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Representatives Johnson, Bulp

**Cosponsors: Representatives Amstutz, Barnes, Buchy, Butler, Fende,
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Thompson, Winburn, Young Speaker Batchelder**

Senators Cafaro, Tavares, Brown

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A B I L L

To amend sections 2925.01, 2925.03, 2925.11, 2925.55, 1
2925.56, 2925.57, 2929.01, 3715.05, 3719.013, and 2
3719.41 and to enact sections 109.89, 3715.051, 3
3715.052, 3715.053, and 3715.054 of the Revised 4
Code to establish procedures regarding the 5
participation of pharmacies, retailers, and the 6
Attorney General in electronically tracking 7
pseudoephedrine and ephedrine product sales 8
through a national exchange; to specify that 9
certain classes of compounds and individual 10
compounds are schedule I controlled substances; to 11

create the offenses of trafficking in and 12
possession of controlled substance analogs; and to 13
declare an emergency. 14

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

Section 1. That sections 2925.01, 2925.03, 2925.11, 2925.55, 15
2925.56, 2925.57, 2929.01, 3715.05, 3719.013, and 3719.41 be 16
amended and sections 109.89, 3715.051, 3715.052, 3715.053, and 17
3715.054 of the Revised Code be enacted to read as follows: 18

Sec. 109.89. (A) As used in this section, "pseudoephedrine 19
product," "ephedrine product," "national precursor log exchange," 20
and "exchange" have the same meanings as in section 3715.05 of the 21
Revised Code. 22

(B) The attorney general may enter into a contract or 23
memorandum of understanding with the national association of drug 24
diversion investigators or its successor organization and, if the 25
attorney general determines it to be appropriate, a person to whom 26
the authority to administer the national precursor log exchange 27
has been delegated. The contract or memorandum shall govern the 28
attorney general's access to and use of information from the 29
exchange and the responsibilities of each party to the contract or 30
memorandum relative to the access and use of the information. 31

(C) In furtherance of the purpose of the contract or 32
memorandum of understanding as described in division (B) of this 33
section, the contract or memorandum shall include terms that do 34
all of the following: 35

(1) Authorize the attorney general to obtain real-time access 36
to information from the national precursor log exchange; 37

(2) Authorize the attorney general to receive, on a weekly 38
basis, a report regarding sales of pseudoephedrine products and 39

ephedrine products in this state as monitored by the exchange, the 40
specific content of which shall be identified in the contract or 41
memorandum; 42

(3) Authorize the attorney general to disseminate any 43
information obtained pursuant to division (C)(1) or (2) of this 44
section to other state and local law enforcement officers as 45
determined to be appropriate by the attorney general; 46

(4) Specify that neither the attorney general nor any local 47
or state law enforcement officer is to be charged a fee for access 48
to or use of the national precursor log exchange or information 49
from the exchange authorized by this section or by the contract or 50
memorandum; 51

(5) Require all parties to the contract or memorandum to 52
comply with federal and state laws governing the confidentiality 53
of patient-specific information; 54

(6) Specify how the contract or memorandum may be amended or 55
revoked. 56

Sec. 2925.01. As used in this chapter: 57

(A) "Administer," "controlled substance," "controlled 58
substance analog," "dispense," "distribute," "hypodermic," 59
"manufacturer," "official written order," "person," "pharmacist," 60
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 61
"schedule IV," "schedule V," and "wholesaler" have the same 62
meanings as in section 3719.01 of the Revised Code. 63

(B) "Drug dependent person" and "drug of abuse" have the same 64
meanings as in section 3719.011 of the Revised Code. 65

(C) "Drug," "dangerous drug," "licensed health professional 66
authorized to prescribe drugs," and "prescription" have the same 67
meanings as in section 4729.01 of the Revised Code. 68

(D) "Bulk amount" of a controlled substance means any of the 69

following:	70
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of <u>controlled substance analogs</u> , marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:	71 72 73 74 75 76
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	77 78 79 80
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	81 82 83
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	84 85 86 87 88
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;	89 90 91 92 93
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	94 95 96
(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains	97 98 99 100

any amount of a schedule II stimulant that is in a final dosage 101
form manufactured by a person authorized by the "Federal Food, 102
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 103
amended, and the federal drug abuse control laws, as defined in 104
section 3719.01 of the Revised Code, that is or contains any 105
amount of a schedule II depressant substance or a schedule II 106
hallucinogenic substance; 107

(g) An amount equal to or exceeding three grams of a 108
compound, mixture, preparation, or substance that is or contains 109
any amount of a schedule II stimulant, or any of its salts or 110
isomers, that is not in a final dosage form manufactured by a 111
person authorized by the Federal Food, Drug, and Cosmetic Act and 112
the federal drug abuse control laws. 113

(2) An amount equal to or exceeding one hundred twenty grams 114
or thirty times the maximum daily dose in the usual dose range 115
specified in a standard pharmaceutical reference manual of a 116
compound, mixture, preparation, or substance that is or contains 117
any amount of a schedule III or IV substance other than an 118
anabolic steroid or a schedule III opiate or opium derivative; 119

(3) An amount equal to or exceeding twenty grams or five 120
times the maximum daily dose in the usual dose range specified in 121
a standard pharmaceutical reference manual of a compound, mixture, 122
preparation, or substance that is or contains any amount of a 123
schedule III opiate or opium derivative; 124

(4) An amount equal to or exceeding two hundred fifty 125
milliliters or two hundred fifty grams of a compound, mixture, 126
preparation, or substance that is or contains any amount of a 127
schedule V substance; 128

(5) An amount equal to or exceeding two hundred solid dosage 129
units, sixteen grams, or sixteen milliliters of a compound, 130
mixture, preparation, or substance that is or contains any amount 131

of a schedule III anabolic steroid. 132

(E) "Unit dose" means an amount or unit of a compound, 133
mixture, or preparation containing a controlled substance that is 134
separately identifiable and in a form that indicates that it is 135
the amount or unit by which the controlled substance is separately 136
administered to or taken by an individual. 137

(F) "Cultivate" includes planting, watering, fertilizing, or 138
tilling. 139

(G) "Drug abuse offense" means any of the following: 140

(1) A violation of division (A) of section 2913.02 that 141
constitutes theft of drugs, or a violation of section 2925.02, 142
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 143
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 144
2925.37 of the Revised Code; 145

(2) A violation of an existing or former law of this or any 146
other state or of the United States that is substantially 147
equivalent to any section listed in division (G)(1) of this 148
section; 149

(3) An offense under an existing or former law of this or any 150
other state, or of the United States, of which planting, 151
cultivating, harvesting, processing, making, manufacturing, 152
producing, shipping, transporting, delivering, acquiring, 153
possessing, storing, distributing, dispensing, selling, inducing 154
another to use, administering to another, using, or otherwise 155
dealing with a controlled substance is an element; 156

(4) A conspiracy to commit, attempt to commit, or complicity 157
in committing or attempting to commit any offense under division 158
(G)(1), (2), or (3) of this section. 159

(H) "Felony drug abuse offense" means any drug abuse offense 160
that would constitute a felony under the laws of this state, any 161

other state, or the United States. 162

(I) "Harmful intoxicant" does not include beer or 163
intoxicating liquor but means any of the following: 164

(1) Any compound, mixture, preparation, or substance the gas, 165
fumes, or vapor of which when inhaled can induce intoxication, 166
excitement, giddiness, irrational behavior, depression, 167
stupefaction, paralysis, unconsciousness, asphyxiation, or other 168
harmful physiological effects, and includes, but is not limited 169
to, any of the following: 170

(a) Any volatile organic solvent, plastic cement, model 171
cement, fingernail polish remover, lacquer thinner, cleaning 172
fluid, gasoline, or other preparation containing a volatile 173
organic solvent; 174

(b) Any aerosol propellant; 175

(c) Any fluorocarbon refrigerant; 176

(d) Any anesthetic gas. 177

(2) Gamma Butyrolactone; 178

(3) 1,4 Butanediol. 179

(J) "Manufacture" means to plant, cultivate, harvest, 180
process, make, prepare, or otherwise engage in any part of the 181
production of a drug, by propagation, extraction, chemical 182
synthesis, or compounding, or any combination of the same, and 183
includes packaging, repackaging, labeling, and other activities 184
incident to production. 185

(K) "Possess" or "possession" means having control over a 186
thing or substance, but may not be inferred solely from mere 187
access to the thing or substance through ownership or occupation 188
of the premises upon which the thing or substance is found. 189

(L) "Sample drug" means a drug or pharmaceutical preparation 190
that would be hazardous to health or safety if used without the 191

supervision of a licensed health professional authorized to 192
prescribe drugs, or a drug of abuse, and that, at one time, had 193
been placed in a container plainly marked as a sample by a 194
manufacturer. 195

(M) "Standard pharmaceutical reference manual" means the 196
current edition, with cumulative changes if any, of ~~any of the~~ 197
~~following reference works:~~ 198

~~(1) "The National Formulary"; 199~~

~~(2) "The United States Pharmacopeia," prepared by authority 200
of the United States Pharmacopoeial Convention, Inc.;~~ 201

~~(3) Other standard~~ references that are approved by the state 202
board of pharmacy. 203

(N) "Juvenile" means a person under eighteen years of age. 204

(O) "Counterfeit controlled substance" means any of the 205
following: 206

(1) Any drug that bears, or whose container or label bears, a 207
trademark, trade name, or other identifying mark used without 208
authorization of the owner of rights to that trademark, trade 209
name, or identifying mark; 210

(2) Any unmarked or unlabeled substance that is represented 211
to be a controlled substance manufactured, processed, packed, or 212
distributed by a person other than the person that manufactured, 213
processed, packed, or distributed it; 214

(3) Any substance that is represented to be a controlled 215
substance but is not a controlled substance or is a different 216
controlled substance; 217

(4) Any substance other than a controlled substance that a 218
reasonable person would believe to be a controlled substance 219
because of its similarity in shape, size, and color, or its 220
markings, labeling, packaging, distribution, or the price for 221

which it is sold or offered for sale. 222

(P) An offense is "committed in the vicinity of a school" if 223
the offender commits the offense on school premises, in a school 224
building, or within one thousand feet of the boundaries of any 225
school premises, regardless of whether the offender knows the 226
offense is being committed on school premises, in a school 227
building, or within one thousand feet of the boundaries of any 228
school premises. 229

(Q) "School" means any school operated by a board of 230
education, any community school established under Chapter 3314. of 231
the Revised Code, or any nonpublic school for which the state 232
board of education prescribes minimum standards under section 233
3301.07 of the Revised Code, whether or not any instruction, 234
extracurricular activities, or training provided by the school is 235
being conducted at the time a criminal offense is committed. 236

(R) "School premises" means either of the following: 237

(1) The parcel of real property on which any school is 238
situated, whether or not any instruction, extracurricular 239
activities, or training provided by the school is being conducted 240
on the premises at the time a criminal offense is committed; 241

(2) Any other parcel of real property that is owned or leased 242
by a board of education of a school, the governing authority of a 243
community school established under Chapter 3314. of the Revised 244
Code, or the governing body of a nonpublic school for which the 245
state board of education prescribes minimum standards under 246
section 3301.07 of the Revised Code and on which some of the 247
instruction, extracurricular activities, or training of the school 248
is conducted, whether or not any instruction, extracurricular 249
activities, or training provided by the school is being conducted 250
on the parcel of real property at the time a criminal offense is 251
committed. 252

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

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

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

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

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

(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;

(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(3) A person who holds a certificate of qualification to

practice architecture issued or renewed and registered under	284
Chapter 4703. of the Revised Code;	285
(4) A person who is registered as a landscape architect under	286
Chapter 4703. of the Revised Code or who holds a permit as a	287
landscape architect issued under that chapter;	288
(5) A person licensed under Chapter 4707. of the Revised	289
Code;	290
(6) A person who has been issued a certificate of	291
registration as a registered barber under Chapter 4709. of the	292
Revised Code;	293
(7) A person licensed and regulated to engage in the business	294
of a debt pooling company by a legislative authority, under	295
authority of Chapter 4710. of the Revised Code;	296
(8) A person who has been issued a cosmetologist's license,	297
hair designer's license, manicurist's license, esthetician's	298
license, natural hair stylist's license, managing cosmetologist's	299
license, managing hair designer's license, managing manicurist's	300
license, managing esthetician's license, managing natural hair	301
stylist's license, cosmetology instructor's license, hair design	302
instructor's license, manicurist instructor's license, esthetics	303
instructor's license, natural hair style instructor's license,	304
independent contractor's license, or tanning facility permit under	305
Chapter 4713. of the Revised Code;	306
(9) A person who has been issued a license to practice	307
dentistry, a general anesthesia permit, a conscious intravenous	308
sedation permit, a limited resident's license, a limited teaching	309
license, a dental hygienist's license, or a dental hygienist's	310
teacher's certificate under Chapter 4715. of the Revised Code;	311
(10) A person who has been issued an embalmer's license, a	312
funeral director's license, a funeral home license, or a crematory	313
license, or who has been registered for an embalmer's or funeral	314

director's apprenticeship under Chapter 4717. of the Revised Code;	315
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	316 317 318 319
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	320 321 322
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	323 324
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	325 326
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	327 328 329 330
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	331 332
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	333 334 335 336
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	337 338
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	339 340
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	341 342
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	343 344

(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	345 346
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	347 348
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	349 350
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	351 352
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	353 354 355 356
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	357 358 359
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	360 361 362
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	363 364 365
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	366 367 368
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	369 370
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	371 372 373 374

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	375 376
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	377 378 379
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	380 381
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	382 383 384
(X) "Cocaine" means any of the following:	385
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	386 387
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	388 389 390 391
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	392 393 394 395 396 397
(Y) "L.S.D." means lysergic acid diethylamide.	398
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	399 400 401
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	402 403
(BB) An offense is "committed in the vicinity of a juvenile"	404

if the offender commits the offense within one hundred feet of a 405
juvenile or within the view of a juvenile, regardless of whether 406
the offender knows the age of the juvenile, whether the offender 407
knows the offense is being committed within one hundred feet of or 408
within view of the juvenile, or whether the juvenile actually 409
views the commission of the offense. 410

(CC) "Presumption for a prison term" or "presumption that a 411
prison term shall be imposed" means a presumption, as described in 412
division (D) of section 2929.13 of the Revised Code, that a prison 413
term is a necessary sanction for a felony in order to comply with 414
the purposes and principles of sentencing under section 2929.11 of 415
the Revised Code. 416

(DD) "Major drug offender" has the same meaning as in section 417
2929.01 of the Revised Code. 418

(EE) "Minor drug possession offense" means either of the 419
following: 420

(1) A violation of section 2925.11 of the Revised Code as it 421
existed prior to July 1, 1996; 422

(2) A violation of section 2925.11 of the Revised Code as it 423
exists on and after July 1, 1996, that is a misdemeanor or a 424
felony of the fifth degree. 425

(FF) "Mandatory prison term" has the same meaning as in 426
section 2929.01 of the Revised Code. 427

(GG) "Adulterate" means to cause a drug to be adulterated as 428
described in section 3715.63 of the Revised Code. 429

(HH) "Public premises" means any hotel, restaurant, tavern, 430
store, arena, hall, or other place of public accommodation, 431
business, amusement, or resort. 432

(II) "Methamphetamine" means methamphetamine, any salt, 433
isomer, or salt of an isomer of methamphetamine, or any compound, 434

mixture, preparation, or substance containing methamphetamine or 435
any salt, isomer, or salt of an isomer of methamphetamine. 436

(JJ) "Lawful prescription" means a prescription that is 437
issued for a legitimate medical purpose by a licensed health 438
professional authorized to prescribe drugs, that is not altered or 439
forged, and that was not obtained by means of deception or by the 440
commission of any theft offense. 441

(KK) "Deception" and "theft offense" have the same meanings 442
as in section 2913.01 of the Revised Code. 443

Sec. 2925.03. (A) No person shall knowingly do any of the 444
following: 445

(1) Sell or offer to sell a controlled substance or a 446
controlled substance analog; 447

(2) Prepare for shipment, ship, transport, deliver, prepare 448
for distribution, or distribute a controlled substance or a 449
controlled substance analog, when the offender knows or has 450
reasonable cause to believe that the controlled substance or a 451
controlled substance analog is intended for sale or resale by the 452
offender or another person. 453

(B) This section does not apply to any of the following: 454

(1) Manufacturers, licensed health professionals authorized 455
to prescribe drugs, pharmacists, owners of pharmacies, and other 456
persons whose conduct is in accordance with Chapters 3719., 4715., 457
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 458

(2) If the offense involves an anabolic steroid, any person 459
who is conducting or participating in a research project involving 460
the use of an anabolic steroid if the project has been approved by 461
the United States food and drug administration; 462

(3) Any person who sells, offers for sale, prescribes, 463
dispenses, or administers for livestock or other nonhuman species 464

an anabolic steroid that is expressly intended for administration 465
through implants to livestock or other nonhuman species and 466
approved for that purpose under the "Federal Food, Drug, and 467
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 468
and is sold, offered for sale, prescribed, dispensed, or 469
administered for that purpose in accordance with that act. 470

(C) Whoever violates division (A) of this section is guilty 471
of one of the following: 472

(1) If the drug involved in the violation is any compound, 473
mixture, preparation, or substance included in schedule I or 474
schedule II, with the exception of marihuana, 475
~~1-Pentyl 3-(1-naphthoyl)indole, 1-Butyl 3-(1-naphthoyl)indole,~~ 476
~~1-[2-(4-morpholinyl)ethyl] 3-(1-naphthoyl)indole,~~ 477
~~5-(1,1-dimethylheptyl) 2-[(1R,3S)-3-hydroxycyclohexyl]-phenol,~~ 478
~~5-(1,1-dimethyloctyl) 2-[(1R,3S)-3-hydroxycyclohexyl]-phenol,~~ 479
cocaine, L.S.D., heroin, and hashish, and controlled substance 480
analogs, whoever violates division (A) of this section is guilty 481
of aggravated trafficking in drugs. The penalty for the offense 482
shall be determined as follows: 483

(a) Except as otherwise provided in division (C)(1)(b), (c), 484
(d), (e), or (f) of this section, aggravated trafficking in drugs 485
is a felony of the fourth degree, and division (C) of section 486
2929.13 of the Revised Code applies in determining whether to 487
impose a prison term on the offender. 488

(b) Except as otherwise provided in division (C)(1)(c), (d), 489
(e), or (f) of this section, if the offense was committed in the 490
vicinity of a school or in the vicinity of a juvenile, aggravated 491
trafficking in drugs is a felony of the third degree, and division 492
(C) of section 2929.13 of the Revised Code applies in determining 493
whether to impose a prison term on the offender. 494

(c) Except as otherwise provided in this division, if the 495

amount of the drug involved equals or exceeds the bulk amount but 496
is less than five times the bulk amount, aggravated trafficking in 497
drugs is a felony of the third degree, and, except as otherwise 498
provided in this division, there is a presumption for a prison 499
term for the offense. If aggravated trafficking in drugs is a 500
felony of the third degree under this division and if the offender 501
two or more times previously has been convicted of or pleaded 502
guilty to a felony drug abuse offense, the court shall impose as a 503
mandatory prison term one of the prison terms prescribed for a 504
felony of the third degree. If the amount of the drug involved is 505
within that range and if the offense was committed in the vicinity 506
of a school or in the vicinity of a juvenile, aggravated 507
trafficking in drugs is a felony of the second degree, and the 508
court shall impose as a mandatory prison term one of the prison 509
terms prescribed for a felony of the second degree. 510

(d) Except as otherwise provided in this division, if the 511
amount of the drug involved equals or exceeds five times the bulk 512
amount but is less than fifty times the bulk amount, aggravated 513
trafficking in drugs is a felony of the second degree, and the 514
court shall impose as a mandatory prison term one of the prison 515
terms prescribed for a felony of the second degree. If the amount 516
of the drug involved is within that range and if the offense was 517
committed in the vicinity of a school or in the vicinity of a 518
juvenile, aggravated trafficking in drugs is a felony of the first 519
degree, and the court shall impose as a mandatory prison term one 520
of the prison terms prescribed for a felony of the first degree. 521

(e) If the amount of the drug involved equals or exceeds 522
fifty times the bulk amount but is less than one hundred times the 523
bulk amount and regardless of whether the offense was committed in 524
the vicinity of a school or in the vicinity of a juvenile, 525
aggravated trafficking in drugs is a felony of the first degree, 526
and the court shall impose as a mandatory prison term one of the 527

prison terms prescribed for a felony of the first degree. 528

(f) If the amount of the drug involved equals or exceeds one 529
hundred times the bulk amount and regardless of whether the 530
offense was committed in the vicinity of a school or in the 531
vicinity of a juvenile, aggravated trafficking in drugs is a 532
felony of the first degree, the offender is a major drug offender, 533
and the court shall impose as a mandatory prison term the maximum 534
prison term prescribed for a felony of the first degree. 535

(2) If the drug involved in the violation is any compound, 536
mixture, preparation, or substance included in schedule III, IV, 537
or V, whoever violates division (A) of this section is guilty of 538
trafficking in drugs. The penalty for the offense shall be 539
determined as follows: 540

(a) Except as otherwise provided in division (C)(2)(b), (c), 541
(d), or (e) of this section, trafficking in drugs is a felony of 542
the fifth degree, and division (B) of section 2929.13 of the 543
Revised Code applies in determining whether to impose a prison 544
term on the offender. 545

(b) Except as otherwise provided in division (C)(2)(c), (d), 546
or (e) of this section, if the offense was committed in the 547
vicinity of a school or in the vicinity of a juvenile, trafficking 548
in drugs is a felony of the fourth degree, and division (C) of 549
section 2929.13 of the Revised Code applies in determining whether 550
to impose a prison term on the offender. 551

(c) Except as otherwise provided in this division, if the 552
amount of the drug involved equals or exceeds the bulk amount but 553
is less than five times the bulk amount, trafficking in drugs is a 554
felony of the fourth degree, and division (B) of section 2929.13 555
of the Revised Code applies in determining whether to impose a 556
prison term for the offense. If the amount of the drug involved is 557
within that range and if the offense was committed in the vicinity 558

of a school or in the vicinity of a juvenile, trafficking in drugs 559
is a felony of the third degree, and there is a presumption for a 560
prison term for the offense. 561

(d) Except as otherwise provided in this division, if the 562
amount of the drug involved equals or exceeds five times the bulk 563
amount but is less than fifty times the bulk amount, trafficking 564
in drugs is a felony of the third degree, and there is a 565
presumption for a prison term for the offense. If the amount of 566
the drug involved is within that range and if the offense was 567
committed in the vicinity of a school or in the vicinity of a 568
juvenile, trafficking in drugs is a felony of the second degree, 569
and there is a presumption for a prison term for the offense. 570

(e) Except as otherwise provided in this division, if the 571
amount of the drug involved equals or exceeds fifty times the bulk 572
amount, trafficking in drugs is a felony of the second degree, and 573
the court shall impose as a mandatory prison term one of the 574
prison terms prescribed for a felony of the second degree. If the 575
amount of the drug involved equals or exceeds fifty times the bulk 576
amount and if the offense was committed in the vicinity of a 577
school or in the vicinity of a juvenile, trafficking in drugs is a 578
felony of the first degree, and the court shall impose as a 579
mandatory prison term one of the prison terms prescribed for a 580
felony of the first degree. 581

(3) If the drug involved in the violation is marihuana or a 582
compound, mixture, preparation, or substance containing marihuana 583
other than hashish, whoever violates division (A) of this section 584
is guilty of trafficking in marihuana. The penalty for the offense 585
shall be determined as follows: 586

(a) Except as otherwise provided in division (C)(3)(b), (c), 587
(d), (e), (f), (g), or (h) of this section, trafficking in 588
marihuana is a felony of the fifth degree, and division (B) of 589
section 2929.13 of the Revised Code applies in determining whether 590

to impose a prison term on the offender. 591

(b) Except as otherwise provided in division (C)(3)(c), (d), 592
(e), (f), (g), or (h) of this section, if the offense was 593
committed in the vicinity of a school or in the vicinity of a 594
juvenile, trafficking in marihuana is a felony of the fourth 595
degree, and division (B) of section 2929.13 of the Revised Code 596
applies in determining whether to impose a prison term on the 597
offender. 598

(c) Except as otherwise provided in this division, if the 599
amount of the drug involved equals or exceeds two hundred grams 600
but is less than one thousand grams, trafficking in marihuana is a 601
felony of the fourth degree, and division (B) of section 2929.13 602
of the Revised Code applies in determining whether to impose a 603
prison term on the offender. If the amount of the drug involved is 604
within that range and if the offense was committed in the vicinity 605
of a school or in the vicinity of a juvenile, trafficking in 606
marihuana is a felony of the third degree, and division (C) of 607
section 2929.13 of the Revised Code applies in determining whether 608
to impose a prison term on the offender. 609

(d) Except as otherwise provided in this division, if the 610
amount of the drug involved equals or exceeds one thousand grams 611
but is less than five thousand grams, trafficking in marihuana is 612
a felony of the third degree, and division (C) of section 2929.13 613
of the Revised Code applies in determining whether to impose a 614
prison term on the offender. If the amount of the drug involved is 615
within that range and if the offense was committed in the vicinity 616
of a school or in the vicinity of a juvenile, trafficking in 617
marihuana is a felony of the second degree, and there is a 618
presumption that a prison term shall be imposed for the offense. 619

(e) Except as otherwise provided in this division, if the 620
amount of the drug involved equals or exceeds five thousand grams 621
but is less than twenty thousand grams, trafficking in marihuana 622

is a felony of the third degree, and there is a presumption that a 623
prison term shall be imposed for the offense. If the amount of the 624
drug involved is within that range and if the offense was 625
committed in the vicinity of a school or in the vicinity of a 626
juvenile, trafficking in marihuana is a felony of the second 627
degree, and there is a presumption that a prison term shall be 628
imposed for the offense. 629

(f) Except as otherwise provided in this division, if the 630
amount of the drug involved equals or exceeds twenty thousand 631
grams but is less than forty thousand grams, trafficking in 632
marihuana is a felony of the second degree, and the court shall 633
impose a mandatory prison term of five, six, seven, or eight 634
years. If the amount of the drug involved is within that range and 635
if the offense was committed in the vicinity of a school or in the 636
vicinity of a juvenile, trafficking in marihuana is a felony of 637
the first degree, and the court shall impose as a mandatory prison 638
term the maximum prison term prescribed for a felony of the first 639
degree. 640

(g) Except as otherwise provided in this division, if the 641
amount of the drug involved equals or exceeds forty thousand 642
grams, trafficking in marihuana is a felony of the second degree, 643
and the court shall impose as a mandatory prison term the maximum 644
prison term prescribed for a felony of the second degree. If the 645
amount of the drug involved equals or exceeds forty thousand grams 646
and if the offense was committed in the vicinity of a school or in 647
the vicinity of a juvenile, trafficking in marihuana is a felony 648
of the first degree, and the court shall impose as a mandatory 649
prison term the maximum prison term prescribed for a felony of the 650
first degree. 651

(h) Except as otherwise provided in this division, if the 652
offense involves a gift of twenty grams or less of marihuana, 653
trafficking in marihuana is a minor misdemeanor upon a first 654

offense and a misdemeanor of the third degree upon a subsequent 655
offense. If the offense involves a gift of twenty grams or less of 656
marihuana and if the offense was committed in the vicinity of a 657
school or in the vicinity of a juvenile, trafficking in marihuana 658
is a misdemeanor of the third degree. 659

(4) If the drug involved in the violation is cocaine or a 660
compound, mixture, preparation, or substance containing cocaine, 661
whoever violates division (A) of this section is guilty of 662
trafficking in cocaine. The penalty for the offense shall be 663
determined as follows: 664

(a) Except as otherwise provided in division (C)(4)(b), (c), 665
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 666
felony of the fifth degree, and division (B) of section 2929.13 of 667
the Revised Code applies in determining whether to impose a prison 668
term on the offender. 669

(b) Except as otherwise provided in division (C)(4)(c), (d), 670
(e), (f), or (g) of this section, if the offense was committed in 671
the vicinity of a school or in the vicinity of a juvenile, 672
trafficking in cocaine is a felony of the fourth degree, and 673
division (C) of section 2929.13 of the Revised Code applies in 674
determining whether to impose a prison term on the offender. 675

(c) Except as otherwise provided in this division, if the 676
amount of the drug involved equals or exceeds five grams but is 677
less than ten grams of cocaine, trafficking in cocaine is a felony 678
of the fourth degree, and division (B) of section 2929.13 of the 679
Revised Code applies in determining whether to impose a prison 680
term for the offense. If the amount of the drug involved is within 681
that range and if the offense was committed in the vicinity of a 682
school or in the vicinity of a juvenile, trafficking in cocaine is 683
a felony of the third degree, and there is a presumption for a 684
prison term for the offense. 685

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, 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 cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of 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 that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall

impose as a mandatory prison term one of the prison terms 718
prescribed for a felony of the first degree. 719

(g) If the amount of the drug involved equals or exceeds one 720
hundred grams of cocaine and regardless of whether the offense was 721
committed in the vicinity of a school or in the vicinity of a 722
juvenile, trafficking in cocaine is a felony of the first degree, 723
the offender is a major drug offender, and the court shall impose 724
as a mandatory prison term the maximum prison term prescribed for 725
a felony of the first degree. 726

(5) If the drug involved in the violation is L.S.D. or a 727
compound, mixture, preparation, or substance containing L.S.D., 728
whoever violates division (A) of this section is guilty of 729
trafficking in L.S.D. The penalty for the offense shall be 730
determined as follows: 731

(a) Except as otherwise provided in division (C)(5)(b), (c), 732
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 733
felony of the fifth degree, and division (B) of section 2929.13 of 734
the Revised Code applies in determining whether to impose a prison 735
term on the offender. 736

(b) Except as otherwise provided in division (C)(5)(c), (d), 737
(e), (f), or (g) of this section, if the offense was committed in 738
the vicinity of a school or in the vicinity of a juvenile, 739
trafficking in L.S.D. is a felony of the fourth degree, and 740
division (C) of section 2929.13 of the Revised Code applies in 741
determining whether to impose a prison term on the offender. 742

(c) Except as otherwise provided in this division, if the 743
amount of the drug involved equals or exceeds ten unit doses but 744
is less than fifty unit doses of L.S.D. in a solid form or equals 745
or exceeds one gram but is less than five grams of L.S.D. in a 746
liquid concentrate, liquid extract, or liquid distillate form, 747
trafficking in L.S.D. is a felony of the fourth degree, and 748

division (B) of section 2929.13 of the Revised Code applies in 749
determining whether to impose a prison term for the offense. If 750
the amount of the drug involved is within that range and if the 751
offense was committed in the vicinity of a school or in the 752
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 753
third degree, and there is a presumption for a prison term for the 754
offense. 755

(d) Except as otherwise provided in this division, if the 756
amount of the drug involved equals or exceeds fifty unit doses but 757
is less than two hundred fifty unit doses of L.S.D. in a solid 758
form or equals or exceeds five grams but is less than twenty-five 759
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 760
distillate form, trafficking in L.S.D. is a felony of the third 761
degree, and, except as otherwise provided in this division, there 762
is a presumption for a prison term for the offense. If trafficking 763
in L.S.D. is a felony of the third degree under this division and 764
if the offender two or more times previously has been convicted of 765
or pleaded guilty to a felony drug abuse offense, the court shall 766
impose as a mandatory prison term one of the prison terms 767
prescribed for a felony of the third degree. If the amount of the 768
drug involved is within that range and if the offense was 769
committed in the vicinity of a school or in the vicinity of a 770
juvenile, trafficking in L.S.D. is a felony of the second degree, 771
and the court shall impose as a mandatory prison term one of the 772
prison terms prescribed for a felony of the second degree. 773

(e) Except as otherwise provided in this division, if the 774
amount of the drug involved equals or exceeds two hundred fifty 775
unit doses but is less than one thousand unit doses of L.S.D. in a 776
solid form or equals or exceeds twenty-five grams but is less than 777
one hundred grams of L.S.D. in a liquid concentrate, liquid 778
extract, or liquid distillate form, trafficking in L.S.D. is a 779
felony of the second degree, and the court shall impose as a 780

mandatory prison term one of the prison terms prescribed for a 781
felony of the second degree. If the amount of the drug involved is 782
within that range and if the offense was committed in the vicinity 783
of a school or in the vicinity of a juvenile, trafficking in 784
L.S.D. is a felony of the first degree, and the court shall impose 785
as a mandatory prison term one of the prison terms prescribed for 786
a felony of the first degree. 787

(f) If the amount of the drug involved equals or exceeds one 788
thousand unit doses but is less than five thousand unit doses of 789
L.S.D. in a solid form or equals or exceeds one hundred grams but 790
is less than five hundred grams of L.S.D. in a liquid concentrate, 791
liquid extract, or liquid distillate form and regardless of 792
whether the offense was committed in the vicinity of a school or 793
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 794
of the first degree, and the court shall impose as a mandatory 795
prison term one of the prison terms prescribed for a felony of the 796
first degree. 797

(g) If the amount of the drug involved equals or exceeds five 798
thousand unit doses of L.S.D. in a solid form or equals or exceeds 799
five hundred grams of L.S.D. in a liquid concentrate, liquid 800
extract, or liquid distillate form and regardless of whether the 801
offense was committed in the vicinity of a school or in the 802
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 803
first degree, the offender is a major drug offender, and the court 804
shall impose as a mandatory prison term the maximum prison term 805
prescribed for a felony of the first degree. 806

(6) If the drug involved in the violation is heroin or a 807
compound, mixture, preparation, or substance containing heroin, 808
whoever violates division (A) of this section is guilty of 809
trafficking in heroin. The penalty for the offense shall be 810
determined as follows: 811

(a) Except as otherwise provided in division (C)(6)(b), (c), 812

(d), (e), (f), or (g) of this section, trafficking in heroin is a 813
felony of the fifth degree, and division (B) of section 2929.13 of 814
the Revised Code applies in determining whether to impose a prison 815
term on the offender. 816

(b) Except as otherwise provided in division (C)(6)(c), (d), 817
(e), (f), or (g) of this section, if the offense was committed in 818
the vicinity of a school or in the vicinity of a juvenile, 819
trafficking in heroin is a felony of the fourth degree, and 820
division (C) of section 2929.13 of the Revised Code applies in 821
determining whether to impose a prison term on the offender. 822

(c) Except as otherwise provided in this division, if the 823
amount of the drug involved equals or exceeds ten unit doses but 824
is less than fifty unit doses or equals or exceeds one gram but is 825
less than five grams, trafficking in heroin is a felony of the 826
fourth degree, and division (B) of section 2929.13 of the Revised 827
Code applies in determining whether to impose a prison term for 828
the offense. If the amount of the drug involved is within that 829
range and if the offense was committed in the vicinity of a school 830
or in the vicinity of a juvenile, trafficking in heroin is a 831
felony of the third degree, and there is a presumption for a 832
prison term for the offense. 833

(d) Except as otherwise provided in this division, if the 834
amount of the drug involved equals or exceeds fifty unit doses but 835
is less than one hundred unit doses or equals or exceeds five 836
grams but is less than ten grams, trafficking in heroin is a 837
felony of the third degree, and there is a presumption for a 838
prison term for the offense. If the amount of the drug involved is 839
within that range and if the offense was committed in the vicinity 840
of a school or in the vicinity of a juvenile, trafficking in 841
heroin is a felony of the second degree, and there is a 842
presumption for a prison term for the offense. 843

(e) Except as otherwise provided in this division, if the 844

amount of the drug involved equals or exceeds one hundred unit 845
doses but is less than five hundred unit doses or equals or 846
exceeds ten grams but is less than fifty grams, trafficking in 847
heroin is a felony of the second degree, and the court shall 848
impose as a mandatory prison term one of the prison terms 849
prescribed for a felony of the second degree. If the amount of the 850
drug involved is within that range and if the offense was 851
committed in the vicinity of a school or in the vicinity of a 852
juvenile, trafficking in heroin is a felony of the first degree, 853
and the court shall impose as a mandatory prison term one of the 854
prison terms prescribed for a felony of the first degree. 855

(f) If the amount of the drug involved equals or exceeds five 856
hundred unit doses but is less than two thousand five hundred unit 857
doses or equals or exceeds fifty grams but is less than two 858
hundred fifty grams and regardless of whether the offense was 859
committed in the vicinity of a school or in the vicinity of a 860
juvenile, trafficking in heroin is a felony of the first degree, 861
and the court shall impose as a mandatory prison term one of the 862
prison terms prescribed for a felony of the first degree. 863

(g) If the amount of the drug involved equals or exceeds two 864
thousand five hundred unit doses or equals or exceeds two hundred 865
fifty grams and regardless of whether the offense was committed in 866
the vicinity of a school or in the vicinity of a juvenile, 867
trafficking in heroin is a felony of the first degree, the 868
offender is a major drug offender, and the court shall impose as a 869
mandatory prison term the maximum prison term prescribed for a 870
felony of the first degree. 871

(7) If the drug involved in the violation is hashish or a 872
compound, mixture, preparation, or substance containing hashish, 873
whoever violates division (A) of this section is guilty of 874
trafficking in hashish. The penalty for the offense shall be 875
determined as follows: 876

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

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

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

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code

applies in determining whether to impose a prison term on the 909
offender. If the amount of the drug involved is within that range 910
and if the offense was committed in the vicinity of a school or in 911
the vicinity of a juvenile, trafficking in hashish is a felony of 912
the second degree, and there is a presumption that a prison term 913
shall be imposed for the offense. 914

(e) Except as otherwise provided in this division, if the 915
amount of the drug involved equals or exceeds two hundred fifty 916
grams but is less than one thousand grams of hashish in a solid 917
form or equals or exceeds fifty grams but is less than two hundred 918
grams of hashish in a liquid concentrate, liquid extract, or 919
liquid distillate form, trafficking in hashish is a felony of the 920
third degree, and there is a presumption that a prison term shall 921
be imposed for the offense. If the amount of the drug involved is 922
within that range and if the offense was committed in the vicinity 923
of a school or in the vicinity of a juvenile, trafficking in 924
hashish is a felony of the second degree, and there is a 925
presumption that a prison term shall be imposed for the offense. 926

(f) Except as otherwise provided in this division, if the 927
amount of the drug involved equals or exceeds one thousand grams 928
but is less than two thousand grams of hashish in a solid form or 929
equals or exceeds two hundred grams but is less than four hundred 930
grams of hashish in a liquid concentrate, liquid extract, or 931
liquid distillate form, trafficking in hashish is a felony of the 932
second degree, and the court shall impose a mandatory prison term 933
of five, six, seven, or eight years. If the amount of the drug 934
involved is within that range and if the offense was committed in 935
the vicinity of a school or in the vicinity of a juvenile, 936
trafficking in hashish is a felony of the first degree, and the 937
court shall impose as a mandatory prison term the maximum prison 938
term prescribed for a felony of the first degree. 939

(g) Except as otherwise provided in this division, if the 940

amount of the drug involved equals or exceeds two thousand grams 941
of hashish in a solid form or equals or exceeds four hundred grams 942
of hashish in a liquid concentrate, liquid extract, or liquid 943
distillate form, trafficking in hashish is a felony of the second 944
degree, and the court shall impose as a mandatory prison term the 945
maximum prison term prescribed for a felony of the second degree. 946
If the amount of the drug involved equals or exceeds two thousand 947
grams of hashish in a solid form or equals or exceeds four hundred 948
grams of hashish in a liquid concentrate, liquid extract, or 949
liquid distillate form and if the offense was committed in the 950
vicinity of a school or in the vicinity of a juvenile, trafficking 951
in hashish is a felony of the first degree, and the court shall 952
impose as a mandatory prison term the maximum prison term 953
prescribed for a felony of the first degree. 954

(8) If the drug involved in the violation is 955
~~1 Pentyl 3 (1 naphthoyl)indole, 1 Butyl 3 (1 naphthoyl)indole,~~ 956
~~1 [2 (4 morpholinyl)ethyl] 3 (1 naphthoyl)indole,~~ 957
~~5 (1,1 dimethylheptyl) 2 [(1R,3S) 3 hydroxycyclohexyl] phenol, or~~ 958
~~5 (1,1 dimethyloctyl) 2 [(1R,3S) 3 hydroxycyclohexyl] phenol or a~~ 959
~~compound, mixture, preparation, or substance containing~~ 960
~~1 Pentyl 3 (1 naphthoyl)indole, 1 Butyl 3 (1 naphthoyl)indole,~~ 961
~~1 [2 (4 morpholinyl)ethyl] 3 (1 naphthoyl)indole,~~ 962
~~5 (1,1 dimethylheptyl) 2 [(1R,3S) 3 hydroxycyclohexyl] phenol, or~~ 963
~~5 (1,1 dimethyloctyl) 2 [(1R,3S) 3 hydroxycyclohexyl] phenol a~~ 964
controlled substance analog or compound, mixture, preparation, or 965
substance that contains a controlled substance analog, whoever 966
violates division (A) of this section is guilty of trafficking in 967
spice a controlled substance analog. The penalty for the offense 968
shall be determined as follows: 969

(a) Except as otherwise provided in division (C)(8)(b), (c), 970
(d), (e), (f), or (g) of this section, trafficking in spice a 971
controlled substance analog is a felony of the fifth degree, and 972

division (C) of section 2929.13 of the Revised Code applies in 973
determining whether to impose a prison term on the offender. 974

(b) ~~If~~ Except as otherwise provided in division (C)(8)(c), 975
(d), (e), (f), or (g) of this section, if the offense was 976
committed in the vicinity of a school or in the vicinity of a 977
juvenile, ~~trafficking in~~ trafficking in a controlled substance analog is a 978
felony of the fourth degree, and division (C) of section 2929.13 979
of the Revised Code applies in determining whether to impose a 980
prison term on the offender. 981

(c) Except as otherwise provided in this division, if the 982
amount of the drug involved equals or exceeds ten grams but is 983
less than twenty grams, trafficking in a controlled substance 984
analog is a felony of the fourth degree, and division (B) of 985
section 2929.13 of the Revised Code applies in determining whether 986
to impose a prison term for the offense. If the amount of the drug 987
involved is within that range and if the offense was committed in 988
the vicinity of a school or in the vicinity of a juvenile, 989
trafficking in a controlled substance analog is a felony of the 990
third degree, and there is a presumption for a prison term for the 991
offense. 992

(d) Except as otherwise provided in this division, if the 993
amount of the drug involved equals or exceeds twenty grams but is 994
less than thirty grams, trafficking in a controlled substance 995
analog is a felony of the third degree, and there is a presumption 996
for a prison term for the offense. If the amount of the drug 997
involved is within that range and if the offense was committed in 998
the vicinity of a school or in the vicinity of a juvenile, 999
trafficking in a controlled substance analog is a felony of the 1000
second degree, and there is a presumption for a prison term for 1001
the offense. 1002

(e) Except as otherwise provided in this division, if the 1003
amount of the drug involved equals or exceeds thirty grams but is 1004

less than forty grams, trafficking in a controlled substance 1005
analog is a felony of the second degree, and the court shall 1006
impose as a mandatory prison term one of the prison terms 1007
prescribed for a felony of the second degree. If the amount of the 1008
drug involved is within that range and if the offense was 1009
committed in the vicinity of a school or in the vicinity of a 1010
juvenile, trafficking in a controlled substance analog is a felony 1011
of the first degree, and the court shall impose as a mandatory 1012
prison term one of the prison terms prescribed for a felony of the 1013
first degree. 1014

(f) If the amount of the drug involved equals or exceeds 1015
forty grams but is less than fifty grams and regardless of whether 1016
the offense was committed in the vicinity of a school or in the 1017
vicinity of a juvenile, trafficking in a controlled substance 1018
analog is a felony of the first degree, and the court shall impose 1019
as a mandatory prison term one of the prison terms prescribed for 1020
a felony of the first degree. 1021

(g) If the amount of the drug involved equals or exceeds 1022
fifty grams and regardless of whether the offense was committed in 1023
the vicinity of a school or in the vicinity of a juvenile, 1024
trafficking in a controlled substance analog is a felony of the 1025
first degree, the offender is a major drug offender, and the court 1026
shall impose as a mandatory prison term the maximum prison term 1027
prescribed for a felony of the first degree. 1028

(D) In addition to any prison term authorized or required by 1029
division (C) of this section and sections 2929.13 and 2929.14 of 1030
the Revised Code, and in addition to any other sanction imposed 1031
for the offense under this section or sections 2929.11 to 2929.18 1032
of the Revised Code, the court that sentences an offender who is 1033
convicted of or pleads guilty to a violation of division (A) of 1034
this section shall do all of the following that are applicable 1035
regarding the offender: 1036

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

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

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

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

controlled substance involved, and it is sufficient if the finding 1069
and return is to the effect that the amount of the controlled 1070
substance involved is the requisite amount, or that the amount of 1071
the controlled substance involved is less than the requisite 1072
amount. 1073

(F)(1) Notwithstanding any contrary provision of section 1074
3719.21 of the Revised Code and except as provided in division (H) 1075
of this section, the clerk of the court shall pay any mandatory 1076
fine imposed pursuant to division (D)(1) of this section and any 1077
fine other than a mandatory fine that is imposed for a violation 1078
of this section pursuant to division (A) or (B)(5) of section 1079
2929.18 of the Revised Code to the county, township, municipal 1080
corporation, park district, as created pursuant to section 511.18 1081
or 1545.04 of the Revised Code, or state law enforcement agencies 1082
in this state that primarily were responsible for or involved in 1083
making the arrest of, and in prosecuting, the offender. However, 1084
the clerk shall not pay a mandatory fine so imposed to a law 1085
enforcement agency unless the agency has adopted a written 1086
internal control policy under division (F)(2) of this section that 1087
addresses the use of the fine moneys that it receives. Each agency 1088
shall use the mandatory fines so paid to subsidize the agency's 1089
law enforcement efforts that pertain to drug offenses, in 1090
accordance with the written internal control policy adopted by the 1091
recipient agency under division (F)(2) of this section. 1092

(2)(a) Prior to receiving any fine moneys under division 1093
(F)(1) of this section or division (B) of section 2925.42 of the 1094
Revised Code, a law enforcement agency shall adopt a written 1095
internal control policy that addresses the agency's use and 1096
disposition of all fine moneys so received and that provides for 1097
the keeping of detailed financial records of the receipts of those 1098
fine moneys, the general types of expenditures made out of those 1099
fine moneys, and the specific amount of each general type of 1100

expenditure. The policy shall not provide for or permit the 1101
identification of any specific expenditure that is made in an 1102
ongoing investigation. All financial records of the receipts of 1103
those fine moneys, the general types of expenditures made out of 1104
those fine moneys, and the specific amount of each general type of 1105
expenditure by an agency are public records open for inspection 1106
under section 149.43 of the Revised Code. Additionally, a written 1107
internal control policy adopted under this division is such a 1108
public record, and the agency that adopted it shall comply with 1109
it. 1110

(b) Each law enforcement agency that receives in any calendar 1111
year any fine moneys under division (F)(1) of this section or 1112
division (B) of section 2925.42 of the Revised Code shall prepare 1113
a report covering the calendar year that cumulates all of the 1114
information contained in all of the public financial records kept 1115
by the agency pursuant to division (F)(2)(a) of this section for 1116
that calendar year, and shall send a copy of the cumulative 1117
report, no later than the first day of March in the calendar year 1118
following the calendar year covered by the report, to the attorney 1119
general. Each report received by the attorney general is a public 1120
record open for inspection under section 149.43 of the Revised 1121
Code. Not later than the fifteenth day of April in the calendar 1122
year in which the reports are received, the attorney general shall 1123
send to the president of the senate and the speaker of the house 1124
of representatives a written notification that does all of the 1125
following: 1126

(i) Indicates that the attorney general has received from law 1127
enforcement agencies reports of the type described in this 1128
division that cover the previous calendar year and indicates that 1129
the reports were received under this division; 1130

(ii) Indicates that the reports are open for inspection under 1131
section 149.43 of the Revised Code; 1132

(iii) Indicates that the attorney general will provide a copy 1133
of any or all of the reports to the president of the senate or the 1134
speaker of the house of representatives upon request. 1135

(3) As used in division (F) of this section: 1136

(a) "Law enforcement agencies" includes, but is not limited 1137
to, the state board of pharmacy and the office of a prosecutor. 1138

(b) "Prosecutor" has the same meaning as in section 2935.01 1139
of the Revised Code. 1140

(G) When required under division (D)(2) of this section or 1141
any other provision of this chapter, the court shall suspend for 1142
not less than six months or more than five years the driver's or 1143
commercial driver's license or permit of any person who is 1144
convicted of or pleads guilty to any violation of this section or 1145
any other specified provision of this chapter. If an offender's 1146
driver's or commercial driver's license or permit is suspended 1147
pursuant to this division, the offender, at any time after the 1148
expiration of two years from the day on which the offender's 1149
sentence was imposed or from the day on which the offender finally 1150
was released from a prison term under the sentence, whichever is 1151
later, may file a motion with the sentencing court requesting 1152
termination of the suspension; upon the filing of such a motion 1153
and the court's finding of good cause for the termination, the 1154
court may terminate the suspension. 1155

(H)(1) In addition to any prison term authorized or required 1156
by division (C) of this section and sections 2929.13 and 2929.14 1157
of the Revised Code, in addition to any other penalty or sanction 1158
imposed for the offense under this section or sections 2929.11 to 1159
2929.18 of the Revised Code, and in addition to the forfeiture of 1160
property in connection with the offense as prescribed in Chapter 1161
2981. of the Revised Code, the court that sentences an offender 1162
who is convicted of or pleads guilty to a violation of division 1163

(A) of this section may impose upon the offender an additional 1164
fine specified for the offense in division (B)(4) of section 1165
2929.18 of the Revised Code. A fine imposed under division (H)(1) 1166
of this section is not subject to division (F) of this section and 1167
shall be used solely for the support of one or more eligible 1168
alcohol and drug addiction programs in accordance with divisions 1169
(H)(2) and (3) of this section. 1170

(2) The court that imposes a fine under division (H)(1) of 1171
this section shall specify in the judgment that imposes the fine 1172
one or more eligible alcohol and drug addiction programs for the 1173
support of which the fine money is to be used. No alcohol and drug 1174
addiction program shall receive or use money paid or collected in 1175
satisfaction of a fine imposed under division (H)(1) of this 1176
section unless the program is specified in the judgment that 1177
imposes the fine. No alcohol and drug addiction program shall be 1178
specified in the judgment unless the program is an eligible 1179
alcohol and drug addiction program and, except as otherwise 1180
provided in division (H)(2) of this section, unless the program is 1181
located in the county in which the court that imposes the fine is 1182
located or in a county that is immediately contiguous to the 1183
county in which that court is located. If no eligible alcohol and 1184
drug addiction program is located in any of those counties, the 1185
judgment may specify an eligible alcohol and drug addiction 1186
program that is located anywhere within this state. 1187

(3) Notwithstanding any contrary provision of section 3719.21 1188
of the Revised Code, the clerk of the court shall pay any fine 1189
imposed under division (H)(1) of this section to the eligible 1190
alcohol and drug addiction program specified pursuant to division 1191
(H)(2) of this section in the judgment. The eligible alcohol and 1192
drug addiction program that receives the fine moneys shall use the 1193
moneys only for the alcohol and drug addiction services identified 1194
in the application for certification under section 3793.06 of the 1195

Revised Code or in the application for a license under section 1196
3793.11 of the Revised Code filed with the department of alcohol 1197
and drug addiction services by the alcohol and drug addiction 1198
program specified in the judgment. 1199

(4) Each alcohol and drug addiction program that receives in 1200
a calendar year any fine moneys under division (H)(3) of this 1201
section shall file an annual report covering that calendar year 1202
with the court of common pleas and the board of county 1203
commissioners of the county in which the program is located, with 1204
the court of common pleas and the board of county commissioners of 1205
each county from which the program received the moneys if that 1206
county is different from the county in which the program is 1207
located, and with the attorney general. The alcohol and drug 1208
addiction program shall file the report no later than the first 1209
day of March in the calendar year following the calendar year in 1210
which the program received the fine moneys. The report shall 1211
include statistics on the number of persons served by the alcohol 1212
and drug addiction program, identify the types of alcohol and drug 1213
addiction services provided to those persons, and include a 1214
specific accounting of the purposes for which the fine moneys 1215
received were used. No information contained in the report shall 1216
identify, or enable a person to determine the identity of, any 1217
person served by the alcohol and drug addiction program. Each 1218
report received by a court of common pleas, a board of county 1219
commissioners, or the attorney general is a public record open for 1220
inspection under section 149.43 of the Revised Code. 1221

(5) As used in divisions (H)(1) to (5) of this section: 1222

(a) "Alcohol and drug addiction program" and "alcohol and 1223
drug addiction services" have the same meanings as in section 1224
3793.01 of the Revised Code. 1225

(b) "Eligible alcohol and drug addiction program" means an 1226
alcohol and drug addiction program that is certified under section 1227

3793.06 of the Revised Code or licensed under section 3793.11 of 1228
the Revised Code by the department of alcohol and drug addiction 1229
services. 1230

(I) As used in this section, "drug" includes any substance 1231
that is represented to be a drug. 1232

(J) It is an affirmative defense to a charge of trafficking 1233
in a controlled substance analog under division (C)(8) of this 1234
section that the person charged with violating that offense sold 1235
or offered to sell, or prepared for shipment, shipped, 1236
transported, delivered, prepared for distribution, or distributed 1237
an item described in division (HH)(2)(a), (b), or (c) of section 1238
3719.01 of the Revised Code. 1239

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 1240
or use a controlled substance or a controlled substance analog. 1241

(B) This section does not apply to any of the following: 1242

(1) Manufacturers, licensed health professionals authorized 1243
to prescribe drugs, pharmacists, owners of pharmacies, and other 1244
persons whose conduct was in accordance with Chapters 3719., 1245
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1246

(2) If the offense involves an anabolic steroid, any person 1247
who is conducting or participating in a research project involving 1248
the use of an anabolic steroid if the project has been approved by 1249
the United States food and drug administration; 1250

(3) Any person who sells, offers for sale, prescribes, 1251
dispenses, or administers for livestock or other nonhuman species 1252
an anabolic steroid that is expressly intended for administration 1253
through implants to livestock or other nonhuman species and 1254
approved for that purpose under the "Federal Food, Drug, and 1255
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1256
and is sold, offered for sale, prescribed, dispensed, or 1257

administered for that purpose in accordance with that act; 1258

(4) Any person who obtained the controlled substance pursuant 1259
to a lawful prescription issued by a licensed health professional 1260
authorized to prescribe drugs. 1261

(C) Whoever violates division (A) of this section is guilty 1262
of one of the following: 1263

(1) If the drug involved in the violation is a compound, 1264
mixture, preparation, or substance included in schedule I or II, 1265
with the exception of marihuana, ~~1-Pentyl 3-(1-naphthoyl)indole,~~ 1266
~~1-Butyl 3-(1-naphthoyl)indole,~~ 1267
~~1-[2-(4-morpholinyl)ethyl] 3-(1-naphthoyl)indole,~~ 1268
~~5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol,~~ 1269
~~5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol,~~ 1270
cocaine, L.S.D., heroin, ~~and hashish,~~ and controlled substance 1271
analogs, whoever violates division (A) of this section is guilty 1272
of aggravated possession of drugs. The penalty for the offense 1273
shall be determined as follows: 1274

(a) Except as otherwise provided in division (C)(1)(b), (c), 1275
(d), or (e) of this section, aggravated possession of drugs is a 1276
felony of the fifth degree, and division (B) of section 2929.13 of 1277
the Revised Code applies in determining whether to impose a prison 1278
term on the offender. 1279

(b) If the amount of the drug involved equals or exceeds the 1280
bulk amount but is less than five times the bulk amount, 1281
aggravated possession of drugs is a felony of the third degree, 1282
and there is a presumption for a prison term for the offense. 1283

(c) If the amount of the drug involved equals or exceeds five 1284
times the bulk amount but is less than fifty times the bulk 1285
amount, aggravated possession of drugs is a felony of the second 1286
degree, and the court shall impose as a mandatory prison term one 1287
of the prison terms prescribed for a felony of the second degree. 1288

(d) If the amount of the drug involved equals or exceeds 1289
fifty times the bulk amount but is less than one hundred times the 1290
bulk amount, aggravated possession of drugs is a felony of the 1291
first degree, and the court shall impose as a mandatory prison 1292
term one of the prison terms prescribed for a felony of the first 1293
degree. 1294

(e) If the amount of the drug involved equals or exceeds one 1295
hundred times the bulk amount, aggravated possession of drugs is a 1296
felony of the first degree, the offender is a major drug offender, 1297
and the court shall impose as a mandatory prison term the maximum 1298
prison term prescribed for a felony of the first degree. 1299

(2) If the drug involved in the violation is a compound, 1300
mixture, preparation, or substance included in schedule III, IV, 1301
or V, whoever violates division (A) of this section is guilty of 1302
possession of drugs. The penalty for the offense shall be 1303
determined as follows: 1304

(a) Except as otherwise provided in division (C)(2)(b), (c), 1305
or (d) of this section, possession of drugs is a misdemeanor of 1306
the first degree or, if the offender previously has been convicted 1307
of a drug abuse offense, a felony of the fifth degree. 1308

(b) If the amount of the drug involved equals or exceeds the 1309
bulk amount but is less than five times the bulk amount, 1310
possession of drugs is a felony of the fourth degree, and division 1311
(C) of section 2929.13 of the Revised Code applies in determining 1312
whether to impose a prison term on the offender. 1313

(c) If the amount of the drug involved equals or exceeds five 1314
times the bulk amount but is less than fifty times the bulk 1315
amount, possession of drugs is a felony of the third degree, and 1316
there is a presumption for a prison term for the offense. 1317

(d) If the amount of the drug involved equals or exceeds 1318
fifty times the bulk amount, possession of drugs is a felony of 1319

the second degree, and the court shall impose upon the offender as 1320
a mandatory prison term one of the prison terms prescribed for a 1321
felony of the second degree. 1322

(3) If the drug involved in the violation is marihuana or a 1323
compound, mixture, preparation, or substance containing marihuana 1324
other than hashish, whoever violates division (A) of this section 1325
is guilty of possession of marihuana. The penalty for the offense 1326
shall be determined as follows: 1327

(a) Except as otherwise provided in division (C)(3)(b), (c), 1328
(d), (e), (f), or (g) of this section, possession of marihuana is 1329
a minor misdemeanor. 1330

(b) If the amount of the drug involved equals or exceeds one 1331
hundred grams but is less than two hundred grams, possession of 1332
marihuana is a misdemeanor of the fourth degree. 1333

(c) If the amount of the drug involved equals or exceeds two 1334
hundred grams but is less than one thousand grams, possession of 1335
marihuana is a felony of the fifth degree, and division (B) of 1336
section 2929.13 of the Revised Code applies in determining whether 1337
to impose a prison term on the offender. 1338

(d) If the amount of the drug involved equals or exceeds one 1339
thousand grams but is less than five thousand grams, possession of 1340
marihuana is a felony of the third degree, and division (C) of 1341
section 2929.13 of the Revised Code applies in determining whether 1342
to impose a prison term on the offender. 1343

(e) If the amount of the drug involved equals or exceeds five 1344
thousand grams but is less than twenty thousand grams, possession 1345
of marihuana is a felony of the third degree, and there is a 1346
presumption that a prison term shall be imposed for the offense. 1347

(f) If the amount of the drug involved equals or exceeds 1348
twenty thousand grams but is less than forty thousand grams, 1349
possession of marihuana is a felony of the second degree, and the 1350

court shall impose a mandatory prison term of five, six, seven, or 1351
eight years. 1352

(g) If the amount of the drug involved equals or exceeds 1353
forty thousand grams, possession of marihuana is a felony of the 1354
second degree, and the court shall impose as a mandatory prison 1355
term the maximum prison term prescribed for a felony of the second 1356
degree. 1357

(4) If the drug involved in the violation is cocaine or a 1358
compound, mixture, preparation, or substance containing cocaine, 1359
whoever violates division (A) of this section is guilty of 1360
possession of cocaine. The penalty for the offense shall be 1361
determined as follows: 1362

(a) Except as otherwise provided in division (C)(4)(b), (c), 1363
(d), (e), or (f) of this section, possession of cocaine is a 1364
felony of the fifth degree, and division (B) of section 2929.13 of 1365
the Revised Code applies in determining whether to impose a prison 1366
term on the offender. 1367

(b) If the amount of the drug involved equals or exceeds five 1368
grams but is less than ten grams of cocaine, possession of cocaine 1369
is a felony of the fourth degree, and division (B) of section 1370
2929.13 of the Revised Code applies in determining whether to 1371
impose a prison term on the offender. 1372

(c) If the amount of the drug involved equals or exceeds ten 1373
grams but is less than twenty grams of cocaine, possession of 1374
cocaine is a felony of the third degree, and, except as otherwise 1375
provided in this division, there is a presumption for a prison 1376
term for the offense. If possession of cocaine is a felony of the 1377
third degree under this division and if the offender two or more 1378
times previously has been convicted of or pleaded guilty to a 1379
felony drug abuse offense, the court shall impose as a mandatory 1380
prison term one of the prison terms prescribed for a felony of the 1381

third degree. 1382

(d) If the amount of the drug involved equals or exceeds 1383
twenty grams but is less than twenty-seven grams of cocaine, 1384
possession of cocaine is a felony of the second degree, and the 1385
court shall impose as a mandatory prison term one of the prison 1386
terms prescribed for a felony of the second degree. 1387

(e) If the amount of the drug involved equals or exceeds 1388
twenty-seven grams but is less than one hundred grams of cocaine, 1389
possession of cocaine is a felony of the first degree, and the 1390
court shall impose as a mandatory prison term one of the prison 1391
terms prescribed for a felony of the first degree. 1392

(f) If the amount of the drug involved equals or exceeds one 1393
hundred grams of cocaine, possession of cocaine is a felony of the 1394
first degree, the offender is a major drug offender, and the court 1395
shall impose as a mandatory prison term the maximum prison term 1396
prescribed for a felony of the first degree. 1397

(5) If the drug involved in the violation is L.S.D., whoever 1398
violates division (A) of this section is guilty of possession of 1399
L.S.D. The penalty for the offense shall be determined as follows: 1400

(a) Except as otherwise provided in division (C)(5)(b), (c), 1401
(d), (e), or (f) of this section, possession of L.S.D. is a felony 1402
of the fifth degree, and division (B) of section 2929.13 of the 1403
Revised Code applies in determining whether to impose a prison 1404
term on the offender. 1405

(b) If the amount of L.S.D. involved equals or exceeds ten 1406
unit doses but is less than fifty unit doses of L.S.D. in a solid 1407
form or equals or exceeds one gram but is less than five grams of 1408
L.S.D. in a liquid concentrate, liquid extract, or liquid 1409
distillate form, possession of L.S.D. is a felony of the fourth 1410
degree, and division (C) of section 2929.13 of the Revised Code 1411
applies in determining whether to impose a prison term on the 1412

offender. 1413

(c) If the amount of L.S.D. involved equals or exceeds fifty 1414
unit doses, but is less than two hundred fifty unit doses of 1415
L.S.D. in a solid form or equals or exceeds five grams but is less 1416
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 1417
extract, or liquid distillate form, possession of L.S.D. is a 1418
felony of the third degree, and there is a presumption for a 1419
prison term for the offense. 1420

(d) If the amount of L.S.D. involved equals or exceeds two 1421
hundred fifty unit doses but is less than one thousand unit doses 1422
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1423
but is less than one hundred grams of L.S.D. in a liquid 1424
concentrate, liquid extract, or liquid distillate form, possession 1425
of L.S.D. is a felony of the second degree, and the court shall 1426
impose as a mandatory prison term one of the prison terms 1427
prescribed for a felony of the second degree. 1428

(e) If the amount of L.S.D. involved equals or exceeds one 1429
thousand unit doses but is less than five thousand unit doses of 1430
L.S.D. in a solid form or equals or exceeds one hundred grams but 1431
is less than five hundred grams of L.S.D. in a liquid concentrate, 1432
liquid extract, or liquid distillate form, possession of L.S.D. is 1433
a felony of the first degree, and the court shall impose as a 1434
mandatory prison term one of the prison terms prescribed for a 1435
felony of the first degree. 1436

(f) If the amount of L.S.D. involved equals or exceeds five 1437
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1438
five hundred grams of L.S.D. in a liquid concentrate, liquid 1439
extract, or liquid distillate form, possession of L.S.D. is a 1440
felony of the first degree, the offender is a major drug offender, 1441
and the court shall impose as a mandatory prison term the maximum 1442
prison term prescribed for a felony of the first degree. 1443

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

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

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

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

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

(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams, possession of heroin is a felony of the first

degree, and the court shall impose as a mandatory prison term one 1475
of the prison terms prescribed for a felony of the first degree. 1476

(f) If the amount of the drug involved equals or exceeds two 1477
thousand five hundred unit doses or equals or exceeds two hundred 1478
fifty grams, possession of heroin is a felony of the first degree, 1479
the offender is a major drug offender, and the court shall impose 1480
as a mandatory prison term the maximum prison term prescribed for 1481
a felony of the first degree. 1482

(7) If the drug involved in the violation is hashish or a 1483
compound, mixture, preparation, or substance containing hashish, 1484
whoever violates division (A) of this section is guilty of 1485
possession of hashish. The penalty for the offense shall be 1486
determined as follows: 1487

(a) Except as otherwise provided in division (C)(7)(b), (c), 1488
(d), (e), (f), or (g) of this section, possession of hashish is a 1489
minor misdemeanor. 1490

(b) If the amount of the drug involved equals or exceeds five 1491
grams but is less than ten grams of hashish in a solid form or 1492
equals or exceeds one gram but is less than two grams of hashish 1493
in a liquid concentrate, liquid extract, or liquid distillate 1494
form, possession of hashish is a misdemeanor of the fourth degree. 1495

(c) If the amount of the drug involved equals or exceeds ten 1496
grams but is less than fifty grams of hashish in a solid form or 1497
equals or exceeds two grams but is less than ten grams of hashish 1498
in a liquid concentrate, liquid extract, or liquid distillate 1499
form, possession of hashish is a felony of the fifth degree, and 1500
division (B) of section 2929.13 of the Revised Code applies in 1501
determining whether to impose a prison term on the offender. 1502

(d) If the amount of the drug involved equals or exceeds 1503
fifty grams but is less than two hundred fifty grams of hashish in 1504
a solid form or equals or exceeds ten grams but is less than fifty 1505

grams of hashish in a liquid concentrate, liquid extract, or 1506
liquid distillate form, possession of hashish is a felony of the 1507
third degree, and division (C) of section 2929.13 of the Revised 1508
Code applies in determining whether to impose a prison term on the 1509
offender. 1510

(e) If the amount of the drug involved equals or exceeds two 1511
hundred fifty grams but is less than one thousand grams of hashish 1512
in a solid form or equals or exceeds fifty grams but is less than 1513
two hundred grams of hashish in a liquid concentrate, liquid 1514
extract, or liquid distillate form, possession of hashish is a 1515
felony of the third degree, and there is a presumption that a 1516
prison term shall be imposed for the offense. 1517

(f) If the amount of the drug involved equals or exceeds one 1518
thousand grams but is less than two thousand grams of hashish in a 1519
solid form or equals or exceeds two hundred grams but is less than 1520
four hundred grams of hashish in a liquid concentrate, liquid 1521
extract, or liquid distillate form, possession of hashish is a 1522
felony of the second degree, and the court shall impose a 1523
mandatory prison term of five, six, seven, or eight years. 1524

(g) If the amount of the drug involved equals or exceeds two 1525
thousand grams of hashish in a solid form or equals or exceeds 1526
four hundred grams of hashish in a liquid concentrate, liquid 1527
extract, or liquid distillate form, possession of hashish is a 1528
felony of the second degree, and the court shall impose as a 1529
mandatory prison term the maximum prison term prescribed for a 1530
felony of the second degree. 1531

(8) If the drug involved is ~~1-Pentyl-3-(1-naphthoyl)indole,~~ 1532
~~1-Butyl-3-(1-naphthoyl)indole,~~ 1533
~~1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole,~~ 1534
~~5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or~~ 1535
~~5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a~~ 1536
~~compound, mixture, preparation, or substance containing~~ 1537

~~1 Pentyl 3 (1 naphthoyl)indole, 1 Butyl 3 (1 naphthoyl)indole,~~ 1538
~~1 [2 (4 morpholinyl)ethyl] 3 (1 naphthoyl)indole,~~ 1539
~~5 (1,1 dimethylheptyl) 2 [(1R,3S) 3 hydroxycyclohexyl] phenol, or~~ 1540
~~5 (1,1 dimethyloctyl) 2 [(1R,3S) 3 hydroxycyclohexyl] phenol a~~ 1541
controlled substance analog or compound, mixture, preparation, or 1542
substance that contains a controlled substance analog, whoever 1543
violates division (A) of this section is guilty of possession of 1544
spice, a minor misdemeanor a controlled substance analog. The 1545
penalty for the offense shall be determined as follows: 1546

(a) Except as otherwise provided in division (C)(8)(b), (c), 1547
(d), (e), or (f) of this section, possession of a controlled 1548
substance analog is a felony of the fifth degree, and division (B) 1549
of section 2929.13 of the Revised Code applies in determining 1550
whether to impose a prison term on the offender. 1551

(b) If the amount of the drug involved equals or exceeds ten 1552
grams but is less than twenty grams, possession of a controlled 1553
substance analog is a felony of the fourth degree, and there is a 1554
presumption for a prison term for the offense. 1555

(c) If the amount of the drug involved equals or exceeds 1556
twenty grams but is less than thirty grams, possession of a 1557
controlled substance analog is a felony of the third degree, and 1558
there is a presumption for a prison term for the offense. 1559

(d) If the amount of the drug involved equals or exceeds 1560
thirty grams but is less than forty grams, possession of a 1561
controlled substance analog is a felony of the second degree, and 1562
the court shall impose as a mandatory prison term one of the 1563
prison terms prescribed for a felony of the second degree. 1564

(e) If the amount of the drug involved equals or exceeds 1565
forty grams but is less than fifty grams, possession of a 1566
controlled substance analog is a felony of the first degree, and 1567
the court shall impose as a mandatory prison term one of the 1568

prison terms prescribed for a felony of the first degree. 1569

(f) If the amount of the drug involved equals or exceeds 1570
fifty grams, possession of a controlled substance analog is a 1571
felony of the first degree, the offender is a major drug offender, 1572
and the court shall impose as a mandatory prison term the maximum 1573
prison term prescribed for a felony of the first degree. 1574

(D) Arrest or conviction for a minor misdemeanor violation of 1575
this section does not constitute a criminal record and need not be 1576
reported by the person so arrested or convicted in response to any 1577
inquiries about the person's criminal record, including any 1578
inquiries contained in any application for employment, license, or 1579
other right or privilege, or made in connection with the person's 1580
appearance as a witness. 1581

(E) In addition to any prison term or jail term authorized or 1582
required by division (C) of this section and sections 2929.13, 1583
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 1584
addition to any other sanction that is imposed for the offense 1585
under this section, sections 2929.11 to 2929.18, or sections 1586
2929.21 to 2929.28 of the Revised Code, the court that sentences 1587
an offender who is convicted of or pleads guilty to a violation of 1588
division (A) of this section shall do all of the following that 1589
are applicable regarding the offender: 1590

(1)(a) If the violation is a felony of the first, second, or 1591
third degree, the court shall impose upon the offender the 1592
mandatory fine specified for the offense under division (B)(1) of 1593
section 2929.18 of the Revised Code unless, as specified in that 1594
division, the court determines that the offender is indigent. 1595

(b) Notwithstanding any contrary provision of section 3719.21 1596
of the Revised Code, the clerk of the court shall pay a mandatory 1597
fine or other fine imposed for a violation of this section 1598
pursuant to division (A) of section 2929.18 of the Revised Code in 1599

accordance with and subject to the requirements of division (F) of 1600
section 2925.03 of the Revised Code. The agency that receives the 1601
fine shall use the fine as specified in division (F) of section 1602
2925.03 of the Revised Code. 1603

(c) If a person is charged with a violation of this section 1604
that is a felony of the first, second, or third degree, posts 1605
bail, and forfeits the bail, the clerk shall pay the forfeited 1606
bail pursuant to division (E)(1)(b) of this section as if it were 1607
a mandatory fine imposed under division (E)(1)(a) of this section. 1608

(2) The court shall suspend for not less than six months or 1609
more than five years the offender's driver's or commercial 1610
driver's license or permit. 1611

(3) If the offender is a professionally licensed person, in 1612
addition to any other sanction imposed for a violation of this 1613
section, the court immediately shall comply with section 2925.38 1614
of the Revised Code. 1615

(F) It is an affirmative defense, as provided in section 1616
2901.05 of the Revised Code, to a charge of a fourth degree felony 1617
violation under this section that the controlled substance that 1618
gave rise to the charge is in an amount, is in a form, is 1619
prepared, compounded, or mixed with substances that are not 1620
controlled substances in a manner, or is possessed under any other 1621
circumstances, that indicate that the substance was possessed 1622
solely for personal use. Notwithstanding any contrary provision of 1623
this section, if, in accordance with section 2901.05 of the 1624
Revised Code, an accused who is charged with a fourth degree 1625
felony violation of division (C)(2), (4), (5), or (6) of this 1626
section sustains the burden of going forward with evidence of and 1627
establishes by a preponderance of the evidence the affirmative 1628
defense described in this division, the accused may be prosecuted 1629
for and may plead guilty to or be convicted of a misdemeanor 1630
violation of division (C)(2) of this section or a fifth degree 1631

felony violation of division (C)(4), (5), or (6) of this section 1632
respectively. 1633

(G) When a person is charged with possessing a bulk amount or 1634
multiple of a bulk amount, division (E) of section 2925.03 of the 1635
Revised Code applies regarding the determination of the amount of 1636
the controlled substance involved at the time of the offense. 1637

(H) It is an affirmative defense to a charge of possession of 1638
a controlled substance analog under division (C)(8) of this 1639
section that the person charged with violating that offense 1640
obtained, possessed, or used an item described in division 1641
(HH)(2)(a), (b), or (c) of section 3719.01 of the Revised Code. 1642

Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58 of 1643
the Revised Code: 1644

(1) "Consumer product" means any food or drink that is 1645
consumed or used by humans and any drug, including a drug that may 1646
be provided legally only pursuant to a prescription, that is 1647
intended to be consumed or used by humans. 1648

(2) "Terminal distributor of dangerous drugs" has the same 1649
meaning as in section 4729.01 of the Revised Code. 1650

(3) "Pseudoephedrine" means any material, compound, mixture, 1651
or preparation that contains any quantity of pseudoephedrine, any 1652
of its salts, optical isomers, or salts of optical isomers. 1653

(4) "Pseudoephedrine product" means a consumer product 1654
~~consisting of a single ingredient preparation of that contains~~ 1655
~~pseudoephedrine in which pseudoephedrine is the active ingredient.~~ 1656
~~"Pseudoephedrine product" does not include either of the~~ 1657
~~following:~~ 1658

~~(a) A consumer product containing pseudoephedrine that is in 1659
a liquid, liquid capsule, or gel capsule form;~~ 1660

~~(b) A consumer product primarily intended for administration 1661~~

~~to children under twelve years of age, according to the label~~ 1662
~~instructions, in solid dosage form, including chewable tablets,~~ 1663
~~when individual dosage units do not exceed fifteen milligrams of~~ 1664
~~pseudoephedrine.~~ 1665

(5) "Retailer" means a place of business that offers consumer 1666
products for sale to the general public. 1667

(6) "Single-ingredient preparation" means a compound, 1668
mixture, preparation, or substance that contains a single active 1669
ingredient. 1670

(7) "Ephedrine" means any material, compound, mixture, or 1671
preparation that contains any quantity of ephedrine, any of its 1672
salts, optical isomers, or salts of optical isomers. 1673

(8) "Ephedrine product" means a consumer product that 1674
contains ephedrine. 1675

(B)(1) No individual shall knowingly purchase, receive, or 1676
otherwise acquire ~~more than nine grams of any~~ an amount of 1677
~~pseudoephedrine product within a period of thirty consecutive~~ 1678
~~days, or ephedrine product that is greater than either of the~~ 1679
following unless the pseudoephedrine product or ephedrine product 1680
is dispensed by a pharmacist pursuant to a valid prescription 1681
issued by a licensed health professional authorized to prescribe 1682
drugs and the conduct of the pharmacist and the licensed health 1683
professional authorized to prescribe drugs is in accordance with 1684
Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of the 1685
Revised Code: 1686

(a) Three and six tenths grams within a period of a single 1687
day; 1688

(b) Nine grams within a period of thirty consecutive days. 1689

The limits specified in divisions (B)(1)(a) and (b) of this 1690
section apply to the total amount of base pseudoephedrine or base 1691

ephedrine in the pseudoephedrine product or ephedrine product, 1692
respectively. The limits do not apply to the product's overall 1693
weight. 1694

(2) It is not a violation of division (B)(1) of this section 1695
for an individual to receive or accept more than ~~nine grams of any~~ 1696
an amount of pseudoephedrine product within a period of thirty 1697
consecutive days or ephedrine product specified in division 1698
(B)(1)(a) or (b) of this section if the individual is an employee 1699
of a retailer or terminal distributor of dangerous drugs, and the 1700
employee receives or accepts from the retailer or terminal 1701
distributor of dangerous drugs the pseudoephedrine product or 1702
ephedrine product in a sealed container in connection with 1703
manufacturing, warehousing, placement, stocking, bagging, loading, 1704
or unloading of the product. 1705

(C)(1) No individual under eighteen years of age shall 1706
knowingly purchase, receive, or otherwise acquire a 1707
pseudoephedrine product, or ephedrine product unless the 1708
pseudoephedrine product or ephedrine product is dispensed by a 1709
pharmacist pursuant to a valid prescription issued by a licensed 1710
health professional authorized to prescribe drugs and the conduct 1711
of the pharmacist and the licensed health professional authorized 1712
to prescribe drugs is in accordance with Chapter 3719., 4715., 1713
4723., 4729., 4730., 4731., or 4741. of the Revised Code. 1714

(2) Division (C)(1) of this section does not apply to an 1715
individual under eighteen years of age who purchases, receives, or 1716
otherwise acquires a pseudoephedrine product or ephedrine product 1717
from any of the following: 1718

(a) A licensed health professional authorized to prescribe 1719
drugs or pharmacist who dispenses, sells, or otherwise provides 1720
the pseudoephedrine product or ephedrine product to that 1721
individual and whose conduct is in accordance with Chapter 3719., 1722
4715., 4723., 4729., 4730., 4731., or 4741. of the Revised Code; 1723

(b) A parent or guardian of that individual who provides the pseudoephedrine product or ephedrine product to the individual;

(c) A person, as authorized by that individual's parent or guardian, who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to the individual;

(d) A retailer or terminal distributor of dangerous drugs who provides the pseudoephedrine product or ephedrine product to that individual if the individual is an employee of the retailer or terminal distributor of dangerous drugs and the individual receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(D) No individual under eighteen years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing, receiving, or otherwise acquiring a pseudoephedrine product or ephedrine product.

(E) No individual shall knowingly fail to comply with the requirements of division ~~(C)(3)(B)~~ of section ~~3715.05~~ 3715.051 of the Revised Code.

(F) Whoever violates division (B)(1) of this section is guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.

(G) Whoever violates division (C)(1) of this section is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.

(H) Whoever violates division (D) of this section is guilty of using false information to purchase a pseudoephedrine product

or ephedrine product, a delinquent act that would be a misdemeanor 1755
of the first degree if it could be committed by an adult. 1756

(I) Whoever violates division (E) of this section is guilty 1757
of improper purchase of a pseudoephedrine product or ephedrine 1758
product, a misdemeanor of the fourth degree. 1759

Sec. 2925.56. (A)(1) Except as provided in division (A)(2) of 1760
this section, no retailer or terminal distributor of dangerous 1761
drugs or an employee of a retailer or terminal distributor of 1762
dangerous drugs shall knowingly sell, offer to sell, hold for 1763
sale, deliver, or otherwise provide to any individual ~~within a~~ 1764
~~period of thirty consecutive days~~ an amount of pseudoephedrine 1765
product or ephedrine product that is greater than ~~nine grams~~ 1766
either of the following: 1767

(a) Three and six tenths grams within a period of a single 1768
day; 1769

(b) Nine grams within a period of thirty consecutive days. 1770

The maximum amounts specified in divisions (A)(1)(a) and (b) 1771
of this section apply to the total amount of base pseudoephedrine 1772
or base ephedrine in the pseudoephedrine product or ephedrine 1773
product, respectively. The maximum amounts do not apply to the 1774
product's overall weight. 1775

(2)(a) Division (A)(1) of this section does not apply to any 1776
quantity of pseudoephedrine product or ephedrine product dispensed 1777
by a pharmacist pursuant to a valid prescription issued by a 1778
licensed health professional authorized to prescribe drugs if the 1779
conduct of the pharmacist and the licensed health professional 1780
authorized to prescribe drugs is in accordance with Chapter 3719., 1781
4715., 4723., 4729., 4730., 4731., or 4741. of the Revised Code. 1782

(b) It is not a violation of division (A)(1) of this section 1783
for a retailer, terminal distributor of dangerous drugs, or 1784

employee of either to provide to an individual more than ~~nine~~ 1785
~~grams of any~~ an amount of pseudoephedrine product ~~within a period~~ 1786
~~of thirty consecutive days if the~~ or ephedrine product specified 1787
in division (A)(1)(a) or (b) of this section under either of the 1788
following circumstances: 1789

(i) The individual is an employee of the retailer or terminal 1790
distributor of dangerous drugs, and the employee receives or 1791
accepts from the retailer, terminal distributor of dangerous 1792
drugs, or employee the pseudoephedrine product or ephedrine 1793
product in a sealed container in connection with manufacturing, 1794
warehousing, placement, stocking, bagging, loading, or unloading 1795
of the product; 1796

(ii) A stop-sale alert is generated after the submission of 1797
information to the national precursor log exchange under the 1798
conditions described in division (A)(2) of section 3715.052 of the 1799
Revised Code. 1800

(B)(1) Except as provided in division (B)(2) of this section, 1801
no retailer or terminal distributor of dangerous drugs or an 1802
employee of a retailer or terminal distributor of dangerous drugs 1803
shall sell, offer to sell, hold for sale, deliver, or otherwise 1804
provide a pseudoephedrine product or ephedrine product to an 1805
individual who is under eighteen years of age. 1806

(2) Division (B)(1) of this section does not apply to any of 1807
the following: 1808

(a) A licensed health professional authorized to prescribe 1809
drugs or pharmacist who dispenses, sells, or otherwise provides a 1810
pseudoephedrine product or ephedrine product to an individual 1811
under eighteen years of age and whose conduct is in accordance 1812
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of 1813
the Revised Code; 1814

(b) A parent or guardian of an individual under eighteen 1815

years of age who provides a pseudoephedrine product or ephedrine product to the individual; 1816
1817

(c) A person who, as authorized by the individual's parent or guardian, dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age; 1818
1819
1820
1821

(d) The provision by a retailer, terminal distributor of dangerous drugs, or employee of either of a pseudoephedrine product or ephedrine product in a sealed container to an employee of the retailer or terminal distributor of dangerous drugs who is under eighteen years of age in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product. 1822
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(C) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of division ~~(C)(2)(A)~~ of section ~~3715.05~~ 3715.051 or division (A)(2) of section 3715.052 of the Revised Code. 1829
1830
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1832

(D) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of division (A)(1) of section 3715.052 of the Revised Code. 1833
1834
1835

(E) Whoever violates division (A)(1) of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree. 1836
1837
1838

~~(E)~~(F) Whoever violates division (B)(1) of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product to a minor, a misdemeanor of the fourth degree. 1839
1840
1841

~~(F)~~(G) Whoever violates division (C) of this section is guilty of improper sale of a pseudoephedrine product or ephedrine product, a misdemeanor of the second degree. 1842
1843
1844

(H) Whoever violates division (D) of this section is guilty 1845

of failing to submit information to the national precursor log 1846
exchange, a misdemeanor for which the offender shall be fined not 1847
more than one thousand dollars per violation. 1848

Sec. 2925.57. (A) As used in this section and section 2925.58 1849
of the Revised Code: 1850

(1) "Card holder" means any person who presents a driver's or 1851
commercial driver's license or an identification card to a seller, 1852
or an agent or employee of a seller, to purchase or receive any 1853
pseudoephedrine product or ephedrine product from the seller, 1854
agent, or employee. 1855

(2) "Identification card" and "transaction scan device" have 1856
the same meanings as in section 2927.021 of the Revised Code. 1857

(3) "Seller" means a retailer or terminal distributor of 1858
dangerous drugs. 1859

(4) "Transaction scan" means the process by which a seller or 1860
an agent or employee of a seller checks by means of a transaction 1861
scan device the validity of a driver's or commercial driver's 1862
license or an identification card that is presented as a condition 1863
for purchasing or receiving any pseudoephedrine product or 1864
ephedrine product. 1865

(B)(1) A seller or an agent or employee of a seller may 1866
perform a transaction scan by means of a transaction scan device 1867
to check the validity of a driver's or commercial driver's license 1868
or identification card presented by a card holder as a condition 1869
for selling, giving away, or otherwise distributing to the card 1870
holder a pseudoephedrine product or ephedrine product. 1871

(2) If the information deciphered by the transaction scan 1872
performed under division (B)(1) of this section fails to match the 1873
information printed on the driver's or commercial driver's license 1874
or identification card presented by the card holder, or if the 1875

transaction scan indicates that the information so printed is 1876
false or fraudulent, neither the seller nor any agent or employee 1877
of the seller shall sell, give away, or otherwise distribute any 1878
pseudoephedrine product or ephedrine product to the card holder. 1879

(3) Division (B)(1) of this section does not preclude a 1880
seller or an agent or employee of a seller as a condition for 1881
selling, giving away, or otherwise distributing a pseudoephedrine 1882
product or ephedrine product to the person presenting the document 1883
from using a transaction scan device to check the validity of a 1884
document other than a driver's or commercial driver's license or 1885
an identification card if the document includes a bar code or 1886
magnetic strip that may be scanned by the device. 1887

(C) Rules adopted by the registrar of motor vehicles under 1888
division (C) of section 4301.61 of the Revised Code apply to the 1889
use of transaction scan devices for purposes of this section and 1890
section 2925.58 of the Revised Code. 1891

(D)(1) No seller or agent or employee of a seller shall 1892
electronically or mechanically record or maintain any information 1893
derived from a transaction scan, except the following: 1894

(a) The name, address, and date of birth of the person listed 1895
on the driver's or commercial driver's license or identification 1896
card presented by a card holder; 1897

(b) The expiration date and, identification number, and 1898
issuing agency of the driver's or commercial driver's license or 1899
identification card presented by a card holder. 1900

(2) No seller or agent or employee of a seller shall use the 1901
information that is derived from a transaction scan or that is 1902
permitted to be recorded and maintained under division (D)(1) of 1903
this section except for purposes of section 2925.58 or division 1904
(A)(1) of section 3715.052 of the Revised Code. 1905

(3) No seller or agent or employee of a seller shall use a 1906

transaction scan device for a purpose other than the purpose 1907
specified in division (B)(1) of this section. 1908

(4) No seller or agent or employee of a seller shall sell or 1909
otherwise disseminate the information derived from a transaction 1910
scan to any third party, including, but not limited to, selling or 1911
otherwise disseminating that information for any marketing, 1912
advertising, or promotional activities, but a seller or agent or 1913
employee of a seller may release that information pursuant to a 1914
court order or as specifically authorized by section 2925.58 or 1915
another section of the Revised Code. 1916

(E) Nothing in this section or section 2925.58 of the Revised 1917
Code relieves a seller or an agent or employee of a seller of any 1918
responsibility to comply with any other applicable state or 1919
federal laws or rules governing the sale, giving away, or other 1920
distribution of pseudoephedrine products or ephedrine products. 1921

(F) Whoever violates division (B)(2) or (D) of this section 1922
is guilty of engaging in an illegal pseudoephedrine product or 1923
ephedrine product transaction scan, and the court may impose upon 1924
the offender a civil penalty of up to one thousand dollars for 1925
each violation. The clerk of the court shall pay each collected 1926
civil penalty to the county treasurer for deposit into the county 1927
treasury. 1928

Sec. 2929.01. As used in this chapter: 1929

(A)(1) "Alternative residential facility" means, subject to 1930
division (A)(2) of this section, any facility other than an 1931
offender's home or residence in which an offender is assigned to 1932
live and that satisfies all of the following criteria: 1933

(a) It provides programs through which the offender may seek 1934
or maintain employment or may receive education, training, 1935
treatment, or habilitation. 1936

(b) It has received the appropriate license or certificate 1937
for any specialized education, training, treatment, habilitation, 1938
or other service that it provides from the government agency that 1939
is responsible for licensing or certifying that type of education, 1940
training, treatment, habilitation, or service. 1941

(2) "Alternative residential facility" does not include a 1942
community-based correctional facility, jail, halfway house, or 1943
prison. 1944

(B) "Basic probation supervision" means a requirement that 1945
the offender maintain contact with a person appointed to supervise 1946
the offender in accordance with sanctions imposed by the court or 1947
imposed by the parole board pursuant to section 2967.28 of the 1948
Revised Code. "Basic probation supervision" includes basic parole 1949
supervision and basic post-release control supervision. 1950

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the 1951
same meanings as in section 2925.01 of the Revised Code. 1952

(D) "Community-based correctional facility" means a 1953
community-based correctional facility and program or district 1954
community-based correctional facility and program developed 1955
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 1956

(E) "Community control sanction" means a sanction that is not 1957
a prison term and that is described in section 2929.15, 2929.16, 1958
2929.17, or 2929.18 of the Revised Code or a sanction that is not 1959
a jail term and that is described in section 2929.26, 2929.27, or 1960
2929.28 of the Revised Code. "Community control sanction" includes 1961
probation if the sentence involved was imposed for a felony that 1962
was committed prior to July 1, 1996, or if the sentence involved 1963
was imposed for a misdemeanor that was committed prior to January 1964
1, 2004. 1965

(F) "Controlled substance," "marihuana," "schedule I," and 1966
"schedule II" have the same meanings as in section 3719.01 of the 1967

Revised Code.	1968
(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.	1969 1970
(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.	1971 1972 1973 1974 1975
(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	1976 1977
(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.	1978 1979 1980 1981
(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.	1982 1983 1984 1985 1986 1987 1988 1989
(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.	1990 1991 1992 1993 1994 1995 1996
(M) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or	1997 1998

technical college or vocational study and also includes the 1999
completion of primary school, secondary school, and literacy 2000
curricula or their equivalent. 2001

(N) "Firearm" has the same meaning as in section 2923.11 of 2002
the Revised Code. 2003

(O) "Halfway house" means a facility licensed by the division 2004
of parole and community services of the department of 2005
rehabilitation and correction pursuant to section 2967.14 of the 2006
Revised Code as a suitable facility for the care and treatment of 2007
adult offenders. 2008

(P) "House arrest" means a period of confinement of an 2009
offender that is in the offender's home or in other premises 2010
specified by the sentencing court or by the parole board pursuant 2011
to section 2967.28 of the Revised Code and during which all of the 2012
following apply: 2013

(1) The offender is required to remain in the offender's home 2014
or other specified premises for the specified period of 2015
confinement, except for periods of time during which the offender 2016
is at the offender's place of employment or at other premises as 2017
authorized by the sentencing court or by the parole board. 2018

(2) The offender is required to report periodically to a 2019
person designated by the court or parole board. 2020

(3) The offender is subject to any other restrictions and 2021
requirements that may be imposed by the sentencing court or by the 2022
parole board. 2023

(Q) "Intensive probation supervision" means a requirement 2024
that an offender maintain frequent contact with a person appointed 2025
by the court, or by the parole board pursuant to section 2967.28 2026
of the Revised Code, to supervise the offender while the offender 2027
is seeking or maintaining necessary employment and participating 2028
in training, education, and treatment programs as required in the 2029

court's or parole board's order. "Intensive probation supervision" 2030
includes intensive parole supervision and intensive post-release 2031
control supervision. 2032

(R) "Jail" means a jail, workhouse, minimum security jail, or 2033
other residential facility used for the confinement of alleged or 2034
convicted offenders that is operated by a political subdivision or 2035
a combination of political subdivisions of this state. 2036

(S) "Jail term" means the term in a jail that a sentencing 2037
court imposes or is authorized to impose pursuant to section 2038
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2039
provision of the Revised Code that authorizes a term in a jail for 2040
a misdemeanor conviction. 2041

(T) "Mandatory jail term" means the term in a jail that a 2042
sentencing court is required to impose pursuant to division (G) of 2043
section 1547.99 of the Revised Code, division (E) of section 2044
2903.06 or division (D) of section 2903.08 of the Revised Code, 2045
division (E) or (G) of section 2929.24 of the Revised Code, 2046
division (B) of section 4510.14 of the Revised Code, or division 2047
(G) of section 4511.19 of the Revised Code or pursuant to any 2048
other provision of the Revised Code that requires a term in a jail 2049
for a misdemeanor conviction. 2050

(U) "Delinquent child" has the same meaning as in section 2051
2152.02 of the Revised Code. 2052

(V) "License violation report" means a report that is made by 2053
a sentencing court, or by the parole board pursuant to section 2054
2967.28 of the Revised Code, to the regulatory or licensing board 2055
or agency that issued an offender a professional license or a 2056
license or permit to do business in this state and that specifies 2057
that the offender has been convicted of or pleaded guilty to an 2058
offense that may violate the conditions under which the offender's 2059
professional license or license or permit to do business in this 2060

state was granted or an offense for which the offender's 2061
professional license or license or permit to do business in this 2062
state may be revoked or suspended. 2063

(W) "Major drug offender" means an offender who is convicted 2064
of or pleads guilty to the possession of, sale of, or offer to 2065
sell any drug, compound, mixture, preparation, or substance that 2066
consists of or contains at least one thousand grams of hashish; at 2067
least one hundred grams of cocaine; at least two thousand five 2068
hundred unit doses or two hundred fifty grams of heroin; at least 2069
five thousand unit doses of L.S.D. or five hundred grams of L.S.D. 2070
in a liquid concentrate, liquid extract, or liquid distillate 2071
form; at least fifty grams of a controlled substance analog; or at 2072
least one hundred times the amount of any other schedule I or II 2073
controlled substance other than marihuana that is necessary to 2074
commit a felony of the third degree pursuant to section 2925.03, 2075
2925.04, 2925.05, or 2925.11 of the Revised Code that is based on 2076
the possession of, sale of, or offer to sell the controlled 2077
substance. 2078

(X) "Mandatory prison term" means any of the following: 2079

(1) Subject to division (X)(2) of this section, the term in 2080
prison that must be imposed for the offenses or circumstances set 2081
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 2082
2929.13 and division (B) of section 2929.14 of the Revised Code. 2083
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 2084
and 2925.11 of the Revised Code, unless the maximum or another 2085
specific term is required under section 2929.14 or 2929.142 of the 2086
Revised Code, a mandatory prison term described in this division 2087
may be any prison term authorized for the level of offense. 2088

(2) The term of sixty or one hundred twenty days in prison 2089
that a sentencing court is required to impose for a third or 2090
fourth degree felony OVI offense pursuant to division (G)(2) of 2091
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 2092

of the Revised Code or the term of one, two, three, four, or five 2093
years in prison that a sentencing court is required to impose 2094
pursuant to division (G)(2) of section 2929.13 of the Revised 2095
Code. 2096

(3) The term in prison imposed pursuant to division (A) of 2097
section 2971.03 of the Revised Code for the offenses and in the 2098
circumstances described in division (F)(11) of section 2929.13 of 2099
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 2100
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2101
2971.03 of the Revised Code and that term as modified or 2102
terminated pursuant to section 2971.05 of the Revised Code. 2103

(Y) "Monitored time" means a period of time during which an 2104
offender continues to be under the control of the sentencing court 2105
or parole board, subject to no conditions other than leading a 2106
law-abiding life. 2107

(Z) "Offender" means a person who, in this state, is 2108
convicted of or pleads guilty to a felony or a misdemeanor. 2109

(AA) "Prison" means a residential facility used for the 2110
confinement of convicted felony offenders that is under the 2111
control of the department of rehabilitation and correction but 2112
does not include a violation sanction center operated under 2113
authority of section 2967.141 of the Revised Code. 2114

(BB) "Prison term" includes either of the following sanctions 2115
for an offender: 2116

(1) A stated prison term; 2117

(2) A term in a prison shortened by, or with the approval of, 2118
the sentencing court pursuant to section 2929.143, 2929.20, 2119
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 2120

(CC) "Repeat violent offender" means a person about whom both 2121
of the following apply: 2122

(1) The person is being sentenced for committing or for 2123
complicity in committing any of the following: 2124

(a) Aggravated murder, murder, any felony of the first or 2125
second degree that is an offense of violence, or an attempt to 2126
commit any of these offenses if the attempt is a felony of the 2127
first or second degree; 2128

(b) An offense under an existing or former law of this state, 2129
another state, or the United States that is or was substantially 2130
equivalent to an offense described in division (CC)(1)(a) of this 2131
section. 2132

(2) The person previously was convicted of or pleaded guilty 2133
to an offense described in division (CC)(1)(a) or (b) of this 2134
section. 2135

(DD) "Sanction" means any penalty imposed upon an offender 2136
who is convicted of or pleads guilty to an offense, as punishment 2137
for the offense. "Sanction" includes any sanction imposed pursuant 2138
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2139
2929.28 of the Revised Code. 2140

(EE) "Sentence" means the sanction or combination of 2141
sanctions imposed by the sentencing court on an offender who is 2142
convicted of or pleads guilty to an offense. 2143

(FF) "Stated prison term" means the prison term, mandatory 2144
prison term, or combination of all prison terms and mandatory 2145
prison terms imposed by the sentencing court pursuant to section 2146
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2147
2919.25 of the Revised Code. "Stated prison term" includes any 2148
credit received by the offender for time spent in jail awaiting 2149
trial, sentencing, or transfer to prison for the offense and any 2150
time spent under house arrest or house arrest with electronic 2151
monitoring imposed after earning credits pursuant to section 2152
2967.193 of the Revised Code. If an offender is serving a prison 2153

term as a risk reduction sentence under sections 2929.143 and 2154
5120.036 of the Revised Code, "stated prison term" includes any 2155
period of time by which the prison term imposed upon the offender 2156
is shortened by the offender's successful completion of all 2157
assessment and treatment or programming pursuant to those 2158
sections. 2159

(GG) "Victim-offender mediation" means a reconciliation or 2160
mediation program that involves an offender and the victim of the 2161
offense committed by the offender and that includes a meeting in 2162
which the offender and the victim may discuss the offense, discuss 2163
restitution, and consider other sanctions for the offense. 2164

(HH) "Fourth degree felony OVI offense" means a violation of 2165
division (A) of section 4511.19 of the Revised Code that, under 2166
division (G) of that section, is a felony of the fourth degree. 2167

(II) "Mandatory term of local incarceration" means the term 2168
of sixty or one hundred twenty days in a jail, a community-based 2169
correctional facility, a halfway house, or an alternative 2170
residential facility that a sentencing court may impose upon a 2171
person who is convicted of or pleads guilty to a fourth degree 2172
felony OVI offense pursuant to division (G)(1) of section 2929.13 2173
of the Revised Code and division (G)(1)(d) or (e) of section 2174
4511.19 of the Revised Code. 2175

(JJ) "Designated homicide, assault, or kidnapping offense," 2176
"violent sex offense," "sexual motivation specification," 2177
"sexually violent offense," "sexually violent predator," and 2178
"sexually violent predator specification" have the same meanings 2179
as in section 2971.01 of the Revised Code. 2180

(KK) "Sexually oriented offense," "child-victim oriented 2181
offense," and "tier III sex offender/child-victim offender" have 2182
the same meanings as in section 2950.01 of the Revised Code. 2183

(LL) An offense is "committed in the vicinity of a child" if 2184

the offender commits the offense within thirty feet of or within 2185
the same residential unit as a child who is under eighteen years 2186
of age, regardless of whether the offender knows the age of the 2187
child or whether the offender knows the offense is being committed 2188
within thirty feet of or within the same residential unit as the 2189
child and regardless of whether the child actually views the 2190
commission of the offense. 2191

(MM) "Family or household member" has the same meaning as in 2192
section 2919.25 of the Revised Code. 2193

(NN) "Motor vehicle" and "manufactured home" have the same 2194
meanings as in section 4501.01 of the Revised Code. 2195

(OO) "Detention" and "detention facility" have the same 2196
meanings as in section 2921.01 of the Revised Code. 2197

(PP) "Third degree felony OVI offense" means a violation of 2198
division (A) of section 4511.19 of the Revised Code that, under 2199
division (G) of that section, is a felony of the third degree. 2200

(QQ) "Random drug testing" has the same meaning as in section 2201
5120.63 of the Revised Code. 2202

(RR) "Felony sex offense" has the same meaning as in section 2203
2967.28 of the Revised Code. 2204

(SS) "Body armor" has the same meaning as in section 2205
2941.1411 of the Revised Code. 2206

(TT) "Electronic monitoring" means monitoring through the use 2207
of an electronic monitoring device. 2208

(UU) "Electronic monitoring device" means any of the 2209
following: 2210

(1) Any device that can be operated by electrical or battery 2211
power and that conforms with all of the following: 2212

(a) The device has a transmitter that can be attached to a 2213
person, that will transmit a specified signal to a receiver of the 2214

type described in division (UU)(1)(b) of this section if the 2215
transmitter is removed from the person, turned off, or altered in 2216
any manner without prior court approval in relation to electronic 2217
monitoring or without prior approval of the department of 2218
rehabilitation and correction in relation to the use of an 2219
electronic monitoring device for an inmate on transitional control 2220
or otherwise is tampered with, that can transmit continuously and 2221
periodically a signal to that receiver when the person is within a 2222
specified distance from the receiver, and that can transmit an 2223
appropriate signal to that receiver if the person to whom it is 2224
attached travels a specified distance from that receiver. 2225

(b) The device has a receiver that can receive continuously 2226
the signals transmitted by a transmitter of the type described in 2227
division (UU)(1)(a) of this section, can transmit continuously 2228
those signals by a wireless or landline telephone connection to a 2229
central monitoring computer of the type described in division 2230
(UU)(1)(c) of this section, and can transmit continuously an 2231
appropriate signal to that central monitoring computer if the 2232
device has been turned off or altered without prior court approval 2233
or otherwise tampered with. The device is designed specifically 2234
for use in electronic monitoring, is not a converted wireless 2235
phone or another tracking device that is clearly not designed for 2236
electronic monitoring, and provides a means of text-based or voice 2237
communication with the person. 2238

(c) The device has a central monitoring computer that can 2239
receive continuously the signals transmitted by a wireless or 2240
landline telephone connection by a receiver of the type described 2241
in division (UU)(1)(b) of this section and can monitor 2242
continuously the person to whom an electronic monitoring device of 2243
the type described in division (UU)(1)(a) of this section is 2244
attached. 2245

(2) Any device that is not a device of the type described in 2246

division (UU)(1) of this section and that conforms with all of the 2247
following: 2248

(a) The device includes a transmitter and receiver that can 2249
monitor and determine the location of a subject person at any 2250
time, or at a designated point in time, through the use of a 2251
central monitoring computer or through other electronic means. 2252

(b) The device includes a transmitter and receiver that can 2253
determine at any time, or at a designated point in time, through 2254
the use of a central monitoring computer or other electronic means 2255
the fact that the transmitter is turned off or altered in any 2256
manner without prior approval of the court in relation to the 2257
electronic monitoring or without prior approval of the department 2258
of rehabilitation and correction in relation to the use of an 2259
electronic monitoring device for an inmate on transitional control 2260
or otherwise is tampered with. 2261

(3) Any type of technology that can adequately track or 2262
determine the location of a subject person at any time and that is 2263
approved by the director of rehabilitation and correction, 2264
including, but not limited to, any satellite technology, voice 2265
tracking system, or retinal scanning system that is so approved. 2266

(VV) "Non-economic loss" means nonpecuniary harm suffered by 2267
a victim of an offense as a result of or related to the commission 2268
of the offense, including, but not limited to, pain and suffering; 2269
loss of society, consortium, companionship, care, assistance, 2270
attention, protection, advice, guidance, counsel, instruction, 2271
training, or education; mental anguish; and any other intangible 2272
loss. 2273

(WW) "Prosecutor" has the same meaning as in section 2935.01 2274
of the Revised Code. 2275

(XX) "Continuous alcohol monitoring" means the ability to 2276
automatically test and periodically transmit alcohol consumption 2277

levels and tamper attempts at least every hour, regardless of the 2278
location of the person who is being monitored. 2279

(YY) A person is "adjudicated a sexually violent predator" if 2280
the person is convicted of or pleads guilty to a violent sex 2281
offense and also is convicted of or pleads guilty to a sexually 2282
violent predator specification that was included in the 2283
indictment, count in the indictment, or information charging that 2284
violent sex offense or if the person is convicted of or pleads 2285
guilty to a designated homicide, assault, or kidnapping offense 2286
and also is convicted of or pleads guilty to both a sexual 2287
motivation specification and a sexually violent predator 2288
specification that were included in the indictment, count in the 2289
indictment, or information charging that designated homicide, 2290
assault, or kidnapping offense. 2291

(ZZ) An offense is "committed in proximity to a school" if 2292
the offender commits the offense in a school safety zone or within 2293
five hundred feet of any school building or the boundaries of any 2294
school premises, regardless of whether the offender knows the 2295
offense is being committed in a school safety zone or within five 2296
hundred feet of any school building or the boundaries of any 2297
school premises. 2298

(AAA) "Human trafficking" means a scheme or plan to which all 2299
of the following apply: 2300

(1) Its object is to subject a victim or victims to 2301
involuntary servitude, as defined in section 2905.31 of the 2302
Revised Code, to compel a victim or victims to engage in sexual 2303
activity for hire, to engage in a performance that is obscene, 2304
sexually oriented, or nudity oriented, or to be a model or 2305
participant in the production of material that is obscene, 2306
sexually oriented, or nudity oriented. 2307

(2) It involves at least two felony offenses, whether or not 2308

there has been a prior conviction for any of the felony offenses, 2309
to which all of the following apply: 2310

(a) Each of the felony offenses is a violation of section 2311
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 2312
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 2313
(4), or (5) of section 2919.22 of the Revised Code or is a 2314
violation of a law of any state other than this state that is 2315
substantially similar to any of the sections or divisions of the 2316
Revised Code identified in this division. 2317

(b) At least one of the felony offenses was committed in this 2318
state. 2319

(c) The felony offenses are related to the same scheme or 2320
plan and are not isolated instances. 2321

(BBB) "Material," "nudity," "obscene," "performance," and 2322
"sexual activity" have the same meanings as in section 2907.01 of 2323
the Revised Code. 2324

(CCC) "Material that is obscene, sexually oriented, or nudity 2325
oriented" means any material that is obscene, that shows a person 2326
participating or engaging in sexual activity, masturbation, or 2327
bestiality, or that shows a person in a state of nudity. 2328

(DDD) "Performance that is obscene, sexually oriented, or 2329
nudity oriented" means any performance that is obscene, that shows 2330
a person participating or engaging in sexual activity, 2331
masturbation, or bestiality, or that shows a person in a state of 2332
nudity. 2333

Sec. 3715.05. (A) As used in this section and ~~section~~ 2334
sections 3715.051 to 3715.054 and 3715.06 of the Revised Code: 2335

(1) "Consumer product" means any food or drink that is 2336
consumed or used by humans and any drug, including a drug that may 2337
be provided legally only pursuant to a prescription, that is 2338

intended to be consumed or used by humans. 2339

(2) "Drug," "licensed health professional authorized to 2340
prescribe drugs," "pharmacy," "prescriber," "prescription," and 2341
"terminal distributor of dangerous drugs" have the same meanings 2342
as in section 4729.01 of the Revised Code. 2343

(3) "Ephedrine" means any material, compound, mixture, or 2344
preparation that contains any quantity of ephedrine, any of its 2345
salts, optical isomers, or salts of optical isomers. 2346

(4) "Ephedrine product" means a consumer product that 2347
contains ephedrine. 2348

(5) "Law enforcement official" means an officer or employee 2349
of any agency or authority of the United States, a state, a 2350
territory, a political subdivision of a state or territory, or an 2351
Indian tribe, who is empowered by the law to investigate or 2352
conduct an official inquiry into a potential violation of law or 2353
prosecute or otherwise conduct a criminal, civil, or 2354
administrative proceeding arising from an alleged violation of 2355
law. 2356

(6) "National precursor log exchange" or "exchange" means the 2357
electronic system for tracking sales of pseudoephedrine products 2358
and ephedrine products on a national basis that is administered by 2359
the national association of drug diversion investigators or a 2360
successor organization. 2361

(7) "Pharmacist" means a person licensed under Chapter 4729. 2362
of the Revised Code to engage in the practice of pharmacy. 2363

~~(4)~~(8) "Proof of age" means a driver's license, a commercial 2364
driver's license, a military identification card, a passport, or 2365
an identification card issued under sections 4507.50 to 4507.52 of 2366
the Revised Code that shows a person is eighteen years of age or 2367
older. 2368

~~(5)(9)~~ "Pseudoephedrine" means any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.

~~(6)(10)~~ "Pseudoephedrine product" means a consumer product consisting of a single ingredient preparation of that contains pseudoephedrine in which pseudoephedrine is the active ingredient. "Pseudoephedrine product" does not include either of the following:

~~(a)~~ A consumer product containing pseudoephedrine that is in a liquid, liquid capsule, or gel capsule form:

~~(b)~~ A consumer product primarily intended for administration to children under twelve years of age, according to the label instructions, in solid dosage form, including chewable tablets, when individual dosage units do not exceed fifteen milligrams of pseudoephedrine.

~~(7)(11)~~ "Retailer" means a place of business that offers consumer products for sale to the general public.

~~(8)(12)~~ "Single-ingredient preparation" means a compound, mixture, preparation, or substance that contains a single active ingredient.

~~(9)(13)~~ "Stop-sale alert" means a notification sent from the national precursor log exchange to a retailer or terminal distributor of dangerous drugs indicating that the completion of a sale of a pseudoephedrine product or ephedrine product would result in a violation of division (A)(1) of section 2925.56 of the Revised Code or federal law.

~~(14)~~ "Wholesaler" has the same meaning as in section 3719.01 of the Revised Code.

(B) A retailer or terminal distributor of dangerous drugs

that sells, offers to sell, holds for sale, delivers, or otherwise 2399
provides a pseudoephedrine product or ephedrine product to the 2400
public shall do all of the following: 2401

(1) Segregate pseudoephedrine products or ephedrine products 2402
from other merchandise so that no member of the public may procure 2403
or purchase such products without the direct assistance of a 2404
pharmacist or other authorized employee of the retailer or 2405
terminal distributor of dangerous drugs; 2406

(2) With regard to each time a pseudoephedrine product or 2407
ephedrine product is sold or otherwise provided without a valid 2408
prescription: 2409

(a) Determine, by examination of a valid proof of age, that 2410
the purchaser or recipient is at least eighteen years of age; 2411

(b) ~~Make~~ Using any information available, including 2412
information from the national precursor log exchange if the 2413
information is accessible, make a reasonable attempt to ensure 2414
that no individual purchases or receives ~~more than nine grams~~ an 2415
amount of pseudoephedrine ~~products within a period of thirty~~ 2416
~~consecutive days;~~ product or ephedrine product that is greater 2417
than either of the following: 2418

(i) Three and six tenths grams within a period of a single 2419
day; 2420

(ii) Nine grams within a period of thirty consecutive days. 2421

The maximum amounts specified in divisions (B)(2)(b)(i) and 2422
(ii) of this section apply to the total amount of base 2423
pseudoephedrine or base ephedrine in the pseudoephedrine product 2424
or ephedrine product, respectively. The maximum amounts do not 2425
apply to the product's overall weight. 2426

(3) Maintain a log book of pseudoephedrine product or 2427
ephedrine product purchases, in accordance with ~~division (C) of~~ 2428

~~this section 3715.051 of the Revised Code;~~ 2429

~~(4) If required to comply with section 3715.052 of the Revised Code, submit the information specified in divisions (A)(1)(a) to (d) of that section to the national precursor log exchange.~~ 2430
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~~(C)(1) As used in division (C) of this section, "law enforcement official" means an officer or employee of any agency or authority of the United States, a state, a territory, a political division of a state or territory, or an Indian tribe, who is empowered by the law to investigate or conduct an official inquiry into a potential violation of law or prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.~~ 2434
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~~(2) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product to the public shall maintain a log book of all purchases of pseudoephedrine products. The log book may be maintained in a tangible format, in an electronic format, or in both a tangible format and an electronic format. As part of this requirement, the retailer or terminal distributor of dangerous drugs shall do all of the following:~~ 2442
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~~(a) Require each purchaser to sign an entry in the log book that is maintained in the electronic or tangible format;~~ 2450
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~~(b) Determine whether the name signed in the entry in the log book corresponds with the name on a government-issued identification card;~~ 2452
2453
2454

~~(c) Retain the log book in a tangible format, in an electronic format, or in both a tangible format and an electronic format for a minimum of one year after the date of the last purchase recorded in the log book;~~ 2455
2456
2457
2458

~~(d) Include in the log book in the manner described in~~ 2459

~~division (C)(5) of this section or, in the alternative, post, in a
conspicuous location, the following statement: "Ohio law prohibits
the over the counter purchase within any period of thirty
consecutive days of more than nine grams of any consumer product
in which pseudoephedrine is the only active ingredient. If you
purchase a consumer product in which pseudoephedrine is the only
active ingredient, you are required to sign a log book that may be
accessible to law enforcement officers and to provide a
government issued identification card to verify your identity.
Except in limited circumstances, the purchase within any period of
thirty consecutive days of more than nine grams of any consumer
product in which pseudoephedrine is the only active ingredient,
and the purchase by any individual under eighteen years of age of
any consumer product in which pseudoephedrine is the only active
ingredient, are subject to criminal prosecution or delinquency
proceedings in accordance with Ohio law. Also, the provision of
false information concerning an individual's name, age, or other
identification for the purpose of acquiring any consumer product
in which pseudoephedrine is the only active ingredient is subject
to criminal prosecution or delinquency proceedings in accordance
with Ohio law."~~

~~(3) Each purchaser of a pseudoephedrine product shall do all
of the following:~~

~~(a) Sign and print the purchaser's name and address in the
log book;~~

~~(b) Provide a government issued identification card to the
retailer or terminal distributor of dangerous drugs to verify the
purchaser's identity.~~

~~(4) Information contained in the log book may not be used or
disclosed except in the following circumstances:~~

~~(a) In response to a court order or subpoena;~~

~~(b) In response to a request from a law enforcement official to be used for law enforcement purposes.~~ 2491
2492

~~(5) If a retailer or terminal distributor of dangerous drugs chooses to include the statement set forth in division (C)(2)(d) of this section in the log book maintained under division (C)(2) of this section, the statement shall be set forth in the following manner:~~ 2493
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~~(a) If the log book is maintained in an electronic format, the statement shall be set forth in such a manner that it is presented on the viewing screen to each purchaser who is signing an entry in the log book before the purchaser may sign the entry.~~ 2498
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2500
2501

~~(b) If the log book is maintained in a tangible format, the statement shall be set forth on the cover of the log book and on each page of the log book.~~ 2502
2503
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~~(D) Prescriptions, orders, and records maintained pursuant to this section and stocks of pseudoephedrine products and ephedrine products shall be open for inspection to federal, state, county, and municipal officers, and employees of the state board of pharmacy whose duty it is to enforce the laws of this state or of the United States relating to controlled substances. Such prescriptions, orders, records, and stocks shall be open for inspection by the state medical board and its employees for purposes of enforcing Chapter 4731. of the Revised Code.~~ 2505
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Sec. 3715.051. (A) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall maintain a log book of all purchases of pseudoephedrine products or ephedrine products made without a valid prescription. The log book may be maintained in a tangible format, in an electronic format, or in both formats. As part of fulfilling this requirement, the retailer or terminal 2514
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<u>distributor of dangerous drugs shall do all of the following:</u>	2522
<u>(1) Require each individual who purchases a pseudoephedrine</u>	2523
<u>product or ephedrine product without a valid prescription to sign</u>	2524
<u>an entry in the log book;</u>	2525
<u>(2) Determine whether the name signed in the entry in the log</u>	2526
<u>book corresponds with the name on a government-issued</u>	2527
<u>identification card;</u>	2528
<u>(3) Retain the log book in a tangible format, in an</u>	2529
<u>electronic format, or in both formats for a minimum of one year</u>	2530
<u>after the date of the last purchase recorded in the log book or as</u>	2531
<u>required by federal law;</u>	2532
<u>(4) Include in the log book in the manner described in</u>	2533
<u>division (D) of this section or, in the alternative, post in a</u>	2534
<u>conspicuous location the following statement:</u>	2535
<u>"Ohio law prohibits the over-the-counter purchase of a</u>	2536
<u>consumer product containing a total amount of base pseudoephedrine</u>	2537
<u>or base ephedrine that exceeds either three and six tenths grams</u>	2538
<u>in a single day or nine grams within any period of thirty</u>	2539
<u>consecutive days. If, without a valid prescription, you purchase a</u>	2540
<u>consumer product containing pseudoephedrine or ephedrine, you are</u>	2541
<u>required to sign a log book that may be accessible to law</u>	2542
<u>enforcement officers and provide a government-issued</u>	2543
<u>identification card to verify your identity. Except in limited</u>	2544
<u>circumstances, the purchase of more than the permissible amount of</u>	2545
<u>a consumer product containing pseudoephedrine or ephedrine, and</u>	2546
<u>the purchase by any individual under eighteen years of age of a</u>	2547
<u>consumer product containing pseudoephedrine or ephedrine, are</u>	2548
<u>subject to criminal prosecution or delinquency proceedings in</u>	2549
<u>accordance with Ohio law. Also, the provision of false information</u>	2550
<u>concerning an individual's name, age, or other identification for</u>	2551
<u>the purpose of acquiring a consumer product containing</u>	2552

pseudoephedrine or ephedrine is subject to criminal prosecution or delinquency proceedings in accordance with Ohio law." 2553
2554

(B) Each individual who purchases a pseudoephedrine product or ephedrine product without a valid prescription shall do both of the following: 2555
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2557

(1) Sign and print the purchaser's name in the log book; 2558

(2) Present a government-issued identification card to the retailer or terminal distributor of dangerous drugs to verify the purchaser's identity. 2559
2560
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(C) Information contained in the log book may not be used or disclosed except in the following circumstances: 2562
2563

(1) In response to a court order or subpoena; 2564

(2) In response to a request from a law enforcement official to be used for law enforcement purposes; 2565
2566

(3) For purposes of complying with requirements in section 3715.052 of the Revised Code regarding the submission of information to the national precursor log exchange. 2567
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(D) If a retailer or terminal distributor of dangerous drugs chooses to include the statement set forth in division (A)(4) of this section in the log book, the statement shall be set forth in the following manner: 2570
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(1) If the log book is maintained in an electronic format, the statement shall be set forth in such a manner that it is presented on the viewing screen to each purchaser who is signing an entry in the log book before the purchaser may sign the entry. 2574
2575
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2577

(2) If the log book is maintained in a tangible format, the statement shall be set forth on the cover of the log book and on each page of the log book. 2578
2579
2580

Sec. 3715.052. The duty to comply with this section is 2581

subject to the conditions specified in section 3715.053 of the 2582
Revised Code. 2583

(A)(1) Beginning June 1, 2013, a retailer or terminal 2584
distributor of dangerous drugs shall submit the following 2585
information to the national precursor log exchange regarding each 2586
sale of pseudoephedrine product or ephedrine product that is not 2587
made pursuant to a valid prescription: 2588

(a) The purchaser's name and address; 2589

(b) The name and quantity of the product purchased; 2590

(c) The date and time of the purchase; 2591

(d) The type of government-issued identification provided by 2592
the purchaser at the time of purchase, pursuant to division (B)(2) 2593
of section 3715.051 of the Revised Code, the identification 2594
number, if any, on the identification, and the agency that issued 2595
the identification. 2596

(2) A retailer or terminal distributor of dangerous drugs 2597
that is unable to complete an information submission required by 2598
division (A)(1) of this section due to experiencing mechanical or 2599
electronic failure of the equipment used to complete the 2600
information submission or due to the temporary inability of the 2601
retailer or terminal distributor to obtain internet service shall 2602
do both of the following: 2603

(a) Maintain a written or electronic record of the 2604
information in division (A)(1) of this section; 2605

(b) Complete the information submission as soon as 2606
practicable after the mechanical or electronic failure has been 2607
rectified or internet service has been restored. 2608

(B)(1) Except as provided in division (B)(2) of this section, 2609
a retailer or terminal distributor of dangerous drugs shall not 2610
complete a sale if the exchange generates a stop-sale alert after 2611

the information is submitted under division (A)(1) of this 2612
section. 2613

(2) A retailer or terminal distributor of dangerous drugs may 2614
complete a sale even though the exchange has generated a stop-sale 2615
alert if the retailer or terminal distributor of dangerous drugs 2616
has a reasonable fear of imminent bodily harm should the sale not 2617
be completed. To accommodate such circumstances, the retailer or 2618
terminal distributor of dangerous drugs shall ensure that the 2619
override function of the exchange has been enabled. 2620

Sec. 3715.053. A retailer or terminal distributor of 2621
dangerous drugs is not required to comply with section 3715.052 of 2622
the Revised Code if one or more of the following are the case: 2623

(A) There is any charge from the national precursor log 2624
exchange for using the exchange, including a charge for obtaining 2625
access to the exchange, submitting information to the exchange, or 2626
receiving a stop-sale alert from the exchange. 2627

(B) There is any fee from the exchange related to funding its 2628
operation or maintenance. 2629

(C) The equipment or software needed to use the exchange is 2630
not technologically capable of interfacing with existing and 2631
future operational systems used by a retailer or terminal 2632
distributor of dangerous drugs. 2633

Sec. 3715.054. A retailer or terminal distributor of 2634
dangerous drugs is not liable in damages in a civil action for 2635
injury, death, or loss to person or property resulting from any 2636
act or omission in carrying out the duties specified in sections 2637
3715.05, 3715.051, and 3715.052 of the Revised Code regarding the 2638
sale of a pseudoephedrine product or ephedrine product, unless the 2639
act or omission is negligent or reckless or constitutes willful or 2640
wanton misconduct. 2641

Sec. 3719.013. A Except as otherwise provided in section 2642
2925.03 or 2925.11 of the Revised Code, a controlled substance 2643
analog, to the extent intended for human consumption, shall be 2644
treated for purposes of any provision of the Revised Code as a 2645
controlled substance in schedule I. 2646

Sec. 3719.41. Controlled substance schedules I, II, III, IV, 2647
and V are hereby established, which schedules include the 2648
following, subject to amendment pursuant to section 3719.43 or 2649
3719.44 of the Revised Code. 2650

SCHEDULE I 2651

(A) Narcotics-opiates 2652

Any of the following opiates, including their isomers, 2653
esters, ethers, salts, and salts of isomers, esters, and ethers, 2654
unless specifically excepted under federal drug abuse control 2655
laws, whenever the existence of these isomers, esters, ethers, and 2656
salts is possible within the specific chemical designation: 2657

(1) Acetyl-alpha-methylfentanyl 2658
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); 2659

(2) Acetylmethadol; 2660

(3) Allylprodine; 2661

(4) Alphacetylmethadol (except levo-alphacetylmethadol, also 2662
known as levo-alpha-acetylmethadol, levomethadyl acetate, or 2663
LAAM); 2664

(5) Alphameprodine; 2665

(6) Alphamethadol; 2666

(7) Alpha-methylfentanyl 2667
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 2668
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 2669

(8) Alpha-methylthiofentanyl	2670
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	2671
	2672
(9) Benzethidine;	2673
(10) Betacetylmethadol;	2674
(11) Beta-hydroxyfentanyl	2675
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);	2676
(12) Beta-hydroxy-3-methylfentanyl (other name:	2677
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	2678
phenylpropanamide);	2679
(13) Betameprodine;	2680
(14) Betamethadol;	2681
(15) Betaprodine;	2682
(16) Clonitazene;	2683
(17) Dextromoramide;	2684
(18) Diampromide;	2685
(19) Diethylthiambutene;	2686
(20) Difenoxin;	2687
(21) Dimenoxadol;	2688
(22) Dimepheptanol;	2689
(23) Dimethylthiambutene;	2690
(24) Dioxaphetyl butyrate;	2691
(25) Dipipanone;	2692
(26) Ethylmethylthiambutene;	2693
(27) Etonitazene;	2694
(28) Etoxeridine;	2695
(29) Furethidine;	2696

(30) Hydroxypethidine;	2697
(31) Ketobemidone;	2698
(32) Levomoramide;	2699
(33) Levophenacylmorphane;	2700
(34) 3-methylfentanyl	2701
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	2702
(35) 3-methylthiofentanyl	2703
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	2704
	2705
(36) Morpheridine;	2706
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	2707
(38) Noracymethadol;	2708
(39) Norlevorphanol;	2709
(40) Normethadone;	2710
(41) Norpipanone;	2711
(42) Para-fluorofentanyl	2712
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	2713
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);	2714
(44) Phenadoxone;	2715
(45) Phenampromide;	2716
(46) Phenomorphan;	2717
(47) Phenoperidine;	2718
(48) Piritramide;	2719
(49) Proheptazine;	2720
(50) Properidine;	2721
(51) Propiram;	2722

(52) Racemoramide;	2723
(53) Thiofentanyl	2724
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	2725
(54) Tilidine;	2726
(55) Trimeperidine.	2727
(B) Narcotics-opium derivatives	2728
Any of the following opium derivatives, including their	2729
salts, isomers, and salts of isomers, unless specifically excepted	2730
under federal drug abuse control laws, whenever the existence of	2731
these salts, isomers, and salts of isomers is possible within the	2732
specific chemical designation:	2733
(1) Acetorphine;	2734
(2) Acetyldihydrocodeine;	2735
(3) Benzylmorphine;	2736
(4) Codeine methylbromide;	2737
(5) Codeine-n-oxide;	2738
(6) Cyprenorphine;	2739
(7) Desomorphine;	2740
(8) Dihydromorphine;	2741
(9) Drotebanol;	2742
(10) Etorphine (except hydrochloride salt);	2743
(11) Heroin;	2744
(12) Hydromorphanol;	2745
(13) Methyldesorphine;	2746
(14) Methyldihydromorphine;	2747
(15) Morphine methylbromide;	2748
(16) Morphine methylsulfonate;	2749

(17) Morphine-n-oxide;	2750
(18) Myrophine;	2751
(19) Nicocodeine;	2752
(20) Nicomorphine;	2753
(21) Normorphine;	2754
(22) Pholcodine;	2755
(23) Thebacon.	2756
(C) Hallucinogens	2757
Any material, compound, mixture, or preparation that contains	2758
any quantity of the following hallucinogenic substances, including	2759
their salts, isomers, and salts of isomers, unless specifically	2760
excepted under federal drug abuse control laws, whenever the	2761
existence of these salts, isomers, and salts of isomers is	2762
possible within the specific chemical designation. For the	2763
purposes of this division only, "isomer" includes the optical	2764
isomers, position isomers, and geometric isomers.	2765
(1) Alpha-ethyltryptamine (some trade or other names:	2766
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine;	2767
3-(2-aminobutyl) indole; alpha-ET; and AET);	2768
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	2769
names: 4-bromo-2,5-dimethoxy-alpha-methyphenethylamine;	2770
4-bromo-2,5-DMA);	2771
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other	2772
names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	2773
alpha-desmethyl DOB; 2C-B, Nexus);	2774
(4) 2,5-dimethoxyamphetamine (some trade or other names:	2775
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	2776
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other	2777
names: DOET);	2778

(6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);	2779 2780 2781
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	2782
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");	2783 2784 2785
(9) 3,4-methylenedioxy amphetamine (<u>MDA</u>);	2786
(10) 3,4-methylenedioxymethamphetamine (MDMA);	2787
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	2788 2789 2790
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	2791 2792 2793
(13) 3,4,5-trimethoxy amphetamine;	2794
(14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);	2795 2796 2797 2798
(15) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET);	2799 2800
(16) Dimethyltryptamine (some trade or other names: DMT);	2801
(17) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	2802 2803 2804
(18) Lysergic acid diethylamide;	2805
(19) Marihuana;	2806
(20) Mescaline;	2807

(21) Parahexyl (some trade or other names: 3-hexyl-1-	2808
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;	2809
synhexyl);	2810
(22) Peyote (meaning all parts of the plant presently	2811
classified botanically as "Lophophora williamsii Lemaire," whether	2812
growing or not, the seeds of that plant, any extract from any part	2813
of that plant, and every compound, manufacture, salts, derivative,	2814
mixture, or preparation of that plant, its seeds, or its	2815
extracts);	2816
(23) N-ethyl-3-piperidyl benzilate;	2817
(24) N-methyl-3-piperidyl benzilate;	2818
(25) Psilocybin;	2819
(26) Psilocyn;	2820
(27) Tetrahydrocannabinols (synthetic equivalents of the	2821
substances contained in the plant, or in the resinous extractives	2822
of Cannabis, sp. and/or synthetic substances, derivatives, and	2823
their isomers with similar chemical structure and pharmacological	2824
activity such as the following: delta-1-cis or trans	2825
tetrahydrocannabinol, and their optical isomers; delta-6-cis or	2826
trans tetrahydrocannabinol, and their optical isomers;	2827
delta-3,4-cis or trans tetrahydrocannabinol, and its optical	2828
isomers. (Since nomenclature of these substances is not	2829
internationally standardized, compounds of these structures,	2830
regardless of numerical designation of atomic positions, are	2831
covered.));	2832
(28) Ethylamine analog of phencyclidine (some trade or other	2833
names: N-ethyl-1-phenylcyclohexylamine;	2834
(1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	2835
cyclohexamine; PCE);	2836
(29) Pyrrolidine analog of phencyclidine (some trade or other	2837

names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	2838
(30) Thiophene analog of phencyclidine (some trade or other	2839
names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog	2840
of phencyclidine; TPCP; TCP);	2841
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	2842
(32) Hashish;	2843
(33) Salvia divinorum;	2844
(34) Salvinorin A;	2845
(35) 1-Pentyl-3-(1-naphthoyl)indole (some trade or other	2846
names: JWH-018);	2847
(36) 1-Butyl-3-(1-naphthoyl)indole (some trade or other	2848
names: JWH-073);	2849
(37) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (some	2850
trade or other names: JWH-200);	2851
(38)	2852
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol	2853
(some trade or other names: CP-47,497);	2854
(39)	2855
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some	2856
trade or other names: cannabicyclohexanol; CP-47,497-C8	2857
homologue);	2858
(40) Methylohexone (3,4-methylenedioxy-methcathinone);	2859
(41) MDPV (3,4-methylenedioxy-pyrovalerone);	2860
(42) Mephedrone (4-methylmethcathinone);	2861
(43) 4-methoxymethcathinone;	2862
(44) 4-fluoromethcathinone;	2863
(45) 3-fluoromethcathinone	2864
<u>(1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone</u>	2865

<u>(UR-144);</u>	2866
<u>(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);</u>	2867
<u>(37) N-adamantyl-1-pentylindole-3-carboxamide;</u>	2868
<u>(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);</u>	2869
<u>(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone</u> <u>(methoxetamine);</u>	2870 2871
<u>(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);</u>	2872
<u>(41)</u>	2873
<u>[1-(5-fluoropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone</u> <u>(5-fluoropentyl-UR-144; XLR11);</u>	2874 2875
<u>(42)</u>	2876
<u>[1-(5-chloropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone</u> <u>(5-chloropentyl-UR-144);</u>	2877 2878
<u>(43)</u>	2879
<u>[1-(5-bromopentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone</u> <u>(5-bromopentyl-UR-144);</u>	2880 2881
<u>(44)</u>	2882
<u>{1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3-tetramethylcyclopropyl)</u> <u>methanone (A-796,260);</u>	2883 2884
<u>(45)</u>	2885
<u>1-[(N-methylpiperidin-2-yl)methyl]-3-(1-adamantoyl)indole</u> <u>(AM1248);</u>	2886 2887
<u>(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;</u>	2888
<u>(47) 5-(2-aminopropyl)benzofuran (5-APB);</u>	2889
<u>(48) 6-(2-aminopropyl)benzofuran (6-APB);</u>	2890
<u>(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);</u>	2891
<u>(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);</u>	2892
<u>(51) Benzothiophenylcyclohexylpiperidine (BTCP);</u>	2893

<u>(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);</u>	2894
<u>(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);</u>	2895
<u>(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);</u>	2896
<u>(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);</u>	2897
<u>(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);</u>	2898 2899
<u>(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);</u>	2900 2901
<u>(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);</u>	2902
<u>(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);</u>	2903
<u>(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);</u>	2904
<u>(61) 4-methoxymethamphetamine (PMMA);</u>	2905
<u>(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);</u>	2906
<u>(63) 5-iodo-2-aminoindane (5-IAI);</u>	2907
<u>(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine(25I-NBOMe);</u>	2908 2909
<u>(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);</u>	2910 2911
<u>(66) Desoxypipradrol (2-benzhydrylpiperidine);</u>	2912
<u>(67) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical groups:</u>	2913 2914 2915 2916 2917 2918 2919 2920
<u>(a) Naphthoylindoles: any compound containing a</u>	2921

3-(1-naphthoyl)indole structure with or without substitution at 2922
the nitrogen atom of the indole ring by an alkyl, haloalkyl, 2923
alkenyl, cycloalkylmethyl, cycloalkylethyl, 2924
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 2925
(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 2926
((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, 2927
whether or not further substituted on the indole ring to any 2928
extent or whether or not substituted on the naphthyl group to any 2929
extent. Naphthoylindoles include, but are not limited to, 2930
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 2931
1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 2932
1-pentyl-3-(1-naphthoyl)indole (JWH-018), and 2933
1-butyl-3-(1-naphthoyl)indole (JWH-073). 2934

(b) Naphthylmethyloindoles: any compound containing a 2935
1H-indol-3-yl-(1-naphthyl)methane structure with or without 2936
substitution at the nitrogen atom of the indole ring by an alkyl, 2937
haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 2938
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 2939
(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 2940
((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, 2941
whether or not further substituted on the indole ring to any 2942
extent or whether or not substituted on the naphthyl group to any 2943
extent. Naphthylmethyloindoles include, but are not limited to, 2944
(1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175). 2945

(c) Naphthoylpyrroles: any compound containing a 2946
3-(1-naphthoyl)pyrrole structure with or without substitution at 2947
the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 2948
alkenyl, cycloalkylmethyl, cycloalkylethyl, 2949
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 2950
(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 2951
((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, 2952
whether or not further substituted on the pyrrole ring to any 2953

extent or whether or not substituted on the naphthyl group to any 2954
extent. Naphthoylpyrroles include, but are not limited to, 2955
1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 2956

(d) Naphthylmethylindenes: any compound containing a 2957
naphthylmethylindeneindene structure with or without substitution 2958
at the 3-position of the indene ring by an alkyl, haloalkyl, 2959
alkenyl, cycloalkylmethyl, cycloalkylethyl, 2960
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 2961
(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 2962
((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, 2963
whether or not further substituted on the indene group to any 2964
extent or whether or not substituted on the naphthyl group to any 2965
extent. Naphthylmethylindenes include, but are not limited to, 2966
(1-[(3-pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 2967

(e) Phenylacetylindoles: any compound containing a 2968
3-phenylacetylindole structure with or without substitution at the 2969
nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, 2970
cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, 2971
cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 2972
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2973
2-(4-morpholinyl)ethyl group, whether or not further substituted 2974
on the indole ring to any extent or whether or not substituted on 2975
the phenyl group to any extent. Phenylacetylindoles include, but 2976
are not limited to, 1-pentyl-3-(2-methoxyphenylacetyl)indole 2977
(JWH-250), and 2978
1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 2979
1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 2980

(f) Cyclohexylphenols: any compound containing a 2981
2-(3-hydroxycyclohexyl)phenol structure with or without 2982
substitution at the 5-position of the phenolic ring by an alkyl, 2983
haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 2984
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 2985

(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 2986
((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, 2987
whether or not further substituted on the cyclohexyl group to any 2988
extent. Cyclohexylphenols include, but are not limited to, 2989
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol 2990
(some trade or other names: CP-47,497) and 2991
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 2992
trade or other names: cannabicyclohexanol; CP-47,497 C8 2993
homologue). 2994

(g) Benzoylindoles: any compound containing a 2995
3-(1-naphthoyl)indole structure with or without substitution at 2996
the nitrogen atom of the indole ring by an alkyl, haloalkyl, 2997
alkenyl, cycloalkylmethyl, cycloalkylethyl, 2998
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 2999
(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 3000
((N-methyl)-3-morpholinyl)methyl or 2-(4-morpholinyl)ethyl group, 3001
whether or not further substituted on the indole ring to any 3002
extent or whether or not substituted on the phenyl group to any 3003
extent. Benzoylindoles include, but are not limited to, 3004
1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4), 3005
1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole 3006
(Pravadoline or WIN 48, 098). 3007

(D) Depressants 3008

Any material, compound, mixture, or preparation that contains 3009
any quantity of the following substances having a depressant 3010
effect on the central nervous system, including their salts, 3011
isomers, and salts of isomers, unless specifically excepted under 3012
federal drug abuse control laws, whenever the existence of these 3013
salts, isomers, and salts of isomers is possible within the 3014
specific chemical designation: 3015

(1) Mecloqualone; 3016

(2) Methaqualone.	3017
(E) Stimulants	3018
Unless specifically excepted or unless listed in another	3019
schedule, any material, compound, mixture, or preparation that	3020
contains any quantity of the following substances having a	3021
stimulant effect on the central nervous system, including their	3022
salts, isomers, and salts of isomers:	3023
(1) Aminorex (some other names: aminoxaphen;	3024
2-amino-5-phenyl-2-oxazoline; or	3025
4,5-dihydro-5-phenyl-2-oxazolamine);	3026
(2) Cathinone (some trade or other names:	3027
2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,	3028
2-aminopropiophenone, and norephedrone);	3029
(3) Fenethylamine;	3030
(4) Methcathinone (some other names:	3031
2-(methylamino) propiophenone; alpha-(methylamino)propiophenone;	3032
2-methylamino)-1-phenylpropan-1-one;	3033
alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone;	3034
N-methylcathinone; methylcathinone; AL 464; AL 422; AL 463; and	3035
UR1432, its salts, optical isomers, and salts of optical isomers;	3036
(5)(3) (+/-)cis-4-methylaminorex	3037
((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);	3038
(6)(4) N-ethylamphetamine;	3039
(7)(5) N,N-dimethylamphetamine (also known as	3040
N,N-alpha-trimethyl-benzeneethanamine;	3041
N,N-alpha-trimethylphenethylamine);	3042
<u>(6) N-methyl-1-(thiophen-2-yl) propan-2-amine</u>	3043
<u>(Methiopropamine);</u>	3044
<u>(7) Substituted cathinones - any compound except bupropion or</u>	3045
<u>compounds listed under a different schedule, structurally derived</u>	3046

from 2-aminopropan-1-one by substitution at the 1-position with 3047
either phenyl, naphthyl, or thiophene ring systems, whether or not 3048
the compound is further modified in any of the following ways: 3049

(a) By substitution in the ring system to any extent with 3050
alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide 3051
substituents, whether or not further substituted in the ring 3052
system by one or more other univalent substituents; 3053

(b) By substitution at the 3-position with an acyclic alkyl 3054
substituent; 3055

(c) By substitution at the 2-amino nitrogen atom with alkyl, 3056
dialkyl, benzyl, or methoxybenzyl groups; 3057

(d) By inclusion of the 2-amino nitrogen atom in a cyclic 3058
structure. 3059

Examples of substituted cathinones include, but are not 3060
limited to, methydone (3,4-methylenedioxy-methcathinone), MDPV 3061
(3,4-methylenedioxy-pyrovalerone), mephedrone 3062
(4-methylmethcathinone), 4-methoxymethcathinone, 3063
4-fluoromethcathinone, 3-fluoromethcathinone, Pentedrone 3064
(2-(methylamino)-1-phenyl-1-pentanone), pentylone 3065
(1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 3066
2-(1-pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP 3067
(1-phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone 3068
(2-amino-1-phenyl-1-propanone), and methcathinone 3069
(2-(methylamino)-propiophenone). 3070

SCHEDULE II 3071

(A) Narcotics-opium and opium derivatives 3072

Unless specifically excepted under federal drug abuse control 3073
laws or unless listed in another schedule, any of the following 3074
substances whether produced directly or indirectly by extraction 3075
from substances of vegetable origin, independently by means of 3076
chemical synthesis, or by a combination of extraction and chemical 3077

synthesis:	3078
(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine,	3079
thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene,	3080
naloxone, and naltrexone, and their respective salts, but	3081
including the following:	3082
(a) Raw opium;	3083
(b) Opium extracts;	3084
(c) Opium fluid extracts;	3085
(d) Powdered opium;	3086
(e) Granulated opium;	3087
(f) Tincture of opium;	3088
(g) Codeine;	3089
(h) Ethylmorphine;	3090
(i) Etorphine hydrochloride;	3091
(j) Hydrocodone;	3092
(k) Hydromorphone;	3093
(l) Metopon;	3094
(m) Morphine;	3095
(n) Oxycodone;	3096
(o) Oxymorphone;	3097
(p) Thebaine.	3098
(2) Any salt, compound, derivative, or preparation thereof	3099
that is chemically equivalent to or identical with any of the	3100
substances referred to in division (A)(1) of this schedule, except	3101
that these substances shall not include the isoquinoline alkaloids	3102
of opium;	3103
	3104

(3) Opium poppy and poppy straw;	3105
(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves (including cocaine and ecgonine, their salts, isomers, and derivatives, and salts of those isomers and derivatives), and any salt, compound, derivative, or preparation thereof that is chemically equivalent to or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine;	3106 3107 3108 3109 3110 3111 3112 3113
(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy).	3114 3115 3116
(B) Narcotics-opiates	3117
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, but excluding dextrorphan and levopropoxyphene:	3118 3119 3120 3121 3122 3123 3124
(1) Alfentanil;	3125
(2) Alphaprodine;	3126
(3) Anileridine;	3127
(4) Bezitramide;	3128
(5) Bulk dextropropoxyphene (non-dosage forms);	3129
(6) Carfentanil;	3130
(7) Dihydrocodeine;	3131
(8) Diphenoxylate;	3132
(9) Fentanyl;	3133

(10) Isomethadone;	3134
(11) Levo-alpha-acetylmethadol (some other names: levo-alpha-acetylmethadol; levomethadyl acetate; LAAM);	3135 3136
(12) Levomethorphan;	3137
(13) Levorphanol;	3138
(14) Metazocine;	3139
(15) Methadone;	3140
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;	3141 3142
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	3143 3144
(18) Pethidine (meperidine);	3145
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;	3146 3147
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;	3148 3149
(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	3150 3151
(22) Phenazocine;	3152
(23) Piminodine;	3153
(24) Racemethorphan;	3154
(25) Racemorphan;	3155
(26) Remifentanil;	3156
(27) Sufentanil.	3157
(C) Stimulants	3158
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound,	3159 3160

mixture, or preparation that contains any quantity of the	3161
following substances having a stimulant effect on the central	3162
nervous system:	3163
(1) Amphetamine, its salts, its optical isomers, and salts of	3164
its optical isomers;	3165
(2) Methamphetamine, its salts, its isomers, and salts of its	3166
isomers;	3167
(3) Methylphenidate;	3168
(4) Phenmetrazine and its salts.	3169
(D) Depressants	3170
Unless specifically excepted under federal drug abuse control	3171
laws or unless listed in another schedule, any material, compound,	3172
mixture, or preparation that contains any quantity of the	3173
following substances having a depressant effect on the central	3174
nervous system, including their salts, isomers, and salts of	3175
isomers, whenever the existence of these salts, isomers, and salts	3176
of isomers is possible within the specific chemical designation:	3177
(1) Amobarbital;	3178
(2) Gamma-hydroxy-butyrate;	3179
(3) Glutethimide;	3180
(4) Pentobarbital;	3181
(5) Phencyclidine (some trade or other names:	3182
1-(1-phenylcyclohexyl)piperidine; PCP);	3183
(6) Secobarbital;	3184
(7) 1-aminophenylcyclohexane and all N-mono-substituted	3185
and/or all N-N-disubstituted analogs including, but not limited	3186
to, the following:	3187
(a) 1-phenylcyclohexylamine;	3188

(b) (1-phenylcyclohexyl) methylamine;	3189
(c) (1-phenylcyclohexyl) dimethylamine;	3190
(d) (1-phenylcyclohexyl) methylethylamine;	3191
(e) (1-phenylcyclohexyl) isopropylamine;	3192
(f) 1-(1-phenylcyclohexyl) morpholine.	3193
(E) Hallucinogenic substances	3194
(1) Nabilone (another name for nabilone:	3195
(+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-	3196
hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	3197
(F) Immediate precursors	3198
Unless specifically excepted under federal drug abuse control	3199
laws or unless listed in another schedule, any material, compound,	3200
mixture, or preparation that contains any quantity of the	3201
following substances:	3202
(1) Immediate precursor to amphetamine and methamphetamine:	3203
(a) Phenylacetone (some trade or other names:	3204
phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl	3205
ketone);	3206
(2) Immediate precursors to phencyclidine (PCP):	3207
(a) 1-phenylcyclohexylamine;	3208
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	3209
SCHEDULE III	3210
(A) Stimulants	3211
Unless specifically excepted under federal drug abuse control	3212
laws or unless listed in another schedule, any material, compound,	3213
mixture, or preparation that contains any quantity of the	3214
following substances having a stimulant effect on the central	3215
nervous system, including their salts, their optical isomers,	3216

position isomers, or geometric isomers, and salts of these	3217
isomers, whenever the existence of these salts, isomers, and salts	3218
of isomers is possible within the specific chemical designation:	3219
(1) All stimulant compounds, mixtures, and preparations	3220
included in schedule III pursuant to the federal drug abuse	3221
control laws and regulations adopted under those laws;	3222
(2) Benzphetamine;	3223
(3) Chlorphentermine;	3224
(4) Clortermine;	3225
(5) Phendimetrazine.	3226
(B) Depressants	3227
Unless specifically excepted under federal drug abuse control	3228
laws or unless listed in another schedule, any material, compound,	3229
mixture, or preparation that contains any quantity of the	3230
following substances having a depressant effect on the central	3231
nervous system:	3232
(1) Any compound, mixture, or preparation containing	3233
amobarbital, secobarbital, pentobarbital, or any salt of any of	3234
these drugs, and one or more other active medicinal ingredients	3235
that are not listed in any schedule;	3236
(2) Any suppository dosage form containing amobarbital,	3237
secobarbital, pentobarbital, or any salt of any of these drugs and	3238
approved by the food and drug administration for marketing only as	3239
a suppository;	3240
(3) Any substance that contains any quantity of a derivative	3241
of barbituric acid or any salt of a derivative of barbituric acid;	3242
(4) Chlorhexadol;	3243
(5) Ketamine, its salts, isomers, and salts of isomers (some	3244
other names for ketamine:	3245

(+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);	3246
(6) Lysergic acid;	3247
(7) Lysergic acid amide;	3248
(8) Methyprylon;	3249
(9) Sulfondiethylmethane;	3250
(10) Sulfonethylmethane;	3251
(11) Sulfonmethane;	3252
(12) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine-zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one; flupyrazapon).	3253 3254 3255 3256 3257 3258 3259
(C) Narcotic antidotes	3260
(1) Nalorphine.	3261
(D) Narcotics-narcotic preparations	3262
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	3263 3264 3265 3266 3267
(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;	3268 3269 3270
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;	3271 3272 3273
(3) Not more than 300 milligrams of dihydrocodeinone per 100	3274

milliliters or not more than 15 milligrams per dosage unit, with a	3275
fourfold or greater quantity of an isoquinoline alkaloid of opium;	3276
(4) Not more than 300 milligrams of dihydrocodeinone per 100	3277
milliliters or not more than 15 milligrams per dosage unit, with	3278
one or more active, nonnarcotic ingredients in recognized	3279
therapeutic amounts;	3280
(5) Not more than 1.8 grams of dihydrocodeine per 100	3281
milliliters or not more than 90 milligrams per dosage unit, with	3282
one or more active, nonnarcotic ingredients in recognized	3283
therapeutic amounts;	3284
(6) Not more than 300 milligrams of ethylmorphine per 100	3285
milliliters or not more than 15 milligrams per dosage unit, with	3286
one or more active, nonnarcotic ingredients in recognized	3287
therapeutic amounts;	3288
(7) Not more than 500 milligrams of opium per 100 milliliters	3289
or per 100 grams or not more than 25 milligrams per dosage unit,	3290
with one or more active, nonnarcotic ingredients in recognized	3291
therapeutic amounts;	3292
(8) Not more than 50 milligrams of morphine per 100	3293
milliliters or per 100 grams, with one or more active, nonnarcotic	3294
ingredients in recognized therapeutic amounts.	3295
(E) Anabolic steroids	3296
Unless specifically excepted under federal drug abuse control	3297
laws or unless listed in another schedule, any material, compound,	3298
mixture, or preparation that contains any quantity of the	3299
following substances, including their salts, esters, isomers, and	3300
salts of esters and isomers, whenever the existence of these	3301
salts, esters, and isomers is possible within the specific	3302
chemical designation:	3303
(1) Anabolic steroids. Except as otherwise provided in	3304

division (E)(1) of schedule III, "anabolic steroids" means any 3305
drug or hormonal substance that is chemically and 3306
pharmacologically related to testosterone (other than estrogens, 3307
progestins, and corticosteroids) and that promotes muscle growth. 3308
"Anabolic steroids" does not include an anabolic steroid that is 3309
expressly intended for administration through implants to cattle 3310
or other nonhuman species and that has been approved by the United 3311
States secretary of health and human services for that 3312
administration, unless a person prescribes, dispenses, or 3313
distributes this type of anabolic steroid for human use. "Anabolic 3314
steroid" includes, but is not limited to, the following: 3315

- (a) Boldenone; 3316
- (b) Chlorotestosterone (4-chlorotestosterone); 3317
- (c) Clostebol; 3318
- (d) Dehydrochlormethyltestosterone; 3319
- (e) Dihydrotestosterone (4-dihydrotestosterone); 3320
- (f) Drostanolone; 3321
- (g) Ethylestrenol; 3322
- (h) Fluoxymesterone; 3323
- (i) Formebolone (formebolone); 3324
- (j) Mesterolone; 3325
- (k) Methandienone; 3326
- (l) Methandranone; 3327
- (m) Methandriol; 3328
- (n) Methandrostenolone; 3329
- (o) Methenolone; 3330
- (p) Methyltestosterone; 3331
- (q) Mibolerone; 3332

(r) Nandrolone;	3333
(s) Norethandrolone;	3334
(t) Oxandrolone;	3335
(u) Oxymesterone;	3336
(v) Oxymetholone;	3337
(w) Stanolone;	3338
(x) Stanozolol;	3339
(y) Testolactone;	3340
(z) Testosterone;	3341
(aa) Trenbolone;	3342
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E)(1) of schedule III if the salt, ester, or isomer promotes muscle growth.	3343 3344 3345 3346
(F) Hallucinogenic substances	3347
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol).	3348 3349 3350 3351 3352 3353
SCHEDULE IV	3354
(A) Narcotic drugs	3355
Unless specifically excepted by federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	3356 3357 3358 3359 3360

(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;	3361 3362
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane)[final dosage forms].	3363 3364 3365
(B) Depressants	3366
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	3367 3368 3369 3370 3371 3372
(1) Alprazolam;	3373
(2) Barbital;	3374
(3) Bromazepam;	3375
(4) Camazepam;	3376
(5) Chloral betaine;	3377
(6) Chloral hydrate;	3378
(7) Chlordiazepoxide;	3379
(8) Clobazam;	3380
(9) Clonazepam;	3381
(10) Clorazepate;	3382
(11) Clotiazepam;	3383
(12) Cloxazolam;	3384
(13) Delorazepam;	3385
(14) Diazepam;	3386
(15) Estazolam;	3387

(16) Ethchlorvynol;	3388
(17) Ethinamate;	3389
(18) Ethyl loflazepate;	3390
(19) Fludiazepam;	3391
(20) Flunitrazepam;	3392
(21) Flurazepam;	3393
(22) Halazepam;	3394
(23) Haloxazolam;	3395
(24) Ketazolam;	3396
(25) Loprazolam;	3397
(26) Lorazepam;	3398
(27) Lormetazepam;	3399
(28) Mebutamate;	3400
(29) Medazepam;	3401
(30) Meprobamate;	3402
(31) Methohexital;	3403
(32) Methylphenobarbital (mephobarbital);	3404
(33) Midazolam;	3405
(34) Nimetazepam;	3406
(35) Nitrazepam;	3407
(36) Nordiazepam;	3408
(37) Oxazepam;	3409
(38) Oxazolam;	3410
(39) Paraldehyde;	3411
(40) Petrichloral;	3412

(41) Phenobarbital;	3413
(42) Pinazepam;	3414
(43) Prazepam;	3415
(44) Quazepam;	3416
(45) Temazepam;	3417
(46) Tetrazepam;	3418
(47) Triazolam;	3419
(48) Zaleplon;	3420
(49) Zolpidem.	3421
(C) Fenfluramine	3422
Any material, compound, mixture, or preparation that contains	3423
any quantity of the following substances, including their salts,	3424
their optical isomers, position isomers, or geometric isomers, and	3425
salts of these isomers, whenever the existence of these salts,	3426
isomers, and salts of isomers is possible within the specific	3427
chemical designation:	3428
(1) Fenfluramine.	3429
(D) Stimulants	3430
Unless specifically excepted under federal drug abuse control	3431
laws or unless listed in another schedule, any material, compound,	3432
mixture, or preparation that contains any quantity of the	3433
following substances having a stimulant effect on the central	3434
nervous system, including their salts, their optical isomers,	3435
position isomers, or geometric isomers, and salts of these	3436
isomers, whenever the existence of these salts, isomers, and salts	3437
of isomers is possible within the specific chemical designation:	3438
(1) Cathine ((+)-norpseudoephedrine);	3439
(2) Diethylpropion;	3440

(3) Fencamfamin;	3441
(4) Fenproporex;	3442
(5) Mazindol;	3443
(6) Mefenorex;	3444
(7) Modafinil;	3445
(8) Pemoline (including organometallic complexes and chelates thereof);	3446 3447
(9) Phentermine;	3448
(10) Pipradrol;	3449
(11) Sibutramine;	3450
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	3451
(E) Other substances	3452
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:	3453 3454 3455 3456
(1) Pentazocine;	3457
(2) Butorphanol (including its optical isomers).	3458
SCHEDULE V	3459
(A) Narcotic drugs	3460
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:	3461 3462 3463 3464
(1) Buprenorphine.	3465
(B) Narcotics-narcotic preparations	3466
Narcotic drugs containing non-narcotic active medicinal	3467

ingredients. Any compound, mixture, or preparation that contains 3468
any of the following narcotic drugs, or their salts calculated as 3469
the free anhydrous base or alkaloid, in limited quantities as set 3470
forth below, and that includes one or more nonnarcotic active 3471
medicinal ingredients in sufficient proportion to confer upon the 3472
compound, mixture, or preparation valuable medicinal qualities 3473
other than those possessed by narcotic drugs alone: 3474

(1) Not more than 200 milligrams of codeine per 100 3475
milliliters or per 100 grams; 3476

(2) Not more than 100 milligrams of dihydrocodeine per 100 3477
milliliters or per 100 grams; 3478

(3) Not more than 100 milligrams of ethylmorphine per 100 3479
milliliters or per 100 grams; 3480

(4) Not more than 2.5 milligrams of diphenoxylate and not 3481
less than 25 micrograms of atropine sulfate per dosage unit; 3482

(5) Not more than 100 milligrams of opium per 100 milliliters 3483
or per 100 grams; 3484

(6) Not more than 0.5 milligram of difenoxin and not less 3485
than 25 micrograms of atropine sulfate per dosage unit. 3486

(C) Stimulants 3487

Unless specifically exempted or excluded under federal drug 3488
abuse control laws or unless listed in another schedule, any 3489
material, compound, mixture, or preparation that contains any 3490
quantity of the following substances having a stimulant effect on 3491
the central nervous system, including their salts, isomers, and 3492
salts of isomers: 3493

(1) Ephedrine, except as provided in division (K) of section 3494
3719.44 of the Revised Code; 3495

(2) Pyrovalerone. 3496

Section 2. That existing sections 2925.01, 2925.03, 2925.11, 3497
2925.55, 2925.56, 2925.57, 2929.01, 3715.05, 3719.013, and 3719.41 3498
of the Revised Code are hereby repealed. 3499

Section 3. The amendment of sections 2925.55, 2925.56, 3500
2925.57, and 3715.05 and the enactment of sections 109.89, 3501
3715.051, 3715.052, 3715.053, and 3715.054 of the Revised Code 3502
take effect ninety days after the effective date of this section. 3503

Section 4. Section 2925.11 of the Revised Code is presented 3504
in this act as a composite of the section as amended by both Sub. 3505
H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly. The 3506
General Assembly, applying the principle stated in division (B) of 3507
section 1.52 of the Revised Code that amendments are to be 3508
harmonized if reasonably capable of simultaneous operation, finds 3509
that the composite is the resulting version of the section in 3510
effect prior to the effective date of the section as presented in 3511
this act. 3512

Section 5. This act is hereby declared to be an emergency 3513
measure necessary for the immediate preservation of the public 3514
peace, health, and safety. The reason for such necessity is that 3515
state and local law enforcement agencies need, without delay, the 3516
additional tools made available by this act to combat the 3517
production, use, and distribution of methamphetamine and certain 3518
synthetic drugs that are increasingly being abused and result in 3519
serious health outcomes. Therefore, this act shall go into 3520
immediate effect. 3521