

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 603

Representatives Blessing, Heard

**Cosponsors: Representatives Celeste, Garland, Okey, Slaby, M., Adams, J.,
Yuko, Hackett, Pelanda, Stebelton, Beck, Hagan, R., Antonio, Terhar, O'Brien**

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A B I L L

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

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

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

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

(1) By force, threat, or deception, administer to another or 19
induce or cause another to use a controlled substance; 20

(2) By any means, administer or furnish to another or induce 21
or cause another to use a controlled substance with purpose to 22
cause serious physical harm to the other person, or with purpose 23
to cause the other person to become drug dependent; 24

(3) By any means, administer or furnish to another or induce 25
or cause another to use a controlled substance, and thereby cause 26
serious physical harm to the other person, or cause the other 27
person to become drug dependent; 28

(4) By any means, do any of the following: 29

(a) Furnish or administer a controlled substance to a 30
juvenile who is at least two years the offender's junior, when the 31
offender knows the age of the juvenile or is reckless in that 32
regard; 33

(b) Induce or cause a juvenile who is at least two years the 34
offender's junior to use a controlled substance, when the offender 35
knows the age of the juvenile or is reckless in that regard; 36

(c) Induce or cause a juvenile who is at least two years the 37
offender's junior to commit a felony drug abuse offense, when the 38
offender knows the age of the juvenile or is reckless in that 39
regard; 40

(d) Use a juvenile, whether or not the offender knows the age 41
of the juvenile, to perform any surveillance activity that is 42
intended to prevent the detection of the offender or any other 43
person in the commission of a felony drug abuse offense or to 44
prevent the arrest of the offender or any other person for the 45
commission of a felony drug abuse offense. 46

(B) Division (A)(1), (3), or (4) of this section does not 47
apply to manufacturers, wholesalers, licensed health professionals 48

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

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

(1) Except as otherwise provided in this division, if the 56
drug involved is any compound, mixture, preparation, or substance 57
included in schedule I or II, with the exception of marihuana, 58
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 59
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 60
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 61
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 62
corrupting another with drugs is a felony of the second degree, 63
and, subject to division (E) of this section, the court shall 64
impose as a mandatory prison term one of the prison terms 65
prescribed for a felony of the second degree. If the drug involved 66
is any compound, mixture, preparation, or substance included in 67
schedule I or II, with the exception of marihuana, 68
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 69
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 70
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 71
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 72
if the offense was committed in the vicinity of a school, 73
corrupting another with drugs is a felony of the first degree, 74
and, subject to division (E) of this section, the court shall 75
impose as a mandatory prison term one of the prison terms 76
prescribed for a felony of the first degree. 77

(2) Except as otherwise provided in this division, if the 78
drug involved is any compound, mixture, preparation, or substance 79
included in schedule III, IV, or V, corrupting another with drugs 80

is a felony of the second degree, and there is a presumption for a 81
prison term for the offense. If the drug involved is any compound, 82
mixture, preparation, or substance included in schedule III, IV, 83
or V and if the offense was committed in the vicinity of a school, 84
corrupting another with drugs is a felony of the second degree, 85
and the court shall impose as a mandatory prison term one of the 86
prison terms prescribed for a felony of the second degree. 87

(3) Except as otherwise provided in this division, if the 88
drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 89
1-Butyl-3-(1-naphthoyl)indole, 90
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 91
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 92
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 93
corrupting another with drugs is a felony of the fourth degree, 94
and division (C) of section 2929.13 of the Revised Code applies in 95
determining whether to impose a prison term on the offender. If 96
the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 97
1-Butyl-3-(1-naphthoyl)indole, 98
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 99
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 100
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 101
if the offense was committed in the vicinity of a school, 102
corrupting another with drugs is a felony of the third degree, and 103
division (C) of section 2929.13 of the Revised Code applies in 104
determining whether to impose a prison term on the offender. 105

(D) In addition to any prison term authorized or required by 106
division (C) or (E) of this section and sections 2929.13 and 107
2929.14 of the Revised Code and in addition to any other sanction 108
imposed for the offense under this section or sections 2929.11 to 109
2929.18 of the Revised Code, the court that sentences an offender 110
who is convicted of or pleads guilty to a violation of division 111
(A) of this section or the clerk of that court shall do all of the 112

following that are applicable regarding the offender: 113

(1)(a) If the violation is a felony of the first, second, or 114
third degree, the court shall impose upon the offender the 115
mandatory fine specified for the offense under division (B)(1) of 116
section 2929.18 of the Revised Code unless, as specified in that 117
division, the court determines that the offender is indigent. 118

(b) Notwithstanding any contrary provision of section 3719.21 119
of the Revised Code, any mandatory fine imposed pursuant to 120
division (D)(1)(a) of this section and any fine imposed for a 121
violation of this section pursuant to division (A) of section 122
2929.18 of the Revised Code shall be paid by the clerk of the 123
court in accordance with and subject to the requirements of, and 124
shall be used as specified in, division (F) of section 2925.03 of 125
the Revised Code. 126

(c) If a person is charged with any violation of this section 127
that is a felony of the first, second, or third degree, posts 128
bail, and forfeits the bail, the forfeited bail shall be paid by 129
the clerk of the court pursuant to division (D)(1)(b) of this 130
section as if it were a fine imposed for a violation of this 131
section. 132

(2) The court shall suspend for not less than six months nor 133
more than five years the offender's driver's or commercial 134
driver's license or permit. If an offender's driver's or 135
commercial driver's license or permit is suspended pursuant to 136
this division, the offender, at any time after the expiration of 137
two years from the day on which the offender's sentence was 138
imposed or from the day on which the offender finally was released 139
from a prison term under the sentence, whichever is later, may 140
file a motion with the sentencing court requesting termination of 141
the suspension. Upon the filing of the motion and the court's 142
finding of good cause for the termination, the court may terminate 143
the suspension. 144

(3) If the offender is a professionally licensed person, in 145
addition to any other sanction imposed for a violation of this 146
section, the court immediately shall comply with section 2925.38 147
of the Revised Code. 148

(E) Notwithstanding the prison term otherwise authorized or 149
required for the offense under division (C) of this section and 150
sections 2929.13 and 2929.14 of the Revised Code, if the violation 151
of division (A) of this section involves the sale, offer to sell, 152
or possession of a schedule I or II controlled substance, with the 153
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 154
1-Butyl-3-(1-naphthoyl)indole, 155
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 156
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 157
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 158
if the court imposing sentence upon the offender finds that the 159
offender as a result of the violation is a major drug offender and 160
is guilty of a specification of the type described in section 161
2941.1410 of the Revised Code, the court, in lieu of the prison 162
term that otherwise is authorized or required, shall impose upon 163
the offender the mandatory prison term specified in division 164
(B)(3)(a) of section 2929.14 of the Revised Code. 165

Sec. 2925.03. (A) No person shall knowingly do any of the 166
following: 167

(1) Sell or offer to sell a controlled substance; 168

(2) Prepare for shipment, ship, transport, deliver, prepare 169
for distribution, or distribute a controlled substance, when the 170
offender knows or has reasonable cause to believe that the 171
controlled substance is intended for sale or resale by the 172
offender or another person. 173

(B) This section does not apply to any of the following: 174

(1) Manufacturers, licensed health professionals authorized 175
to prescribe drugs, pharmacists, owners of pharmacies, and other 176
persons whose conduct is in accordance with Chapters 3719., 4715., 177
4723., 4729., 4730., 4731., and 4741. of the Revised Code or 178
section 5120.052 of the Revised Code; 179

(2) If the offense involves an anabolic steroid, any person 180
who is conducting or participating in a research project involving 181
the use of an anabolic steroid if the project has been approved by 182
the United States food and drug administration; 183

(3) Any person who sells, offers for sale, prescribes, 184
dispenses, or administers for livestock or other nonhuman species 185
an anabolic steroid that is expressly intended for administration 186
through implants to livestock or other nonhuman species and 187
approved for that purpose under the "Federal Food, Drug, and 188
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 189
and is sold, offered for sale, prescribed, dispensed, or 190
administered for that purpose in accordance with that act. 191

(C) Whoever violates division (A) of this section is guilty 192
of one of the following: 193

(1) If the drug involved in the violation is any compound, 194
mixture, preparation, or substance included in schedule I or 195
schedule II, with the exception of marihuana, 196
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 197
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 198
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 199
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 200
cocaine, L.S.D., heroin, and hashish, whoever violates division 201
(A) of this section is guilty of aggravated trafficking in drugs. 202
The penalty for the offense shall be determined as follows: 203

(a) Except as otherwise provided in division (C)(1)(b), (c), 204
(d), (e), or (f) of this section, aggravated trafficking in drugs 205

is a felony of the fourth degree, and division (C) of section 206
2929.13 of the Revised Code applies in determining whether to 207
impose a prison term on the offender. 208

(b) Except as otherwise provided in division (C)(1)(c), (d), 209
(e), or (f) of this section, if the offense was committed in the 210
vicinity of a school or in the vicinity of a juvenile, aggravated 211
trafficking in drugs is a felony of the third degree, and division 212
(C) of section 2929.13 of the Revised Code applies in determining 213
whether to impose a prison term on the offender. 214

(c) Except as otherwise provided in this division, if the 215
amount of the drug involved equals or exceeds the bulk amount but 216
is less than five times the bulk amount, aggravated trafficking in 217
drugs is a felony of the third degree, and, except as otherwise 218
provided in this division, there is a presumption for a prison 219
term for the offense. If aggravated trafficking in drugs is a 220
felony of the third degree under this division and if the offender 221
two or more times previously has been convicted of or pleaded 222
guilty to a felony drug abuse offense, the court shall impose as a 223
mandatory prison term one of the prison terms prescribed for a 224
felony of the third degree. If the amount of the drug involved is 225
within that range and if the offense was committed in the vicinity 226
of a school or in the vicinity of a juvenile, aggravated 227
trafficking in drugs is a felony of the second degree, and the 228
court shall impose as a mandatory prison term one of the prison 229
terms prescribed for a felony of the second degree. 230

(d) Except as otherwise provided in this division, if the 231
amount of the drug involved equals or exceeds five times the bulk 232
amount but is less than fifty times the bulk amount, aggravated 233
trafficking in drugs is a felony of the second degree, and the 234
court shall impose as a mandatory prison term one of the prison 235
terms prescribed for a felony of the second degree. If the amount 236
of the drug involved is within that range and if the offense was 237

committed in the vicinity of a school or in the vicinity of a 238
juvenile, aggravated trafficking in drugs is a felony of the first 239
degree, and the court shall impose as a mandatory prison term one 240
of the prison terms prescribed for a felony of the first degree. 241

(e) If the amount of the drug involved equals or exceeds 242
fifty times the bulk amount but is less than one hundred times the 243
bulk amount and regardless of whether the offense was committed in 244
the vicinity of a school or in the vicinity of a juvenile, 245
aggravated trafficking in drugs is a felony of the first degree, 246
and the court shall impose as a mandatory prison term one of the 247
prison terms prescribed for a felony of the first degree. 248

(f) If the amount of the drug involved equals or exceeds one 249
hundred times the bulk amount and regardless of whether the 250
offense was committed in the vicinity of a school or in the 251
vicinity of a juvenile, aggravated trafficking in drugs is a 252
felony of the first degree, the offender is a major drug offender, 253
and the court shall impose as a mandatory prison term the maximum 254
prison term prescribed for a felony of the first degree. 255

(2) If the drug involved in the violation is any compound, 256
mixture, preparation, or substance included in schedule III, IV, 257
or V, whoever violates division (A) of this section is guilty of 258
trafficking in drugs. The penalty for the offense shall be 259
determined as follows: 260

(a) Except as otherwise provided in division (C)(2)(b), (c), 261
(d), or (e) of this section, trafficking in drugs is a felony of 262
the fifth degree, and division (B) of section 2929.13 of the 263
Revised Code applies in determining whether to impose a prison 264
term on the offender. 265

(b) Except as otherwise provided in division (C)(2)(c), (d), 266
or (e) of this section, if the offense was committed in the 267
vicinity of a school or in the vicinity of a juvenile, trafficking 268

in drugs is a felony of the fourth degree, and division (C) of 269
section 2929.13 of the Revised Code applies in determining whether 270
to impose a prison term on the offender. 271

(c) Except as otherwise provided in this division, if the 272
amount of the drug involved equals or exceeds the bulk amount but 273
is less than five times the bulk amount, trafficking in drugs is a 274
felony of the fourth degree, and division (B) of section 2929.13 275
of the Revised Code applies in determining whether to impose a 276
prison term for the offense. If the amount of the drug involved is 277
within that range and if the offense was committed in the vicinity 278
of a school or in the vicinity of a juvenile, trafficking in drugs 279
is a felony of the third degree, and there is a presumption for a 280
prison term for the offense. 281

(d) Except as otherwise provided in this division, if the 282
amount of the drug involved equals or exceeds five times the bulk 283
amount but is less than fifty times the bulk amount, trafficking 284
in drugs is a felony of the third degree, and there is a 285
presumption for a prison term for the offense. If the amount of 286
the drug involved is within that range and if the offense was 287
committed in the vicinity of a school or in the vicinity of a 288
juvenile, trafficking in drugs is a felony of the second degree, 289
and there is a presumption for a prison term for the offense. 290

(e) Except as otherwise provided in this division, if the 291
amount of the drug involved equals or exceeds fifty times the bulk 292
amount, trafficking in drugs is a felony of the second degree, and 293
the court shall impose as a mandatory prison term one of the 294
prison terms prescribed for a felony of the second degree. If the 295
amount of the drug involved equals or exceeds fifty times the bulk 296
amount and if the offense was committed in the vicinity of a 297
school or in the vicinity of a juvenile, trafficking in drugs is a 298
felony of the first degree, and the court shall impose as a 299
mandatory prison term one of the prison terms prescribed for a 300

felony of the first degree. 301

(3) If the drug involved in the violation is marihuana or a 302
compound, mixture, preparation, or substance containing marihuana 303
other than hashish, whoever violates division (A) of this section 304
is guilty of trafficking in marihuana. The penalty for the offense 305
shall be determined as follows: 306

(a) Except as otherwise provided in division (C)(3)(b), (c), 307
(d), (e), (f), (g), or (h) of this section, trafficking in 308
marihuana is a felony of the fifth degree, and division (B) of 309
section 2929.13 of the Revised Code applies in determining whether 310
to impose a prison term on the offender. 311

(b) Except as otherwise provided in division (C)(3)(c), (d), 312
(e), (f), (g), or (h) of this section, if the offense was 313
committed in the vicinity of a school or in the vicinity of a 314
juvenile, trafficking in marihuana is a felony of the fourth 315
degree, and division (B) of section 2929.13 of the Revised Code 316
applies in determining whether to impose a prison term on the 317
offender. 318

(c) Except as otherwise provided in this division, if the 319
amount of the drug involved equals or exceeds two hundred grams 320
but is less than one thousand grams, trafficking in marihuana is a 321
felony of the fourth degree, and division (B) of section 2929.13 322
of the Revised Code applies in determining whether to impose a 323
prison term on the offender. If the amount of the drug involved is 324
within that range and if the offense was committed in the vicinity 325
of a school or in the vicinity of a juvenile, trafficking in 326
marihuana is a felony of the third degree, and division (C) of 327
section 2929.13 of the Revised Code applies in determining whether 328
to impose a prison term on the offender. 329

(d) Except as otherwise provided in this division, if the 330
amount of the drug involved equals or exceeds one thousand grams 331

but is less than five thousand grams, trafficking in marihuana is 332
a felony of the third degree, and division (C) of section 2929.13 333
of the Revised Code applies in determining whether to impose a 334
prison term on the offender. If the amount of the drug involved is 335
within that range and if the offense was committed in the vicinity 336
of a school or in the vicinity of a juvenile, trafficking in 337
marihuana is a felony of the second degree, and there is a 338
presumption that a prison term shall be imposed for the offense. 339

(e) Except as otherwise provided in this division, if the 340
amount of the drug involved equals or exceeds five thousand grams 341
but is less than twenty thousand grams, trafficking in marihuana 342
is a felony of the third degree, and there is a presumption that a 343
prison term shall be imposed for the offense. If the amount of the 344
drug involved is within that range and if the offense was 345
committed in the vicinity of a school or in the vicinity of a 346
juvenile, trafficking in marihuana is a felony of the second 347
degree, and there is a presumption that a prison term shall be 348
imposed for the offense. 349

(f) Except as otherwise provided in this division, if the 350
amount of the drug involved equals or exceeds twenty thousand 351
grams but is less than forty thousand grams, trafficking in 352
marihuana is a felony of the second degree, and the court shall 353
impose a mandatory prison term of five, six, seven, or eight 354
years. If the amount of the drug involved is within that range and 355
if the offense was committed in the vicinity of a school or in the 356
vicinity of a juvenile, trafficking in marihuana is a felony of 357
the first degree, and the court shall impose as a mandatory prison 358
term the maximum prison term prescribed for a felony of the first 359
degree. 360

(g) Except as otherwise provided in this division, if the 361
amount of the drug involved equals or exceeds forty thousand 362
grams, trafficking in marihuana is a felony of the second degree, 363

and the court shall impose as a mandatory prison term the maximum 364
prison term prescribed for a felony of the second degree. If the 365
amount of the drug involved equals or exceeds forty thousand grams 366
and if the offense was committed in the vicinity of a school or in 367
the vicinity of a juvenile, trafficking in marihuana is a felony 368
of the first degree, and the court shall impose as a mandatory 369
prison term the maximum prison term prescribed for a felony of the 370
first degree. 371

(h) Except as otherwise provided in this division, if the 372
offense involves a gift of twenty grams or less of marihuana, 373
trafficking in marihuana is a minor misdemeanor upon a first 374
offense and a misdemeanor of the third degree upon a subsequent 375
offense. If the offense involves a gift of twenty grams or less of 376
marihuana and if the offense was committed in the vicinity of a 377
school or in the vicinity of a juvenile, trafficking in marihuana 378
is a misdemeanor of the third degree. 379

(4) If the drug involved in the violation is cocaine or a 380
compound, mixture, preparation, or substance containing cocaine, 381
whoever violates division (A) of this section is guilty of 382
trafficking in cocaine. The penalty for the offense shall be 383
determined as follows: 384

(a) Except as otherwise provided in division (C)(4)(b), (c), 385
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 386
felony of the fifth degree, and division (B) of section 2929.13 of 387
the Revised Code applies in determining whether to impose a prison 388
term on the offender. 389

(b) Except as otherwise provided in division (C)(4)(c), (d), 390
(e), (f), or (g) of this section, if the offense was committed in 391
the vicinity of a school or in the vicinity of a juvenile, 392
trafficking in cocaine is a felony of the fourth degree, and 393
division (C) of section 2929.13 of the Revised Code applies in 394
determining whether to impose a prison term on the offender. 395

(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds five grams but is
less than ten grams of cocaine, trafficking in cocaine 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 for the offense. If the amount of the drug involved is within
that range and if the offense was committed in the vicinity of a
school or in the vicinity of a juvenile, trafficking in cocaine is
a felony of the third degree, and there is a presumption for a
prison term for the offense.

(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds 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 428
of a school or in the vicinity of a juvenile, trafficking in 429
cocaine is a felony of the first degree, and the court shall 430
impose as a mandatory prison term one of the prison terms 431
prescribed for a felony of the first degree. 432

(f) If the amount of the drug involved equals or exceeds 433
twenty-seven grams but is less than one hundred grams of cocaine 434
and regardless of whether the offense was committed in the 435
vicinity of a school or in the vicinity of a juvenile, trafficking 436
in cocaine is a felony of the first degree, and the court shall 437
impose as a mandatory prison term one of the prison terms 438
prescribed for a felony of the first degree. 439

(g) If the amount of the drug involved equals or exceeds one 440
hundred grams of cocaine and regardless of whether the offense was 441
committed in the vicinity of a school or in the vicinity of a 442
juvenile, trafficking in cocaine is a felony of the first degree, 443
the offender is a major drug offender, and the court shall impose 444
as a mandatory prison term the maximum prison term prescribed for 445
a felony of the first degree. 446

(5) If the drug involved in the violation is L.S.D. or a 447
compound, mixture, preparation, or substance containing L.S.D., 448
whoever violates division (A) of this section is guilty of 449
trafficking in L.S.D. The penalty for the offense shall be 450
determined as follows: 451

(a) Except as otherwise provided in division (C)(5)(b), (c), 452
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 453
felony of the fifth degree, and division (B) of section 2929.13 of 454
the Revised Code applies in determining whether to impose a prison 455
term on the offender. 456

(b) Except as otherwise provided in division (C)(5)(c), (d), 457
(e), (f), or (g) of this section, if the offense was committed in 458

the vicinity of a school or in the vicinity of a juvenile, 459
trafficking in L.S.D. is a felony of the fourth degree, and 460
division (C) of section 2929.13 of the Revised Code applies in 461
determining whether to impose a prison term on the offender. 462

(c) Except as otherwise provided in this division, if the 463
amount of the drug involved equals or exceeds ten unit doses but 464
is less than fifty unit doses of L.S.D. in a solid form or equals 465
or exceeds one gram but is less than five grams of L.S.D. in a 466
liquid concentrate, liquid extract, or liquid distillate form, 467
trafficking in L.S.D. is a felony of the fourth degree, and 468
division (B) of section 2929.13 of the Revised Code applies in 469
determining whether to impose a prison term for the offense. If 470
the amount of the drug involved is within that range and if the 471
offense was committed in the vicinity of a school or in the 472
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 473
third degree, and there is a presumption for a prison term for the 474
offense. 475

(d) Except as otherwise provided in this division, if the 476
amount of the drug involved equals or exceeds fifty unit doses but 477
is less than two hundred fifty unit doses of L.S.D. in a solid 478
form or equals or exceeds five grams but is less than twenty-five 479
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 480
distillate form, trafficking in L.S.D. is a felony of the third 481
degree, and, except as otherwise provided in this division, there 482
is a presumption for a prison term for the offense. If trafficking 483
in L.S.D. is a felony of the third degree under this division and 484
if the offender two or more times previously has been convicted of 485
or pleaded guilty to a felony drug abuse offense, the court shall 486
impose as a mandatory prison term one of the prison terms 487
prescribed for a felony of the third degree. If the amount of the 488
drug involved is within that range and if the offense was 489
committed in the vicinity of a school or in the vicinity of a 490

juvenile, trafficking in L.S.D. is a felony of the second degree, 491
and the court shall impose as a mandatory prison term one of the 492
prison terms prescribed for a felony of the second degree. 493

(e) Except as otherwise provided in this division, if the 494
amount of the drug involved equals or exceeds two hundred fifty 495
unit doses but is less than one thousand unit doses of L.S.D. in a 496
solid form or equals or exceeds twenty-five grams but is less than 497
one hundred grams of L.S.D. in a liquid concentrate, liquid 498
extract, or liquid distillate form, trafficking in L.S.D. is a 499
felony of the second degree, and the court shall impose as a 500
mandatory prison term one of the prison terms prescribed for a 501
felony of the second degree. If the amount of the drug involved is 502
within that range and if the offense was committed in the vicinity 503
of a school or in the vicinity of a juvenile, trafficking in 504
L.S.D. is a felony of the first degree, and the court shall impose 505
as a mandatory prison term one of the prison terms prescribed for 506
a felony of the first degree. 507

(f) If the amount of the drug involved equals or exceeds one 508
thousand unit doses but is less than five thousand unit doses of 509
L.S.D. in a solid form or equals or exceeds one hundred grams but 510
is less than five hundred grams of L.S.D. in a liquid concentrate, 511
liquid extract, or liquid distillate form and regardless of 512
whether the offense was committed in the vicinity of a school or 513
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 514
of the first degree, and the court shall impose as a mandatory 515
prison term one of the prison terms prescribed for a felony of the 516
first degree. 517

(g) If the amount of the drug involved equals or exceeds five 518
thousand unit doses of L.S.D. in a solid form or equals or exceeds 519
five hundred grams of L.S.D. in a liquid concentrate, liquid 520
extract, or liquid distillate form and regardless of whether the 521
offense was committed in the vicinity of a school or in the 522

vicinity of a juvenile, trafficking in L.S.D. is a felony of the 523
first degree, the offender is a major drug offender, and the court 524
shall impose as a mandatory prison term the maximum prison term 525
prescribed for a felony of the first degree. 526

(6) If the drug involved in the violation is heroin or a 527
compound, mixture, preparation, or substance containing heroin, 528
whoever violates division (A) of this section is guilty of 529
trafficking in heroin. The penalty for the offense shall be 530
determined as follows: 531

(a) Except as otherwise provided in division (C)(6)(b), (c), 532
(d), (e), (f), or (g) of this section, trafficking in heroin is a 533
felony of the fifth degree, and division (B) of section 2929.13 of 534
the Revised Code applies in determining whether to impose a prison 535
term on the offender. 536

(b) Except as otherwise provided in division (C)(6)(c), (d), 537
(e), (f), or (g) of this section, if the offense was committed in 538
the vicinity of a school or in the vicinity of a juvenile, 539
trafficking in heroin is a felony of the fourth degree, and 540
division (C) of section 2929.13 of the Revised Code applies in 541
determining whether to impose a prison term on the offender. 542

(c) Except as otherwise provided in this division, if the 543
amount of the drug involved equals or exceeds ten unit doses but 544
is less than fifty unit doses or equals or exceeds one gram but is 545
less than five grams, trafficking in heroin is a felony of the 546
fourth degree, and division (B) of section 2929.13 of the Revised 547
Code applies in determining whether to impose a prison term for 548
the offense. If the amount of the drug involved is within that 549
range and if the offense was committed in the vicinity of a school 550
or in the vicinity of a juvenile, trafficking in heroin is a 551
felony of the third degree, and there is a presumption for a 552
prison term for the offense. 553

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

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

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

(g) If the amount of the drug involved equals or exceeds two
thousand five hundred unit doses or equals or exceeds two hundred

fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (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 618
third degree, and division (C) of section 2929.13 of the Revised 619
Code applies in determining whether to impose a prison term on the 620
offender. 621

(d) Except as otherwise provided in this division, if the 622
amount of the drug involved equals or exceeds fifty grams but is 623
less than two hundred fifty grams of hashish in a solid form or 624
equals or exceeds ten grams but is less than fifty grams of 625
hashish in a liquid concentrate, liquid extract, or liquid 626
distillate form, trafficking in hashish is a felony of the third 627
degree, and division (C) of section 2929.13 of the Revised Code 628
applies in determining whether to impose a prison term on the 629
offender. If the amount of the drug involved is within that range 630
and if the offense was committed in the vicinity of a school or in 631
the vicinity of a juvenile, trafficking in hashish is a felony of 632
the second degree, and there is a presumption that a prison term 633
shall be imposed for the offense. 634

(e) Except as otherwise provided in this division, if the 635
amount of the drug involved equals or exceeds two hundred fifty 636
grams but is less than one thousand grams of hashish in a solid 637
form or equals or exceeds fifty grams but is less than two hundred 638
grams of hashish in a liquid concentrate, liquid extract, or 639
liquid distillate form, trafficking in hashish is a felony of the 640
third degree, and there is a presumption that a prison term shall 641
be imposed for the offense. If the amount of the drug involved is 642
within that range and if the offense was committed in the vicinity 643
of a school or in the vicinity of a juvenile, trafficking in 644
hashish is a felony of the second degree, and there is a 645
presumption that a prison term shall be imposed for the offense. 646

(f) Except as otherwise provided in this division, if the 647
amount of the drug involved equals or exceeds one thousand grams 648
but is less than two thousand grams of hashish in a solid form or 649

equals or exceeds two hundred grams but is less than four hundred 650
grams of hashish in a liquid concentrate, liquid extract, or 651
liquid distillate form, trafficking in hashish is a felony of the 652
second degree, and the court shall impose a mandatory prison term 653
of five, six, seven, or eight years. If the amount of the drug 654
involved is within that range and if the offense was committed in 655
the vicinity of a school or in the vicinity of a juvenile, 656
trafficking in hashish is a felony of the first degree, and the 657
court shall impose as a mandatory prison term the maximum prison 658
term prescribed for a felony of the first degree. 659

(g) Except as otherwise provided in this division, if the 660
amount of the drug involved equals or exceeds two thousand grams 661
of hashish in a solid form or equals or exceeds four hundred grams 662
of hashish in a liquid concentrate, liquid extract, or liquid 663
distillate form, trafficking in hashish is a felony of the second 664
degree, and the court shall impose as a mandatory prison term the 665
maximum prison term prescribed for a felony of the second degree. 666
If the amount of the drug involved equals or exceeds two thousand 667
grams of hashish in a solid form or equals or exceeds four hundred 668
grams of hashish in a liquid concentrate, liquid extract, or 669
liquid distillate form and if the offense was committed in the 670
vicinity of a school or in the vicinity of a juvenile, trafficking 671
in hashish is a felony of the first degree, and the court shall 672
impose as a mandatory prison term the maximum prison term 673
prescribed for a felony of the first degree. 674

(8) If the drug involved in the violation is 675
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 676
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 677
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 678
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a 679
compound, mixture, preparation, or substance containing 680
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 681

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 682
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 683
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 684
whoever violates division (A) of this section is guilty of 685
trafficking in spice. The penalty for the offense shall be 686
determined as follows: 687

(a) Except as otherwise provided in division (C)(8)(b) of 688
this section, trafficking in spice is a felony of the fifth 689
degree, and division (C) of section 2929.13 of the Revised Code 690
applies in determining whether to impose a prison term on the 691
offender. 692

(b) If the offense was committed in the vicinity of a school 693
or in the vicinity of a juvenile, trafficking in spice is a felony 694
of the fourth degree, and division (C) of section 2929.13 of the 695
Revised Code applies in determining whether to impose a prison 696
term on the offender. 697

(D) In addition to any prison term authorized or required by 698
division (C) of this section and sections 2929.13 and 2929.14 of 699
the Revised Code, and in addition to any other sanction imposed 700
for the offense under this section or sections 2929.11 to 2929.18 701
of the Revised Code, the court that sentences an offender who is 702
convicted of or pleads guilty to a violation of division (A) of 703
this section shall do all of the following that are applicable 704
regarding the offender: 705

(1) If the violation of division (A) of this section is a 706
felony of the first, second, or third degree, the court shall 707
impose upon the offender the mandatory fine specified for the 708
offense under division (B)(1) of section 2929.18 of the Revised 709
Code unless, as specified in that division, the court determines 710
that the offender is indigent. Except as otherwise provided in 711
division (H)(1) of this section, a mandatory fine or any other 712
fine imposed for a violation of this section is subject to 713

division (F) of this section. If a person is charged with a 714
violation of this section that is a felony of the first, second, 715
or third degree, posts bail, and forfeits the bail, the clerk of 716
the court shall pay the forfeited bail pursuant to divisions 717
(D)(1) and (F) of this section, as if the forfeited bail was a 718
fine imposed for a violation of this section. If any amount of the 719
forfeited bail remains after that payment and if a fine is imposed 720
under division (H)(1) of this section, the clerk of the court 721
shall pay the remaining amount of the forfeited bail pursuant to 722
divisions (H)(2) and (3) of this section, as if that remaining 723
amount was a fine imposed under division (H)(1) of this section. 724

(2) The court shall suspend the driver's or commercial 725
driver's license or permit of the offender in accordance with 726
division (G) of this section. 727

(3) If the offender is a professionally licensed person, the 728
court immediately shall comply with section 2925.38 of the Revised 729
Code. 730

(E) When a person is charged with the sale of or offer to 731
sell a bulk amount or a multiple of a bulk amount of a controlled 732
substance, the jury, or the court trying the accused, shall 733
determine the amount of the controlled substance involved at the 734
time of the offense and, if a guilty verdict is returned, shall 735
return the findings as part of the verdict. In any such case, it 736
is unnecessary to find and return the exact amount of the 737
controlled substance involved, and it is sufficient if the finding 738
and return is to the effect that the amount of the controlled 739
substance involved is the requisite amount, or that the amount of 740
the controlled substance involved is less than the requisite 741
amount. 742

(F)(1) Notwithstanding any contrary provision of section 743
3719.21 of the Revised Code and except as provided in division (H) 744
of this section, the clerk of the court shall pay any mandatory 745

fine imposed pursuant to division (D)(1) of this section and any 746
fine other than a mandatory fine that is imposed for a violation 747
of this section pursuant to division (A) or (B)(5) of section 748
2929.18 of the Revised Code to the county, township, municipal 749
corporation, park district, as created pursuant to section 511.18 750
or 1545.04 of the Revised Code, or state law enforcement agencies 751
in this state that primarily were responsible for or involved in 752
making the arrest of, and in prosecuting, the offender. However, 753
the clerk shall not pay a mandatory fine so imposed to a law 754
enforcement agency unless the agency has adopted a written 755
internal control policy under division (F)(2) of this section that 756
addresses the use of the fine moneys that it receives. Each agency 757
shall use the mandatory fines so paid to subsidize the agency's 758
law enforcement efforts that pertain to drug offenses, in 759
accordance with the written internal control policy adopted by the 760
recipient agency under division (F)(2) of this section. 761

(2)(a) Prior to receiving any fine moneys under division 762
(F)(1) of this section or division (B) of section 2925.42 of the 763
Revised Code, a law enforcement agency shall adopt a written 764
internal control policy that addresses the agency's use and 765
disposition of all fine moneys so received and that provides for 766
the keeping of detailed financial records of the receipts of those 767
fine moneys, the general types of expenditures made out of those 768
fine moneys, and the specific amount of each general type of 769
expenditure. The policy shall not provide for or permit the 770
identification of any specific expenditure that is made in an 771
ongoing investigation. All financial records of the receipts of 772
those fine moneys, the general types of expenditures made out of 773
those fine moneys, and the specific amount of each general type of 774
expenditure by an agency are public records open for inspection 775
under section 149.43 of the Revised Code. Additionally, a written 776
internal control policy adopted under this division is such a 777
public record, and the agency that adopted it shall comply with 778

it. 779

(b) Each law enforcement agency that receives in any calendar 780
year any fine moneys under division (F)(1) of this section or 781
division (B) of section 2925.42 of the Revised Code shall prepare 782
a report covering the calendar year that cumulates all of the 783
information contained in all of the public financial records kept 784
by the agency pursuant to division (F)(2)(a) of this section for 785
that calendar year, and shall send a copy of the cumulative 786
report, no later than the first day of March in the calendar year 787
following the calendar year covered by the report, to the attorney 788
general. Each report received by the attorney general is a public 789
record open for inspection under section 149.43 of the Revised 790
Code. Not later than the fifteenth day of April in the calendar 791
year in which the reports are received, the attorney general shall 792
send to the president of the senate and the speaker of the house 793
of representatives a written notification that does all of the 794
following: 795

(i) Indicates that the attorney general has received from law 796
enforcement agencies reports of the type described in this 797
division that cover the previous calendar year and indicates that 798
the reports were received under this division; 799

(ii) Indicates that the reports are open for inspection under 800
section 149.43 of the Revised Code; 801

(iii) Indicates that the attorney general will provide a copy 802
of any or all of the reports to the president of the senate or the 803
speaker of the house of representatives upon request. 804

(3) As used in division (F) of this section: 805

(a) "Law enforcement agencies" includes, but is not limited 806
to, the state board of pharmacy and the office of a prosecutor. 807

(b) "Prosecutor" has the same meaning as in section 2935.01 808
of the Revised Code. 809

(G) When required under division (D)(2) of this section or 810
any other provision of this chapter, the court shall suspend for 811
not less than six months or more than five years the driver's or 812
commercial driver's license or permit of any person who is 813
convicted of or pleads guilty to any violation of this section or 814
any other specified provision of this chapter. If an offender's 815
driver's or commercial driver's license or permit is suspended 816
pursuant to this division, the offender, at any time after the 817
expiration of two years from the day on which the offender's 818
sentence was imposed or from the day on which the offender finally 819
was released from a prison term under the sentence, whichever is 820
later, may file a motion with the sentencing court requesting 821
termination of the suspension; upon the filing of such a motion 822
and the court's finding of good cause for the termination, the 823
court may terminate the suspension. 824

(H)(1) In addition to any prison term authorized or required 825
by division (C) of this section and sections 2929.13 and 2929.14 826
of the Revised Code, in addition to any other penalty or sanction 827
imposed for the offense under this section or sections 2929.11 to 828
2929.18 of the Revised Code, and in addition to the forfeiture of 829
property in connection with the offense as prescribed in Chapter 830
2981. of the Revised Code, the court that sentences an offender 831
who is convicted of or pleads guilty to a violation of division 832
(A) of this section may impose upon the offender an additional 833
fine specified for the offense in division (B)(4) of section 834
2929.18 of the Revised Code. A fine imposed under division (H)(1) 835
of this section is not subject to division (F) of this section and 836
shall be used solely for the support of one or more eligible 837
alcohol and drug addiction programs in accordance with divisions 838
(H)(2) and (3) of this section. 839

(2) The court that imposes a fine under division (H)(1) of 840
this section shall specify in the judgment that imposes the fine 841

one or more eligible alcohol and drug addiction programs for the 842
support of which the fine money is to be used. No alcohol and drug 843
addiction program shall receive or use money paid or collected in 844
satisfaction of a fine imposed under division (H)(1) of this 845
section unless the program is specified in the judgment that 846
imposes the fine. No alcohol and drug addiction program shall be 847
specified in the judgment unless the program is an eligible 848
alcohol and drug addiction program and, except as otherwise 849
provided in division (H)(2) of this section, unless the program is 850
located in the county in which the court that imposes the fine is 851
located or in a county that is immediately contiguous to the 852
county in which that court is located. If no eligible alcohol and 853
drug addiction program is located in any of those counties, the 854
judgment may specify an eligible alcohol and drug addiction 855
program that is located anywhere within this state. 856

(3) Notwithstanding any contrary provision of section 3719.21 857
of the Revised Code, the clerk of the court shall pay any fine 858
imposed under division (H)(1) of this section to the eligible 859
alcohol and drug addiction program specified pursuant to division 860
(H)(2) of this section in the judgment. The eligible alcohol and 861
drug addiction program that receives the fine moneys shall use the 862
moneys only for the alcohol and drug addiction services identified 863
in the application for certification under section 3793.06 of the 864
Revised Code or in the application for a license under section 865
3793.11 of the Revised Code filed with the department of alcohol 866
and drug addiction services by the alcohol and drug addiction 867
program specified in the judgment. 868

(4) Each alcohol and drug addiction program that receives in 869
a calendar year any fine moneys under division (H)(3) of this 870
section shall file an annual report covering that calendar year 871
with the court of common pleas and the board of county 872
commissioners of the county in which the program is located, with 873

the court of common pleas and the board of county commissioners of 874
each county from which the program received the moneys if that 875
county is different from the county in which the program is 876
located, and with the attorney general. The alcohol and drug 877
addiction program shall file the report no later than the first 878
day of March in the calendar year following the calendar year in 879
which the program received the fine moneys. The report shall 880
include statistics on the number of persons served by the alcohol 881
and drug addiction program, identify the types of alcohol and drug 882
addiction services provided to those persons, and include a 883
specific accounting of the purposes for which the fine moneys 884
received were used. No information contained in the report shall 885
identify, or enable a person to determine the identity of, any 886
person served by the alcohol and drug addiction program. Each 887
report received by a court of common pleas, a board of county 888
commissioners, or the attorney general is a public record open for 889
inspection under section 149.43 of the Revised Code. 890

(5) As used in divisions (H)(1) to (5) of this section: 891

(a) "Alcohol and drug addiction program" and "alcohol and 892
drug addiction services" have the same meanings as in section 893
3793.01 of the Revised Code. 894

(b) "Eligible alcohol and drug addiction program" means an 895
alcohol and drug addiction program that is certified under section 896
3793.06 of the Revised Code or licensed under section 3793.11 of 897
the Revised Code by the department of alcohol and drug addiction 898
services. 899

(I) As used in this section, "drug" includes any substance 900
that is represented to be a drug. 901

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 902
or use a controlled substance. 903

(B) This section does not apply to any of the following: 904

(1) Manufacturers, licensed health professionals authorized 905
to prescribe drugs, pharmacists, owners of pharmacies, and other 906
persons whose conduct was in accordance with Chapters 3719., 907
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code 908
or section 5120.052 of the Revised Code; 909

(2) If the offense involves an anabolic steroid, any person 910
who is conducting or participating in a research project involving 911
the use of an anabolic steroid if the project has been approved by 912
the United States food and drug administration; 913

(3) Any person who sells, offers for sale, prescribes, 914
dispenses, or administers for livestock or other nonhuman species 915
an anabolic steroid that is expressly intended for administration 916
through implants to livestock or other nonhuman species and 917
approved for that purpose under the "Federal Food, Drug, and 918
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 919
and is sold, offered for sale, prescribed, dispensed, or 920
administered for that purpose in accordance with that act; 921

(4) Any person who obtained the controlled substance pursuant 922
to a lawful prescription issued by a licensed health professional 923
authorized to prescribe drugs. 924

(C) Whoever violates division (A) of this section is guilty 925
of one of the following: 926

(1) If the drug involved in the violation is a compound, 927
mixture, preparation, or substance included in schedule I or II, 928
with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 929
1-Butyl-3-(1-naphthoyl)indole, 930
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 931
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 932
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 933
cocaine, L.S.D., heroin, and hashish, whoever violates division 934

(A) of this section is guilty of aggravated possession of drugs. 935
The penalty for the offense shall be determined as follows: 936

(a) Except as otherwise provided in division (C)(1)(b), (c), 937
(d), or (e) of this section, aggravated possession of drugs is a 938
felony of the fifth degree, and division (B) of section 2929.13 of 939
the Revised Code applies in determining whether to impose a prison 940
term on the offender. 941

(b) If the amount of the drug involved equals or exceeds the 942
bulk amount but is less than five times the bulk amount, 943
aggravated possession of drugs is a felony of the third degree, 944
and there is a presumption for a prison term for the offense. 945

(c) If the amount of the drug involved equals or exceeds five 946
times the bulk amount but is less than fifty times the bulk 947
amount, aggravated possession of drugs is a felony of the second 948
degree, and the court shall impose as a mandatory prison term one 949
of the prison terms prescribed for a felony of the second degree. 950

(d) If the amount of the drug involved equals or exceeds 951
fifty times the bulk amount but is less than one hundred times the 952
bulk amount, aggravated possession of drugs is a felony of the 953
first degree, and the court shall impose as a mandatory prison 954
term one of the prison terms prescribed for a felony of the first 955
degree. 956

(e) If the amount of the drug involved equals or exceeds one 957
hundred times the bulk amount, aggravated possession of drugs is a 958
felony of the first degree, the offender is a major drug offender, 959
and the court shall impose as a mandatory prison term the maximum 960
prison term prescribed for a felony of the first degree. 961

(2) If the drug involved in the violation is a compound, 962
mixture, preparation, or substance included in schedule III, IV, 963
or V, whoever violates division (A) of this section is guilty of 964
possession of drugs. The penalty for the offense shall be 965

determined as follows: 966

(a) Except as otherwise provided in division (C)(2)(b), (c), 967
or (d) of this section, possession of drugs is a misdemeanor of 968
the first degree or, if the offender previously has been convicted 969
of a drug abuse offense, a felony of the fifth degree. 970

(b) If the amount of the drug involved equals or exceeds the 971
bulk amount but is less than five times the bulk amount, 972
possession of drugs is a felony of the fourth degree, and division 973
(C) of section 2929.13 of the Revised Code applies in determining 974
whether to impose a prison term on the offender. 975

(c) If the amount of the drug involved equals or exceeds five 976
times the bulk amount but is less than fifty times the bulk 977
amount, possession of drugs is a felony of the third degree, and 978
there is a presumption for a prison term for the offense. 979

(d) If the amount of the drug involved equals or exceeds 980
fifty times the bulk amount, possession of drugs is a felony of 981
the second degree, and the court shall impose upon the offender as 982
a mandatory prison term one of the prison terms prescribed for a 983
felony of the second degree. 984

(3) If the drug involved in the violation is marihuana or a 985
compound, mixture, preparation, or substance containing marihuana 986
other than hashish, whoever violates division (A) of this section 987
is guilty of possession of marihuana. The penalty for the offense 988
shall be determined as follows: 989

(a) Except as otherwise provided in division (C)(3)(b), (c), 990
(d), (e), (f), or (g) of this section, possession of marihuana is 991
a minor misdemeanor. 992

(b) If the amount of the drug involved equals or exceeds one 993
hundred grams but is less than two hundred grams, possession of 994
marihuana is a misdemeanor of the fourth degree. 995

(c) If the amount of the drug involved equals or exceeds two 996
hundred grams but is less than one thousand grams, possession of 997
marihuana is a felony of the fifth degree, and division (B) of 998
section 2929.13 of the Revised Code applies in determining whether 999
to impose a prison term on the offender. 1000

(d) If the amount of the drug involved equals or exceeds one 1001
thousand grams but is less than five thousand grams, possession of 1002
marihuana is a felony of the third degree, and division (C) of 1003
section 2929.13 of the Revised Code applies in determining whether 1004
to impose a prison term on the offender. 1005

(e) If the amount of the drug involved equals or exceeds five 1006
thousand grams but is less than twenty thousand grams, possession 1007
of marihuana is a felony of the third degree, and there is a 1008
presumption that a prison term shall be imposed for the offense. 1009

(f) If the amount of the drug involved equals or exceeds 1010
twenty thousand grams but is less than forty thousand grams, 1011
possession of marihuana is a felony of the second degree, and the 1012
court shall impose a mandatory prison term of five, six, seven, or 1013
eight years. 1014

(g) If the amount of the drug involved equals or exceeds 1015
forty thousand grams, possession of marihuana is a felony of the 1016
second degree, and the court shall impose as a mandatory prison 1017
term the maximum prison term prescribed for a felony of the second 1018
degree. 1019

(4) If the drug involved in the violation is cocaine or a 1020
compound, mixture, preparation, or substance containing cocaine, 1021
whoever violates division (A) of this section is guilty of 1022
possession of cocaine. The penalty for the offense shall be 1023
determined as follows: 1024

(a) Except as otherwise provided in division (C)(4)(b), (c), 1025
(d), (e), or (f) of this section, possession of cocaine is a 1026

felony of the fifth degree, and division (B) of section 2929.13 of 1027
the Revised Code applies in determining whether to impose a prison 1028
term on the offender. 1029

(b) If the amount of the drug involved equals or exceeds five 1030
grams but is less than ten grams of cocaine, possession of cocaine 1031
is a felony of the fourth degree, and division (B) of section 1032
2929.13 of the Revised Code applies in determining whether to 1033
impose a prison term on the offender. 1034

(c) If the amount of the drug involved equals or exceeds ten 1035
grams but is less than twenty grams of cocaine, possession of 1036
cocaine is a felony of the third degree, and, except as otherwise 1037
provided in this division, there is a presumption for a prison 1038
term for the offense. If possession of cocaine is a felony of the 1039
third degree under this division and if the offender two or more 1040
times previously has been convicted of or pleaded guilty to a 1041
felony drug abuse offense, the court shall impose as a mandatory 1042
prison term one of the prison terms prescribed for a felony of the 1043
third degree. 1044

(d) If the amount of the drug involved equals or exceeds 1045
twenty grams but is less than twenty-seven grams of cocaine, 1046
possession of cocaine is a felony of the second degree, and the 1047
court shall impose as a mandatory prison term one of the prison 1048
terms prescribed for a felony of the second degree. 1049

(e) If the amount of the drug involved equals or exceeds 1050
twenty-seven grams but is less than one hundred grams of cocaine, 1051
possession of cocaine is a felony of the first degree, and the 1052
court shall impose as a mandatory prison term one of the prison 1053
terms prescribed for a felony of the first degree. 1054

(f) If the amount of the drug involved equals or exceeds one 1055
hundred grams of cocaine, possession of cocaine is a felony of the 1056
first degree, the offender is a major drug offender, and the court 1057

shall impose as a mandatory prison term the maximum prison term 1058
prescribed for a felony of the first degree. 1059

(5) If the drug involved in the violation is L.S.D., whoever 1060
violates division (A) of this section is guilty of possession of 1061
L.S.D. The penalty for the offense shall be determined as follows: 1062

(a) Except as otherwise provided in division (C)(5)(b), (c), 1063
(d), (e), or (f) of this section, possession of L.S.D. is a felony 1064
of the fifth degree, and division (B) of section 2929.13 of the 1065
Revised Code applies in determining whether to impose a prison 1066
term on the offender. 1067

(b) If the amount of L.S.D. involved equals or exceeds ten 1068
unit doses but is less than fifty unit doses of L.S.D. in a solid 1069
form or equals or exceeds one gram but is less than five grams of 1070
L.S.D. in a liquid concentrate, liquid extract, or liquid 1071
distillate form, possession of L.S.D. is a felony of the fourth 1072
degree, and division (C) of section 2929.13 of the Revised Code 1073
applies in determining whether to impose a prison term on the 1074
offender. 1075

(c) If the amount of L.S.D. involved equals or exceeds fifty 1076
unit doses, but is less than two hundred fifty unit doses of 1077
L.S.D. in a solid form or equals or exceeds five grams but is less 1078
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 1079
extract, or liquid distillate form, possession of L.S.D. is a 1080
felony of the third degree, and there is a presumption for a 1081
prison term for the offense. 1082

(d) If the amount of L.S.D. involved equals or exceeds two 1083
hundred fifty unit doses but is less than one thousand unit doses 1084
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1085
but is less than one hundred grams of L.S.D. in a liquid 1086
concentrate, liquid extract, or liquid distillate form, possession 1087
of L.S.D. is a felony of the second degree, and the court shall 1088

impose as a mandatory prison term one of the prison terms 1089
prescribed for a felony of the second degree. 1090

(e) If the amount of L.S.D. involved equals or exceeds one 1091
thousand unit doses but is less than five thousand unit doses of 1092
L.S.D. in a solid form or equals or exceeds one hundred grams but 1093
is less than five hundred grams of L.S.D. in a liquid concentrate, 1094
liquid extract, or liquid distillate form, possession of L.S.D. is 1095
a felony of the first degree, and the court shall impose as a 1096
mandatory prison term one of the prison terms prescribed for a 1097
felony of the first degree. 1098

(f) If the amount of L.S.D. involved equals or exceeds five 1099
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1100
five hundred grams of L.S.D. in a liquid concentrate, liquid 1101
extract, or liquid distillate form, possession of L.S.D. is a 1102
felony of the first degree, the offender is a major drug offender, 1103
and the court shall impose as a mandatory prison term the maximum 1104
prison term prescribed for a felony of the first degree. 1105

(6) If the drug involved in the violation is heroin or a 1106
compound, mixture, preparation, or substance containing heroin, 1107
whoever violates division (A) of this section is guilty of 1108
possession of heroin. The penalty for the offense shall be 1109
determined as follows: 1110

(a) Except as otherwise provided in division (C)(6)(b), (c), 1111
(d), (e), or (f) of this section, possession of heroin is a felony 1112
of the fifth degree, and division (B) of section 2929.13 of the 1113
Revised Code applies in determining whether to impose a prison 1114
term on the offender. 1115

(b) If the amount of the drug involved equals or exceeds ten 1116
unit doses but is less than fifty unit doses or equals or exceeds 1117
one gram but is less than five grams, possession of heroin is a 1118
felony of the fourth degree, and division (C) of section 2929.13 1119

of the Revised Code applies in determining whether to impose a 1120
prison term on the offender. 1121

(c) If the amount of the drug involved equals or exceeds 1122
fifty unit doses but is less than one hundred unit doses or equals 1123
or exceeds five grams but is less than ten grams, possession of 1124
heroin is a felony of the third degree, and there is a presumption 1125
for a prison term for the offense. 1126

(d) If the amount of the drug involved equals or exceeds one 1127
hundred unit doses but is less than five hundred unit doses or 1128
equals or exceeds ten grams but is less than fifty grams, 1129
possession of heroin is a felony of the second degree, and the 1130
court shall impose as a mandatory prison term one of the prison 1131
terms prescribed for a felony of the second degree. 1132

(e) If the amount of the drug involved equals or exceeds five 1133
hundred unit doses but is less than two thousand five hundred unit 1134
doses or equals or exceeds fifty grams but is less than two 1135
hundred fifty grams, possession of heroin is a felony of the first 1136
degree, and the court shall impose as a mandatory prison term one 1137
of the prison terms prescribed for a felony of the first degree. 1138

(f) If the amount of the drug involved equals or exceeds two 1139
thousand five hundred unit doses or equals or exceeds two hundred 1140
fifty grams, possession of heroin is a felony of the first degree, 1141
the offender is a major drug offender, and the court shall impose 1142
as a mandatory prison term the maximum prison term prescribed for 1143
a felony of the first degree. 1144

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

(a) Except as otherwise provided in division (C)(7)(b), (c), 1150

(d), (e), (f), or (g) of this section, possession of hashish is a 1151
minor misdemeanor. 1152

(b) If the amount of the drug involved equals or exceeds five 1153
grams but is less than ten grams of hashish in a solid form or 1154
equals or exceeds one gram but is less than two grams of hashish 1155
in a liquid concentrate, liquid extract, or liquid distillate 1156
form, possession of hashish is a misdemeanor of the fourth degree. 1157

(c) If the amount of the drug involved equals or exceeds ten 1158
grams but is less than fifty grams of hashish in a solid form or 1159
equals or exceeds two grams but is less than ten grams of hashish 1160
in a liquid concentrate, liquid extract, or liquid distillate 1161
form, possession of hashish is a felony of the fifth degree, and 1162
division (B) of section 2929.13 of the Revised Code applies in 1163
determining whether to impose a prison term on the offender. 1164

(d) If the amount of the drug involved equals or exceeds 1165
fifty grams but is less than two hundred fifty grams of hashish in 1166
a solid form or equals or exceeds ten grams but is less than fifty 1167
grams of hashish in a liquid concentrate, liquid extract, or 1168
liquid distillate form, possession of hashish is a felony of the 1169
third degree, and division (C) of section 2929.13 of the Revised 1170
Code applies in determining whether to impose a prison term on the 1171
offender. 1172

(e) If the amount of the drug involved equals or exceeds two 1173
hundred fifty grams but is less than one thousand grams of hashish 1174
in a solid form or equals or exceeds fifty grams but is less than 1175
two hundred grams of hashish in a liquid concentrate, liquid 1176
extract, or liquid distillate form, possession of hashish is a 1177
felony of the third degree, and there is a presumption that a 1178
prison term shall be imposed for the offense. 1179

(f) If the amount of the drug involved equals or exceeds one 1180
thousand grams but is less than two thousand grams of hashish in a 1181

solid form or equals or exceeds two hundred grams but is less than 1182
four hundred grams of hashish in a liquid concentrate, liquid 1183
extract, or liquid distillate form, possession of hashish is a 1184
felony of the second degree, and the court shall impose a 1185
mandatory prison term of five, six, seven, or eight years. 1186

(g) If the amount of the drug involved equals or exceeds two 1187
thousand grams of hashish in a solid form or equals or exceeds 1188
four hundred grams of hashish in a liquid concentrate, liquid 1189
extract, or liquid distillate form, possession of hashish is a 1190
felony of the second degree, and the court shall impose as a 1191
mandatory prison term the maximum prison term prescribed for a 1192
felony of the second degree. 1193

(8) If the drug involved is 1-Pentyl-3-(1-naphthoyl)indole, 1194
1-Butyl-3-(1-naphthoyl)indole, 1195
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1196
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 1197
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a 1198
compound, mixture, preparation, or substance containing 1199
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1200
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1201
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 1202
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1203
whoever violates division (A) of this section is guilty of 1204
possession of spice, a minor misdemeanor. 1205

(D) Arrest or conviction for a minor misdemeanor violation of 1206
this section does not constitute a criminal record and need not be 1207
reported by the person so arrested or convicted in response to any 1208
inquiries about the person's criminal record, including any 1209
inquiries contained in any application for employment, license, or 1210
other right or privilege, or made in connection with the person's 1211
appearance as a witness. 1212

(E) In addition to any prison term or jail term authorized or 1213

required by division (C) of this section and sections 2929.13, 1214
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 1215
addition to any other sanction that is imposed for the offense 1216
under this section, sections 2929.11 to 2929.18, or sections 1217
2929.21 to 2929.28 of the Revised Code, the court that sentences 1218
an offender who is convicted of or pleads guilty to a violation of 1219
division (A) of this section shall do all of the following that 1220
are applicable regarding the offender: 1221

(1)(a) If the violation is a felony of the first, second, or 1222
third degree, the court shall impose upon the offender the 1223
mandatory fine specified for the offense under division (B)(1) of 1224
section 2929.18 of the Revised Code unless, as specified in that 1225
division, the court determines that the offender is indigent. 1226

(b) Notwithstanding any contrary provision of section 3719.21 1227
of the Revised Code, the clerk of the court shall pay a mandatory 1228
fine or other fine imposed for a violation of this section 1229
pursuant to division (A) of section 2929.18 of the Revised Code in 1230
accordance with and subject to the requirements of division (F) of 1231
section 2925.03 of the Revised Code. The agency that receives the 1232
fine shall use the fine as specified in division (F) of section 1233
2925.03 of the Revised Code. 1234

(c) If a person is charged with a violation of this section 1235
that is a felony of the first, second, or third degree, posts 1236
bail, and forfeits the bail, the clerk shall pay the forfeited 1237
bail pursuant to division (E)(1)(b) of this section as if it were 1238
a mandatory fine imposed under division (E)(1)(a) of this section. 1239

(2) The court shall suspend for not less than six months or 1240
more than five years the offender's driver's or commercial 1241
driver's license or permit. 1242

(3) If the offender is a professionally licensed person, in 1243
addition to any other sanction imposed for a violation of this 1244

section, the court immediately shall comply with section 2925.38 1245
of the Revised Code. 1246

(F) It is an affirmative defense, as provided in section 1247
2901.05 of the Revised Code, to a charge of a fourth degree felony 1248
violation under this section that the controlled substance that 1249
gave rise to the charge is in an amount, is in a form, is 1250
prepared, compounded, or mixed with substances that are not 1251
controlled substances in a manner, or is possessed under any other 1252
circumstances, that indicate that the substance was possessed 1253
solely for personal use. Notwithstanding any contrary provision of 1254
this section, if, in accordance with section 2901.05 of the 1255
Revised Code, an accused who is charged with a fourth degree 1256
felony violation of division (C)(2), (4), (5), or (6) of this 1257
section sustains the burden of going forward with evidence of and 1258
establishes by a preponderance of the evidence the affirmative 1259
defense described in this division, the accused may be prosecuted 1260
for and may plead guilty to or be convicted of a misdemeanor 1261
violation of division (C)(2) of this section or a fifth degree 1262
felony violation of division (C)(4), (5), or (6) of this section 1263
respectively. 1264

(G) When a person is charged with possessing a bulk amount or 1265
multiple of a bulk amount, division (E) of section 2925.03 of the 1266
Revised Code applies regarding the determination of the amount of 1267
the controlled substance involved at the time of the offense. 1268

Sec. 2925.12. (A) No person shall knowingly make, obtain, 1269
possess, or use any instrument, article, or thing the customary 1270
and primary purpose of which is for the administration or use of a 1271
dangerous drug, other than marihuana, when the instrument involved 1272
is a hypodermic or syringe, whether or not of crude or 1273
extemporized manufacture or assembly, and the instrument, article, 1274
or thing involved has been used by the offender to unlawfully 1275

administer or use a dangerous drug, other than marihuana, or to 1276
prepare a dangerous drug, other than marihuana, for unlawful 1277
administration or use. 1278

(B) This section does not apply to manufacturers, licensed 1279
health professionals authorized to prescribe drugs, pharmacists, 1280
owners of pharmacies, and other persons whose conduct was in 1281
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 1282
and 4741. of the Revised Code or section 5120.052 of the Revised 1283
Code. 1284

(C) Whoever violates this section is guilty of possessing 1285
drug abuse instruments, a misdemeanor of the second degree. If the 1286
offender previously has been convicted of a drug abuse offense, a 1287
violation of this section is a misdemeanor of the first degree. 1288

(D) In addition to any other sanction imposed upon an 1289
offender for a violation of this section, the court shall suspend 1290
for not less than six months or more than five years the 1291
offender's driver's or commercial driver's license or permit. If 1292
the offender is a professionally licensed person, in addition to 1293
any other sanction imposed for a violation of this section, the 1294
court immediately shall comply with section 2925.38 of the Revised 1295
Code. 1296

Sec. 2925.14. (A) As used in this section, "drug 1297
paraphernalia" means any equipment, product, or material of any 1298
kind that is used by the offender, intended by the offender for 1299
use, or designed for use, in propagating, cultivating, growing, 1300
harvesting, manufacturing, compounding, converting, producing, 1301
processing, preparing, testing, analyzing, packaging, repackaging, 1302
storing, containing, concealing, injecting, ingesting, inhaling, 1303
or otherwise introducing into the human body, a controlled 1304
substance in violation of this chapter. "Drug paraphernalia" 1305

includes, but is not limited to, any of the following equipment, 1306
products, or materials that are used by the offender, intended by 1307
the offender for use, or designed by the offender for use, in any 1308
of the following manners: 1309

(1) A kit for propagating, cultivating, growing, or 1310
harvesting any species of a plant that is a controlled substance 1311
or from which a controlled substance can be derived; 1312

(2) A kit for manufacturing, compounding, converting, 1313
producing, processing, or preparing a controlled substance; 1314

(3) Any object, instrument, or device for manufacturing, 1315
compounding, converting, producing, processing, or preparing 1316
methamphetamine; 1317

(4) An isomerization device for increasing the potency of any 1318
species of a plant that is a controlled substance; 1319

(5) Testing equipment for identifying, or analyzing the 1320
strength, effectiveness, or purity of, a controlled substance; 1321

(6) A scale or balance for weighing or measuring a controlled 1322
substance; 1323

(7) A diluent or adulterant, such as quinine hydrochloride, 1324
mannitol, mannite, dextrose, or lactose, for cutting a controlled 1325
substance; 1326

(8) A separation gin or sifter for removing twigs and seeds 1327
from, or otherwise cleaning or refining, marihuana; 1328

(9) A blender, bowl, container, spoon, or mixing device for 1329
compounding a controlled substance; 1330

(10) A capsule, balloon, envelope, or container for packaging 1331
small quantities of a controlled substance; 1332

(11) A container or device for storing or concealing a 1333
controlled substance; 1334

(12) A hypodermic syringe, needle, or instrument for 1335
parenterally injecting a controlled substance into the human body; 1336

(13) An object, instrument, or device for ingesting, 1337
inhaling, or otherwise introducing into the human body, marihuana, 1338
cocaine, hashish, or hashish oil, such as a metal, wooden, 1339
acrylic, glass, stone, plastic, or ceramic pipe, with or without a 1340
screen, permanent screen, hashish head, or punctured metal bowl; 1341
water pipe; carburetion tube or device; smoking or carburetion 1342
mask; roach clip or similar object used to hold burning material, 1343
such as a marihuana cigarette, that has become too small or too 1344
short to be held in the hand; miniature cocaine spoon, or cocaine 1345
vial; chamber pipe; carburetor pipe; electric pipe; air driver 1346
pipe; chillum; bong; or ice pipe or chiller. 1347

(B) In determining if any equipment, product, or material is 1348
drug paraphernalia, a court or law enforcement officer shall 1349
consider, in addition to other relevant factors, the following: 1350

(1) Any statement by the owner, or by anyone in control, of 1351
the equipment, product, or material, concerning its use; 1352

(2) The proximity in time or space of the equipment, product, 1353
or material, or of the act relating to the equipment, product, or 1354
material, to a violation of any provision of this chapter; 1355

(3) The proximity of the equipment, product, or material to 1356
any controlled substance; 1357

(4) The existence of any residue of a controlled substance on 1358
the equipment, product, or material; 1359

(5) Direct or circumstantial evidence of the intent of the 1360
owner, or of anyone in control, of the equipment, product, or 1361
material, to deliver it to any person whom the owner or person in 1362
control of the equipment, product, or material knows intends to 1363
use the object to facilitate a violation of any provision of this 1364
chapter. A finding that the owner, or anyone in control, of the 1365

equipment, product, or material, is not guilty of a violation of 1366
any other provision of this chapter does not prevent a finding 1367
that the equipment, product, or material was intended or designed 1368
by the offender for use as drug paraphernalia. 1369

(6) Any oral or written instruction provided with the 1370
equipment, product, or material concerning its use; 1371

(7) Any descriptive material accompanying the equipment, 1372
product, or material and explaining or depicting its use; 1373

(8) National or local advertising concerning the use of the 1374
equipment, product, or material; 1375

(9) The manner and circumstances in which the equipment, 1376
product, or material is displayed for sale; 1377

(10) Direct or circumstantial evidence of the ratio of the 1378
sales of the equipment, product, or material to the total sales of 1379
the business enterprise; 1380

(11) The existence and scope of legitimate uses of the 1381
equipment, product, or material in the community; 1382

(12) Expert testimony concerning the use of the equipment, 1383
product, or material. 1384

(C)(1) Subject to division (D)(2) of this section, no person 1385
shall knowingly use, or possess with purpose to use, drug 1386
paraphernalia. 1387

(2) No person shall knowingly sell, or possess or manufacture 1388
with purpose to sell, drug paraphernalia, if the person knows or 1389
reasonably should know that the equipment, product, or material 1390
will be used as drug paraphernalia. 1391

(3) No person shall place an advertisement in any newspaper, 1392
magazine, handbill, or other publication that is published and 1393
printed and circulates primarily within this state, if the person 1394
knows that the purpose of the advertisement is to promote the 1395

illegal sale in this state of the equipment, product, or material 1396
that the offender intended or designed for use as drug 1397
paraphernalia. 1398

(D)(1) This section does not apply to manufacturers, licensed 1399
health professionals authorized to prescribe drugs, pharmacists, 1400
owners of pharmacies, and other persons whose conduct is in 1401
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 1402
and 4741. of the Revised Code or section 5120.052 of the Revised 1403
Code. This section shall not be construed to prohibit the 1404
possession or use of a hypodermic as authorized by section 1405
3719.172 of the Revised Code. 1406

(2) Division (C)(1) of this section does not apply to a 1407
person's use, or possession with purpose to use, any drug 1408
paraphernalia that is equipment, a product, or material of any 1409
kind that is used by the person, intended by the person for use, 1410
or designed for use in storing, containing, concealing, injecting, 1411
ingesting, inhaling, or otherwise introducing into the human body 1412
marihuana. 1413

(E) Notwithstanding Chapter 2981. of the Revised Code, any 1414
drug paraphernalia that was used, possessed, sold, or manufactured 1415
in a violation of this section shall be seized, after a conviction 1416
for that violation shall be forfeited, and upon forfeiture shall 1417
be disposed of pursuant to division (B) of section 2981.12 of the 1418
Revised Code. 1419

(F)(1) Whoever violates division (C)(1) of this section is 1420
guilty of illegal use or possession of drug paraphernalia, a 1421
misdemeanor of the fourth degree. 1422

(2) Except as provided in division (F)(3) of this section, 1423
whoever violates division (C)(2) of this section is guilty of 1424
dealing in drug paraphernalia, a misdemeanor of the second degree. 1425

(3) Whoever violates division (C)(2) of this section by 1426

selling drug paraphernalia to a juvenile is guilty of selling drug 1427
paraphernalia to juveniles, a misdemeanor of the first degree. 1428

(4) Whoever violates division (C)(3) of this section is 1429
guilty of illegal advertising of drug paraphernalia, a misdemeanor 1430
of the second degree. 1431

(G) In addition to any other sanction imposed upon an 1432
offender for a violation of this section, the court shall suspend 1433
for not less than six months or more than five years the 1434
offender's driver's or commercial driver's license or permit. If 1435
the offender is a professionally licensed person, in addition to 1436
any other sanction imposed for a violation of this section, the 1437
court immediately shall comply with section 2925.38 of the Revised 1438
Code. 1439

Sec. 2925.23. (A) No person shall knowingly make a false 1440
statement in any prescription, order, report, or record required 1441
by Chapter 3719. or 4729. of the Revised Code. 1442

(B) No person shall intentionally make, utter, or sell, or 1443
knowingly possess any of the following that is a false or forged: 1444

(1) Prescription; 1445

(2) Uncompleted preprinted prescription blank used for 1446
writing a prescription; 1447

(3) Official written order; 1448

(4) License for a terminal distributor of dangerous drugs as 1449
required in section 4729.60 of the Revised Code; 1450

(5) Registration certificate for a wholesale distributor of 1451
dangerous drugs as required in section 4729.60 of the Revised 1452
Code. 1453

(C) No person, by theft as defined in section 2913.02 of the 1454
Revised Code, shall acquire any of the following: 1455

(1) A prescription; 1456

(2) An uncompleted preprinted prescription blank used for 1457
writing a prescription; 1458

(3) An official written order; 1459

(4) A blank official written order; 1460

(5) A license or blank license for a terminal distributor of 1461
dangerous drugs as required in section 4729.60 of the Revised 1462
Code; 1463

(6) A registration certificate or blank registration 1464
certificate for a wholesale distributor of dangerous drugs as 1465
required in section 4729.60 of the Revised Code. 1466

(D) No person shall knowingly make or affix any false or 1467
forged label to a package or receptacle containing any dangerous 1468
drugs. 1469

(E) Divisions (A) and (D) of this section do not apply to 1470
licensed health professionals authorized to prescribe drugs, 1471
pharmacists, owners of pharmacies, and other persons whose conduct 1472
is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 1473
4730., 4731., and 4741. of the Revised Code or section 5120.052 of 1474
the Revised Code. 1475

(F) Whoever violates this section is guilty of illegal 1476
processing of drug documents. If the offender violates division 1477
(B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this 1478
section, illegal processing of drug documents is a felony of the 1479
fifth degree. If the offender violates division (A), division 1480
(B)(1) or (3), division (C)(1) or (3), or division (D) of this 1481
section, the penalty for illegal processing of drug documents 1482
shall be determined as follows: 1483

(1) If the drug involved is a compound, mixture, preparation, 1484
or substance included in schedule I or II, with the exception of 1485

marihuana, illegal processing of drug documents is a felony of the 1486
fourth degree, and division (C) of section 2929.13 of the Revised 1487
Code applies in determining whether to impose a prison term on the 1488
offender. 1489

(2) If the drug involved is a dangerous drug or a compound, 1490
mixture, preparation, or substance included in schedule III, IV, 1491
or V or is marihuana, illegal processing of drug documents is a 1492
felony of the fifth degree, and division (C) of section 2929.13 of 1493
the Revised Code applies in determining whether to impose a prison 1494
term on the offender. 1495

(G) In addition to any prison term authorized or required by 1496
division (F) of this section and sections 2929.13 and 2929.14 of 1497
the Revised Code and in addition to any other sanction imposed for 1498
the offense under this section or sections 2929.11 to 2929.18 of 1499
the Revised Code, the court that sentences an offender who is 1500
convicted of or pleads guilty to any violation of divisions (A) to 1501
(D) of this section shall do both of the following: 1502

(1) The court shall suspend for not less than six months or 1503
more than five years the offender's driver's or commercial 1504
driver's license or permit. 1505

(2) If the offender is a professionally licensed person, in 1506
addition to any other sanction imposed for a violation of this 1507
section, the court immediately shall comply with section 2925.38 1508
of the Revised Code. 1509

(H) Notwithstanding any contrary provision of section 3719.21 1510
of the Revised Code, the clerk of court shall pay a fine imposed 1511
for a violation of this section pursuant to division (A) of 1512
section 2929.18 of the Revised Code in accordance with and subject 1513
to the requirements of division (F) of section 2925.03 of the 1514
Revised Code. The agency that receives the fine shall use the fine 1515
as specified in division (F) of section 2925.03 of the Revised 1516

Code. 1517

Sec. 2925.36. (A) No person shall knowingly furnish another a 1518
sample drug. 1519

(B) Division (A) of this section does not apply to 1520
manufacturers, wholesalers, pharmacists, owners of pharmacies, 1521
licensed health professionals authorized to prescribe drugs, and 1522
other persons whose conduct is in accordance with Chapters 3719., 1523
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 1524
Code or section 5120.052 of the Revised Code. 1525

(C)(1) Whoever violates this section is guilty of illegal 1526
dispensing of drug samples. 1527

(2) If the drug involved in the offense is a compound, 1528
mixture, preparation, or substance included in schedule I or II, 1529
with the exception of marihuana, the penalty for the offense shall 1530
be determined as follows: 1531

(a) Except as otherwise provided in division (C)(2)(b) of 1532
this section, illegal dispensing of drug samples is a felony of 1533
the fifth degree, and, subject to division (E) of this section, 1534
division (C) of section 2929.13 of the Revised Code applies in 1535
determining whether to impose a prison term on the offender. 1536

(b) If the offense was committed in the vicinity of a school 1537
or in the vicinity of a juvenile, illegal dispensing of drug 1538
samples is a felony of the fourth degree, and, subject to division 1539
(E) of this section, division (C) of section 2929.13 of the 1540
Revised Code applies in determining whether to impose a prison 1541
term on the offender. 1542

(3) If the drug involved in the offense is a dangerous drug 1543
or a compound, mixture, preparation, or substance included in 1544
schedule III, IV, or V, or is marihuana, the penalty for the 1545
offense shall be determined as follows: 1546

(a) Except as otherwise provided in division (C)(3)(b) of 1547
this section, illegal dispensing of drug samples is a misdemeanor 1548
of the second degree. 1549

(b) If the offense was committed in the vicinity of a school 1550
or in the vicinity of a juvenile, illegal dispensing of drug 1551
samples is a misdemeanor of the first degree. 1552

(D) In addition to any prison term authorized or required by 1553
division (C) or (E) of this section and sections 2929.13 and 1554
2929.14 of the Revised Code and in addition to any other sanction 1555
imposed for the offense under this section or sections 2929.11 to 1556
2929.18 of the Revised Code, the court that sentences an offender 1557
who is convicted of or pleads guilty to a violation of division 1558
(A) of this section shall do both of the following: 1559

(1) The court shall suspend for not less than six months or 1560
more than five years the offender's driver's or commercial 1561
driver's license or permit. 1562

(2) If the offender is a professionally licensed person, in 1563
addition to any other sanction imposed for a violation of this 1564
section, the court immediately shall comply with section 2925.38 1565
of the Revised Code. 1566

(E) Notwithstanding the prison term authorized or required by 1567
division (C) of this section and sections 2929.13 and 2929.14 of 1568
the Revised Code, if the violation of division (A) of this section 1569
involves the sale, offer to sell, or possession of a schedule I or 1570
II controlled substance, with the exception of marihuana, and if 1571
the court imposing sentence upon the offender finds that the 1572
offender as a result of the violation is a major drug offender and 1573
is guilty of a specification of the type described in section 1574
2941.1410 of the Revised Code, the court, in lieu of the prison 1575
term otherwise authorized or required, shall impose upon the 1576
offender the mandatory prison term specified in division (B)(3)(a) 1577

of section 2929.14 of the Revised Code. 1578

(F) Notwithstanding any contrary provision of section 3719.21 1579
of the Revised Code, the clerk of the court shall pay a fine 1580
imposed for a violation of this section pursuant to division (A) 1581
of section 2929.18 of the Revised Code in accordance with and 1582
subject to the requirements of division (F) of section 2925.03 of 1583
the Revised Code. The agency that receives the fine shall use the 1584
fine as specified in division (F) of section 2925.03 of the 1585
Revised Code. 1586

Sec. 3719.06. (A)(1) A licensed health professional 1587
authorized to prescribe drugs, if acting in the course of 1588
professional practice, in accordance with the laws regulating the 1589
professional's practice, and in accordance with rules adopted by 1590
the state board of pharmacy, may, except as provided in division 1591
(A)(2) ~~or~~, (3), or (4) of this section, do the following: 1592

(a) Prescribe schedule II, III, IV, and V controlled 1593
substances; 1594

(b) Administer or personally furnish to patients schedule II, 1595
III, IV, and V controlled substances; 1596

(c) Cause schedule II, III, IV, and V controlled substances 1597
to be administered under the prescriber's direction and 1598
supervision. 1599

(2) A licensed health professional authorized to prescribe 1600
drugs who is a clinical nurse specialist, certified nurse-midwife, 1601
or certified nurse practitioner is subject to both of the 1602
following: 1603

(a) A schedule II controlled substance may be prescribed only 1604
in accordance with division (C) of section 4723.481 of the Revised 1605
Code. 1606

(b) No schedule II controlled substance shall be personally 1607

furnished to any patient. 1608

(3) A licensed health professional authorized to prescribe 1609
drugs who is a physician assistant shall not prescribe or 1610
personally furnish to patients any controlled substance that is 1611
not included in the physician-delegated prescriptive authority 1612
granted to the physician assistant in accordance with Chapter 1613
4730. of the Revised Code. 1614

(4) A licensed health professional authorized to prescribe 1615
drugs who is a licensed psychologist shall not prescribe, 1616
administer, cause to be administered, or personally furnish any 1617
controlled substance other than pursuant to the prescriptive 1618
authority granted to the psychologist by the certificate to 1619
prescribe psychotropic drugs issued under section 4732.29 of the 1620
Revised Code. 1621

(B) No licensed health professional authorized to prescribe 1622
drugs shall prescribe, administer, or personally furnish a 1623
schedule III anabolic steroid for the purpose of human muscle 1624
building or enhancing human athletic performance and no pharmacist 1625
shall dispense a schedule III anabolic steroid for either purpose, 1626
unless it has been approved for that purpose under the "Federal 1627
Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 1628
301, as amended. 1629

(C) Each written prescription shall be properly executed, 1630
dated, and signed by the prescriber on the day when issued and 1631
shall bear the full name and address of the person for whom, or 1632
the owner of the animal for which, the controlled substance is 1633
prescribed and the full name, address, and registry number under 1634
the federal drug abuse control laws of the prescriber. If the 1635
prescription is for an animal, it shall state the species of the 1636
animal for which the controlled substance is prescribed. 1637

Sec. 3719.81. (A) As used in this section, "sample drug" has 1638

the same meaning as in section 2925.01 of the Revised Code. 1639

(B) A person may furnish another a sample drug, if all of the 1640
following apply: 1641

(1) The sample drug is furnished free of charge by a 1642
manufacturer, manufacturer's representative, or wholesale dealer 1643
in pharmaceuticals to a licensed health professional authorized to 1644
prescribe drugs, or is furnished free of charge by such a 1645
professional to a patient for use as medication; 1646

(2) The sample drug is in the original container in which it 1647
was placed by the manufacturer, and the container is plainly 1648
marked as a sample; 1649

(3) Prior to its being furnished, the sample drug has been 1650
stored under the proper conditions to prevent its deterioration or 1651
contamination; 1652

(4) If the sample drug is of a type which deteriorates with 1653
time, the sample container is plainly marked with the date beyond 1654
which the sample drug is unsafe to use, and the date has not 1655
expired on the sample furnished. Compliance with the labeling 1656
requirements of the "Federal Food, Drug, and Cosmetic Act," 52 1657
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall be deemed 1658
compliance with this section. 1659

(5) The sample drug is distributed, stored, or discarded in 1660
such a way that the sample drug may not be acquired or used by any 1661
unauthorized person, or by any person, including a child, for whom 1662
it may present a health or safety hazard. 1663

(C) Division (B) of this section does not do any of the 1664
following: 1665

(1) Apply to or restrict the furnishing of any sample of a 1666
nonnarcotic substance if the substance may, under the "Federal 1667
Food, Drug, and Cosmetic Act" and under the laws of this state, 1668

otherwise be lawfully sold over the counter without a 1669
prescription; 1670

(2) Authorize a licensed health professional authorized to 1671
prescribe drugs who is a clinical nurse specialist, certified 1672
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 1673
physician assistant, or licensed psychologist to furnish a sample 1674
drug that is not a drug the professional is authorized to 1675
prescribe. 1676

(3) Prohibit a licensed health professional authorized to 1677
prescribe drugs, manufacturer of dangerous drugs, wholesale 1678
distributor of dangerous drugs, or representative of a 1679
manufacturer of dangerous drugs from furnishing a sample drug to a 1680
charitable pharmacy in accordance with section 3719.811 of the 1681
Revised Code. 1682

(4) Prohibit a pharmacist working, whether or not for 1683
compensation, in a charitable pharmacy from dispensing a sample 1684
drug to a person in accordance with section 3719.811 of the 1685
Revised Code. 1686

(D) The state board of pharmacy shall, in accordance with 1687
Chapter 119. of the Revised Code, adopt rules as necessary to give 1688
effect to this section. 1689

Sec. 4729.01. As used in this chapter: 1690

(A) "Pharmacy," except when used in a context that refers to 1691
the practice of pharmacy, means any area, room, rooms, place of 1692
business, department, or portion of any of the foregoing where the 1693
practice of pharmacy is conducted. 1694

(B) "Practice of pharmacy" means providing pharmacist care 1695
requiring specialized knowledge, judgment, and skill derived from 1696
the principles of biological, chemical, behavioral, social, 1697
pharmaceutical, and clinical sciences. As used in this division, 1698

"pharmacist care" includes the following:	1699
(1) Interpreting prescriptions;	1700
(2) Dispensing drugs and drug therapy related devices;	1701
(3) Compounding drugs;	1702
(4) Counseling individuals with regard to their drug therapy,	1703
recommending drug therapy related devices, and assisting in the	1704
selection of drugs and appliances for treatment of common diseases	1705
and injuries and providing instruction in the proper use of the	1706
drugs and appliances;	1707
(5) Performing drug regimen reviews with individuals by	1708
discussing all of the drugs that the individual is taking and	1709
explaining the interactions of the drugs;	1710
(6) Performing drug utilization reviews with licensed health	1711
professionals authorized to prescribe drugs when the pharmacist	1712
determines that an individual with a prescription has a drug	1713
regimen that warrants additional discussion with the prescriber;	1714
(7) Advising an individual and the health care professionals	1715
treating an individual with regard to the individual's drug	1716
therapy;	1717
(8) Acting pursuant to a consult agreement with a physician	1718
authorized under Chapter 4731. of the Revised Code to practice	1719
medicine and surgery or osteopathic medicine and surgery, if an	1720
agreement has been established with the physician;	1721
(9) Engaging in the administration of immunizations to the	1722
extent authorized by section 4729.41 of the Revised Code.	1723
(C) "Compounding" means the preparation, mixing, assembling,	1724
packaging, and labeling of one or more drugs in any of the	1725
following circumstances:	1726
(1) Pursuant to a prescription issued by a licensed health	1727
professional authorized to prescribe drugs;	1728

(2) Pursuant to the modification of a prescription made in 1729
accordance with a consult agreement; 1730

(3) As an incident to research, teaching activities, or 1731
chemical analysis; 1732

(4) In anticipation of orders for drugs pursuant to 1733
prescriptions, based on routine, regularly observed dispensing 1734
patterns; 1735

(5) Pursuant to a request made by a licensed health 1736
professional authorized to prescribe drugs for a drug that is to 1737
be used by the professional for the purpose of direct 1738
administration to patients in the course of the professional's 1739
practice, if all of the following apply: 1740

(a) At the time the request is made, the drug is not 1741
commercially available regardless of the reason that the drug is 1742
not available, including the absence of a manufacturer for the 1743
drug or the lack of a readily available supply of the drug from a 1744
manufacturer. 1745

(b) A limited quantity of the drug is compounded and provided 1746
to the professional. 1747

(c) The drug is compounded and provided to the professional 1748
as an occasional exception to the normal practice of dispensing 1749
drugs pursuant to patient-specific prescriptions. 1750

(D) "Consult agreement" means an agreement to manage an 1751
individual's drug therapy that has been entered into by a 1752
pharmacist and a physician authorized under Chapter 4731. of the 1753
Revised Code to practice medicine and surgery or osteopathic 1754
medicine and surgery. 1755

(E) "Drug" means: 1756

(1) Any article recognized in the United States pharmacopoeia 1757
and national formulary, or any supplement to them, intended for 1758

use in the diagnosis, cure, mitigation, treatment, or prevention 1759
of disease in humans or animals; 1760

(2) Any other article intended for use in the diagnosis, 1761
cure, mitigation, treatment, or prevention of disease in humans or 1762
animals; 1763

(3) Any article, other than food, intended to affect the 1764
structure or any function of the body of humans or animals; 1765

(4) Any article intended for use as a component of any 1766
article specified in division (E)(1), (2), or (3) of this section; 1767
but does not include devices or their components, parts, or 1768
accessories. 1769

(F) "Dangerous drug" means any of the following: 1770

(1) Any drug to which either of the following applies: 1771

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 1772
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 1773
required to bear a label containing the legend "Caution: Federal 1774
law prohibits dispensing without prescription" or "Caution: 1775
Federal law restricts this drug to use by or on the order of a 1776
licensed veterinarian" or any similar restrictive statement, or 1777
the drug may be dispensed only upon a prescription; 1778

(b) Under Chapter 3715. or 3719. of the Revised Code, the 1779
drug may be dispensed only upon a prescription. 1780

(2) Any drug that contains a schedule V controlled substance 1781
and that is exempt from Chapter 3719. of the Revised Code or to 1782
which that chapter does not apply; 1783

(3) Any drug intended for administration by injection into 1784
the human body other than through a natural orifice of the human 1785
body. 1786

(G) "Federal drug abuse control laws" has the same meaning as 1787
in section 3719.01 of the Revised Code. 1788

(H) "Prescription" means a written, electronic, or oral order 1789
for drugs or combinations or mixtures of drugs to be used by a 1790
particular individual or for treating a particular animal, issued 1791
by a licensed health professional authorized to prescribe drugs. 1792

(I) "Licensed health professional authorized to prescribe 1793
drugs" or "prescriber" means an individual who is authorized by 1794
law to prescribe drugs or dangerous drugs or drug therapy related 1795
devices in the course of the individual's professional practice, 1796
including only the following: 1797

(1) A dentist licensed under Chapter 4715. of the Revised 1798
Code; 1799

(2) A clinical nurse specialist, certified nurse-midwife, or 1800
certified nurse practitioner who holds a certificate to prescribe 1801
issued under section 4723.48 of the Revised Code; 1802

(3) An optometrist licensed under Chapter 4725. of the 1803
Revised Code to practice optometry under a therapeutic 1804
pharmaceutical agents certificate; 1805

(4) A physician authorized under Chapter 4731. of the Revised 1806
Code to practice medicine and surgery, osteopathic medicine and 1807
surgery, or podiatric medicine and surgery; 1808

(5) A physician assistant who holds a certificate to 1809
prescribe issued under Chapter 4730. of the Revised Code; 1810

(6) A veterinarian licensed under Chapter 4741. of the 1811
Revised Code; 1812

(7) A licensed psychologist, as defined in section 4732.01 of 1813
the Revised Code, who holds a certificate to prescribe 1814
psychotropic drugs issued under section 4732.29 of the Revised 1815
Code. 1816

(J) "Sale" and "sell" include delivery, transfer, barter, 1817
exchange, or gift, or offer therefor, and each such transaction 1818

made by any person, whether as principal proprietor, agent, or 1819
employee. 1820

(K) "Wholesale sale" and "sale at wholesale" mean any sale in 1821
which the purpose of the purchaser is to resell the article 1822
purchased or received by the purchaser. 1823

(L) "Retail sale" and "sale at retail" mean any sale other 1824
than a wholesale sale or sale at wholesale. 1825

(M) "Retail seller" means any person that sells any dangerous 1826
drug to consumers without assuming control over and responsibility 1827
for its administration. Mere advice or instructions regarding 1828
administration do not constitute control or establish 1829
responsibility. 1830

(N) "Price information" means the price charged for a 1831
prescription for a particular drug product and, in an easily 1832
understandable manner, all of the following: 1833

(1) The proprietary name of the drug product; 1834

(2) The established (generic) name of the drug product; 1835

(3) The strength of the drug product if the product contains 1836
a single active ingredient or if the drug product contains more 1837
than one active ingredient and a relevant strength can be 1838
associated with the product without indicating each active 1839
ingredient. The established name and quantity of each active 1840
ingredient are required if such a relevant strength cannot be so 1841
associated with a drug product containing more than one 1842
ingredient. 1843

(4) The dosage form; 1844

(5) The price charged for a specific quantity of the drug 1845
product. The stated price shall include all charges to the 1846
consumer, including, but not limited to, the cost of the drug 1847
product, professional fees, handling fees, if any, and a statement 1848

identifying professional services routinely furnished by the 1849
pharmacy. Any mailing fees and delivery fees may be stated 1850
separately without repetition. The information shall not be false 1851
or misleading. 1852

(O) "Wholesale distributor of dangerous drugs" means a person 1853
engaged in the sale of dangerous drugs at wholesale and includes 1854
any agent or employee of such a person authorized by the person to 1855
engage in the sale of dangerous drugs at wholesale. 1856

(P) "Manufacturer of dangerous drugs" means a person, other 1857
than a pharmacist, who manufactures dangerous drugs and who is 1858
engaged in the sale of those dangerous drugs within this state. 1859

(Q) "Terminal distributor of dangerous drugs" means a person 1860
who is engaged in the sale of dangerous drugs at retail, or any 1861
person, other than a wholesale distributor or a pharmacist, who 1862
has possession, custody, or control of dangerous drugs for any 1863
purpose other than for that person's own use and consumption, and 1864
includes pharmacies, hospitals, nursing homes, and laboratories 1865
and all other persons who procure dangerous drugs for sale or 1866
other distribution by or under the supervision of a pharmacist or 1867
licensed health professional authorized to prescribe drugs. 1868

(R) "Promote to the public" means disseminating a 1869
representation to the public in any manner or by any means, other 1870
than by labeling, for the purpose of inducing, or that is likely 1871
to induce, directly or indirectly, the purchase of a dangerous 1872
drug at retail. 1873

(S) "Person" includes any individual, partnership, 1874
association, limited liability company, or corporation, the state, 1875
any political subdivision of the state, and any district, 1876
department, or agency of the state or its political subdivisions. 1877

(T) "Finished dosage form" has the same meaning as in section 1878
3715.01 of the Revised Code. 1879

(U) "Generically equivalent drug" has the same meaning as in 1880
section 3715.01 of the Revised Code. 1881

(V) "Animal shelter" means a facility operated by a humane 1882
society or any society organized under Chapter 1717. of the 1883
Revised Code or a dog pound operated pursuant to Chapter 955. of 1884
the Revised Code. 1885

(W) "Food" has the same meaning as in section 3715.01 of the 1886
Revised Code. 1887

(X) "Pain management clinic" has the same meaning as in 1888
section 4731.054 of the Revised Code. 1889

Sec. 4729.51. (A) No person other than a registered wholesale 1890
distributor of dangerous drugs shall possess for sale, sell, 1891
distribute, or deliver, at wholesale, dangerous drugs, except as 1892
follows: 1893

(1) A pharmacist who is a licensed terminal distributor of 1894
dangerous drugs or who is employed by a licensed terminal 1895
distributor of dangerous drugs may make occasional sales of 1896
dangerous drugs at wholesale; 1897

(2) A licensed terminal distributor of dangerous drugs having 1898
more than one establishment or place may transfer or deliver 1899
dangerous drugs from one establishment or place for which a 1900
license has been issued to the terminal distributor to another 1901
establishment or place for which a license has been issued to the 1902
terminal distributor if the license issued for each establishment 1903
or place is in effect at the time of the transfer or delivery. 1904

(B)(1) No registered wholesale distributor of dangerous drugs 1905
shall possess for sale, or sell, at wholesale, dangerous drugs to 1906
any person other than the following: 1907

(a) Except as provided in division (B)(3) of this section, a 1908
licensed health professional authorized to prescribe drugs; 1909

(b) An optometrist licensed under Chapter 4725. of the	1910
Revised Code who holds a topical ocular pharmaceutical agents	1911
certificate;	1912
(c) A registered wholesale distributor of dangerous drugs;	1913
(d) A manufacturer of dangerous drugs;	1914
(e) Subject to division (B)(3) of this section, a licensed	1915
terminal distributor of dangerous drugs;	1916
(f) Carriers or warehouses for the purpose of carriage or	1917
storage;	1918
(g) Terminal or wholesale distributors of dangerous drugs who	1919
are not engaged in the sale of dangerous drugs within this state;	1920
(h) An individual who holds a current license, certificate,	1921
or registration issued under Title 47 of the Revised Code and has	1922
been certified to conduct diabetes education by a national	1923
certifying body specified in rules adopted by the state board of	1924
pharmacy under section 4729.68 of the Revised Code, but only with	1925
respect to insulin that will be used for the purpose of diabetes	1926
education and only if diabetes education is within the	1927
individual's scope of practice under statutes and rules regulating	1928
the individual's profession;	1929
(i) An individual who holds a valid certificate issued by a	1930
nationally recognized S.C.U.B.A. diving certifying organization	1931
approved by the state board of pharmacy in rule, but only with	1932
respect to medical oxygen that will be used for the purpose of	1933
emergency care or treatment at the scene of a diving emergency;	1934
(j) Except as provided in division (B)(2) of this section, a	1935
business entity that is a corporation formed under division (B) of	1936
section 1701.03 of the Revised Code, a limited liability company	1937
formed under Chapter 1705. of the Revised Code, or a professional	1938
association formed under Chapter 1785. of the Revised Code if the	1939

entity has a sole shareholder who is a licensed health 1940
professional authorized to prescribe drugs and is authorized to 1941
provide the professional services being offered by the entity; 1942

(k) Except as provided in division (B)(2) of this section, a 1943
business entity that is a corporation formed under division (B) of 1944
section 1701.03 of the Revised Code, a limited liability company 1945
formed under Chapter 1705. of the Revised Code, a partnership or a 1946
limited liability partnership formed under Chapter 1775. of the 1947
Revised Code, or a professional association formed under Chapter 1948
1785. of the Revised Code, if, to be a shareholder, member, or 1949
partner, an individual is required to be licensed, certified, or 1950
otherwise legally authorized under Title XLVII of the Revised Code 1951
to perform the professional service provided by the entity and 1952
each such individual is a licensed health professional authorized 1953
to prescribe drugs. 1954

(2) No registered wholesaler of dangerous drugs shall possess 1955
for sale, or sell, at wholesale, dangerous drugs to any of the 1956
following: 1957

(a) A prescriber who is employed by a pain management clinic 1958
that is not licensed as a terminal distributor of dangerous drugs 1959
with a pain management clinic classification issued under section 1960
4729.552 of the Revised Code; 1961

(b) A business entity described in division (B)(1)(j) of this 1962
section that is, or is operating, a pain management clinic without 1963
a license as a terminal distributor of dangerous drugs with a pain 1964
management clinic classification issued under section 4729.552 of 1965
the Revised Code; 1966

(c) A business entity described in division (B)(1)(k) of this 1967
section that is, or is operating, a pain management clinic without 1968
a license as a terminal distributor of dangerous drugs with a pain 1969
management clinic classification issued under section 4729.552 of 1970

the Revised Code. 1971

(3) No registered wholesale distributor of dangerous drugs 1972
shall possess dangerous drugs for sale at wholesale, or sell such 1973
drugs at wholesale, to a licensed terminal distributor of 1974
dangerous drugs, except as follows: 1975

(a) In the case of a terminal distributor with a category I 1976
license, only dangerous drugs described in category I, as defined 1977
in division (A)(1) of section 4729.54 of the Revised Code; 1978

(b) In the case of a terminal distributor with a category II 1979
license, only dangerous drugs described in category I and category 1980
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 1981
the Revised Code; 1982

(c) In the case of a terminal distributor with a category III 1983
license, dangerous drugs described in category I, category II, and 1984
category III, as defined in divisions (A)(1), (2), and (3) of 1985
section 4729.54 of the Revised Code; 1986

(d) In the case of a terminal distributor with a limited 1987
category I, II, or III license, only the dangerous drugs specified 1988
in the certificate furnished by the terminal distributor in 1989
accordance with section 4729.60 of the Revised Code. 1990

(C)(1) Except as provided in division (C)(4) of this section, 1991
no person shall sell, at retail, dangerous drugs. 1992

(2) Except as provided in division (C)(4) of this section, no 1993
person shall possess for sale, at retail, dangerous drugs. 1994

(3) Except as provided in division (C)(4) of this section, no 1995
person shall possess dangerous drugs. 1996

(4) Divisions (C)(1), (2), and (3) of this section do not 1997
apply to a registered wholesale distributor of dangerous drugs, a 1998
licensed terminal distributor of dangerous drugs, or a person who 1999
possesses, or possesses for sale or sells, at retail, a dangerous 2000

drug in accordance with Chapters 3719., 4715., 4723., 4725., 2001
4729., 4730., 4731., and 4741. of the Revised Code or section 2002
5120.052 of the Revised Code. 2003

Divisions (C)(1), (2), and (3) of this section do not apply 2004
to an individual who holds a current license, certificate, or 2005
registration issued under Title XLVII of the Revised Code and has 2006
been certified to conduct diabetes education by a national 2007
certifying body specified in rules adopted by the state board of 2008
pharmacy under section 4729.68 of the Revised Code, but only to 2009
the extent that the individual possesses insulin or personally 2010
supplies insulin solely for the purpose of diabetes education and 2011
only if diabetes education is within the individual's scope of 2012
practice under statutes and rules regulating the individual's 2013
profession. 2014

Divisions (C)(1), (2), and (3) of this section do not apply 2015
to an individual who holds a valid certificate issued by a 2016
nationally recognized S.C.U.B.A. diving certifying organization 2017
approved by the state board of pharmacy in rule, but only to the 2018
extent that the individual possesses medical oxygen or personally 2019
supplies medical oxygen for the purpose of emergency care or 2020
treatment at the scene of a diving emergency. 2021

(D) No licensed terminal distributor of dangerous drugs shall 2022
purchase for the purpose of resale dangerous drugs from any person 2023
other than a registered wholesale distributor of dangerous drugs, 2024
except as follows: 2025

(1) A licensed terminal distributor of dangerous drugs may 2026
make occasional purchases of dangerous drugs for resale from a 2027
pharmacist who is a licensed terminal distributor of dangerous 2028
drugs or who is employed by a licensed terminal distributor of 2029
dangerous drugs; 2030

(2) A licensed terminal distributor of dangerous drugs having 2031

more than one establishment or place may transfer or receive 2032
dangerous drugs from one establishment or place for which a 2033
license has been issued to the terminal distributor to another 2034
establishment or place for which a license has been issued to the 2035
terminal distributor if the license issued for each establishment 2036
or place is in effect at the time of the transfer or receipt. 2037

(E) No licensed terminal distributor of dangerous drugs shall 2038
engage in the sale or other distribution of dangerous drugs at 2039
retail or maintain possession, custody, or control of dangerous 2040
drugs for any purpose other than the distributor's personal use or 2041
consumption, at any establishment or place other than that or 2042
those described in the license issued by the state board of 2043
pharmacy to such terminal distributor. 2044

(F) Nothing in this section shall be construed to interfere 2045
with the performance of official duties by any law enforcement 2046
official authorized by municipal, county, state, or federal law to 2047
collect samples of any drug, regardless of its nature or in whose 2048
possession it may be. 2049

Sec. 4732.01. As used in ~~sections 4732.01 to 4732.25 of the~~ 2050
~~Revised Code~~ this chapter: 2051

(A) "Psychologist" means any person who holds self out to the 2052
public by any title or description of services incorporating the 2053
words "psychologic," "psychological," "psychologist," 2054
"psychology," or any other terms that imply the person is trained, 2055
experienced, or an expert in the field of psychology. 2056

(B) "The practice of psychology" means rendering or offering 2057
to render to individuals, groups, organizations, or the public any 2058
service involving the application of psychological procedures to 2059
assessment, diagnosis, prevention, treatment, or amelioration of 2060
psychological problems or emotional or mental disorders of 2061
individuals or groups; or to the assessment or improvement of 2062

psychological adjustment or functioning of individuals or groups, 2063
whether or not there is a diagnosable pre-existing psychological 2064
problem. Practice of psychology includes the practice of school 2065
psychology. For purposes of this chapter, teaching or research 2066
shall not be regarded as the practice of psychology, even when 2067
dealing with psychological subject matter, provided it does not 2068
otherwise involve the professional practice of psychology in which 2069
patient or client welfare is directly affected. 2070

(C) "Psychological procedures" include but are not restricted 2071
to application of principles, methods, or procedures of 2072
understanding, predicting, or influencing behavior, such as the 2073
principles pertaining to learning, conditioning, perception, 2074
motivation, thinking, emotions, or interpersonal relationships; 2075
the methods or procedures of verbal interaction, interviewing, 2076
counseling, behavior modification, environmental manipulation, 2077
group process, psychological psychotherapy, or hypnosis; and the 2078
methods or procedures of administering or interpreting tests of 2079
mental abilities, aptitudes, interests, attitudes, personality 2080
characteristics, emotions, or motivation. 2081

(D) "School psychologist" means any person who holds self out 2082
to the public by any title or description of services 2083
incorporating the words "school psychologist" or "school 2084
psychology," or who holds self out to be trained, experienced, or 2085
an expert in the practice of school psychology. 2086

(E) "Practice of school psychology" means rendering or 2087
offering to render to individuals, groups, organizations, or the 2088
public any of the following services: 2089

(1) Evaluation, diagnosis, or test interpretation limited to 2090
assessment of intellectual ability, learning patterns, 2091
achievement, motivation, or personality factors directly related 2092
to learning problems in an educational setting; 2093

(2) Counseling services for children or adults for 2094
amelioration or prevention of educationally related learning 2095
problems; 2096

(3) Educational or vocational consultation or direct 2097
educational services. This does not include industrial 2098
consultation or counseling services to clients undergoing 2099
vocational rehabilitation. 2100

(F) "Licensed psychologist" means an individual holding a 2101
current, valid license to practice psychology issued under section 2102
4732.12 or 4732.15 of the Revised Code. 2103

(G) "Licensed school psychologist" means an individual 2104
holding a current, valid license to practice school psychology 2105
issued under section 4732.12 or 4732.15 of the Revised Code. 2106

(H) "Certificated school psychologist" means an individual 2107
holding a current, valid school psychologist certificate issued 2108
under division (M) of section 3319.22 of the Revised Code. 2109

(I) "Mental health professional" and "mental health service" 2110
have the same meanings as in section 2305.51 of the Revised Code. 2111

Sec. 4732.29. If, under section 5120.052 of the Revised Code, 2112
the director of rehabilitation and correction implements a program 2113
to improve the access of prisoners confined in state correctional 2114
institutions to psychotropic drugs, the state board of psychology 2115
shall issue a certificate to prescribe psychotropic drugs to a 2116
licensed psychologist who meets all of the following requirements: 2117
2118

(A) Has a doctoral degree in psychology; 2119

(B) Has a postdoctoral master's degree in psychopharmacology 2120
or other degree of that nature acceptable to the board; 2121

(C) Has passed the psychopharmacology examination for 2122
psychologists given by the college of professional psychology of 2123

the APA practice organization, a companion organization to the 2124
American psychological association; 2125

(D) Is employed by the department of rehabilitation and 2126
correction; 2127

(E) Complies with any requirements established by rules 2128
adopted under section 4732.291 of the Revised Code. 2129

Sec. 4732.291. The state board of psychology shall adopt 2130
rules in accordance with Chapter 119. of the Revised Code 2131
governing the process of issuing a certificate to prescribe 2132
psychotropic drugs to a licensed psychologist under section 2133
4732.29 of the Revised Code. The rules shall establish or specify 2134
all of the following: 2135

(A) Procedures for renewing a certificate to prescribe 2136
psychotropic drugs at times specified in the rules; 2137

(B) Reasons for which the board may revoke, in accordance 2138
with Chapter 119. of the Revised Code, a certificate to prescribe 2139
psychotropic drugs; 2140

(C) Anything else the board considers necessary to implement 2141
sections 4732.29 to 4732.293 of the Revised Code. 2142

Sec. 4732.292. Not more than six licensed psychologists at 2143
one time may hold certificates to prescribe psychotropic drugs 2144
issued under section 4732.29 of the Revised Code. 2145

Sec. 4732.293. A certificate to prescribe psychotropic drugs 2146
issued under section 4732.29 of the Revised Code authorizes a 2147
licensed psychologist holding the certificate only to prescribe, 2148
as part of the program established under section 5120.052 of the 2149
Revised Code, a psychotropic drug to a prisoner who is confined in 2150
a state correctional institution and diagnosed with a condition 2151
for which the psychotropic drug is appropriate. 2152

Sec. 5120.052. (A) As used in this section and section 2153
5120.053 of the Revised Code: 2154

(1) "Certificate to prescribe psychotropic drugs" means a 2155
certificate the state board of psychology issues to a licensed 2156
psychologist under section 4732.29 of the Revised Code. 2157

(2) "Licensed health professional authorized to prescribe 2158
drugs" has the same meaning as in section 4729.01 of the Revised 2159
Code. 2160

(3) "Licensed psychologist" has the same meaning as in 2161
section 4732.01 of the Revised Code. 2162

(4) "Physician" means an individual authorized under Chapter 2163
4731. of the Revised Code to practice medicine and surgery or 2164
osteopathic medicine and surgery. "Physician" includes a 2165
psychiatrist. 2166

(5) "Psychiatrist" means a physician who has satisfactorily 2167
completed a residency training program in psychiatry, as approved 2168
by the residency review committee of the American medical 2169
association, the committee on postgraduate education of the 2170
American osteopathic association, or the American osteopathic 2171
board of neurology and psychiatry, or who on July 1, 1989, has 2172
been recognized as a psychiatrist by the Ohio state medical 2173
association or the Ohio osteopathic association on the basis of 2174
formal training and five or more years of medical practice limited 2175
to psychiatry. 2176

(B) The director of rehabilitation and correction may 2177
implement a program to improve the access of prisoners confined in 2178
state correctional institutions to psychotropic drugs. If 2179
implemented, the program shall provide for any of the following, 2180
while employed by the department of rehabilitation and correction, 2181
to prescribe a psychotropic drug to a prisoner confined in a state 2182

<u>correctional institution who has been diagnosed with a condition</u>	2183
<u>for which the drug is appropriate:</u>	2184
<u>(1) A physician;</u>	2185
<u>(2) Subject to division (C)(1) of this section, a physician</u>	2186
<u>assistant who holds a certificate to prescribe issued under</u>	2187
<u>Chapter 4730. of the Revised Code and has been granted</u>	2188
<u>physician-delegated prescriptive authority by a supervisory</u>	2189
<u>physician;</u>	2190
<u>(3) Subject to division (C)(1) of this section, a clinical</u>	2191
<u>nurse specialist or certified nurse practitioner who holds a</u>	2192
<u>certificate to prescribe issued under Chapter 4723. of the Revised</u>	2193
<u>Code;</u>	2194
<u>(4) A licensed psychologist who holds a certificate to</u>	2195
<u>prescribe psychotropic drugs.</u>	2196
<u>(C) This section does not do either of the following:</u>	2197
<u>(1) Authorize a person who is a physician assistant, clinical</u>	2198
<u>nurse specialist, or certified nurse practitioner to prescribe a</u>	2199
<u>psychotropic drug that is not a drug the person is authorized to</u>	2200
<u>prescribe;</u>	2201
<u>(2) Require that a licensed health professional authorized to</u>	2202
<u>prescribe drugs, other than a licensed psychologist holding a</u>	2203
<u>certificate to prescribe psychotropic drugs, prescribe drugs for a</u>	2204
<u>prisoner confined in a state correctional institution only as part</u>	2205
<u>of the program implemented under this section.</u>	2206
<u>Sec. 5120.053. The director of rehabilitation and correction</u>	2207
<u>may implement a program under which medical and behavioral health</u>	2208
<u>care professionals provide through telecommunication methods, to</u>	2209
<u>the extent consistent with the professionals' scope of practice,</u>	2210
<u>case consultation services, treatment services, or both for</u>	2211
<u>prisoners confined in state correctional institutions. A medical</u>	2212

or behavioral health care professional may not provide a service 2213
for a prisoner as part of the telecommunication program until a 2214
physician, physician assistant, clinical nurse specialist, 2215
certified nurse practitioner, or licensed psychologist has met 2216
personally with the prisoner at least once. 2217

The director may specify which types of medical and 2218
behavioral health care professionals may participate in the 2219
telecommunication program. 2220

This section does not authorize any person to engage in the 2221
practice of telemedicine, as defined in section 4731.296 of the 2222
Revised Code, without holding a telemedicine certificate issued 2223
under that section. 2224

Section 2. That existing sections 2925.02, 2925.03, 2925.11, 2225
2925.12, 2925.14, 2925.23, 2925.36, 3719.06, 3719.81, 4729.01, 2226
4729.51, and 4732.01 of the Revised Code are hereby repealed. 2227

Section 3. The General Assembly, applying the principle 2228
stated in division (B) of section 1.52 of the Revised Code that 2229
amendments are to be harmonized if reasonably capable of 2230
simultaneous operation, finds that the following sections, 2231
presented in this act as composites of the sections as amended by 2232
the acts indicated, are the resulting versions of the sections in 2233
effect prior to the effective date of the sections as presented in 2234
this act: 2235

Section 2925.02 of the Revised Code as amended by both Sub. 2236
H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly. 2237

Section 2925.11 of the Revised Code as amended by both Sub. 2238
H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly. 2239

Section 4729.51 of the Revised Code as amended by both Am. 2240
H.B. 9 and Am. Sub. H.B. 93 of the 129th General Assembly. 2241