
division (C) of section 2929.13 of the Revised Code applies in 355
determining whether to impose a prison term on the offender. 356

(c) Except as otherwise provided in this division, if the 357
amount of the drug involved equals or exceeds five grams but is 358
less than ten grams of cocaine that is not crack cocaine or equals 359
or exceeds one gram but is less than five grams of crack cocaine, 360
trafficking in cocaine is a felony of the fourth degree, and there 361
is a presumption for a prison term for the offense. If the amount 362
of the drug involved is within one of those ranges and if the 363
offense was committed in the vicinity of a school or in the 364
vicinity of a juvenile, trafficking in cocaine is a felony of the 365

third degree, and there is a presumption for a prison term for the offense. 366
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(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten 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, trafficking in 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. 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 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. 368
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(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. 381
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(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 394
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whether the offense was committed in the vicinity of a school or 398
in the vicinity of a juvenile, trafficking in cocaine is a felony 399
of the first degree, and the court shall impose as a mandatory 400
prison term one of the prison terms prescribed for a felony of the 401
first degree. 402

(g) If the amount of the drug involved equals or exceeds one 403
thousand grams of cocaine that is not crack cocaine or equals or 404
exceeds one hundred grams of crack cocaine and regardless of 405
whether the offense was committed in the vicinity of a school or 406
in the vicinity of a juvenile, trafficking in cocaine is a felony 407
of the first degree, the offender is a major drug offender, and 408
the court shall impose as a mandatory prison term the maximum 409
prison term prescribed for a felony of the first degree and may 410
impose an additional mandatory prison term prescribed for a major 411
drug offender under division (D)(3)(b) of section 2929.14 of the 412
Revised Code. 413

(5) If the drug involved in the violation is L.S.D. or a 414
compound, mixture, preparation, or substance containing L.S.D., 415
whoever violates division (A) of this section is guilty of 416
trafficking in L.S.D. The penalty for the offense shall be 417
determined as follows: 418

(a) Except as otherwise provided in division (C)(5)(b), (c), 419
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 420
felony of the fifth degree, and division (C) of section 2929.13 of 421
the Revised Code applies in determining whether to impose a prison 422
term on the offender. 423

(b) Except as otherwise provided in division (C)(5)(c), (d), 424
(e), (f), or (g) of this section, if the offense was committed in 425
the vicinity of a school or in the vicinity of a juvenile, 426
trafficking in L.S.D. is a felony of the fourth degree, and 427
division (C) of section 2929.13 of the Revised Code applies in 428
determining whether to impose a prison term on the offender. 429

(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 of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. 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 L.S.D. 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 two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a

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

(f) If the amount of the drug involved equals or exceeds one 469
thousand unit doses but is less than five thousand unit doses of 470
L.S.D. in a solid form or equals or exceeds one hundred grams but 471
is less than five hundred grams of L.S.D. in a liquid concentrate, 472
liquid extract, or liquid distillate form and regardless of 473
whether the offense was committed in the vicinity of a school or 474
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 475
of the first degree, and the court shall impose as a mandatory 476
prison term one of the prison terms prescribed for a felony of the 477
first degree. 478

(g) If the amount of the drug involved equals or exceeds five 479
thousand unit doses of L.S.D. in a solid form or equals or exceeds 480
five hundred grams of L.S.D. in a liquid concentrate, liquid 481
extract, or liquid distillate form and regardless of whether the 482
offense was committed in the vicinity of a school or in the 483
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 484
first degree, the offender is a major drug offender, and the court 485
shall impose as a mandatory prison term the maximum prison term 486
prescribed for a felony of the first degree and may impose an 487
additional mandatory prison term prescribed for a major drug 488
offender under division (D)(3)(b) of section 2929.14 of the 489
Revised Code. 490

(6) If the drug involved in the violation is heroin or a 491
compound, mixture, preparation, or substance containing heroin, 492
whoever violates division (A) of this section is guilty of 493

trafficking in heroin. The penalty for the offense shall be 494
determined as follows: 495

(a) Except as otherwise provided in division (C)(6)(b), (c), 496
(d), (e), (f), or (g) of this section, trafficking in heroin is a 497
felony of the fifth degree, and division (C) of section 2929.13 of 498
the Revised Code applies in determining whether to impose a prison 499
term on the offender. 500

(b) Except as otherwise provided in division (C)(6)(c), (d), 501
(e), (f), or (g) of this section, if the offense was committed in 502
the vicinity of a school or in the vicinity of a juvenile, 503
trafficking in heroin is a felony of the fourth degree, and 504
division (C) of section 2929.13 of the Revised Code applies in 505
determining whether to impose a prison term on the offender. 506

(c) Except as otherwise provided in this division, if the 507
amount of the drug involved equals or exceeds ten unit doses but 508
is less than fifty unit doses or equals or exceeds one gram but is 509
less than five grams, trafficking in heroin is a felony of the 510
fourth degree, and there is a presumption for a prison term for 511
the offense. If the amount of the drug involved is within that 512
range and if the offense was committed in the vicinity of a school 513
or in the vicinity of a juvenile, trafficking in heroin is a 514
felony of the third degree, and there is a presumption for a 515
prison term for the offense. 516

(d) Except as otherwise provided in this division, if the 517
amount of the drug involved equals or exceeds fifty unit doses but 518
is less than one hundred unit doses or equals or exceeds five 519
grams but is less than ten grams, trafficking in heroin is a 520
felony of the third degree, and there is a presumption for a 521
prison term for the offense. If the amount of the drug involved is 522
within that range and if the offense was committed in the vicinity 523
of a school or in the vicinity of a juvenile, trafficking in 524
heroin is a felony of the second degree, and there is a 525

presumption for a prison term for the offense. 526

(e) Except as otherwise provided in this division, if the 527
amount of the drug involved equals or exceeds one hundred unit 528
doses but is less than five hundred unit doses or equals or 529
exceeds ten grams but is less than fifty grams, trafficking in 530
heroin is a felony of the second degree, and the court shall 531
impose as a mandatory prison term one of the prison terms 532
prescribed for a felony of the second degree. If the amount of the 533
drug involved is within that range and if the offense was 534
committed in the vicinity of a school or in the vicinity of a 535
juvenile, trafficking in heroin is a felony of the first degree, 536
and the court shall impose as a mandatory prison term one of the 537
prison terms prescribed for a felony of the first degree. 538

(f) If the amount of the drug involved equals or exceeds five 539
hundred unit doses but is less than two thousand five hundred unit 540
doses or equals or exceeds fifty grams but is less than two 541
hundred fifty grams and regardless of whether the offense was 542
committed in the vicinity of a school or in the vicinity of a 543
juvenile, trafficking in heroin is a felony of the first degree, 544
and the court shall impose as a mandatory prison term one of the 545
prison terms prescribed for a felony of the first degree. 546

(g) If the amount of the drug involved equals or exceeds two 547
thousand five hundred unit doses or equals or exceeds two hundred 548
fifty grams and regardless of whether the offense was committed in 549
the vicinity of a school or in the vicinity of a juvenile, 550
trafficking in heroin is a felony of the first degree, the 551
offender is a major drug offender, and the court shall impose as a 552
mandatory prison term the maximum prison term prescribed for a 553
felony of the first degree and may impose an additional mandatory 554
prison term prescribed for a major drug offender under division 555
(D)(3)(b) of section 2929.14 of the Revised Code. 556

(7) If the drug involved in the violation is hashish or a 557

compound, mixture, preparation, or substance containing hashish, 558
whoever violates division (A) of this section is guilty of 559
trafficking in hashish. The penalty for the offense shall be 560
determined as follows: 561

(a) Except as otherwise provided in division (C)(7)(b), (c), 562
(d), (e), or (f) of this section, trafficking in hashish is a 563
felony of the fifth degree, and division (C) of section 2929.13 of 564
the Revised Code applies in determining whether to impose a prison 565
term on the offender. 566

(b) Except as otherwise provided in division (C)(7)(c), (d), 567
(e), or (f) of this section, if the offense was committed in the 568
vicinity of a school or in the vicinity of a juvenile, trafficking 569
in hashish is a felony of the fourth degree, and division (C) of 570
section 2929.13 of the Revised Code applies in determining whether 571
to impose a prison term on the offender. 572

(c) Except as otherwise provided in this division, if the 573
amount of the drug involved equals or exceeds ten grams but is 574
less than fifty grams of hashish in a solid form or equals or 575
exceeds two grams but is less than ten grams of hashish in a 576
liquid concentrate, liquid extract, or liquid distillate form, 577
trafficking in hashish is a felony of the fourth degree, and 578
division (C) of section 2929.13 of the Revised Code applies in 579
determining whether to impose a prison term on the offender. If 580
the amount of the drug involved is within that range and if the 581
offense was committed in the vicinity of a school or in the 582
vicinity of a juvenile, trafficking in hashish is a felony of the 583
third degree, and division (C) of section 2929.13 of the Revised 584
Code applies in determining whether to impose a prison term on the 585
offender. 586

(d) Except as otherwise provided in this division, if the 587
amount of the drug involved equals or exceeds fifty grams but is 588
less than two hundred fifty grams of hashish in a solid form or 589

equals or exceeds ten grams but is less than fifty grams of 590
hashish in a liquid concentrate, liquid extract, or liquid 591
distillate form, trafficking in hashish is a felony of the third 592
degree, and division (C) of section 2929.13 of the Revised Code 593
applies in determining whether to impose a prison term on the 594
offender. If the amount of the drug involved is within that range 595
and if the offense was committed in the vicinity of a school or in 596
the vicinity of a juvenile, trafficking in hashish is a felony of 597
the second degree, and there is a presumption that a prison term 598
shall be imposed for the offense. 599

(e) Except as otherwise provided in this division, if the 600
amount of the drug involved equals or exceeds two hundred fifty 601
grams but is less than one thousand grams of hashish in a solid 602
form or equals or exceeds fifty grams but is less than two hundred 603
grams of hashish in a liquid concentrate, liquid extract, or 604
liquid distillate form, trafficking in hashish is a felony of the 605
third degree, and there is a presumption that a prison term shall 606
be imposed for the offense. If the amount of the drug involved is 607
within that range and if the offense was committed in the vicinity 608
of a school or in the vicinity of a juvenile, trafficking in 609
hashish is a felony of the second degree, and there is a 610
presumption that a prison term shall be imposed for the offense. 611

(f) Except as otherwise provided in this division, if the 612
amount of the drug involved equals or exceeds one thousand grams 613
of hashish in a solid form or equals or exceeds two hundred grams 614
of hashish in a liquid concentrate, liquid extract, or liquid 615
distillate form, trafficking in hashish is a felony of the second 616
degree, and the court shall impose as a mandatory prison term the 617
maximum prison term prescribed for a felony of the second degree. 618
If the amount of the drug involved is within that range and if the 619
offense was committed in the vicinity of a school or in the 620
vicinity of a juvenile, trafficking in hashish is a felony of the 621

first degree, and the court shall impose as a mandatory prison 622
term the maximum prison term prescribed for a felony of the first 623
degree. 624

(D) In addition to any prison term authorized or required by 625
division (C) of this section and sections 2929.13 and 2929.14 of 626
the Revised Code, and in addition to any other sanction imposed 627
for the offense under this section or sections 2929.11 to 2929.18 628
of the Revised Code, the court that sentences an offender who is 629
convicted of or pleads guilty to a violation of division (A) of 630
this section shall do all of the following that are applicable 631
regarding the offender: 632

(1) If the violation of division (A) of this section is a 633
felony of the first, second, or third degree, the court shall 634
impose upon the offender the mandatory fine specified for the 635
offense under division (B)(1) of section 2929.18 of the Revised 636
Code unless, as specified in that division, the court determines 637
that the offender is indigent. Except as otherwise provided in 638
division (H)(1) of this section, a mandatory fine or any other 639
fine imposed for a violation of this section is subject to 640
division (F) of this section. If a person is charged with a 641
violation of this section that is a felony of the first, second, 642
or third degree, posts bail, and forfeits the bail, the clerk of 643
the court shall pay the forfeited bail pursuant to divisions 644
(D)(1) and (F) of this section, as if the forfeited bail was a 645
fine imposed for a violation of this section. If any amount of the 646
forfeited bail remains after that payment and if a fine is imposed 647
under division (H)(1) of this section, the clerk of the court 648
shall pay the remaining amount of the forfeited bail pursuant to 649
divisions (H)(2) and (3) of this section, as if that remaining 650
amount was a fine imposed under division (H)(1) of this section. 651

(2) The court shall suspend the driver's or commercial 652
driver's license or permit of the offender in accordance with 653

division (G) of this section. 654

(3) If the offender is a professionally licensed person, the 655
court immediately shall comply with section 2925.38 of the Revised 656
Code. 657

(E) When a person is charged with the sale of or offer to 658
sell a bulk amount or a multiple of a bulk amount of a controlled 659
substance, the jury, or the court trying the accused, shall 660
determine the amount of the controlled substance involved at the 661
time of the offense and, if a guilty verdict is returned, shall 662
return the findings as part of the verdict. In any such case, it 663
is unnecessary to find and return the exact amount of the 664
controlled substance involved, and it is sufficient if the finding 665
and return is to the effect that the amount of the controlled 666
substance involved is the requisite amount, or that the amount of 667
the controlled substance involved is less than the requisite 668
amount. 669

(F)(1) Notwithstanding any contrary provision of section 670
3719.21 of the Revised Code and except as provided in division (H) 671
of this section, the clerk of the court shall pay any mandatory 672
fine imposed pursuant to division (D)(1) of this section and any 673
fine other than a mandatory fine that is imposed for a violation 674
of this section pursuant to division (A) or (B)(5) of section 675
2929.18 of the Revised Code to the county, township, municipal 676
corporation, park district, as created pursuant to section 511.18 677
or 1545.04 of the Revised Code, or state law enforcement agencies 678
in this state that primarily were responsible for or involved in 679
making the arrest of, and in prosecuting, the offender. However, 680
the clerk shall not pay a mandatory fine so imposed to a law 681
enforcement agency unless the agency has adopted a written 682
internal control policy under division (F)(2) of this section that 683
addresses the use of the fine moneys that it receives. Each agency 684
shall use the mandatory fines so paid to subsidize the agency's 685

law enforcement efforts that pertain to drug offenses, in 686
accordance with the written internal control policy adopted by the 687
recipient agency under division (F)(2) of this section. 688

(2)(a) Prior to receiving any fine moneys under division 689
(F)(1) of this section or division (B) of section 2925.42 of the 690
Revised Code, a law enforcement agency shall adopt a written 691
internal control policy that addresses the agency's use and 692
disposition of all fine moneys so received and that provides for 693
the keeping of detailed financial records of the receipts of those 694
fine moneys, the general types of expenditures made out of those 695
fine moneys, and the specific amount of each general type of 696
expenditure. The policy shall not provide for or permit the 697
identification of any specific expenditure that is made in an 698
ongoing investigation. All financial records of the receipts of 699
those fine moneys, the general types of expenditures made out of 700
those fine moneys, and the specific amount of each general type of 701
expenditure by an agency are public records open for inspection 702
under section 149.43 of the Revised Code. Additionally, a written 703
internal control policy adopted under this division is such a 704
public record, and the agency that adopted it shall comply with 705
it. 706

(b) Each law enforcement agency that receives in any calendar 707
year any fine moneys under division (F)(1) of this section or 708
division (B) of section 2925.42 of the Revised Code shall prepare 709
a report covering the calendar year that cumulates all of the 710
information contained in all of the public financial records kept 711
by the agency pursuant to division (F)(2)(a) of this section for 712
that calendar year, and shall send a copy of the cumulative 713
report, no later than the first day of March in the calendar year 714
following the calendar year covered by the report, to the attorney 715
general. Each report received by the attorney general is a public 716
record open for inspection under section 149.43 of the Revised 717

Code. Not later than the fifteenth day of April in the calendar 718
year in which the reports are received, the attorney general shall 719
send to the president of the senate and the speaker of the house 720
of representatives a written notification that does all of the 721
following: 722

(i) Indicates that the attorney general has received from law 723
enforcement agencies reports of the type described in this 724
division that cover the previous calendar year and indicates that 725
the reports were received under this division; 726

(ii) Indicates that the reports are open for inspection under 727
section 149.43 of the Revised Code; 728

(iii) Indicates that the attorney general will provide a copy 729
of any or all of the reports to the president of the senate or the 730
speaker of the house of representatives upon request. 731

(3) As used in division (F) of this section: 732

(a) "Law enforcement agencies" includes, but is not limited 733
to, the state board of pharmacy and the office of a prosecutor. 734

(b) "Prosecutor" has the same meaning as in section 2935.01 735
of the Revised Code. 736

(G) When required under division (D)(2) of this section or 737
any other provision of this chapter, the court shall suspend for 738
not less than six months or more than five years the driver's or 739
commercial driver's license or permit of any person who is 740
convicted of or pleads guilty to any violation of this section or 741
any other specified provision of this chapter. If an offender's 742
driver's or commercial driver's license or permit is suspended 743
pursuant to this division, the offender, at any time after the 744
expiration of two years from the day on which the offender's 745
sentence was imposed or from the day on which the offender finally 746
was released from a prison term under the sentence, whichever is 747
later, may file a motion with the sentencing court requesting 748

termination of the suspension; upon the filing of such a motion 749
and the court's finding of good cause for the termination, the 750
court may terminate the suspension. 751

(H)(1) In addition to any prison term authorized or required 752
by division (C) of this section and sections 2929.13 and 2929.14 753
of the Revised Code, in addition to any other penalty or sanction 754
imposed for the offense under this section or sections 2929.11 to 755
2929.18 of the Revised Code, and in addition to the forfeiture of 756
property in connection with the offense as prescribed in Chapter 757
2981. of the Revised Code, the court that sentences an offender 758
who is convicted of or pleads guilty to a violation of division 759
(A) of this section may impose upon the offender an additional 760
fine specified for the offense in division (B)(4) of section 761
2929.18 of the Revised Code. A fine imposed under division (H)(1) 762
of this section is not subject to division (F) of this section and 763
shall be used solely for the support of one or more eligible 764
alcohol and drug addiction programs in accordance with divisions 765
(H)(2) and (3) of this section. 766

(2) The court that imposes a fine under division (H)(1) of 767
this section shall specify in the judgment that imposes the fine 768
one or more eligible alcohol and drug addiction programs for the 769
support of which the fine money is to be used. No alcohol and drug 770
addiction program shall receive or use money paid or collected in 771
satisfaction of a fine imposed under division (H)(1) of this 772
section unless the program is specified in the judgment that 773
imposes the fine. No alcohol and drug addiction program shall be 774
specified in the judgment unless the program is an eligible 775
alcohol and drug addiction program and, except as otherwise 776
provided in division (H)(2) of this section, unless the program is 777
located in the county in which the court that imposes the fine is 778
located or in a county that is immediately contiguous to the 779
county in which that court is located. If no eligible alcohol and 780

drug addiction program is located in any of those counties, the 781
judgment may specify an eligible alcohol and drug addiction 782
program that is located anywhere within this state. 783

(3) Notwithstanding any contrary provision of section 3719.21 784
of the Revised Code, the clerk of the court shall pay any fine 785
imposed under division (H)(1) of this section to the eligible 786
alcohol and drug addiction program specified pursuant to division 787
(H)(2) of this section in the judgment. The eligible alcohol and 788
drug addiction program that receives the fine moneys shall use the 789
moneys only for the alcohol and drug addiction services identified 790
in the application for certification under section 3793.06 of the 791
Revised Code or in the application for a license under section 792
3793.11 of the Revised Code filed with the department of alcohol 793
and drug addiction services by the alcohol and drug addiction 794
program specified in the judgment. 795

(4) Each alcohol and drug addiction program that receives in 796
a calendar year any fine moneys under division (H)(3) of this 797
section shall file an annual report covering that calendar year 798
with the court of common pleas and the board of county 799
commissioners of the county in which the program is located, with 800
the court of common pleas and the board of county commissioners of 801
each county from which the program received the moneys if that 802
county is different from the county in which the program is 803
located, and with the attorney general. The alcohol and drug 804
addiction program shall file the report no later than the first 805
day of March in the calendar year following the calendar year in 806
which the program received the fine moneys. The report shall 807
include statistics on the number of persons served by the alcohol 808
and drug addiction program, identify the types of alcohol and drug 809
addiction services provided to those persons, and include a 810
specific accounting of the purposes for which the fine moneys 811
received were used. No information contained in the report shall 812

identify, or enable a person to determine the identity of, any 813
person served by the alcohol and drug addiction program. Each 814
report received by a court of common pleas, a board of county 815
commissioners, or the attorney general is a public record open for 816
inspection under section 149.43 of the Revised Code. 817

(5) As used in divisions (H)(1) to (5) of this section: 818

(a) "Alcohol and drug addiction program" and "alcohol and 819
drug addiction services" have the same meanings as in section 820
3793.01 of the Revised Code. 821

(b) "Eligible alcohol and drug addiction program" means an 822
alcohol and drug addiction program that is certified under section 823
3793.06 of the Revised Code or licensed under section 3793.11 of 824
the Revised Code by the department of alcohol and drug addiction 825
services. 826

(I) As used in this section, "drug" includes any substance 827
that is represented to be a drug. 828

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 829
or use a controlled substance. 830

(B) This section does not apply to any of the following: 831

(1) Manufacturers, licensed health professionals authorized 832
to prescribe drugs, pharmacists, owners of pharmacies, and other 833
persons whose conduct was in accordance with Chapters 3719., 834
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code 835
or section 5120.052 of the Revised Code; 836

(2) If the offense involves an anabolic steroid, any person 837
who is conducting or participating in a research project involving 838
the use of an anabolic steroid if the project has been approved by 839
the United States food and drug administration; 840

(3) Any person who sells, offers for sale, prescribes, 841
dispenses, or administers for livestock or other nonhuman species 842

an anabolic steroid that is expressly intended for administration 843
through implants to livestock or other nonhuman species and 844
approved for that purpose under the "Federal Food, Drug, and 845
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 846
and is sold, offered for sale, prescribed, dispensed, or 847
administered for that purpose in accordance with that act; 848

(4) Any person who obtained the controlled substance pursuant 849
to a lawful prescription issued by a licensed health professional 850
authorized to prescribe drugs. 851

(C) Whoever violates division (A) of this section is guilty 852
of one of the following: 853

(1) If the drug involved in the violation is a compound, 854
mixture, preparation, or substance included in schedule I or II, 855
with the exception of marihuana, cocaine, L.S.D., heroin, and 856
hashish, whoever violates division (A) of this section is guilty 857
of aggravated possession of drugs. The penalty for the offense 858
shall be determined as follows: 859

(a) Except as otherwise provided in division (C)(1)(b), (c), 860
(d), or (e) of this section, aggravated possession of drugs is a 861
felony of the fifth degree, and division (B) of section 2929.13 of 862
the Revised Code applies in determining whether to impose a prison 863
term on the offender. 864

(b) If the amount of the drug involved equals or exceeds the 865
bulk amount but is less than five times the bulk amount, 866
aggravated possession of drugs is a felony of the third degree, 867
and there is a presumption for a prison term for the offense. 868

(c) If the amount of the drug involved equals or exceeds five 869
times the bulk amount but is less than fifty times the bulk 870
amount, aggravated possession of drugs is a felony of the second 871
degree, and the court shall impose as a mandatory prison term one 872
of the prison terms prescribed for a felony of the second degree. 873

(d) If the amount of the drug involved equals or exceeds 874
fifty times the bulk amount but is less than one hundred times the 875
bulk amount, aggravated possession of drugs is a felony of the 876
first degree, and the court shall impose as a mandatory prison 877
term one of the prison terms prescribed for a felony of the first 878
degree. 879

(e) If the amount of the drug involved equals or exceeds one 880
hundred times the bulk amount, aggravated possession of drugs is a 881
felony of the first degree, the offender is a major drug offender, 882
and the court shall impose as a mandatory prison term the maximum 883
prison term prescribed for a felony of the first degree and may 884
impose an additional mandatory prison term prescribed for a major 885
drug offender under division (D)(3)(b) of section 2929.14 of the 886
Revised Code. 887

(2) If the drug involved in the violation is a compound, 888
mixture, preparation, or substance included in schedule III, IV, 889
or V, whoever violates division (A) of this section is guilty of 890
possession of drugs. The penalty for the offense shall be 891
determined as follows: 892

(a) Except as otherwise provided in division (C)(2)(b), (c), 893
or (d) of this section, possession of drugs is a misdemeanor of 894
the first degree or, if the offender previously has been convicted 895
of a drug abuse offense, a felony of the fifth degree. 896

(b) If the amount of the drug involved equals or exceeds the 897
bulk amount but is less than five times the bulk amount, 898
possession of drugs is a felony of the fourth degree, and division 899
(C) of section 2929.13 of the Revised Code applies in determining 900
whether to impose a prison term on the offender. 901

(c) If the amount of the drug involved equals or exceeds five 902
times the bulk amount but is less than fifty times the bulk 903
amount, possession of drugs is a felony of the third degree, and 904

there is a presumption for a prison term for the offense. 905

(d) If the amount of the drug involved equals or exceeds 906
fifty times the bulk amount, possession of drugs is a felony of 907
the second degree, and the court shall impose upon the offender as 908
a mandatory prison term one of the prison terms prescribed for a 909
felony of the second degree. 910

(3) If the drug involved in the violation is marihuana or a 911
compound, mixture, preparation, or substance containing marihuana 912
other than hashish, whoever violates division (A) of this section 913
is guilty of possession of marihuana. The penalty for the offense 914
shall be determined as follows: 915

(a) Except as otherwise provided in division (C)(3)(b), (c), 916
(d), (e), or (f) of this section, possession of marihuana is a 917
minor misdemeanor. 918

(b) If the amount of the drug involved equals or exceeds one 919
hundred grams but is less than two hundred grams, possession of 920
marihuana is a misdemeanor of the fourth degree. 921

(c) If the amount of the drug involved equals or exceeds two 922
hundred grams but is less than one thousand grams, possession of 923
marihuana is a felony of the fifth degree, and division (B) of 924
section 2929.13 of the Revised Code applies in determining whether 925
to impose a prison term on the offender. 926

(d) If the amount of the drug involved equals or exceeds one 927
thousand grams but is less than five thousand grams, possession of 928
marihuana is a felony of the third degree, and division (C) of 929
section 2929.13 of the Revised Code applies in determining whether 930
to impose a prison term on the offender. 931

(e) If the amount of the drug involved equals or exceeds five 932
thousand grams but is less than twenty thousand grams, possession 933
of marihuana is a felony of the third degree, and there is a 934
presumption that a prison term shall be imposed for the offense. 935

(f) If the amount of the drug involved equals or exceeds 936
twenty thousand grams, possession of marihuana is a felony of the 937
second degree, and the court shall impose as a mandatory prison 938
term the maximum prison term prescribed for a felony of the second 939
degree. 940

(4) If the drug involved in the violation is cocaine or a 941
compound, mixture, preparation, or substance containing cocaine, 942
whoever violates division (A) of this section is guilty of 943
possession of cocaine. The penalty for the offense shall be 944
determined as follows: 945

(a) Except as otherwise provided in division (C)(4)(b), (c), 946
(d), (e), or (f) of this section, possession of cocaine is a 947
felony of the fifth degree, and division (B) of section 2929.13 of 948
the Revised Code applies in determining whether to impose a prison 949
term on the offender. 950

(b) If the amount of the drug involved equals or exceeds five 951
grams but is less than twenty-five grams of cocaine that is not 952
crack cocaine or equals or exceeds one gram but is less than five 953
grams of crack cocaine, possession of cocaine is a felony of the 954
fourth degree, and there is a presumption for a prison term for 955
the offense. 956

(c) If the amount of the drug involved equals or exceeds 957
twenty-five grams but is less than one hundred grams of cocaine 958
that is not crack cocaine or equals or exceeds five grams but is 959
less than ten grams of crack cocaine, possession of cocaine is a 960
felony of the third degree, and the court shall impose as a 961
mandatory prison term one of the prison terms prescribed for a 962
felony of the third degree. 963

(d) If the amount of the drug involved equals or exceeds one 964
hundred grams but is less than five hundred grams of cocaine that 965
is not crack cocaine or equals or exceeds ten grams but is less 966

than twenty-five grams of crack cocaine, possession of cocaine is 967
a felony of the second degree, and the court shall impose as a 968
mandatory prison term one of the prison terms prescribed for a 969
felony of the second degree. 970

(e) If the amount of the drug involved equals or exceeds five 971
hundred grams but is less than one thousand grams of cocaine that 972
is not crack cocaine or equals or exceeds twenty-five grams but is 973
less than one hundred grams of crack cocaine, possession of 974
cocaine is a felony of the first degree, and the court shall 975
impose as a mandatory prison term one of the prison terms 976
prescribed for a felony of the first degree. 977

(f) If the amount of the drug involved equals or exceeds one 978
thousand grams of cocaine that is not crack cocaine or equals or 979
exceeds one hundred grams of crack cocaine, possession of cocaine 980
is a felony of the first degree, the offender is a major drug 981
offender, and the court shall impose as a mandatory prison term 982
the maximum prison term prescribed for a felony of the first 983
degree and may impose an additional mandatory prison term 984
prescribed for a major drug offender under division (D)(3)(b) of 985
section 2929.14 of the Revised Code. 986

(5) If the drug involved in the violation is L.S.D., whoever 987
violates division (A) of this section is guilty of possession of 988
L.S.D. The penalty for the offense shall be determined as follows: 989

(a) Except as otherwise provided in division (C)(5)(b), (c), 990
(d), (e), or (f) of this section, possession of L.S.D. is a felony 991
of the fifth degree, and division (B) of section 2929.13 of the 992
Revised Code applies in determining whether to impose a prison 993
term on the offender. 994

(b) If the amount of L.S.D. involved equals or exceeds ten 995
unit doses but is less than fifty unit doses of L.S.D. in a solid 996
form or equals or exceeds one gram but is less than five grams of 997

L.S.D. in a liquid concentrate, liquid extract, or liquid 998
distillate form, possession of L.S.D. is a felony of the fourth 999
degree, and division (C) of section 2929.13 of the Revised Code 1000
applies in determining whether to impose a prison term on the 1001
offender. 1002

(c) If the amount of L.S.D. involved equals or exceeds fifty 1003
unit doses, but is less than two hundred fifty unit doses of 1004
L.S.D. in a solid form or equals or exceeds five grams but is less 1005
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 1006
extract, or liquid distillate form, possession of L.S.D. is a 1007
felony of the third degree, and there is a presumption for a 1008
prison term for the offense. 1009

(d) If the amount of L.S.D. involved equals or exceeds two 1010
hundred fifty unit doses but is less than one thousand unit doses 1011
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1012
but is less than one hundred grams of L.S.D. in a liquid 1013
concentrate, liquid extract, or liquid distillate form, possession 1014
of L.S.D. is a felony of the second degree, and the court shall 1015
impose as a mandatory prison term one of the prison terms 1016
prescribed for a felony of the second degree. 1017

(e) If the amount of L.S.D. involved equals or exceeds one 1018
thousand unit doses but is less than five thousand unit doses of 1019
L.S.D. in a solid form or equals or exceeds one hundred grams but 1020
is less than five hundred grams of L.S.D. in a liquid concentrate, 1021
liquid extract, or liquid distillate form, possession of L.S.D. is 1022
a felony of the first degree, and the court shall impose as a 1023
mandatory prison term one of the prison terms prescribed for a 1024
felony of the first degree. 1025

(f) If the amount of L.S.D. involved equals or exceeds five 1026
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1027
five hundred grams of L.S.D. in a liquid concentrate, liquid 1028
extract, or liquid distillate form, possession of L.S.D. is a 1029

felony of the first degree, the offender is a major drug offender, 1030
and the court shall impose as a mandatory prison term the maximum 1031
prison term prescribed for a felony of the first degree and may 1032
impose an additional mandatory prison term prescribed for a major 1033
drug offender under division (D)(3)(b) of section 2929.14 of the 1034
Revised Code. 1035

(6) If the drug involved in the violation is heroin or a 1036
compound, mixture, preparation, or substance containing heroin, 1037
whoever violates division (A) of this section is guilty of 1038
possession of heroin. The penalty for the offense shall be 1039
determined as follows: 1040

(a) Except as otherwise provided in division (C)(6)(b), (c), 1041
(d), (e), or (f) of this section, possession of heroin is a felony 1042
of the fifth degree, and division (B) of section 2929.13 of the 1043
Revised Code applies in determining whether to impose a prison 1044
term on the offender. 1045

(b) If the amount of the drug involved equals or exceeds ten 1046
unit doses but is less than fifty unit doses or equals or exceeds 1047
one gram but is less than five grams, possession of heroin is a 1048
felony of the fourth degree, and division (C) of section 2929.13 1049
of the Revised Code applies in determining whether to impose a 1050
prison term on the offender. 1051

(c) If the amount of the drug involved equals or exceeds 1052
fifty unit doses but is less than one hundred unit doses or equals 1053
or exceeds five grams but is less than ten grams, possession of 1054
heroin is a felony of the third degree, and there is a presumption 1055
for a prison term for the offense. 1056

(d) If the amount of the drug involved equals or exceeds one 1057
hundred unit doses but is less than five hundred unit doses or 1058
equals or exceeds ten grams but is less than fifty grams, 1059
possession of heroin is a felony of the second degree, and the 1060

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 mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

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

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

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

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

equals or exceeds two grams but is less than ten grams of hashish 1092
in a liquid concentrate, liquid extract, or liquid distillate 1093
form, possession of hashish is a felony of the fifth degree, and 1094
division (B) of section 2929.13 of the Revised Code applies in 1095
determining whether to impose a prison term on the offender. 1096

(d) If the amount of the drug involved equals or exceeds 1097
fifty grams but is less than two hundred fifty grams of hashish in 1098
a solid form or equals or exceeds ten grams but is less than fifty 1099
grams of hashish in a liquid concentrate, liquid extract, or 1100
liquid distillate form, possession of hashish is a felony of the 1101
third degree, and division (C) of section 2929.13 of the Revised 1102
Code applies in determining whether to impose a prison term on the 1103
offender. 1104

(e) If the amount of the drug involved equals or exceeds two 1105
hundred fifty grams but is less than one thousand grams of hashish 1106
in a solid form or equals or exceeds fifty grams but is less than 1107
two hundred grams of hashish in a liquid concentrate, liquid 1108
extract, or liquid distillate form, possession of hashish is a 1109
felony of the third degree, and there is a presumption that a 1110
prison term shall be imposed for the offense. 1111

(f) If the amount of the drug involved equals or exceeds one 1112
thousand grams of hashish in a solid form or equals or exceeds two 1113
hundred grams of hashish in a liquid concentrate, liquid extract, 1114
or liquid distillate form, possession of hashish is a felony of 1115
the second degree, and the court shall impose as a mandatory 1116
prison term the maximum prison term prescribed for a felony of the 1117
second degree. 1118

(D) Arrest or conviction for a minor misdemeanor violation of 1119
this section does not constitute a criminal record and need not be 1120
reported by the person so arrested or convicted in response to any 1121
inquiries about the person's criminal record, including any 1122
inquiries contained in any application for employment, license, or 1123

other right or privilege, or made in connection with the person's 1124
appearance as a witness. 1125

(E) In addition to any prison term or jail term authorized or 1126
required by division (C) of this section and sections 2929.13, 1127
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 1128
addition to any other sanction that is imposed for the offense 1129
under this section, sections 2929.11 to 2929.18, or sections 1130
2929.21 to 2929.28 of the Revised Code, the court that sentences 1131
an offender who is convicted of or pleads guilty to a violation of 1132
division (A) of this section shall do all of the following that 1133
are applicable regarding the offender: 1134

(1)(a) If the violation is a felony of the first, second, or 1135
third degree, the court shall impose upon the offender the 1136
mandatory fine specified for the offense under division (B)(1) of 1137
section 2929.18 of the Revised Code unless, as specified in that 1138
division, the court determines that the offender is indigent. 1139

(b) Notwithstanding any contrary provision of section 3719.21 1140
of the Revised Code, the clerk of the court shall pay a mandatory 1141
fine or other fine imposed for a violation of this section 1142
pursuant to division (A) of section 2929.18 of the Revised Code in 1143
accordance with and subject to the requirements of division (F) of 1144
section 2925.03 of the Revised Code. The agency that receives the 1145
fine shall use the fine as specified in division (F) of section 1146
2925.03 of the Revised Code. 1147

(c) If a person is charged with a violation of this section 1148
that is a felony of the first, second, or third degree, posts 1149
bail, and forfeits the bail, the clerk shall pay the forfeited 1150
bail pursuant to division (E)(1)(b) of this section as if it were 1151
a mandatory fine imposed under division (E)(1)(a) of this section. 1152

(2) The court shall suspend for not less than six months or 1153
more than five years the offender's driver's or commercial 1154

driver's license or permit. 1155

(3) If the offender is a professionally licensed person, in 1156
addition to any other sanction imposed for a violation of this 1157
section, the court immediately shall comply with section 2925.38 1158
of the Revised Code. 1159

(F) It is an affirmative defense, as provided in section 1160
2901.05 of the Revised Code, to a charge of a fourth degree felony 1161
violation under this section that the controlled substance that 1162
gave rise to the charge is in an amount, is in a form, is 1163
prepared, compounded, or mixed with substances that are not 1164
controlled substances in a manner, or is possessed under any other 1165
circumstances, that indicate that the substance was possessed 1166
solely for personal use. Notwithstanding any contrary provision of 1167
this section, if, in accordance with section 2901.05 of the 1168
Revised Code, an accused who is charged with a fourth degree 1169
felony violation of division (C)(2), (4), (5), or (6) of this 1170
section sustains the burden of going forward with evidence of and 1171
establishes by a preponderance of the evidence the affirmative 1172
defense described in this division, the accused may be prosecuted 1173
for and may plead guilty to or be convicted of a misdemeanor 1174
violation of division (C)(2) of this section or a fifth degree 1175
felony violation of division (C)(4), (5), or (6) of this section 1176
respectively. 1177

(G) When a person is charged with possessing a bulk amount or 1178
multiple of a bulk amount, division (E) of section 2925.03 of the 1179
Revised Code applies regarding the determination of the amount of 1180
the controlled substance involved at the time of the offense. 1181

Sec. 2925.12. (A) No person shall knowingly make, obtain, 1182
possess, or use any instrument, article, or thing the customary 1183
and primary purpose of which is for the administration or use of a 1184
dangerous drug, other than marihuana, when the instrument involved 1185

is a hypodermic or syringe, whether or not of crude or 1186
extemporized manufacture or assembly, and the instrument, article, 1187
or thing involved has been used by the offender to unlawfully 1188
administer or use a dangerous drug, other than marihuana, or to 1189
prepare a dangerous drug, other than marihuana, for unlawful 1190
administration or use. 1191

(B) This section does not apply to manufacturers, licensed 1192
health professionals authorized to prescribe drugs, pharmacists, 1193
owners of pharmacies, and other persons whose conduct was in 1194
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 1195
and 4741. of the Revised Code or section 5120.052 of the Revised 1196
Code. 1197

(C) Whoever violates this section is guilty of possessing 1198
drug abuse instruments, a misdemeanor of the second degree. If the 1199
offender previously has been convicted of a drug abuse offense, a 1200
violation of this section is a misdemeanor of the first degree. 1201

(D) In addition to any other sanction imposed upon an 1202
offender for a violation of this section, the court shall suspend 1203
for not less than six months or more than five years the 1204
offender's driver's or commercial driver's license or permit. If 1205
the offender is a professionally licensed person, in addition to 1206
any other sanction imposed for a violation of this section, the 1207
court immediately shall comply with section 2925.38 of the Revised 1208
Code. 1209

Sec. 2925.14. (A) As used in this section, "drug 1210
paraphernalia" means any equipment, product, or material of any 1211
kind that is used by the offender, intended by the offender for 1212
use, or designed for use, in propagating, cultivating, growing, 1213
harvesting, manufacturing, compounding, converting, producing, 1214
processing, preparing, testing, analyzing, packaging, repackaging, 1215

storing, containing, concealing, injecting, ingesting, inhaling,	1216
or otherwise introducing into the human body, a controlled	1217
substance in violation of this chapter. "Drug paraphernalia"	1218
includes, but is not limited to, any of the following equipment,	1219
products, or materials that are used by the offender, intended by	1220
the offender for use, or designed by the offender for use, in any	1221
of the following manners:	1222
(1) A kit for propagating, cultivating, growing, or	1223
harvesting any species of a plant that is a controlled substance	1224
or from which a controlled substance can be derived;	1225
(2) A kit for manufacturing, compounding, converting,	1226
producing, processing, or preparing a controlled substance;	1227
(3) Any object, instrument, or device for manufacturing,	1228
compounding, converting, producing, processing, or preparing	1229
methamphetamine;	1230
(4) An isomerization device for increasing the potency of any	1231
species of a plant that is a controlled substance;	1232
(5) Testing equipment for identifying, or analyzing the	1233
strength, effectiveness, or purity of, a controlled substance;	1234
(6) A scale or balance for weighing or measuring a controlled	1235
substance;	1236
(7) A diluent or adulterant, such as quinine hydrochloride,	1237
mannitol, mannite, dextrose, or lactose, for cutting a controlled	1238
substance;	1239
(8) A separation gin or sifter for removing twigs and seeds	1240
from, or otherwise cleaning or refining, marihuana;	1241
(9) A blender, bowl, container, spoon, or mixing device for	1242
compounding a controlled substance;	1243
(10) A capsule, balloon, envelope, or container for packaging	1244
small quantities of a controlled substance;	1245

(11) A container or device for storing or concealing a controlled substance;	1246 1247
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	1248 1249
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	1250 1251 1252 1253 1254 1255 1256 1257 1258 1259 1260
(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:	1261 1262 1263
(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;	1264 1265
(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;	1266 1267 1268
(3) The proximity of the equipment, product, or material to any controlled substance;	1269 1270
(4) The existence of any residue of a controlled substance on the equipment, product, or material;	1271 1272
(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in	1273 1274 1275

control of the equipment, product, or material knows intends to 1276
use the object to facilitate a violation of any provision of this 1277
chapter. A finding that the owner, or anyone in control, of the 1278
equipment, product, or material, is not guilty of a violation of 1279
any other provision of this chapter does not prevent a finding 1280
that the equipment, product, or material was intended or designed 1281
by the offender for use as drug paraphernalia. 1282

(6) Any oral or written instruction provided with the 1283
equipment, product, or material concerning its use; 1284

(7) Any descriptive material accompanying the equipment, 1285
product, or material and explaining or depicting its use; 1286

(8) National or local advertising concerning the use of the 1287
equipment, product, or material; 1288

(9) The manner and circumstances in which the equipment, 1289
product, or material is displayed for sale; 1290

(10) Direct or circumstantial evidence of the ratio of the 1291
sales of the equipment, product, or material to the total sales of 1292
the business enterprise; 1293

(11) The existence and scope of legitimate uses of the 1294
equipment, product, or material in the community; 1295

(12) Expert testimony concerning the use of the equipment, 1296
product, or material. 1297

(C)(1) No person shall knowingly use, or possess with purpose 1298
to use, drug paraphernalia. 1299

(2) No person shall knowingly sell, or possess or manufacture 1300
with purpose to sell, drug paraphernalia, if the person knows or 1301
reasonably should know that the equipment, product, or material 1302
will be used as drug paraphernalia. 1303

(3) No person shall place an advertisement in any newspaper, 1304
magazine, handbill, or other publication that is published and 1305

printed and circulates primarily within this state, if the person 1306
knows that the purpose of the advertisement is to promote the 1307
illegal sale in this state of the equipment, product, or material 1308
that the offender intended or designed for use as drug 1309
paraphernalia. 1310

(D) This section does not apply to manufacturers, licensed 1311
health professionals authorized to prescribe drugs, pharmacists, 1312
owners of pharmacies, and other persons whose conduct is in 1313
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 1314
and 4741. of the Revised Code or section 5120.052 of the Revised 1315
Code. This section shall not be construed to prohibit the 1316
possession or use of a hypodermic as authorized by section 1317
3719.172 of the Revised Code. 1318

(E) Notwithstanding Chapter 2981. of the Revised Code, any 1319
drug paraphernalia that was used, possessed, sold, or manufactured 1320
in a violation of this section shall be seized, after a conviction 1321
for that violation shall be forfeited, and upon forfeiture shall 1322
be disposed of pursuant to division (B) of section 2981.12 of the 1323
Revised Code. 1324

(F)(1) Whoever violates division (C)(1) of this section is 1325
guilty of illegal use or possession of drug paraphernalia, a 1326
misdemeanor of the fourth degree. 1327

(2) Except as provided in division (F)(3) of this section, 1328
whoever violates division (C)(2) of this section is guilty of 1329
dealing in drug paraphernalia, a misdemeanor of the second degree. 1330

(3) Whoever violates division (C)(2) of this section by 1331
selling drug paraphernalia to a juvenile is guilty of selling drug 1332
paraphernalia to juveniles, a misdemeanor of the first degree. 1333

(4) Whoever violates division (C)(3) of this section is 1334
guilty of illegal advertising of drug paraphernalia, a misdemeanor 1335
of the second degree. 1336

(G) In addition to any other sanction imposed upon an 1337
offender for a violation of this section, the court shall suspend 1338
for not less than six months or more than five years the 1339
offender's driver's or commercial driver's license or permit. If 1340
the offender is a professionally licensed person, in addition to 1341
any other sanction imposed for a violation of this section, the 1342
court immediately shall comply with section 2925.38 of the Revised 1343
Code. 1344

Sec. 2925.23. (A) No person shall knowingly make a false 1345
statement in any prescription, order, report, or record required 1346
by Chapter 3719. or 4729. of the Revised Code. 1347

(B) No person shall intentionally make, utter, or sell, or 1348
knowingly possess any of the following that is a false or forged: 1349

(1) Prescription; 1350

(2) Uncompleted preprinted prescription blank used for 1351
writing a prescription; 1352

(3) Official written order; 1353

(4) License for a terminal distributor of dangerous drugs as 1354
required in section 4729.60 of the Revised Code; 1355

(5) Registration certificate for a wholesale distributor of 1356
dangerous drugs as required in section 4729.60 of the Revised 1357
Code. 1358

(C) No person, by theft as defined in section 2913.02 of the 1359
Revised Code, shall acquire any of the following: 1360

(1) A prescription; 1361

(2) An uncompleted preprinted prescription blank used for 1362
writing a prescription; 1363

(3) An official written order; 1364

(4) A blank official written order; 1365

(5) A license or blank license for a terminal distributor of dangerous drugs as required in section 4729.60 of the Revised Code;

(6) A registration certificate or blank registration certificate for a wholesale distributor of dangerous drugs as required in section 4729.60 of the Revised Code.

(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.

(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code or section 5120.052 of the Revised Code.

(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:

(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents 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.

(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV,

or V or is marihuana, illegal processing of drug documents is a 1397
felony of the fifth degree, and division (C) of section 2929.13 of 1398
the Revised Code applies in determining whether to impose a prison 1399
term on the offender. 1400

(G) In addition to any prison term authorized or required by 1401
division (F) of this section and sections 2929.13 and 2929.14 of 1402
the Revised Code and in addition to any other sanction imposed for 1403
the offense under this section or sections 2929.11 to 2929.18 of 1404
the Revised Code, the court that sentences an offender who is 1405
convicted of or pleads guilty to any violation of divisions (A) to 1406
(D) of this section shall do both of the following: 1407

(1) The court shall suspend for not less than six months or 1408
more than five years the offender's driver's or commercial 1409
driver's license or permit. 1410

(2) If the offender is a professionally licensed person, in 1411
addition to any other sanction imposed for a violation of this 1412
section, the court immediately shall comply with section 2925.38 1413
of the Revised Code. 1414

(H) Notwithstanding any contrary provision of section 3719.21 1415
of the Revised Code, the clerk of court shall pay a fine imposed 1416
for a violation of this section pursuant to division (A) of 1417
section 2929.18 of the Revised Code in accordance with and subject 1418
to the requirements of division (F) of section 2925.03 of the 1419
Revised Code. The agency that receives the fine shall use the fine 1420
as specified in division (F) of section 2925.03 of the Revised 1421
Code. 1422

Sec. 2925.36. (A) No person shall knowingly furnish another a 1423
sample drug. 1424

(B) Division (A) of this section does not apply to 1425
manufacturers, wholesalers, pharmacists, owners of pharmacies, 1426

licensed health professionals authorized to prescribe drugs, and 1427
other persons whose conduct is in accordance with Chapters 3719., 1428
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 1429
Code or section 5120.052 of the Revised Code. 1430

(C)(1) Whoever violates this section is guilty of illegal 1431
dispensing of drug samples. 1432

(2) If the drug involved in the offense is a compound, 1433
mixture, preparation, or substance included in schedule I or II, 1434
with the exception of marihuana, the penalty for the offense shall 1435
be determined as follows: 1436

(a) Except as otherwise provided in division (C)(2)(b) of 1437
this section, illegal dispensing of drug samples is a felony of 1438
the fifth degree, and, subject to division (E) of this section, 1439
division (C) of section 2929.13 of the Revised Code applies in 1440
determining whether to impose a prison term on the offender. 1441

(b) If the offense was committed in the vicinity of a school 1442
or in the vicinity of a juvenile, illegal dispensing of drug 1443
samples is a felony of the fourth degree, and, subject to division 1444
(E) of this section, division (C) of section 2929.13 of the 1445
Revised Code applies in determining whether to impose a prison 1446
term on the offender. 1447

(3) If the drug involved in the offense is a dangerous drug 1448
or a compound, mixture, preparation, or substance included in 1449
schedule III, IV, or V, or is marihuana, the penalty for the 1450
offense shall be determined as follows: 1451

(a) Except as otherwise provided in division (C)(3)(b) of 1452
this section, illegal dispensing of drug samples is a misdemeanor 1453
of the second degree. 1454

(b) If the offense was committed in the vicinity of a school 1455
or in the vicinity of a juvenile, illegal dispensing of drug 1456
samples is a misdemeanor of the first degree. 1457

(D) In addition to any prison term authorized or required by 1458
division (C) or (E) of this section and sections 2929.13 and 1459
2929.14 of the Revised Code and in addition to any other sanction 1460
imposed for the offense under this section or sections 2929.11 to 1461
2929.18 of the Revised Code, the court that sentences an offender 1462
who is convicted of or pleads guilty to a violation of division 1463
(A) of this section shall do both of the following: 1464

(1) The court shall suspend for not less than six months or 1465
more than five years the offender's driver's or commercial 1466
driver's license or permit. 1467

(2) If the offender is a professionally licensed person, in 1468
addition to any other sanction imposed for a violation of this 1469
section, the court immediately shall comply with section 2925.38 1470
of the Revised Code. 1471

(E) Notwithstanding the prison term authorized or required by 1472
division (C) of this section and sections 2929.13 and 2929.14 of 1473
the Revised Code, if the violation of division (A) of this section 1474
involves the sale, offer to sell, or possession of a schedule I or 1475
II controlled substance, with the exception of marihuana, and if 1476
the court imposing sentence upon the offender finds that the 1477
offender as a result of the violation is a major drug offender and 1478
is guilty of a specification of the type described in section 1479
2941.1410 of the Revised Code, the court, in lieu of the prison 1480
term otherwise authorized or required, shall impose upon the 1481
offender the mandatory prison term specified in division (D)(3)(a) 1482
of section 2929.14 of the Revised Code and may impose an 1483
additional prison term under division (D)(3)(b) of that section. 1484

(F) Notwithstanding any contrary provision of section 3719.21 1485
of the Revised Code, the clerk of the court shall pay a fine 1486
imposed for a violation of this section pursuant to division (A) 1487
of section 2929.18 of the Revised Code in accordance with and 1488
subject to the requirements of division (F) of section 2925.03 of 1489

the Revised Code. The agency that receives the fine shall use the 1490
fine as specified in division (F) of section 2925.03 of the 1491
Revised Code. 1492

Sec. 3719.06. (A)(1) A licensed health professional 1493
authorized to prescribe drugs, if acting in the course of 1494
professional practice, in accordance with the laws regulating the 1495
professional's practice, and in accordance with rules adopted by 1496
the state board of pharmacy, may, except as provided in division 1497
(A)(2) ~~or~~, (3), or (4) of this section, do the following: 1498

(a) Prescribe schedule II, III, IV, and V controlled 1499
substances; 1500

(b) Administer or personally furnish to patients schedule II, 1501
III, IV, and V controlled substances; 1502

(c) Cause schedule II, III, IV, and V controlled substances 1503
to be administered under the prescriber's direction and 1504
supervision. 1505

(2) A licensed health professional authorized to prescribe 1506
drugs who is a clinical nurse specialist, certified nurse-midwife, 1507
or certified nurse practitioner is subject to both of the 1508
following: 1509

(a) A schedule II controlled substance may be prescribed only 1510
for a patient with a terminal condition, as defined in section 1511
2133.01 of the Revised Code, only if the nurse's collaborating 1512
physician initially prescribed the substance for the patient, and 1513
only in an amount that does not exceed the amount necessary for 1514
the patient's use in a single, twenty-four-hour period. 1515

(b) No schedule II controlled substance shall be personally 1516
furnished to any patient. 1517

(3) A licensed health professional authorized to prescribe 1518
drugs who is a physician assistant shall not prescribe or 1519

personally furnish to patients any controlled substance that is 1520
not included in the physician-delegated prescriptive authority 1521
granted to the physician assistant in accordance with Chapter 1522
4730. of the Revised Code. 1523

(4) A licensed health professional authorized to prescribe 1524
drugs who is a licensed psychologist shall not prescribe, 1525
administer, cause to be administered, or personally furnish any 1526
controlled substance other than pursuant to the prescriptive 1527
authority granted to the psychologist by the certificate to 1528
prescribe psychotropic drugs issued under section 4732.29 of the 1529
Revised Code. 1530

(B) No licensed health professional authorized to prescribe 1531
drugs shall prescribe, administer, or personally furnish a 1532
schedule III anabolic steroid for the purpose of human muscle 1533
building or enhancing human athletic performance and no pharmacist 1534
shall dispense a schedule III anabolic steroid for either purpose, 1535
unless it has been approved for that purpose under the "Federal 1536
Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 1537
301, as amended. 1538

(C) Each written prescription shall be properly executed, 1539
dated, and signed by the prescriber on the day when issued and 1540
shall bear the full name and address of the person for whom, or 1541
the owner of the animal for which, the controlled substance is 1542
prescribed and the full name, address, and registry number under 1543
the federal drug abuse control laws of the prescriber. If the 1544
prescription is for an animal, it shall state the species of the 1545
animal for which the controlled substance is prescribed. 1546

Sec. 3719.81. (A) As used in this section, "sample drug" has 1547
the same meaning as in section 2925.01 of the Revised Code. 1548

(B) A person may furnish another a sample drug, if all of the 1549
following apply: 1550

(1) The sample drug is furnished free of charge by a 1551
manufacturer, manufacturer's representative, or wholesale dealer 1552
in pharmaceuticals to a licensed health professional authorized to 1553
prescribe drugs, or is furnished free of charge by such a 1554
professional to a patient for use as medication; 1555

(2) The sample drug is in the original container in which it 1556
was placed by the manufacturer, and the container is plainly 1557
marked as a sample; 1558

(3) Prior to its being furnished, the sample drug has been 1559
stored under the proper conditions to prevent its deterioration or 1560
contamination; 1561

(4) If the sample drug is of a type which deteriorates with 1562
time, the sample container is plainly marked with the date beyond 1563
which the sample drug is unsafe to use, and the date has not 1564
expired on the sample furnished. Compliance with the labeling 1565
requirements of the "Federal Food, Drug, and Cosmetic Act," 52 1566
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall be deemed 1567
compliance with this section. 1568

(5) The sample drug is distributed, stored, or discarded in 1569
such a way that the sample drug may not be acquired or used by any 1570
unauthorized person, or by any person, including a child, for whom 1571
it may present a health or safety hazard. 1572

(C) Division (B) of this section does not do any of the 1573
following: 1574

(1) Apply to or restrict the furnishing of any sample of a 1575
nonnarcotic substance if the substance may, under the "Federal 1576
Food, Drug, and Cosmetic Act" and under the laws of this state, 1577
otherwise be lawfully sold over the counter without a 1578
prescription; 1579

(2) Authorize a licensed health professional authorized to 1580
prescribe drugs who is a clinical nurse specialist, certified 1581

nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 1582
physician assistant, or licensed psychologist to furnish a sample 1583
drug that is not a drug the professional is authorized to 1584
prescribe. 1585

(3) Prohibit a licensed health professional authorized to 1586
prescribe drugs, manufacturer of dangerous drugs, wholesale 1587
distributor of dangerous drugs, or representative of a 1588
manufacturer of dangerous drugs from furnishing a sample drug to a 1589
charitable pharmacy in accordance with section 3719.811 of the 1590
Revised Code. 1591

(4) Prohibit a pharmacist working, whether or not for 1592
compensation, in a charitable pharmacy from dispensing a sample 1593
drug to a person in accordance with section 3719.811 of the 1594
Revised Code. 1595

(D) The state board of pharmacy shall, in accordance with 1596
Chapter 119. of the Revised Code, adopt rules as necessary to give 1597
effect to this section. 1598

Sec. 4729.01. As used in this chapter: 1599

(A) "Pharmacy," except when used in a context that refers to 1600
the practice of pharmacy, means any area, room, rooms, place of 1601
business, department, or portion of any of the foregoing where the 1602
practice of pharmacy is conducted. 1603

(B) "Practice of pharmacy" means providing pharmacist care 1604
requiring specialized knowledge, judgment, and skill derived from 1605
the principles of biological, chemical, behavioral, social, 1606
pharmaceutical, and clinical sciences. As used in this division, 1607
"pharmacist care" includes the following: 1608

(1) Interpreting prescriptions; 1609

(2) Dispensing drugs and drug therapy related devices; 1610

(3) Compounding drugs; 1611

(4) Counseling individuals with regard to their drug therapy, 1612
recommending drug therapy related devices, and assisting in the 1613
selection of drugs and appliances for treatment of common diseases 1614
and injuries and providing instruction in the proper use of the 1615
drugs and appliances; 1616

(5) Performing drug regimen reviews with individuals by 1617
discussing all of the drugs that the individual is taking and 1618
explaining the interactions of the drugs; 1619

(6) Performing drug utilization reviews with licensed health 1620
professionals authorized to prescribe drugs when the pharmacist 1621
determines that an individual with a prescription has a drug 1622
regimen that warrants additional discussion with the prescriber; 1623

(7) Advising an individual and the health care professionals 1624
treating an individual with regard to the individual's drug 1625
therapy; 1626

(8) Acting pursuant to a consult agreement with a physician 1627
authorized under Chapter 4731. of the Revised Code to practice 1628
medicine and surgery or osteopathic medicine and surgery, if an 1629
agreement has been established with the physician; 1630

(9) Engaging in the administration of immunizations to the 1631
extent authorized by section 4729.41 of the Revised Code. 1632

(C) "Compounding" means the preparation, mixing, assembling, 1633
packaging, and labeling of one or more drugs in any of the 1634
following circumstances: 1635

(1) Pursuant to a prescription issued by a licensed health 1636
professional authorized to prescribe drugs; 1637

(2) Pursuant to the modification of a prescription made in 1638
accordance with a consult agreement; 1639

(3) As an incident to research, teaching activities, or 1640
chemical analysis; 1641

(4) In anticipation of orders for drugs pursuant to 1642
prescriptions, based on routine, regularly observed dispensing 1643
patterns; 1644

(5) Pursuant to a request made by a licensed health 1645
professional authorized to prescribe drugs for a drug that is to 1646
be used by the professional for the purpose of direct 1647
administration to patients in the course of the professional's 1648
practice, if all of the following apply: 1649

(a) At the time the request is made, the drug is not 1650
commercially available regardless of the reason that the drug is 1651
not available, including the absence of a manufacturer for the 1652
drug or the lack of a readily available supply of the drug from a 1653
manufacturer. 1654

(b) A limited quantity of the drug is compounded and provided 1655
to the professional. 1656

(c) The drug is compounded and provided to the professional 1657
as an occasional exception to the normal practice of dispensing 1658
drugs pursuant to patient-specific prescriptions. 1659

(D) "Consult agreement" means an agreement to manage an 1660
individual's drug therapy that has been entered into by a 1661
pharmacist and a physician authorized under Chapter 4731. of the 1662
Revised Code to practice medicine and surgery or osteopathic 1663
medicine and surgery. 1664

(E) "Drug" means: 1665

(1) Any article recognized in the United States pharmacopoeia 1666
and national formulary, or any supplement to them, intended for 1667
use in the diagnosis, cure, mitigation, treatment, or prevention 1668
of disease in humans or animals; 1669

(2) Any other article intended for use in the diagnosis, 1670
cure, mitigation, treatment, or prevention of disease in humans or 1671

animals;	1672
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	1673 1674
(4) Any article intended for use as a component of any article specified in division (E)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	1675 1676 1677 1678
(F) "Dangerous drug" means any of the following:	1679
(1) Any drug to which either of the following applies:	1680
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	1681 1682 1683 1684 1685 1686 1687
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	1688 1689
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	1690 1691 1692
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.	1693 1694 1695
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	1696 1697
(H) "Prescription" means a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs.	1698 1699 1700 1701

(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

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

(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;

(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;

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

(5) A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code;

(6) A veterinarian licensed under Chapter 4741. of the Revised Code;

(7) A licensed psychologist who holds a certificate to prescribe psychotropic drugs issued under section 4732.29 of the Revised Code.

(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.

(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.

(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:

(1) The proprietary name of the drug product;

(2) The established (generic) name of the drug product;

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.

(4) The dosage form;

(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.

(O) "Wholesale distributor of dangerous drugs" means a person

engaged in the sale of dangerous drugs at wholesale and includes 1762
any agent or employee of such a person authorized by the person to 1763
engage in the sale of dangerous drugs at wholesale. 1764

(P) "Manufacturer of dangerous drugs" means a person, other 1765
than a pharmacist, who manufactures dangerous drugs and who is 1766
engaged in the sale of those dangerous drugs within this state. 1767

(Q) "Terminal distributor of dangerous drugs" means a person 1768
who is engaged in the sale of dangerous drugs at retail, or any 1769
person, other than a wholesale distributor or a pharmacist, who 1770
has possession, custody, or control of dangerous drugs for any 1771
purpose other than for that person's own use and consumption, and 1772
includes pharmacies, hospitals, nursing homes, and laboratories 1773
and all other persons who procure dangerous drugs for sale or 1774
other distribution by or under the supervision of a pharmacist or 1775
licensed health professional authorized to prescribe drugs. 1776

(R) "Promote to the public" means disseminating a 1777
representation to the public in any manner or by any means, other 1778
than by labeling, for the purpose of inducing, or that is likely 1779
to induce, directly or indirectly, the purchase of a dangerous 1780
drug at retail. 1781

(S) "Person" includes any individual, partnership, 1782
association, limited liability company, or corporation, the state, 1783
any political subdivision of the state, and any district, 1784
department, or agency of the state or its political subdivisions. 1785

(T) "Finished dosage form" has the same meaning as in section 1786
3715.01 of the Revised Code. 1787

(U) "Generically equivalent drug" has the same meaning as in 1788
section 3715.01 of the Revised Code. 1789

(V) "Animal shelter" means a facility operated by a humane 1790
society or any society organized under Chapter 1717. of the 1791
Revised Code or a dog pound operated pursuant to Chapter 955. of 1792

the Revised Code.	1793
(W) "Food" has the same meaning as in section 3715.01 of the Revised Code.	1794 1795
Sec. 4729.51. (A) No person other than a registered wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs, except as follows:	1796 1797 1798 1799
(1) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale;	1800 1801 1802 1803
(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or delivery.	1804 1805 1806 1807 1808 1809 1810
(B)(1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following:	1811 1812 1813
(a) A licensed health professional authorized to prescribe drugs;	1814 1815
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	1816 1817 1818
(c) A registered wholesale distributor of dangerous drugs;	1819
(d) A manufacturer of dangerous drugs;	1820
(e) A licensed terminal distributor of dangerous drugs,	1821

subject to division (B)(2) of this section; 1822

(f) Carriers or warehousemen for the purpose of carriage or 1823
storage; 1824

(g) Terminal or wholesale distributors of dangerous drugs who 1825
are not engaged in the sale of dangerous drugs within this state; 1826

(h) An individual who holds a current license, certificate, 1827
or registration issued under Title 47 of the Revised Code and has 1828
been certified to conduct diabetes education by a national 1829
certifying body specified in rules adopted by the state board of 1830
pharmacy under section 4729.68 of the Revised Code, but only with 1831
respect to insulin that will be used for the purpose of diabetes 1832
education and only if diabetes education is within the 1833
individual's scope of practice under statutes and rules regulating 1834
the individual's profession; 1835

(i) An individual who holds a valid certificate issued by a 1836
nationally recognized S.C.U.B.A. diving certifying organization 1837
approved by the pharmacy board in rule, but only with respect to 1838
medical oxygen that will be used for the purpose of emergency care 1839
or treatment at the scene of a diving emergency; 1840

(j) A business entity that is a corporation formed under 1841
division (B) of section 1701.03 of the Revised Code, a limited 1842
liability company formed under Chapter 1705. of the Revised Code, 1843
or a professional association formed under Chapter 1785. of the 1844
Revised Code if the entity has a sole shareholder who is a 1845
licensed health professional authorized to prescribe drugs and is 1846
authorized to provide the professional services being offered by 1847
the entity; 1848

(k) A business entity that is a corporation formed under 1849
division (B) of section 1701.03 of the Revised Code, a limited 1850
liability company formed under Chapter 1705. of the Revised Code, 1851
a partnership or a limited liability partnership formed under 1852

Chapter 1775. of the Revised Code, or a professional association 1853
formed under Chapter 1785. of the Revised Code, if, to be a 1854
shareholder, member, or partner, an individual is required to be 1855
licensed, certified, or otherwise legally authorized under Title 1856
XLVII of the Revised Code to perform the professional service 1857
provided by the entity and each such individual is a licensed 1858
health professional authorized to prescribe drugs. 1859

(2) No registered wholesale distributor of dangerous drugs 1860
shall possess dangerous drugs for sale at wholesale, or sell such 1861
drugs at wholesale, to a licensed terminal distributor of 1862
dangerous drugs, except to: 1863

(a) A terminal distributor who has a category I license, only 1864
dangerous drugs described in category I, as defined in division 1865
(A)(1) of section 4729.54 of the Revised Code; 1866

(b) A terminal distributor who has a category II license, 1867
only dangerous drugs described in category I and category II, as 1868
defined in divisions (A)(1) and (2) of section 4729.54 of the 1869
Revised Code; 1870

(c) A terminal distributor who has a category III license, 1871
dangerous drugs described in category I, category II, and category 1872
III, as defined in divisions (A)(1), (2), and (3) of section 1873
4729.54 of the Revised Code; 1874

(d) A terminal distributor who has a limited category I, II, 1875
or III license, only the dangerous drugs specified in the 1876
certificate furnished by the terminal distributor in accordance 1877
with section 4729.60 of the Revised Code. 1878

(C)(1) Except as provided in division (C)(4) of this section, 1879
no person shall sell, at retail, dangerous drugs. 1880

(2) Except as provided in division (C)(4) of this section, no 1881
person shall possess for sale, at retail, dangerous drugs. 1882

(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs.

(4) Divisions (C)(1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs, a licensed terminal distributor of dangerous drugs, or a person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code or section 5120.052 of the Revised Code.

Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only to the extent that the individual possesses insulin or personally supplies insulin solely for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession.

Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the pharmacy board in rule, but only to the extent that the individual possesses medical oxygen or personally supplies medical oxygen for the purpose of emergency care or treatment at the scene of a diving emergency.

(D) No licensed terminal distributor of dangerous drugs shall purchase for the purpose of resale dangerous drugs from any person other than a registered wholesale distributor of dangerous drugs, except as follows:

(1) A licensed terminal distributor of dangerous drugs may 1914
make occasional purchases of dangerous drugs for resale from a 1915
pharmacist who is a licensed terminal distributor of dangerous 1916
drugs or who is employed by a licensed terminal distributor of 1917
dangerous drugs; 1918

(2) A licensed terminal distributor of dangerous drugs having 1919
more than one establishment or place may transfer or receive 1920
dangerous drugs from one establishment or place for which a 1921
license has been issued to the terminal distributor to another 1922
establishment or place for which a license has been issued to the 1923
terminal distributor if the license issued for each establishment 1924
or place is in effect at the time of the transfer or receipt. 1925

(E) No licensed terminal distributor of dangerous drugs shall 1926
engage in the sale or other distribution of dangerous drugs at 1927
retail or maintain possession, custody, or control of dangerous 1928
drugs for any purpose other than the distributor's personal use or 1929
consumption, at any establishment or place other than that or 1930
those described in the license issued by the board of pharmacy to 1931
such terminal distributor. 1932

(F) Nothing in this section shall be construed to interfere 1933
with the performance of official duties by any law enforcement 1934
official authorized by municipal, county, state, or federal law to 1935
collect samples of any drug, regardless of its nature or in whose 1936
possession it may be. 1937

Sec. 4732.01. As used in ~~sections 4732.01 to 4732.25 of the~~ 1938
~~Revised Code~~ this chapter: 1939

(A) "Psychologist" means any person who holds self out to the 1940
public by any title or description of services incorporating the 1941
words "psychologic," "psychological," "psychologist," 1942
"psychology," or any other terms that imply the person is trained, 1943
experienced, or an expert in the field of psychology. 1944

(B) "The practice of psychology" means rendering or offering 1945
to render to individuals, groups, organizations, or the public any 1946
service involving the application of psychological procedures to 1947
assessment, diagnosis, prevention, treatment, or amelioration of 1948
psychological problems or emotional or mental disorders of 1949
individuals or groups; or to the assessment or improvement of 1950
psychological adjustment or functioning of individuals or groups, 1951
whether or not there is a diagnosable pre-existing psychological 1952
problem. Practice of psychology includes the practice of school 1953
psychology. For purposes of this chapter, teaching or research 1954
shall not be regarded as the practice of psychology, even when 1955
dealing with psychological subject matter, provided it does not 1956
otherwise involve the professional practice of psychology in which 1957
patient or client welfare is directly affected. 1958

(C) "Psychological procedures" include but are not restricted 1959
to application of principles, methods, or procedures of 1960
understanding, predicting, or influencing behavior, such as the 1961
principles pertaining to learning, conditioning, perception, 1962
motivation, thinking, emotions, or interpersonal relationships; 1963
the methods or procedures of verbal interaction, interviewing, 1964
counseling, behavior modification, environmental manipulation, 1965
group process, psychological psychotherapy, or hypnosis; and the 1966
methods or procedures of administering or interpreting tests of 1967
mental abilities, aptitudes, interests, attitudes, personality 1968
characteristics, emotions, or motivation. 1969

(D) "School psychologist" means any person who holds self out 1970
to the public by any title or description of services 1971
incorporating the words "school psychologist" or "school 1972
psychology," or who holds self out to be trained, experienced, or 1973
an expert in the practice of school psychology. 1974

(E) "Practice of school psychology" means rendering or 1975
offering to render to individuals, groups, organizations, or the 1976

public any of the following services:	1977
(1) Evaluation, diagnosis, or test interpretation limited to	1978
assessment of intellectual ability, learning patterns,	1979
achievement, motivation, or personality factors directly related	1980
to learning problems in an educational setting;	1981
(2) Counseling services for children or adults for	1982
amelioration or prevention of educationally related learning	1983
problems;	1984
(3) Educational or vocational consultation or direct	1985
educational services. This does not include industrial	1986
consultation or counseling services to clients undergoing	1987
vocational rehabilitation.	1988
(F) "Licensed psychologist" means an individual holding a	1989
current, valid license to practice psychology issued under section	1990
4732.12 or 4732.15 of the Revised Code.	1991
(G) "Licensed school psychologist" means an individual	1992
holding a current, valid license to practice school psychology	1993
issued under section 4732.12 or 4732.15 of the Revised Code.	1994
(H) "Certificated school psychologist" means an individual	1995
holding a current, valid school psychologist certificate issued	1996
under division (M) of section 3319.22 of the Revised Code.	1997
(I) "Mental health professional" and "mental health service"	1998
have the same meanings as in section 2305.51 of the Revised Code.	1999
<u>Sec. 4732.29. If, under section 5120.052 of the Revised Code,</u>	2000
<u>the director of rehabilitation and correction implements a program</u>	2001
<u>to improve the access of prisoners confined in state correctional</u>	2002
<u>institutions to psychotropic drugs, the state board of psychology</u>	2003
<u>shall issue a certificate to prescribe psychotropic drugs to a</u>	2004
<u>licensed psychologist who meets all of the following requirements:</u>	2005
	2006

<u>(A) Has a doctoral degree in psychology;</u>	2007
<u>(B) Has a postdoctoral master's degree in psychopharmacology or other degree of that nature acceptable to the board;</u>	2008 2009
<u>(C) Has passed the psychopharmacology examination for psychologists given by the college of professional psychology of the APA practice organization, a companion organization to the American psychological association;</u>	2010 2011 2012 2013
<u>(D) Is employed by the department of rehabilitation and correction;</u>	2014 2015
<u>(E) Complies with any requirements established by rules adopted under section 4732.291 of the Revised Code.</u>	2016 2017
<u>Sec. 4732.291. The state board of psychology shall adopt rules in accordance with Chapter 119. of the Revised Code governing the process of issuing a certificate to prescribe psychotropic drugs to a licensed psychologist under section 4732.29 of the Revised Code. The rules shall establish or specify all of the following:</u>	2018 2019 2020 2021 2022 2023
<u>(A) Procedures for renewing a certificate to prescribe psychotropic drugs at times specified in the rules;</u>	2024 2025
<u>(B) Reasons for which the board may revoke, in accordance with Chapter 119. of the Revised Code, a certificate to prescribe psychotropic drugs;</u>	2026 2027 2028
<u>(C) Anything else the board considers necessary to implement sections 4732.29 to 4732.293 of the Revised Code.</u>	2029 2030
<u>Sec. 4732.292. Not more than six licensed psychologists at one time may hold certificates to prescribe psychotropic drugs issued under section 4732.29 of the Revised Code.</u>	2031 2032 2033
<u>Sec. 4732.293. A certificate to prescribe psychotropic drugs</u>	2034

issued under section 4732.29 of the Revised Code authorizes a 2035
licensed psychologist holding the certificate only to prescribe, 2036
as part of the program established under section 5120.052 of the 2037
Revised Code, a psychotropic drug to a prisoner who is confined in 2038
a state correctional institution and diagnosed with a condition 2039
for which the psychotropic drug is appropriate. 2040

Sec. 5120.052. (A) As used in this section and section 2041
5120.053 of the Revised Code: 2042

"Certificate to prescribe psychotropic drugs" means a 2043
certificate the state board of psychology issues to a licensed 2044
psychologist under section 4732.29 of the Revised Code. 2045

"Licensed health professional authorized to prescribe drugs" 2046
has the same meaning as in section 4729.01 of the Revised Code. 2047

"Licensed psychologist" has the same meaning as in section 2048
4732.01 of the Revised Code. 2049

"Physician" means an individual who is authorized under 2050
Chapter 4731. of the Revised Code to practice medicine and surgery 2051
or osteopathic medicine and surgery. "Physician" includes a 2052
psychiatrist. 2053

"Psychiatrist" means a physician who has satisfactorily 2054
completed a residency training program in psychiatry, as approved 2055
by the residency review committee of the American medical 2056
association, the committee on postgraduate education of the 2057
American osteopathic association, or the American osteopathic 2058
board of neurology and psychiatry, or who on July 1, 1989, has 2059
been recognized as a psychiatrist by the Ohio state medical 2060
association or the Ohio osteopathic association on the basis of 2061
formal training and five or more years of medical practice limited 2062
to psychiatry. 2063

(B) The director of rehabilitation and correction may 2064

implement a program to improve the access of prisoners confined in 2065
state correctional institutions to psychotropic drugs. If 2066
implemented, the program shall provide for any of the following, 2067
while employed by the department of rehabilitation and correction, 2068
to prescribe a psychotropic drug to a prisoner confined in a state 2069
correctional institution who has been diagnosed with a condition 2070
for which the drug is appropriate: 2071

(1) A physician; 2072

(2) Subject to division (C)(1) of this section, a physician 2073
assistant who holds a certificate to prescribe issued under 2074
Chapter 4730. of the Revised Code and has been granted 2075
physician-delegated prescriptive authority by a supervisory 2076
physician; 2077

(3) Subject to division (C)(1) of this section, a clinical 2078
nurse specialist or certified nurse practitioner who holds a 2079
certificate to prescribe issued under section 4723.48 of the 2080
Revised Code; 2081

(4) A licensed psychologist who holds a certificate to 2082
prescribe psychotropic drugs. 2083

(C) This section does not do either of the following: 2084

(1) Authorize a person who is a physician assistant, clinical 2085
nurse specialist, or certified nurse practitioner to prescribe a 2086
psychotropic drug that is not a drug the person is authorized to 2087
prescribe; 2088

(2) Require that a licensed health professional authorized to 2089
prescribe drugs, other than a licensed psychologist holding a 2090
certificate to prescribe psychotropic drugs, prescribe drugs for a 2091
prisoner confined in a state correctional institution only as part 2092
of the program implemented under this section. 2093

Sec. 5120.053. The director of rehabilitation and correction 2094

may implement a program under which medical and behavioral health 2095
care professionals provide through telecommunication methods, to 2096
the extent consistent with the professionals' scope of practice, 2097
case consultation services, treatment services, or both for 2098
prisoners confined in state correctional institutions. A medical 2099
or behavioral health care professional may not provide a service 2100
for a prisoner as part of the telecommunication program until a 2101
physician, physician assistant, clinical nurse specialist, 2102
certified nurse practitioner, or licensed psychologist has met 2103
personally with the prisoner at least once. 2104

The director may specify which types of medical and 2105
behavioral health care professionals may participate in the 2106
telecommunication program. 2107

This section does not authorize any person to engage in the 2108
practice of telemedicine, as defined in section 4731.296 of the 2109
Revised Code, without holding a telemedicine certificate issued 2110
under that section. 2111

Section 2. That existing sections 2925.02, 2925.03, 2925.11, 2112
2925.12, 2925.14, 2925.23, 2925.36, 3719.06, 3719.81, 4729.01, 2113
4729.51, and 4732.01 of the Revised Code are hereby repealed. 2114