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Representatives Ruhl, Burke

Cosponsors: Representatives Murray, Snitchler, Maag, Combs, Phillips, Stebelton, Boose, McClain, Grossman, Patmon, Adams, J., Winburn, Garland, Hayes, Bulp, Slaby, Adams, R., Amstutz, Ashford, Barnes, Blair, Blessing, Buchy, Budish, Butler, Celeste, Dovilla, Fedor, Gerberry, Gonzales, Hackett, Hagan, C., Hall, Heard, Landis, Letson, Newbold, O'Brien, Pillich, Schuring, Uecker, Weddington Speaker Batchelder Senators Turner, Kearney, Bacon, Brown, Cafaro, Daniels, Faber, Gillmor, Grendell, Hite, Hughes, Jones, LaRose, Lehner, Manning, Obhof, Patton, Sawyer, Schaffer, Schiavoni, Smith, Tavares, Wagoner, Widener, Wilson

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A B I L L

To amend sections 149.43, 149.45, 2925.02, 2925.03, 1
2925.11, 3719.01, and 3719.41 and to enact section 2
3719.013 of the Revised Code to add synthetic 3
cannabinoids commonly known as K2 or Spice to the 4
list of Schedule I controlled substances, to 5
prohibit the possession of Spice, to prohibit 6
trafficking in Spice, to provide that if Spice is 7
the drug involved in a violation of the offense of 8
corrupting another with drugs the penalty for the 9
violation will be the same as if marihuana was the 10
drug involved in the offense, to add six synthetic 11
derivatives of cathinone that have been found in 12
bath salts to the list of Schedule I controlled 13
substances, to define a "controlled substance 14
analog" for purposes of the Controlled Substances 15

Law, and to treat controlled substance analogs as 16
Schedule I controlled substances, and to specify 17
that the residential and familial information of 18
probation officers and bailiffs is not a public 19
record. 20

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

Section 1. That sections 149.43, 149.45, 2925.02, 2925.03, 21
2925.11, 3719.01, and 3719.41 be amended and section 3719.013 of 22
the Revised Code be enacted to read as follows: 23

Sec. 149.43. (A) As used in this section: 24

(1) "Public record" means records kept by any public office, 25
including, but not limited to, state, county, city, village, 26
township, and school district units, and records pertaining to the 27
delivery of educational services by an alternative school in this 28
state kept by the nonprofit or for-profit entity operating the 29
alternative school pursuant to section 3313.533 of the Revised 30
Code. "Public record" does not mean any of the following: 31

(a) Medical records; 32

(b) Records pertaining to probation and parole proceedings or 33
to proceedings related to the imposition of community control 34
sanctions and post-release control sanctions; 35

(c) Records pertaining to actions under section 2151.85 and 36
division (C) of section 2919.121 of the Revised Code and to 37
appeals of actions arising under those sections; 38

(d) Records pertaining to adoption proceedings, including the 39
contents of an adoption file maintained by the department of 40
health under section 3705.12 of the Revised Code; 41

(e) Information in a record contained in the putative father 42

registry established by section 3107.062 of the Revised Code, 43
regardless of whether the information is held by the department of 44
job and family services or, pursuant to section 3111.69 of the 45
Revised Code, the office of child support in the department or a 46
child support enforcement agency; 47

(f) Records listed in division (A) of section 3107.42 of the 48
Revised Code or specified in division (A) of section 3107.52 of 49
the Revised Code; 50

(g) Trial preparation records; 51

(h) Confidential law enforcement investigatory records; 52

(i) Records containing information that is confidential under 53
section 2710.03 or 4112.05 of the Revised Code; 54

(j) DNA records stored in the DNA database pursuant to 55
section 109.573 of the Revised Code; 56

(k) Inmate records released by the department of 57
rehabilitation and correction to the department of youth services 58
or a court of record pursuant to division (E) of section 5120.21 59
of the Revised Code; 60

(l) Records maintained by the department of youth services 61
pertaining to children in its custody released by the department 62
of youth services to the department of rehabilitation and 63
correction pursuant to section 5139.05 of the Revised Code; 64

(m) Intellectual property records; 65

(n) Donor profile records; 66

(o) Records maintained by the department of job and family 67
services pursuant to section 3121.894 of the Revised Code; 68

(p) Peace officer, parole officer, probation officer, 69
bailiff, prosecuting attorney, assistant prosecuting attorney, 70
correctional employee, youth services employee, firefighter, EMT, 71
or investigator of the bureau of criminal identification and 72

investigation residential and familial information;	73
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	74 75 76 77 78
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	79 80
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	81 82 83 84 85 86 87 88
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	89 90 91 92
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	93 94 95 96 97
(v) Records the release of which is prohibited by state or federal law;	98 99
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	100 101 102

(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	103 104
(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	105 106 107 108 109 110
(z) Records listed in section 5101.29 of the Revised Code.	111
(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section.	112 113 114
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	115 116 117 118 119
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	120 121 122 123
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	124 125 126 127
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	128 129
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	130 131 132

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the

bureau of criminal identification and investigation: 165

(a) The address of the actual personal residence of a peace 166
officer, parole officer, probation officer, bailiff, assistant 167
prosecuting attorney, correctional employee, youth services 168
employee, firefighter, EMT, or an investigator of the bureau of 169
criminal identification and investigation, except for the state or 170
political subdivision in which the peace officer, parole officer, 171
probation officer, bailiff, assistant prosecuting attorney, 172
correctional employee, youth services employee, firefighter, EMT, 173
or investigator of the bureau of criminal identification and 174
investigation resides; 175

(b) Information compiled from referral to or participation in 176
an employee assistance program; 177

(c) The social security number, the residential telephone 178
number, any bank account, debit card, charge card, or credit card 179
number, or the emergency telephone number of, or any medical 180
information pertaining to, a peace officer, parole officer, 181
probation officer, bailiff, prosecuting attorney, assistant 182
prosecuting attorney, correctional employee, youth services 183
employee, firefighter, EMT, or investigator of the bureau of 184
criminal identification and investigation; 185

(d) The name of any beneficiary of employment benefits, 186
including, but not limited to, life insurance benefits, provided 187
to a peace officer, parole officer, probation officer, bailiff, 188
prosecuting attorney, assistant prosecuting attorney, correctional 189
employee, youth services employee, firefighter, EMT, or 190
investigator of the bureau of criminal identification and 191
investigation by the peace officer's, parole officer's, probation 192
officer's, bailiff's, prosecuting attorney's, assistant 193
prosecuting attorney's, correctional employee's, youth services 194
employee's, firefighter's, EMT's, or investigator of the bureau of 195
criminal identification and investigation's employer; 196

(e) The identity and amount of any charitable or employment 197
benefit deduction made by the peace officer's, parole officer's, 198
probation officer's, bailiff's, prosecuting attorney's, assistant 199
prosecuting attorney's, correctional employee's, youth services 200
employee's, firefighter's, EMT's, or investigator of the bureau of 201
criminal identification and investigation's employer from the 202
peace officer's, parole officer's, probation officer's, bailiff's, 203
prosecuting attorney's, assistant prosecuting attorney's, 204
correctional employee's, youth services employee's, firefighter's, 205
EMT's, or investigator of the bureau of criminal identification 206
and investigation's compensation unless the amount of the 207
deduction is required by state or federal law; 208

(f) The name, the residential address, the name of the 209
employer, the address of the employer, the social security number, 210
the residential telephone number, any bank account, debit card, 211
charge card, or credit card number, or the emergency telephone 212
number of the spouse, a former spouse, or any child of a peace 213
officer, parole officer, probation officer, bailiff, prosecuting 214
attorney, assistant prosecuting attorney, correctional employee, 215
youth services employee, firefighter, EMT, or investigator of the 216
bureau of criminal identification and investigation; 217

(g) A photograph of a peace officer who holds a position or 218
has an assignment that may include undercover or plain clothes 219
positions or assignments as determined by the peace officer's 220
appointing authority. 221

As used in divisions (A)(7) and (B)(9) of this section, 222
"peace officer" has the same meaning as in section 109.71 of the 223
Revised Code and also includes the superintendent and troopers of 224
the state highway patrol; it does not include the sheriff of a 225
county or a supervisory employee who, in the absence of the 226
sheriff, is authorized to stand in for, exercise the authority of, 227
and perform the duties of the sheriff. 228

As used in divisions (A)(7) and (B)(5) of this section, 229
"correctional employee" means any employee of the department of 230
rehabilitation and correction who in the course of performing the 231
employee's job duties has or has had contact with inmates and 232
persons under supervision. 233

As used in divisions (A)(7) and (B)(5) of this section, 234
"youth services employee" means any employee of the department of 235
youth services who in the course of performing the employee's job 236
duties has or has had contact with children committed to the 237
custody of the department of youth services. 238

As used in divisions (A)(7) and (B)(9) of this section, 239
"firefighter" means any regular, paid or volunteer, member of a 240
lawfully constituted fire department of a municipal corporation, 241
township, fire district, or village. 242

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 243
means EMTs-basic, EMTs-I, and paramedics that provide emergency 244
medical services for a public emergency medical service 245
organization. "Emergency medical service organization," 246
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 247
section 4765.01 of the Revised Code. 248

As used in divisions (A)(7) and (B)(9) of this section, 249
"investigator of the bureau of criminal identification and 250
investigation" has the meaning defined in section 2903.11 of the 251
Revised Code. 252

(8) "Information pertaining to the recreational activities of 253
a person under the age of eighteen" means information that is kept 254
in the ordinary course of business by a public office, that 255
pertains to the recreational activities of a person under the age 256
of eighteen years, and that discloses any of the following: 257

(a) The address or telephone number of a person under the age 258
of eighteen or the address or telephone number of that person's 259

parent, guardian, custodian, or emergency contact person;	260
(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	261 262
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	263 264
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	265 266 267 268 269 270
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	271 272
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	273 274
(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	275 276 277 278
(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.	279 280
(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the	281 282 283 284 285 286 287 288 289

public record, the public office or the person responsible for the 290
public record shall make available all of the information within 291
the public record that is not exempt. When making that public 292
record available for public inspection or copying that public 293
record, the public office or the person responsible for the public 294
record shall notify the requester of any redaction or make the 295
redaction plainly visible. A redaction shall be deemed a denial of 296
a request to inspect or copy the redacted information, except if 297
federal or state law authorizes or requires a public office to 298
make the redaction. 299

(2) To facilitate broader access to public records, a public 300
office or the person responsible for public records shall organize 301
and maintain public records in a manner that they can be made 302
available for inspection or copying in accordance with division 303
(B) of this section. A public office also shall have available a 304
copy of its current records retention schedule at a location 305
readily available to the public. If a requester makes an ambiguous 306
or overly broad request or has difficulty in making a request for 307
copies or inspection of public records under this section such 308
that the public office or the person responsible for the requested 309
public record cannot reasonably identify what public records are 310
being requested, the public office or the person responsible for 311
the requested public record may deny the request but shall provide 312
the requester with an opportunity to revise the request by 313
informing the requester of the manner in which records are 314
maintained by the public office and accessed in the ordinary 315
course of the public office's or person's duties. 316

(3) If a request is ultimately denied, in part or in whole, 317
the public office or the person responsible for the requested 318
public record shall provide the requester with an explanation, 319
including legal authority, setting forth why the request was 320
denied. If the initial request was provided in writing, the 321

explanation also shall be provided to the requester in writing. 322
The explanation shall not preclude the public office or the person 323
responsible for the requested public record from relying upon 324
additional reasons or legal authority in defending an action 325
commenced under division (C) of this section. 326

(4) Unless specifically required or authorized by state or 327
federal law or in accordance with division (B) of this section, no 328
public office or person responsible for public records may limit 329
or condition the availability of public records by requiring 330
disclosure of the requester's identity or the intended use of the 331
requested public record. Any requirement that the requester 332
disclose the requestor's identity or the intended use of the 333
requested public record constitutes a denial of the request. 334

(5) A public office or person responsible for public records 335
may ask a requester to make the request in writing, may ask for 336
the requester's identity, and may inquire about the intended use 337
of the information requested, but may do so only after disclosing 338
to the requester that a written request is not mandatory and that 339
the requester may decline to reveal the requester's identity or 340
the intended use and when a written request or disclosure of the 341
identity or intended use would benefit the requester by enhancing 342
the ability of the public office or person responsible for public 343
records to identify, locate, or deliver the public records sought 344
by the requester. 345

(6) If any person chooses to obtain a copy of a public record 346
in accordance with division (B) of this section, the public office 347
or person responsible for the public record may require that 348
person to pay in advance the cost involved in providing the copy 349
of the public record in accordance with the choice made by the 350
person seeking the copy under this division. The public office or 351
the person responsible for the public record shall permit that 352
person to choose to have the public record duplicated upon paper, 353

upon the same medium upon which the public office or person 354
responsible for the public record keeps it, or upon any other 355
medium upon which the public office or person responsible for the 356
public record determines that it reasonably can be duplicated as 357
an integral part of the normal operations of the public office or 358
person responsible for the public record. When the person seeking 359
the copy makes a choice under this division, the public office or 360
person responsible for the public record shall provide a copy of 361
it in accordance with the choice made by the person seeking the 362
copy. Nothing in this section requires a public office or person 363
responsible for the public record to allow the person seeking a 364
copy of the public record to make the copies of the public record. 365

(7) Upon a request made in accordance with division (B) of 366
this section and subject to division (B)(6) of this section, a 367
public office or person responsible for public records shall 368
transmit a copy of a public record to any person by United States 369
mail or by any other means of delivery or transmission within a 370
reasonable period of time after receiving the request for the 371
copy. The public office or person responsible for the public 372
record may require the person making the request to pay in advance 373
the cost of postage if the copy is transmitted by United States 374
mail or the cost of delivery if the copy is transmitted other than 375
by United States mail, and to pay in advance the costs incurred 376
for other supplies used in the mailing, delivery, or transmission. 377

Any public office may adopt a policy and procedures that it 378
will follow in transmitting, within a reasonable period of time 379
after receiving a request, copies of public records by United 380
States mail or by any other means of delivery or transmission 381
pursuant to this division. A public office that adopts a policy 382
and procedures under this division shall comply with them in 383
performing its duties under this division. 384

In any policy and procedures adopted under this division, a 385

public office may limit the number of records requested by a 386
person that the office will transmit by United States mail to ten 387
per month, unless the person certifies to the office in writing 388
that the person does not intend to use or forward the requested 389
records, or the information contained in them, for commercial 390
purposes. For purposes of this division, "commercial" shall be 391
narrowly construed and does not include reporting or gathering 392
news, reporting or gathering information to assist citizen 393
oversight or understanding of the operation or activities of 394
government, or nonprofit educational research. 395

(8) A public office or person responsible for public records 396
is not required to permit a person who is incarcerated pursuant to 397
a criminal conviction or a juvenile adjudication to inspect or to 398
obtain a copy of any public record concerning a criminal 399
investigation or prosecution or concerning what would be a 400
criminal investigation or prosecution if the subject of the 401
investigation or prosecution were an adult, unless the request to 402
inspect or to obtain a copy of the record is for the purpose of 403
acquiring information that is subject to release as a public 404
record under this section and the judge who imposed the sentence 405
or made the adjudication with respect to the person, or the 406
judge's successor in office, finds that the information sought in 407
the public record is necessary to support what appears to be a 408
justiciable claim of the person. 409

(9) Upon written request made and signed by a journalist on 410
or after December 16, 1999, a public office, or person responsible 411
for public records, having custody of the records of the agency 412
employing a specified peace officer, parole officer, probation 413
officer, bailiff, prosecuting attorney, assistant prosecuting 414
attorney, correctional employee, youth services employee, 415
firefighter, EMT, or investigator of the bureau of criminal 416
identification and investigation shall disclose to the journalist 417

the address of the actual personal residence of the peace officer, 418
parole officer, probation officer, bailiff, prosecuting attorney, 419
assistant prosecuting attorney, correctional employee, youth 420
services employee, firefighter, EMT, or investigator of the bureau 421
of criminal identification and investigation and, if the peace 422
officer's, parole officer's, probation officer's, bailiff's, 423
prosecuting attorney's, assistant prosecuting attorney's, 424
correctional employee's, youth services employee's, firefighter's, 425
EMT's, or investigator of the bureau of criminal identification 426
and investigation's spouse, former spouse, or child is employed by 427
a public office, the name and address of the employer of the peace 428
officer's, parole officer's, probation officer's, bailiff's, 429
prosecuting attorney's, assistant prosecuting attorney's, 430
correctional employee's, youth services employee's, firefighter's, 431
EMT's, or investigator of the bureau of criminal identification 432
and investigation's spouse, former spouse, or child. The request 433
shall include the journalist's name and title and the name and 434
address of the journalist's employer and shall state that 435
disclosure of the information sought would be in the public 436
interest. 437

As used in this division, "journalist" means a person engaged 438
in, connected with, or employed by any news medium, including a 439
newspaper, magazine, press association, news agency, or wire 440
service, a radio or television station, or a similar medium, for 441
the purpose of gathering, processing, transmitting, compiling, 442
editing, or disseminating information for the general public. 443

(C)(1) If a person allegedly is aggrieved by the failure of a 444
public office or the person responsible for public records to 445
promptly prepare a public record and to make it available to the 446
person for inspection in accordance with division (B) of this 447
section or by any other failure of a public office or the person 448
responsible for public records to comply with an obligation in 449

accordance with division (B) of this section, the person allegedly 450
aggrieved may commence a mandamus action to obtain a judgment that 451
orders the public office or the person responsible for the public 452
record to comply with division (B) of this section, that awards 453
court costs and reasonable attorney's fees to the person that 454
instituted the mandamus action, and, if applicable, that includes 455
an order fixing statutory damages under division (C)(1) of this 456
section. The mandamus action may be commenced in the court of 457
common pleas of the county in which division (B) of this section 458
allegedly was not complied with, in the supreme court pursuant to 459
its original jurisdiction under Section 2 of Article IV, Ohio 460
Constitution, or in the court of appeals for the appellate 461
district in which division (B) of this section allegedly was not 462
complied with pursuant to its original jurisdiction under Section 463
3 of Article IV, Ohio Constitution. 464

If a requestor transmits a written request by hand delivery 465
or certified mail to inspect or receive copies of any public 466
record in a manner that fairly describes the public record or 467
class of public records to the public office or person responsible 468
for the requested public records, except as otherwise provided in 469
this section, the requestor shall be entitled to recover the 470
amount of statutory damages set forth in this division if a court 471
determines that the public office or the person responsible for 472
public records failed to comply with an obligation in accordance 473
with division (B) of this section. 474

The amount of statutory damages shall be fixed at one hundred 475
dollars for each business day during which the public office or 476
person responsible for the requested public records failed to 477
comply with an obligation in accordance with division (B) of this 478
section, beginning with the day on which the requester files a 479
mandamus action to recover statutory damages, up to a maximum of 480
one thousand dollars. The award of statutory damages shall not be 481

construed as a penalty, but as compensation for injury arising 482
from lost use of the requested information. The existence of this 483
injury shall be conclusively presumed. The award of statutory 484
damages shall be in addition to all other remedies authorized by 485
this section. 486

The court may reduce an award of statutory damages or not 487
award statutory damages if the court determines both of the 488
following: 489

(a) That, based on the ordinary application of statutory law 490
and case law as it existed at the time of the conduct or 491
threatened conduct of the public office or person responsible for 492
the requested public records that allegedly constitutes a failure 493
to comply with an obligation in accordance with division (B) of 494
this section and that was the basis of the mandamus action, a 495
well-informed public office or person responsible for the 496
requested public records reasonably would believe that the conduct 497
or threatened conduct of the public office or person responsible 498
for the requested public records did not constitute a failure to 499
comply with an obligation in accordance with division (B) of this 500
section; 501

(b) That a well-informed public office or person responsible 502
for the requested public records reasonably would believe that the 503
conduct or threatened conduct of the public office or person 504
responsible for the requested public records would serve the 505
public policy that underlies the authority that is asserted as 506
permitting that conduct or threatened conduct. 507

(2)(a) If the court issues a writ of mandamus that orders the 508
public office or the person responsible for the public record to 509
comply with division (B) of this section and determines that the 510
circumstances described in division (C)(1) of this section exist, 511
the court shall determine and award to the relator all court 512
costs. 513

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct

or threatened conduct of the public office or person responsible 546
for the requested public records did not constitute a failure to 547
comply with an obligation in accordance with division (B) of this 548
section; 549

(ii) That a well-informed public office or person responsible 550
for the requested public records reasonably would believe that the 551
conduct or threatened conduct of the public office or person 552
responsible for the requested public records as described in 553
division (C)(2)(c)(i) of this section would serve the public 554
policy that underlies the authority that is asserted as permitting 555
that conduct or threatened conduct. 556

(D) Chapter 1347. of the Revised Code does not limit the 557
provisions of this section. 558

(E)(1) To ensure that all employees of public offices are 559
appropriately educated about a public office's obligations under 560
division (B) of this section, all elected officials or their 561
appropriate designees shall attend training approved by the 562
attorney general as provided in section 109.43 of the Revised 563
Code. In addition, all public offices shall adopt a public records 564
policy in compliance with this section for responding to public 565
records requests. In adopting a public records policy under this 566
division, a public office may obtain guidance from the model 567
public records policy developed and provided to the public office 568
by the attorney general under section 109.43 of the Revised Code. 569
Except as otherwise provided in this section, the policy may not 570
limit the number of public records that the public office will 571
make available to a single person, may not limit the number of 572
public records that it will make available during a fixed period 573
of time, and may not establish a fixed period of time before it 574
will respond to a request for inspection or copying of public 575
records, unless that period is less than eight hours. 576

(2) The public office shall distribute the public records 577

policy adopted by the public office under division (E)(1) of this 578
section to the employee of the public office who is the records 579
custodian or records manager or otherwise has custody of the 580
records of that office. The public office shall require that 581
employee to acknowledge receipt of the copy of the public records 582
policy. The public office shall create a poster that describes its 583
public records policy and shall post the poster in a conspicuous 584
place in the public office and in all locations where the public 585
office has branch offices. The public office may post its public 586
records policy on the internet web site of the public office if 587
the public office maintains an internet web site. A public office 588
that has established a manual or handbook of its general policies 589
and procedures for all employees of the public office shall 590
include the public records policy of the public office in the 591
manual or handbook. 592

(F)(1) The bureau of motor vehicles may adopt rules pursuant 593
to Chapter 119. of the Revised Code to reasonably limit the number 594
of bulk commercial special extraction requests made by a person 595
for the same records or for updated records during a calendar 596
year. The rules may include provisions for charges to be made for 597
bulk commercial special extraction requests for the actual cost of 598
the bureau, plus special extraction costs, plus ten per cent. The 599
bureau may charge for expenses for redacting information, the 600
release of which is prohibited by law. 601

(2) As used in division (F)(1) of this section: 602

(a) "Actual cost" means the cost of depleted supplies, 603
records storage media costs, actual mailing and alternative 604
delivery costs, or other transmitting costs, and any direct 605
equipment operating and maintenance costs, including actual costs 606
paid to private contractors for copying services. 607

(b) "Bulk commercial special extraction request" means a 608
request for copies of a record for information in a format other 609

than the format already available, or information that cannot be 610
extracted without examination of all items in a records series, 611
class of records, or data base by a person who intends to use or 612
forward the copies for surveys, marketing, solicitation, or resale 613
for commercial purposes. "Bulk commercial special extraction 614
request" does not include a request by a person who gives 615
assurance to the bureau that the person making the request does 616
not intend to use or forward the requested copies for surveys, 617
marketing, solicitation, or resale for commercial purposes. 618

(c) "Commercial" means profit-seeking production, buying, or 619
selling of any good, service, or other product. 620

(d) "Special extraction costs" means the cost of the time 621
spent by the lowest paid employee competent to perform the task, 622
the actual amount paid to outside private contractors employed by 623
the bureau, or the actual cost incurred to create computer 624
programs to make the special extraction. "Special extraction 625
costs" include any charges paid to a public agency for computer or 626
records services. 627

(3) For purposes of divisions (F)(1) and (2) of this section, 628
"surveys, marketing, solicitation, or resale for commercial 629
purposes" shall be narrowly construed and does not include 630
reporting or gathering news, reporting or gathering information to 631
assist citizen oversight or understanding of the operation or 632
activities of government, or nonprofit educational research. 633

Sec. 149.45. (A) As used in this section: 634

(1) "Personal information" means any of the following: 635

(a) An individual's social security number; 636

(b) An individual's federal tax identification number; 637

(c) An individual's driver's license number or state 638
identification number; 639

(d) An individual's checking account number, savings account number, or credit card number. 640
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(2) "Public record" and "peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information" have the same meanings as in section 149.43 of the Revised Code. 642
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(3) "Truncate" means to redact all but the last four digits of an individual's social security number. 649
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(B)(1) No public office or person responsible for a public office's public records shall make available to the general public on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number. 651
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(2) A public office or person responsible for a public office's public records that prior to the effective date of this section made available to the general public on the internet any document that contains an individual's social security number shall redact, encrypt, or truncate the social security number from that document. 656
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(3) Divisions (B)(1) and (2) of this section do not apply to documents that are only accessible through the internet with a password. 662
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(C)(1) An individual may request that a public office or a person responsible for a public office's public records redact personal information of that individual from any record made available to the general public on the internet. An individual who makes a request for redaction pursuant to this division shall make the request in writing on a form developed by the attorney general 665
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and shall specify the personal information to be redacted and 671
provide any information that identifies the location of that 672
personal information within a document that contains that personal 673
information. 674

(2) Upon receiving a request for a redaction pursuant to 675
division (C)(1) of this section, a public office or a person 676
responsible for a public office's public records shall act within 677
five business days in accordance with the request to redact the 678
personal information of the individual from any record made 679
available to the general public on the internet, if practicable. 680
If a redaction is not practicable, the public office or person 681
responsible for the public office's public records shall verbally 682
or in writing within five business days after receiving the 683
written request explain to the individual why the redaction is 684
impracticable. 685

(3) The attorney general shall develop a form to be used by 686
an individual to request a redaction pursuant to division (C)(1) 687
of this section. The form shall include a place to provide any 688
information that identifies the location of the personal 689
information to be redacted. 690

(D)(1) A peace officer, parole officer, probation officer, 691
bailiff, prosecuting attorney, assistant prosecuting attorney, 692
correctional employee, youth services employee, firefighter, EMT, 693
or investigator of the bureau of criminal identification and 694
investigation may request that a public office other than a county 695
auditor or a person responsible for the public records of a public 696
office other than a county auditor redact the address of the 697
person making the request from any record made available to the 698
general public on the internet that includes peace officer, parole 699
officer, probation officer, bailiff, prosecuting attorney, 700
assistant prosecuting attorney, correctional employee, youth 701
services employee, firefighter, EMT, or investigator of the bureau 702

of criminal identification and investigation residential and 703
familial information of the person making the request. A person 704
who makes a request for a redaction pursuant to this division 705
shall make the request in writing and on a form developed by the 706
attorney general. 707

(2) Upon receiving a written request for a redaction pursuant 708
to division (D)(1) of this section, a public office other than a 709
county auditor or a person responsible for the public records of a 710
public office other than a county auditor shall act within five 711
business days in accordance with the request to redact the address 712
of the peace officer, parole officer, probation officer, bailiff, 713
prosecuting attorney, assistant prosecuting attorney, correctional 714
employee, youth services employee, firefighter, EMT, or 715
investigator of the bureau of criminal identification and 716
investigation making the request from any record made available to 717
the general public on the internet that includes peace officer, 718
parole officer, probation officer, bailiff, prosecuting attorney, 719
assistant prosecuting attorney, correctional employee, youth 720
services employee, firefighter, EMT, or investigator of the bureau 721
of criminal identification and investigation residential and 722
familial information of the person making the request, if 723
practicable. If a redaction is not practicable, the public office 724
or person responsible for the public office's public records shall 725
verbally or in writing within five business days after receiving 726
the written request explain to the peace officer, parole officer, 727
probation officer, bailiff, prosecuting attorney, assistant 728
prosecuting attorney, correctional employee, youth services 729
employee, firefighter, EMT, or investigator of the bureau of 730
criminal identification and investigation why the redaction is 731
impracticable. 732

(3) Except as provided in this section and section 319.28 of 733
the Revised Code, a public office other than an employer of a 734

peace officer, parole officer, probation officer, bailiff, 735
prosecuting attorney, assistant prosecuting attorney, correctional 736
employee, youth services employee, firefighter, EMT, or 737
investigator of the bureau of criminal identification and 738
investigation or a person responsible for the public records of 739
the employer is not required to redact the residential and 740
familial information of the peace officer, parole officer, 741
probation officer, bailiff, prosecuting attorney, assistant 742
prosecuting attorney, correctional employee, youth services 743
employee, firefighter, EMT, or investigator of the bureau of 744
criminal identification and investigation from other records 745
maintained by the public office. 746

(4) The attorney general shall develop a form to be used by a 747
peace officer, parole officer, probation officer, bailiff, 748
prosecuting attorney, assistant prosecuting attorney, correctional 749
employee, youth services employee, firefighter, EMT, or 750
investigator of the bureau of criminal identification and 751
investigation to request a redaction pursuant to division (D)(1) 752
of this section. The form shall include a place to provide any 753
information that identifies the location of the address of a peace 754
officer, parole officer, probation officer, bailiff, prosecuting 755
attorney, assistant prosecuting attorney, correctional employee, 756
youth services employee, firefighter, EMT, or investigator of the 757
bureau of criminal identification and investigation to be 758
redacted. 759

(E)(1) If a public office or a person responsible for a 760
public office's public records becomes aware that an electronic 761
record of that public office that is made available to the general 762
public on the internet contains an individual's social security 763
number that was mistakenly not redacted, encrypted, or truncated 764
as required by division (B)(1) or (2) of this section, the public 765
office or person responsible for the public office's public 766

records shall redact, encrypt, or truncate the individual's social security number within a reasonable period of time. 767
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(2) A public office or a person responsible for a public office's public records is not liable in damages in a civil action for any harm an individual allegedly sustains as a result of the inclusion of that individual's personal information on any record made available to the general public on the internet or any harm a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation sustains as a result of the inclusion of the address of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation on any record made available to the general public on the internet in violation of this section unless the public office or person responsible for the public office's public records acted with malicious purpose, in bad faith, or in a wanton or reckless manner or division (A)(6)(a) or (c) of section 2744.03 of the Revised Code applies. 769
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Sec. 2925.02. (A) No person shall knowingly do any of the following: 789
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(1) By force, threat, or deception, administer to another or induce or cause another to use a controlled substance; 791
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(2) By any means, administer or furnish to another or induce or cause another to use a controlled substance with purpose to cause serious physical harm to the other person, or with purpose to cause the other person to become drug dependent; 793
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(3) By any means, administer or furnish to another or induce 797

or cause another to use a controlled substance, and thereby cause 798
serious physical harm to the other person, or cause the other 799
person to become drug dependent; 800

(4) By any means, do any of the following: 801

(a) Furnish or administer a controlled substance to a 802
juvenile who is at least two years the offender's junior, when the 803
offender knows the age of the juvenile or is reckless in that 804
regard; 805

(b) Induce or cause a juvenile who is at least two years the 806
offender's junior to use a controlled substance, when the offender 807
knows the age of the juvenile or is reckless in that regard; 808

(c) Induce or cause a juvenile who is at least two years the 809
offender's junior to commit a felony drug abuse offense, when the 810
offender knows the age of the juvenile or is reckless in that 811
regard; 812

(d) Use a juvenile, whether or not the offender knows the age 813
of the juvenile, to perform any surveillance activity that is 814
intended to prevent the detection of the offender or any other 815
person in the commission of a felony drug abuse offense or to 816
prevent the arrest of the offender or any other person for the 817
commission of a felony drug abuse offense. 818

(B) Division (A)(1), (3), or (4) of this section does not 819
apply to manufacturers, wholesalers, licensed health professionals 820
authorized to prescribe drugs, pharmacists, owners of pharmacies, 821
and other persons whose conduct is in accordance with Chapters 822
3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 823
Code. 824

(C) Whoever violates this section is guilty of corrupting 825
another with drugs. The penalty for the offense shall be 826
determined as follows: 827

(1) Except as otherwise provided in this division, if the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marijuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marijuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and if the offense was committed in the vicinity of a school, corrupting another with drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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

(3) Except as otherwise provided in this division, if the 860
drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 861
1-Butyl-3-(1-naphthoyl)indole, 862
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 863
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 864
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 865
corrupting another with drugs is a felony of the fourth degree, 866
and division (C) of section 2929.13 of the Revised Code applies in 867
determining whether to impose a prison term on the offender. If 868
the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 869
1-Butyl-3-(1-naphthoyl)indole, 870
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 871
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 872
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 873
if the offense was committed in the vicinity of a school, 874
corrupting another with drugs is a felony of the third degree, and 875
division (C) of section 2929.13 of the Revised Code applies in 876
determining whether to impose a prison term on the offender. 877

(D) In addition to any prison term authorized or required by 878
division (C) or (E) of this section and sections 2929.13 and 879
2929.14 of the Revised Code and in addition to any other sanction 880
imposed for the offense under this section or sections 2929.11 to 881
2929.18 of the Revised Code, the court that sentences an offender 882
who is convicted of or pleads guilty to a violation of division 883
(A) of this section or the clerk of that court shall do all of the 884
following that are applicable regarding the offender: 885

(1)(a) If the violation is a felony of the first, second, or 886
third degree, the court shall impose upon the offender the 887
mandatory fine specified for the offense under division (B)(1) of 888
section 2929.18 of the Revised Code unless, as specified in that 889
division, the court determines that the offender is indigent. 890

(b) Notwithstanding any contrary provision of section 3719.21 891

of the Revised Code, any mandatory fine imposed pursuant to 892
division (D)(1)(a) of this section and any fine imposed for a 893
violation of this section pursuant to division (A) of section 894
2929.18 of the Revised Code shall be paid by the clerk of the 895
court in accordance with and subject to the requirements of, and 896
shall be used as specified in, division (F) of section 2925.03 of 897
the Revised Code. 898

(c) If a person is charged with any violation of this section 899
that is a felony of the first, second, or third degree, posts 900
bail, and forfeits the bail, the forfeited bail shall be paid by 901
the clerk of the court pursuant to division (D)(1)(b) of this 902
section as if it were a fine imposed for a violation of this 903
section. 904

(2) The court shall suspend for not less than six months nor 905
more than five years the offender's driver's or commercial 906
driver's license or permit. If an offender's driver's or 907
commercial driver's license or permit is suspended pursuant to 908
this division, the offender, at any time after the expiration of 909
two years from the day on which the offender's sentence was 910
imposed or from the day on which the offender finally was released 911
from a prison term under the sentence, whichever is later, may 912
file a motion with the sentencing court requesting termination of 913
the suspension. Upon the filing of the motion and the court's 914
finding of good cause for the termination, the court may terminate 915
the suspension. 916

(3) If the offender is a professionally licensed person, in 917
addition to any other sanction imposed for a violation of this 918
section, the court immediately shall comply with section 2925.38 919
of the Revised Code. 920

(E) Notwithstanding the prison term otherwise authorized or 921
required for the offense under division (C) of this section and 922
sections 2929.13 and 2929.14 of the Revised Code, if the violation 923

of division (A) of this section involves the sale, offer to sell, 924
or possession of a schedule I or II controlled substance, with the 925
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 926
1-Butyl-3-(1-naphthoyl)indole, 927
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 928
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 929
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 930
if the court imposing sentence upon the offender finds that the 931
offender as a result of the violation is a major drug offender and 932
is guilty of a specification of the type described in section 933
2941.1410 of the Revised Code, the court, in lieu of the prison 934
term that otherwise is authorized or required, shall impose upon 935
the offender the mandatory prison term specified in division 936
(D)(3)(a) of section 2929.14 of the Revised Code and may impose an 937
additional prison term under division (D)(3)(b) of that section. 938

Sec. 2925.03. (A) No person shall knowingly do any of the 939
following: 940

(1) Sell or offer to sell a controlled substance; 941

(2) Prepare for shipment, ship, transport, deliver, prepare 942
for distribution, or distribute a controlled substance, when the 943
offender knows or has reasonable cause to believe that the 944
controlled substance is intended for sale or resale by the 945
offender or another person. 946

(B) This section does not apply to any of the following: 947

(1) Manufacturers, licensed health professionals authorized 948
to prescribe drugs, pharmacists, owners of pharmacies, and other 949
persons whose conduct is in accordance with Chapters 3719., 4715., 950
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 951

(2) If the offense involves an anabolic steroid, any person 952
who is conducting or participating in a research project involving 953

the use of an anabolic steroid if the project has been approved by 954
the United States food and drug administration; 955

(3) Any person who sells, offers for sale, prescribes, 956
dispenses, or administers for livestock or other nonhuman species 957
an anabolic steroid that is expressly intended for administration 958
through implants to livestock or other nonhuman species and 959
approved for that purpose under the "Federal Food, Drug, and 960
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 961
and is sold, offered for sale, prescribed, dispensed, or 962
administered for that purpose in accordance with that act. 963

(C) Whoever violates division (A) of this section is guilty 964
of one of the following: 965

(1) If the drug involved in the violation is any compound, 966
mixture, preparation, or substance included in schedule I or 967
schedule II, with the exception of marihuana, 968
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 969
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 970
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 971
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 972
cocaine, L.S.D., heroin, and hashish, whoever violates division 973
(A) of this section is guilty of aggravated trafficking in drugs. 974
The penalty for the offense shall be determined as follows: 975

(a) Except as otherwise provided in division (C)(1)(b), (c), 976
(d), (e), or (f) of this section, aggravated trafficking in drugs 977
is a felony of the fourth degree, and division (C) of section 978
2929.13 of the Revised Code applies in determining whether to 979
impose a prison term on the offender. 980

(b) Except as otherwise provided in division (C)(1)(c), (d), 981
(e), or (f) of this section, if the offense was committed in the 982
vicinity of a school or in the vicinity of a juvenile, aggravated 983
trafficking in drugs is a felony of the third degree, and division 984

(C) of section 2929.13 of the Revised Code applies in determining 985
whether to impose a prison term on the offender. 986

(c) Except as otherwise provided in this division, if the 987
amount of the drug involved equals or exceeds the bulk amount but 988
is less than five times the bulk amount, aggravated trafficking in 989
drugs is a felony of the third degree, and the court shall impose 990
as a mandatory prison term one of the prison terms prescribed for 991
a felony of the third degree. If the amount of the drug involved 992
is within that range and if the offense was committed in the 993
vicinity of a school or in the vicinity of a juvenile, aggravated 994
trafficking in drugs is a felony of the second degree, and the 995
court shall impose as a mandatory prison term one of the prison 996
terms prescribed for a felony of the second degree. 997

(d) Except as otherwise provided in this division, if the 998
amount of the drug involved equals or exceeds five times the bulk 999
amount but is less than fifty times the bulk amount, aggravated 1000
trafficking in drugs is a felony of the second degree, and the 1001
court shall impose as a mandatory prison term one of the prison 1002
terms prescribed for a felony of the second degree. If the amount 1003
of the drug involved is within that range and if the offense was 1004
committed in the vicinity of a school or in the vicinity of a 1005
juvenile, aggravated trafficking in drugs is a felony of the first 1006
degree, and the court shall impose as a mandatory prison term one 1007
of the prison terms prescribed for a felony of the first degree. 1008

(e) If the amount of the drug involved equals or exceeds 1009
fifty times the bulk amount but is less than one hundred times the 1010
bulk amount and regardless of whether the offense was committed in 1011
the vicinity of a school or in the vicinity of a juvenile, 1012
aggravated trafficking in drugs is a felony of the first degree, 1013
and the court shall impose as a mandatory prison term one of the 1014
prison terms prescribed for a felony of the first degree. 1015

(f) If the amount of the drug involved equals or exceeds one 1016

hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

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

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

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

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

is a felony of the third degree, and there is a presumption for a 1049
prison term for the offense. 1050

(d) Except as otherwise provided in this division, if the 1051
amount of the drug involved equals or exceeds five times the bulk 1052
amount but is less than fifty times the bulk amount, trafficking 1053
in drugs is a felony of the third degree, and there is a 1054
presumption for a prison term for the offense. If the amount of 1055
the drug involved is within that range and if the offense was 1056
committed in the vicinity of a school or in the vicinity of a 1057
juvenile, trafficking in drugs is a felony of the second degree, 1058
and there is a presumption for a prison term for the offense. 1059

(e) Except as otherwise provided in this division, if the 1060
amount of the drug involved equals or exceeds fifty times the bulk 1061
amount, trafficking in drugs is a felony of the second degree, and 1062
the court shall impose as a mandatory prison term one of the 1063
prison terms prescribed for a felony of the second degree. If the 1064
amount of the drug involved equals or exceeds fifty times the bulk 1065
amount and if the offense was committed in the vicinity of a 1066
school or in the vicinity of a juvenile, trafficking in drugs is a 1067
felony of the first degree, and the court shall impose as a 1068
mandatory prison term one of the prison terms prescribed for a 1069
felony of the first degree. 1070

(3) If the drug involved in the violation is marihuana or a 1071
compound, mixture, preparation, or substance containing marihuana 1072
other than hashish, whoever violates division (A) of this section 1073
is guilty of trafficking in marihuana. The penalty for the offense 1074
shall be determined as follows: 1075

(a) Except as otherwise provided in division (C)(3)(b), (c), 1076
(d), (e), (f), or (g) of this section, trafficking in marihuana is 1077
a felony of the fifth degree, and division (C) of section 2929.13 1078
of the Revised Code applies in determining whether to impose a 1079
prison term on the offender. 1080

(b) Except as otherwise provided in division (C)(3)(c), (d), 1081
(e), (f), or (g) of this section, if the offense was committed in 1082
the vicinity of a school or in the vicinity of a juvenile, 1083
trafficking in marihuana is a felony of the fourth degree, and 1084
division (C) of section 2929.13 of the Revised Code applies in 1085
determining whether to impose a prison term on the offender. 1086

(c) Except as otherwise provided in this division, if the 1087
amount of the drug involved equals or exceeds two hundred grams 1088
but is less than one thousand grams, trafficking in marihuana is a 1089
felony of the fourth degree, and division (C) of section 2929.13 1090
of the Revised Code applies in determining whether to impose a 1091
prison term on the offender. If the amount of the drug involved is 1092
within that range and if the offense was committed in the vicinity 1093
of a school or in the vicinity of a juvenile, trafficking in 1094
marihuana is a felony of the third degree, and division (C) of 1095
section 2929.13 of the Revised Code applies in determining whether 1096
to impose a prison term on the offender. 1097

(d) Except as otherwise provided in this division, if the 1098
amount of the drug involved equals or exceeds one thousand grams 1099
but is less than five thousand grams, trafficking in marihuana is 1100
a felony of the third degree, and division (C) of section 2929.13 1101
of the Revised Code applies in determining whether to impose a 1102
prison term on the offender. If the amount of the drug involved is 1103
within that range and if the offense was committed in the vicinity 1104
of a school or in the vicinity of a juvenile, trafficking in 1105
marihuana is a felony of the second degree, and there is a 1106
presumption that a prison term shall be imposed for the offense. 1107

(e) Except as otherwise provided in this division, if the 1108
amount of the drug involved equals or exceeds five thousand grams 1109
but is less than twenty thousand grams, trafficking in marihuana 1110
is a felony of the third degree, and there is a presumption that a 1111
prison term shall be imposed for the offense. If the amount of the 1112

drug involved is within that range and if the offense was 1113
committed in the vicinity of a school or in the vicinity of a 1114
juvenile, trafficking in marihuana is a felony of the second 1115
degree, and there is a presumption that a prison term shall be 1116
imposed for the offense. 1117

(f) Except as otherwise provided in this division, if the 1118
amount of the drug involved equals or exceeds twenty thousand 1119
grams, trafficking in marihuana is a felony of the second degree, 1120
and the court shall impose as a mandatory prison term the maximum 1121
prison term prescribed for a felony of the second degree. If the 1122
amount of the drug involved equals or exceeds twenty thousand 1123
grams and if the offense was committed in the vicinity of a school 1124
or in the vicinity of a juvenile, trafficking in marihuana is a 1125
felony of the first degree, and the court shall impose as a 1126
mandatory prison term the maximum prison term prescribed for a 1127
felony of the first degree. 1128

(g) Except as otherwise provided in this division, if the 1129
offense involves a gift of twenty grams or less of marihuana, 1130
trafficking in marihuana is a minor misdemeanor upon a first 1131
offense and a misdemeanor of the third degree upon a subsequent 1132
offense. If the offense involves a gift of twenty grams or less of 1133
marihuana and if the offense was committed in the vicinity of a 1134
school or in the vicinity of a juvenile, trafficking in marihuana 1135
is a misdemeanor of the third degree. 1136

(4) If the drug involved in the violation is cocaine or a 1137
compound, mixture, preparation, or substance containing cocaine, 1138
whoever violates division (A) of this section is guilty of 1139
trafficking in cocaine. The penalty for the offense shall be 1140
determined as follows: 1141

(a) Except as otherwise provided in division (C)(4)(b), (c), 1142
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 1143
felony of the fifth degree, and division (C) of section 2929.13 of 1144

the Revised Code applies in determining whether to impose a prison 1145
term on the offender. 1146

(b) Except as otherwise provided in division (C)(4)(c), (d), 1147
(e), (f), or (g) of this section, if the offense was committed in 1148
the vicinity of a school or in the vicinity of a juvenile, 1149
trafficking in cocaine is a felony of the fourth degree, and 1150
division (C) of section 2929.13 of the Revised Code applies in 1151
determining whether to impose a prison term on the offender. 1152

(c) Except as otherwise provided in this division, if the 1153
amount of the drug involved equals or exceeds five grams but is 1154
less than ten grams of cocaine that is not crack cocaine or equals 1155
or exceeds one gram but is less than five grams of crack cocaine, 1156
trafficking in cocaine is a felony of the fourth degree, and there 1157
is a presumption for a prison term for the offense. If the amount 1158
of the drug involved is within one of those ranges and if the 1159
offense was committed in the vicinity of a school or in the 1160
vicinity of a juvenile, trafficking in cocaine is a felony of the 1161
third degree, and there is a presumption for a prison term for the 1162
offense. 1163

(d) Except as otherwise provided in this division, if the 1164
amount of the drug involved equals or exceeds ten grams but is 1165
less than one hundred grams of cocaine that is not crack cocaine 1166
or equals or exceeds five grams but is less than ten grams of 1167
crack cocaine, trafficking in cocaine is a felony of the third 1168
degree, and the court shall impose as a mandatory prison term one 1169
of the prison terms prescribed for a felony of the third degree. 1170
If the amount of the drug involved is within one of those ranges 1171
and if the offense was committed in the vicinity of a school or in 1172
the vicinity of a juvenile, trafficking in cocaine is a felony of 1173
the second degree, and the court shall impose as a mandatory 1174
prison term one of the prison terms prescribed for a felony of the 1175
second degree. 1176

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred grams but is less than five hundred grams of cocaine that is not crack cocaine or equals or exceeds ten grams but is less than twenty-five grams of crack cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within one of those ranges and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred grams but is less than one thousand grams of cocaine that is not crack cocaine or equals or exceeds twenty-five grams but is less than one hundred grams of crack cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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

Revised Code. 1209

(5) If the drug involved in the violation is L.S.D. or a 1210
compound, mixture, preparation, or substance containing L.S.D., 1211
whoever violates division (A) of this section is guilty of 1212
trafficking in L.S.D. The penalty for the offense shall be 1213
determined as follows: 1214

(a) Except as otherwise provided in division (C)(5)(b), (c), 1215
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 1216
felony of the fifth degree, and division (C) of section 2929.13 of 1217
the Revised Code applies in determining whether to impose a prison 1218
term on the offender. 1219

(b) Except as otherwise provided in division (C)(5)(c), (d), 1220
(e), (f), or (g) of this section, if the offense was committed in 1221
the vicinity of a school or in the vicinity of a juvenile, 1222
trafficking in L.S.D. is a felony of the fourth degree, and 1223
division (C) of section 2929.13 of the Revised Code applies in 1224
determining whether to impose a prison term on the offender. 1225

(c) Except as otherwise provided in this division, if the 1226
amount of the drug involved equals or exceeds ten unit doses but 1227
is less than fifty unit doses of L.S.D. in a solid form or equals 1228
or exceeds one gram but is less than five grams of L.S.D. in a 1229
liquid concentrate, liquid extract, or liquid distillate form, 1230
trafficking in L.S.D. is a felony of the fourth degree, and there 1231
is a presumption for a prison term for the offense. If the amount 1232
of the drug involved is within that range and if the offense was 1233
committed in the vicinity of a school or in the vicinity of a 1234
juvenile, trafficking in L.S.D. is a felony of the third degree, 1235
and there is a presumption for a prison term for the offense. 1236

(d) Except as otherwise provided in this division, if the 1237
amount of the drug involved equals or exceeds fifty unit doses but 1238
is less than two hundred fifty unit doses of L.S.D. in a solid 1239

form or equals or exceeds five grams but is less than twenty-five 1240
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 1241
distillate form, trafficking in L.S.D. is a felony of the third 1242
degree, and the court shall impose as a mandatory prison term one 1243
of the prison terms prescribed for a felony of the third degree. 1244
If the amount of the drug involved is within that range and if the 1245
offense was committed in the vicinity of a school or in the 1246
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 1247
second degree, and the court shall impose as a mandatory prison 1248
term one of the prison terms prescribed for a felony of the second 1249
degree. 1250

(e) Except as otherwise provided in this division, if the 1251
amount of the drug involved equals or exceeds two hundred fifty 1252
unit doses but is less than one thousand unit doses of L.S.D. in a 1253
solid form or equals or exceeds twenty-five grams but is less than 1254
one hundred grams of L.S.D. in a liquid concentrate, liquid 1255
extract, or liquid distillate form, trafficking in L.S.D. is a 1256
felony of the second degree, and the court shall impose as a 1257
mandatory prison term one of the prison terms prescribed for a 1258
felony of the second degree. If the amount of the drug involved is 1259
within that range and if the offense was committed in the vicinity 1260
of a school or in the vicinity of a juvenile, trafficking in 1261
L.S.D. is a felony of the first degree, and the court shall impose 1262
as a mandatory prison term one of the prison terms prescribed for 1263
a felony of the first degree. 1264

(f) If the amount of the drug involved equals or exceeds one 1265
thousand unit doses but is less than five thousand unit doses of 1266
L.S.D. in a solid form or equals or exceeds one hundred grams but 1267
is less than five hundred grams of L.S.D. in a liquid concentrate, 1268
liquid extract, or liquid distillate form and regardless of 1269
whether the offense was committed in the vicinity of a school or 1270
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1271

of the first degree, and the court shall impose as a mandatory 1272
prison term one of the prison terms prescribed for a felony of the 1273
first degree. 1274

(g) If the amount of the drug involved equals or exceeds five 1275
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1276
five hundred grams of L.S.D. in a liquid concentrate, liquid 1277
extract, or liquid distillate form and regardless of whether the 1278
offense was committed in the vicinity of a school or in the 1279
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 1280
first degree, the offender is a major drug offender, and the court 1281
shall impose as a mandatory prison term the maximum prison term 1282
prescribed for a felony of the first degree and may impose an 1283
additional mandatory prison term prescribed for a major drug 1284
offender under division (D)(3)(b) of section 2929.14 of the 1285
Revised Code. 1286

(6) If the drug involved in the violation is heroin or a 1287
compound, mixture, preparation, or substance containing heroin, 1288
whoever violates division (A) of this section is guilty of 1289
trafficking in heroin. The penalty for the offense shall be 1290
determined as follows: 1291

(a) Except as otherwise provided in division (C)(6)(b), (c), 1292
(d), (e), (f), or (g) of this section, trafficking in heroin is a 1293
felony of the fifth degree, and division (C) of section 2929.13 of 1294
the Revised Code applies in determining whether to impose a prison 1295
term on the offender. 1296

(b) Except as otherwise provided in division (C)(6)(c), (d), 1297
(e), (f), or (g) of this section, if the offense was committed in 1298
the vicinity of a school or in the vicinity of a juvenile, 1299
trafficking in heroin is a felony of the fourth degree, and 1300
division (C) of section 2929.13 of the Revised Code applies in 1301
determining whether to impose a prison term on the offender. 1302

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

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

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

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

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

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

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

(b) Except as otherwise provided in division (C)(7)(c), (d), (e), or (f) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the fourth degree, and division (C) of

section 2929.13 of the Revised Code applies in determining whether 1367
to impose a prison term on the offender. 1368

(c) Except as otherwise provided in this division, if the 1369
amount of the drug involved equals or exceeds ten grams but is 1370
less than fifty grams of hashish in a solid form or equals or 1371
exceeds two grams but is less than ten grams of hashish in a 1372
liquid concentrate, liquid extract, or liquid distillate form, 1373
trafficking in hashish is a felony of the fourth degree, and 1374
division (C) of section 2929.13 of the Revised Code applies in 1375
determining whether to impose a prison term on the offender. If 1376
the amount of the drug involved is within that range and if the 1377
offense was committed in the vicinity of a school or in the 1378
vicinity of a juvenile, trafficking in hashish is a felony of the 1379
third degree, and division (C) of section 2929.13 of the Revised 1380
Code applies in determining whether to impose a prison term on the 1381
offender. 1382

(d) Except as otherwise provided in this division, if the 1383
amount of the drug involved equals or exceeds fifty grams but is 1384
less than two hundred fifty grams of hashish in a solid form or 1385
equals or exceeds ten grams but is less than fifty grams of 1386
hashish in a liquid concentrate, liquid extract, or liquid 1387
distillate form, trafficking in hashish is a felony of the third 1388
degree, and division (C) of section 2929.13 of the Revised Code 1389
applies in determining whether to impose a prison term on the 1390
offender. If the amount of the drug involved is within that range 1391
and if the offense was committed in the vicinity of a school or in 1392
the vicinity of a juvenile, trafficking in hashish is a felony of 1393
the second degree, and there is a presumption that a prison term 1394
shall be imposed for the offense. 1395

(e) Except as otherwise provided in this division, if the 1396
amount of the drug involved equals or exceeds two hundred fifty 1397
grams but is less than one thousand grams of hashish in a solid 1398

form or equals or exceeds fifty grams but is less than two hundred 1399
grams of hashish in a liquid concentrate, liquid extract, or 1400
liquid distillate form, trafficking in hashish is a felony of the 1401
third degree, and there is a presumption that a prison term shall 1402
be imposed for the offense. If the amount of the drug involved is 1403
within that range and if the offense was committed in the vicinity 1404
of a school or in the vicinity of a juvenile, trafficking in 1405
hashish is a felony of the second degree, and there is a 1406
presumption that a prison term shall be imposed for the offense. 1407

(f) Except as otherwise provided in this division, if the 1408
amount of the drug involved equals or exceeds one thousand grams 1409
of hashish in a solid form or equals or exceeds two hundred grams 1410
of hashish in a liquid concentrate, liquid extract, or liquid 1411
distillate form, trafficking in hashish is a felony of the second 1412
degree, and the court shall impose as a mandatory prison term the 1413
maximum prison term prescribed for a felony of the second degree. 1414
If the amount of the drug involved is within that range and if the 1415
offense was committed in the vicinity of a school or in the 1416
vicinity of a juvenile, trafficking in hashish is a felony of the 1417
first degree, and the court shall impose as a mandatory prison 1418
term the maximum prison term prescribed for a felony of the first 1419
degree. 1420

(8) If the drug involved in the violation is 1421
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1422
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1423
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 1424
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a 1425
compound, mixture, preparation, or substance containing 1426
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1427
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1428
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 1429
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1430

whoever violates division (A) of this section is guilty of 1431
trafficking in spice. The penalty for the offense shall be 1432
determined as follows: 1433

(a) Except as otherwise provided in division (C)(8)(b) of 1434
this section, trafficking in spice is a felony of the fifth 1435
degree, and division (C) of section 2929.13 of the Revised Code 1436
applies in determining whether to impose a prison term on the 1437
offender. 1438

(b) If the offense was committed in the vicinity of a school 1439
or in the vicinity of a juvenile, trafficking in spice is a felony 1440
of the fourth degree, and division (C) of section 2929.13 of the 1441
Revised Code applies in determining whether to impose a prison 1442
term on the offender. 1443

(D) In addition to any prison term authorized or required by 1444
division (C) of this section and sections 2929.13 and 2929.14 of 1445
the Revised Code, and in addition to any other sanction imposed 1446
for the offense under this section or sections 2929.11 to 2929.18 1447
of the Revised Code, the court that sentences an offender who is 1448
convicted of or pleads guilty to a violation of division (A) of 1449
this section shall do all of the following that are applicable 1450
regarding the offender: 1451

(1) If the violation of division (A) of this section is a 1452
felony of the first, second, or third degree, the court shall 1453
impose upon the offender the mandatory fine specified for the 1454
offense under division (B)(1) of section 2929.18 of the Revised 1455
Code unless, as specified in that division, the court determines 1456
that the offender is indigent. Except as otherwise provided in 1457
division (H)(1) of this section, a mandatory fine or any other 1458
fine imposed for a violation of this section is subject to 1459
division (F) of this section. If a person is charged with a 1460
violation of this section that is a felony of the first, second, 1461
or third degree, posts bail, and forfeits the bail, the clerk of 1462

the court shall pay the forfeited bail pursuant to divisions 1463
(D)(1) and (F) of this section, as if the forfeited bail was a 1464
fine imposed for a violation of this section. If any amount of the 1465
forfeited bail remains after that payment and if a fine is imposed 1466
under division (H)(1) of this section, the clerk of the court 1467
shall pay the remaining amount of the forfeited bail pursuant to 1468
divisions (H)(2) and (3) of this section, as if that remaining 1469
amount was a fine imposed under division (H)(1) of this section. 1470

(2) The court shall suspend the driver's or commercial 1471
driver's license or permit of the offender in accordance with 1472
division (G) of this section. 1473

(3) If the offender is a professionally licensed person, the 1474
court immediately shall comply with section 2925.38 of the Revised 1475
Code. 1476

(E) When a person is charged with the sale of or offer to 1477
sell a bulk amount or a multiple of a bulk amount of a controlled 1478
substance, the jury, or the court trying the accused, shall 1479
determine the amount of the controlled substance involved at the 1480
time of the offense and, if a guilty verdict is returned, shall 1481
return the findings as part of the verdict. In any such case, it 1482
is unnecessary to find and return the exact amount of the 1483
controlled substance involved, and it is sufficient if the finding 1484
and return is to the effect that the amount of the controlled 1485
substance involved is the requisite amount, or that the amount of 1486
the controlled substance involved is less than the requisite 1487
amount. 1488

(F)(1) Notwithstanding any contrary provision of section 1489
3719.21 of the Revised Code and except as provided in division (H) 1490
of this section, the clerk of the court shall pay any mandatory 1491
fine imposed pursuant to division (D)(1) of this section and any 1492
fine other than a mandatory fine that is imposed for a violation 1493
of this section pursuant to division (A) or (B)(5) of section 1494

2929.18 of the Revised Code to the county, township, municipal 1495
corporation, park district, as created pursuant to section 511.18 1496
or 1545.04 of the Revised Code, or state law enforcement agencies 1497
in this state that primarily were responsible for or involved in 1498
making the arrest of, and in prosecuting, the offender. However, 1499
the clerk shall not pay a mandatory fine so imposed to a law 1500
enforcement agency unless the agency has adopted a written 1501
internal control policy under division (F)(2) of this section that 1502
addresses the use of the fine moneys that it receives. Each agency 1503
shall use the mandatory fines so paid to subsidize the agency's 1504
law enforcement efforts that pertain to drug offenses, in 1505
accordance with the written internal control policy adopted by the 1506
recipient agency under division (F)(2) of this section. 1507

(2)(a) Prior to receiving any fine moneys under division 1508
(F)(1) of this section or division (B) of section 2925.42 of the 1509
Revised Code, a law enforcement agency shall adopt a written 1510
internal control policy that addresses the agency's use and 1511
disposition of all fine moneys so received and that provides for 1512
the keeping of detailed financial records of the receipts of those 1513
fine moneys, the general types of expenditures made out of those 1514
fine moneys, and the specific amount of each general type of 1515
expenditure. The policy shall not provide for or permit the 1516
identification of any specific expenditure that is made in an 1517
ongoing investigation. All financial records of the receipts of 1518
those fine moneys, the general types of expenditures made out of 1519
those fine moneys, and the specific amount of each general type of 1520
expenditure by an agency are public records open for inspection 1521
under section 149.43 of the Revised Code. Additionally, a written 1522
internal control policy adopted under this division is such a 1523
public record, and the agency that adopted it shall comply with 1524
it. 1525

(b) Each law enforcement agency that receives in any calendar 1526

year any fine moneys under division (F)(1) of this section or 1527
division (B) of section 2925.42 of the Revised Code shall prepare 1528
a report covering the calendar year that cumulates all of the 1529
information contained in all of the public financial records kept 1530
by the agency pursuant to division (F)(2)(a) of this section for 1531
that calendar year, and shall send a copy of the cumulative 1532
report, no later than the first day of March in the calendar year 1533
following the calendar year covered by the report, to the attorney 1534
general. Each report received by the attorney general is a public 1535
record open for inspection under section 149.43 of the Revised 1536
Code. Not later than the fifteenth day of April in the calendar 1537
year in which the reports are received, the attorney general shall 1538
send to the president of the senate and the speaker of the house 1539
of representatives a written notification that does all of the 1540
following: 1541

(i) Indicates that the attorney general has received from law 1542
enforcement agencies reports of the type described in this 1543
division that cover the previous calendar year and indicates that 1544
the reports were received under this division; 1545

(ii) Indicates that the reports are open for inspection under 1546
section 149.43 of the Revised Code; 1547

(iii) Indicates that the attorney general will provide a copy 1548
of any or all of the reports to the president of the senate or the 1549
speaker of the house of representatives upon request. 1550

(3) As used in division (F) of this section: 1551

(a) "Law enforcement agencies" includes, but is not limited 1552
to, the state board of pharmacy and the office of a prosecutor. 1553

(b) "Prosecutor" has the same meaning as in section 2935.01 1554
of the Revised Code. 1555

(G) When required under division (D)(2) of this section or 1556
any other provision of this chapter, the court shall suspend for 1557

not less than six months or more than five years the driver's or 1558
commercial driver's license or permit of any person who is 1559
convicted of or pleads guilty to any violation of this section or 1560
any other specified provision of this chapter. If an offender's 1561
driver's or commercial driver's license or permit is suspended 1562
pursuant to this division, the offender, at any time after the 1563
expiration of two years from the day on which the offender's 1564
sentence was imposed or from the day on which the offender finally 1565
was released from a prison term under the sentence, whichever is 1566
later, may file a motion with the sentencing court requesting 1567
termination of the suspension; upon the filing of such a motion 1568
and the court's finding of good cause for the termination, the 1569
court may terminate the suspension. 1570

(H)(1) In addition to any prison term authorized or required 1571
by division (C) of this section and sections 2929.13 and 2929.14 1572
of the Revised Code, in addition to any other penalty or sanction 1573
imposed for the offense under this section or sections 2929.11 to 1574
2929.18 of the Revised Code, and in addition to the forfeiture of 1575
property in connection with the offense as prescribed in Chapter 1576
2981. of the Revised Code, the court that sentences an offender 1577
who is convicted of or pleads guilty to a violation of division 1578
(A) of this section may impose upon the offender an additional 1579
fine specified for the offense in division (B)(4) of section 1580
2929.18 of the Revised Code. A fine imposed under division (H)(1) 1581
of this section is not subject to division (F) of this section and 1582
shall be used solely for the support of one or more eligible 1583
alcohol and drug addiction programs in accordance with divisions 1584
(H)(2) and (3) of this section. 1585

(2) The court that imposes a fine under division (H)(1) of 1586
this section shall specify in the judgment that imposes the fine 1587
one or more eligible alcohol and drug addiction programs for the 1588
support of which the fine money is to be used. No alcohol and drug 1589

addiction program shall receive or use money paid or collected in 1590
satisfaction of a fine imposed under division (H)(1) of this 1591
section unless the program is specified in the judgment that 1592
imposes the fine. No alcohol and drug addiction program shall be 1593
specified in the judgment unless the program is an eligible 1594
alcohol and drug addiction program and, except as otherwise 1595
provided in division (H)(2) of this section, unless the program is 1596
located in the county in which the court that imposes the fine is 1597
located or in a county that is immediately contiguous to the 1598
county in which that court is located. If no eligible alcohol and 1599
drug addiction program is located in any of those counties, the 1600
judgment may specify an eligible alcohol and drug addiction 1601
program that is located anywhere within this state. 1602

(3) Notwithstanding any contrary provision of section 3719.21 1603
of the Revised Code, the clerk of the court shall pay any fine 1604
imposed under division (H)(1) of this section to the eligible 1605
alcohol and drug addiction program specified pursuant to division 1606
(H)(2) of this section in the judgment. The eligible alcohol and 1607
drug addiction program that receives the fine moneys shall use the 1608
moneys only for the alcohol and drug addiction services identified 1609
in the application for certification under section 3793.06 of the 1610
Revised Code or in the application for a license under section 1611
3793.11 of the Revised Code filed with the department of alcohol 1612
and drug addiction services by the alcohol and drug addiction 1613
program specified in the judgment. 1614

(4) Each alcohol and drug addiction program that receives in 1615
a calendar year any fine moneys under division (H)(3) of this 1616
section shall file an annual report covering that calendar year 1617
with the court of common pleas and the board of county 1618
commissioners of the county in which the program is located, with 1619
the court of common pleas and the board of county commissioners of 1620
each county from which the program received the moneys if that 1621

county is different from the county in which the program is 1622
located, and with the attorney general. The alcohol and drug 1623
addiction program shall file the report no later than the first 1624
day of March in the calendar year following the calendar year in 1625
which the program received the fine moneys. The report shall 1626
include statistics on the number of persons served by the alcohol 1627
and drug addiction program, identify the types of alcohol and drug 1628
addiction services provided to those persons, and include a 1629
specific accounting of the purposes for which the fine moneys 1630
received were used. No information contained in the report shall 1631
identify, or enable a person to determine the identity of, any 1632
person served by the alcohol and drug addiction program. Each 1633
report received by a court of common pleas, a board of county 1634
commissioners, or the attorney general is a public record open for 1635
inspection under section 149.43 of the Revised Code. 1636

(5) As used in divisions (H)(1) to (5) of this section: 1637

(a) "Alcohol and drug addiction program" and "alcohol and 1638
drug addiction services" have the same meanings as in section 1639
3793.01 of the Revised Code. 1640

(b) "Eligible alcohol and drug addiction program" means an 1641
alcohol and drug addiction program that is certified under section 1642
3793.06 of the Revised Code or licensed under section 3793.11 of 1643
the Revised Code by the department of alcohol and drug addiction 1644
services. 1645

(I) As used in this section, "drug" includes any substance 1646
that is represented to be a drug. 1647

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 1648
or use a controlled substance. 1649

(B) This section does not apply to any of the following: 1650

(1) Manufacturers, licensed health professionals authorized 1651

to prescribe drugs, pharmacists, owners of pharmacies, and other 1652
persons whose conduct was in accordance with Chapters 3719., 1653
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1654

(2) If the offense involves an anabolic steroid, any person 1655
who is conducting or participating in a research project involving 1656
the use of an anabolic steroid if the project has been approved by 1657
the United States food and drug administration; 1658

(3) Any person who sells, offers for sale, prescribes, 1659
dispenses, or administers for livestock or other nonhuman species 1660
an anabolic steroid that is expressly intended for administration 1661
through implants to livestock or other nonhuman species and 1662
approved for that purpose under the "Federal Food, Drug, and 1663
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1664
and is sold, offered for sale, prescribed, dispensed, or 1665
administered for that purpose in accordance with that act; 1666

(4) Any person who obtained the controlled substance pursuant 1667
to a lawful prescription issued by a licensed health professional 1668
authorized to prescribe drugs. 1669

(C) Whoever violates division (A) of this section is guilty 1670
of one of the following: 1671

(1) If the drug involved in the violation is a compound, 1672
mixture, preparation, or substance included in schedule I or II, 1673
with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1674
1-Butyl-3-(1-naphthoyl)indole, 1675
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1676
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1677
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1678
cocaine, L.S.D., heroin, and hashish, whoever violates division 1679
(A) of this section is guilty of aggravated possession of drugs. 1680
The penalty for the offense shall be determined as follows: 1681

(a) Except as otherwise provided in division (C)(1)(b), (c), 1682

(d), or (e) of this section, aggravated possession of drugs is a 1683
felony of the fifth degree, and division (B) of section 2929.13 of 1684
the Revised Code applies in determining whether to impose a prison 1685
term on the offender. 1686

(b) If the amount of the drug involved equals or exceeds the 1687
bulk amount but is less than five times the bulk amount, 1688
aggravated possession of drugs is a felony of the third degree, 1689
and there is a presumption for a prison term for the offense. 1690

(c) If the amount of the drug involved equals or exceeds five 1691
times the bulk amount but is less than fifty times the bulk 1692
amount, aggravated possession of drugs is a felony of the second 1693
degree, and the court shall impose as a mandatory prison term one 1694
of the prison terms prescribed for a felony of the second degree. 1695

(d) If the amount of the drug involved equals or exceeds 1696
fifty times the bulk amount but is less than one hundred times the 1697
bulk amount, aggravated possession of drugs is a felony of the 1698
first degree, and the court shall impose as a mandatory prison 1699
term one of the prison terms prescribed for a felony of the first 1700
degree. 1701

(e) If the amount of the drug involved equals or exceeds one 1702
hundred times the bulk amount, aggravated possession of drugs is a 1703
felony of the first degree, the offender is a major drug offender, 1704
and the court shall impose as a mandatory prison term the maximum 1705
prison term prescribed for a felony of the first degree and may 1706
impose an additional mandatory prison term prescribed for a major 1707
drug offender under division (D)(3)(b) of section 2929.14 of the 1708
Revised Code. 1709

(2) If the drug involved in the violation is a compound, 1710
mixture, preparation, or substance included in schedule III, IV, 1711
or V, whoever violates division (A) of this section is guilty of 1712
possession of drugs. The penalty for the offense shall be 1713

determined as follows: 1714

(a) Except as otherwise provided in division (C)(2)(b), (c), 1715
or (d) of this section, possession of drugs is a misdemeanor of 1716
the first degree or, if the offender previously has been convicted 1717
of a drug abuse offense, a felony of the fifth degree. 1718

(b) If the amount of the drug involved equals or exceeds the 1719
bulk amount but is less than five times the bulk amount, 1720
possession of drugs is a felony of the fourth degree, and division 1721
(C) of section 2929.13 of the Revised Code applies in determining 1722
whether to impose a prison term on the offender. 1723

(c) If the amount of the drug involved equals or exceeds five 1724
times the bulk amount but is less than fifty times the bulk 1725
amount, possession of drugs is a felony of the third degree, and 1726
there is a presumption for a prison term for the offense. 1727

(d) If the amount of the drug involved equals or exceeds 1728
fifty times the bulk amount, possession of drugs is a felony of 1729
the second degree, and the court shall impose upon the offender as 1730
a mandatory prison term one of the prison terms prescribed for a 1731
felony of the second degree. 1732

(3) If the drug involved in the violation is marihuana or a 1733
compound, mixture, preparation, or substance containing marihuana 1734
other than hashish, whoever violates division (A) of this section 1735
is guilty of possession of marihuana. The penalty for the offense 1736
shall be determined as follows: 1737

(a) Except as otherwise provided in division (C)(3)(b), (c), 1738
(d), (e), or (f) of this section, possession of marihuana is a 1739
minor misdemeanor. 1740

(b) If the amount of the drug involved equals or exceeds one 1741
hundred grams but is less than two hundred grams, possession of 1742
marihuana is a misdemeanor of the fourth degree. 1743

(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana 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.

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

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

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

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

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

(b) If the amount of the drug involved equals or exceeds five grams but is less than twenty-five grams of cocaine that is not

crack cocaine or equals or exceeds one gram but is less than five 1775
grams of crack cocaine, possession of cocaine is a felony of the 1776
fourth degree, and there is a presumption for a prison term for 1777
the offense. 1778

(c) If the amount of the drug involved equals or exceeds 1779
twenty-five grams but is less than one hundred grams of cocaine 1780
that is not crack cocaine or equals or exceeds five grams but is 1781
less than ten grams of crack cocaine, possession of cocaine is a 1782
felony of the third degree, and the court shall impose as a 1783
mandatory prison term one of the prison terms prescribed for a 1784
felony of the third degree. 1785

(d) If the amount of the drug involved equals or exceeds one 1786
hundred grams but is less than five hundred grams of cocaine that 1787
is not crack cocaine or equals or exceeds ten grams but is less 1788
than twenty-five grams of crack cocaine, possession of cocaine is 1789
a felony of the second degree, and the court shall impose as a 1790
mandatory prison term one of the prison terms prescribed for a 1791
felony of the second degree. 1792

(e) If the amount of the drug involved equals or exceeds five 1793
hundred grams but is less than one thousand grams of cocaine that 1794
is not crack cocaine or equals or exceeds twenty-five grams but is 1795
less than one hundred grams of crack cocaine, possession of 1796
cocaine is a felony of the first degree, and the court shall 1797
impose as a mandatory prison term one of the prison terms 1798
prescribed for a felony of the first degree. 1799

(f) If the amount of the drug involved equals or exceeds one 1800
thousand grams of cocaine that is not crack cocaine or equals or 1801
exceeds one hundred grams of crack cocaine, possession of cocaine 1802
is a felony of the first degree, the offender is a major drug 1803
offender, and the court shall impose as a mandatory prison term 1804
the maximum prison term prescribed for a felony of the first 1805
degree and may impose an additional mandatory prison term 1806

prescribed for a major drug offender under division (D)(3)(b) of 1807
section 2929.14 of the Revised Code. 1808

(5) If the drug involved in the violation is L.S.D., whoever 1809
violates division (A) of this section is guilty of possession of 1810
L.S.D. The penalty for the offense shall be determined as follows: 1811

(a) Except as otherwise provided in division (C)(5)(b), (c), 1812
(d), (e), or (f) of this section, possession of L.S.D. is a felony 1813
of the fifth degree, and division (B) of section 2929.13 of the 1814
Revised Code applies in determining whether to impose a prison 1815
term on the offender. 1816

(b) If the amount of L.S.D. involved equals or exceeds ten 1817
unit doses but is less than fifty unit doses of L.S.D. in a solid 1818
form or equals or exceeds one gram but is less than five grams of 1819
L.S.D. in a liquid concentrate, liquid extract, or liquid 1820
distillate form, possession of L.S.D. is a felony of the fourth 1821
degree, and division (C) of section 2929.13 of the Revised Code 1822
applies in determining whether to impose a prison term on the 1823
offender. 1824

(c) If the amount of L.S.D. involved equals or exceeds fifty 1825
unit doses, but is less than two hundred fifty unit doses of 1826
L.S.D. in a solid form or equals or exceeds five grams but is less 1827
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 1828
extract, or liquid distillate form, possession of L.S.D. is a 1829
felony of the third degree, and there is a presumption for a 1830
prison term for the offense. 1831

(d) If the amount of L.S.D. involved equals or exceeds two 1832
hundred fifty unit doses but is less than one thousand unit doses 1833
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1834
but is less than one hundred grams of L.S.D. in a liquid 1835
concentrate, liquid extract, or liquid distillate form, possession 1836
of L.S.D. is a felony of the second degree, and the court shall 1837

impose as a mandatory prison term one of the prison terms 1838
prescribed for a felony of the second degree. 1839

(e) If the amount of L.S.D. involved equals or exceeds one 1840
thousand unit doses but is less than five thousand unit doses of 1841
L.S.D. in a solid form or equals or exceeds one hundred grams but 1842
is less than five hundred grams of L.S.D. in a liquid concentrate, 1843
liquid extract, or liquid distillate form, possession of L.S.D. is 1844
a felony of the first degree, and the court shall impose as a 1845
mandatory prison term one of the prison terms prescribed for a 1846
felony of the first degree. 1847

(f) If the amount of L.S.D. involved equals or exceeds five 1848
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1849
five hundred grams of L.S.D. in a liquid concentrate, liquid 1850
extract, or liquid distillate form, possession of L.S.D. is a 1851
felony of the first degree, the offender is a major drug offender, 1852
and the court shall impose as a mandatory prison term the maximum 1853
prison term prescribed for a felony of the first degree and may 1854
impose an additional mandatory prison term prescribed for a major 1855
drug offender under division (D)(3)(b) of section 2929.14 of the 1856
Revised Code. 1857

(6) If the drug involved in the violation is heroin or a 1858
compound, mixture, preparation, or substance containing heroin, 1859
whoever violates division (A) of this section is guilty of 1860
possession of heroin. The penalty for the offense shall be 1861
determined as follows: 1862

(a) Except as otherwise provided in division (C)(6)(b), (c), 1863
(d), (e), or (f) of this section, possession of heroin is a felony 1864
of the fifth degree, and division (B) of section 2929.13 of the 1865
Revised Code applies in determining whether to impose a prison 1866
term on the offender. 1867

(b) If the amount of the drug involved equals or exceeds ten 1868

unit doses but is less than fifty unit doses or equals or exceeds 1869
one gram but is less than five grams, possession of heroin is a 1870
felony of the fourth degree, and division (C) of section 2929.13 1871
of the Revised Code applies in determining whether to impose a 1872
prison term on the offender. 1873

(c) If the amount of the drug involved equals or exceeds 1874
fifty unit doses but is less than one hundred unit doses or equals 1875
or exceeds five grams but is less than ten grams, possession of 1876
heroin is a felony of the third degree, and there is a presumption 1877
for a prison term for the offense. 1878

(d) If the amount of the drug involved equals or exceeds one 1879
hundred unit doses but is less than five hundred unit doses or 1880
equals or exceeds ten grams but is less than fifty grams, 1881
possession of heroin is a felony of the second degree, and the 1882
court shall impose as a mandatory prison term one of the prison 1883
terms prescribed for a felony of the second degree. 1884

(e) If the amount of the drug involved equals or exceeds five 1885
hundred unit doses but is less than two thousand five hundred unit 1886
doses or equals or exceeds fifty grams but is less than two 1887
hundred fifty grams, possession of heroin is a felony of the first 1888
degree, and the court shall impose as a mandatory prison term one 1889
of the prison terms prescribed for a felony of the first degree. 1890

(f) If the amount of the drug involved equals or exceeds two 1891
thousand five hundred unit doses or equals or exceeds two hundred 1892
fifty grams, possession of heroin is a felony of the first degree, 1893
the offender is a major drug offender, and the court shall impose 1894
as a mandatory prison term the maximum prison term prescribed for 1895
a felony of the first degree and may impose an additional 1896
mandatory prison term prescribed for a major drug offender under 1897
division (D)(3)(b) of section 2929.14 of the Revised Code. 1898

(7) If the drug involved in the violation is hashish or a 1899

compound, mixture, preparation, or substance containing hashish, 1900
whoever violates division (A) of this section is guilty of 1901
possession of hashish. The penalty for the offense shall be 1902
determined as follows: 1903

(a) Except as otherwise provided in division (C)(7)(b), (c), 1904
(d), (e), or (f) of this section, possession of hashish is a minor 1905
misdemeanor. 1906

(b) If the amount of the drug involved equals or exceeds five 1907
grams but is less than ten grams of hashish in a solid form or 1908
equals or exceeds one gram but is less than two grams of hashish 1909
in a liquid concentrate, liquid extract, or liquid distillate 1910
form, possession of hashish is a misdemeanor of the fourth degree. 1911

(c) If the amount of the drug involved equals or exceeds ten 1912
grams but is less than fifty grams of hashish in a solid form or 1913
equals or exceeds two grams but is less than ten grams of hashish 1914
in a liquid concentrate, liquid extract, or liquid distillate 1915
form, possession of hashish is a felony of the fifth degree, and 1916
division (B) of section 2929.13 of the Revised Code applies in 1917
determining whether to impose a prison term on the offender. 1918

(d) If the amount of the drug involved equals or exceeds 1919
fifty grams but is less than two hundred fifty grams of hashish in 1920
a solid form or equals or exceeds ten grams but is less than fifty 1921
grams of hashish in a liquid concentrate, liquid extract, or 1922
liquid distillate form, possession of hashish is a felony of the 1923
third degree, and division (C) of section 2929.13 of the Revised 1924
Code applies in determining whether to impose a prison term on the 1925
offender. 1926

(e) If the amount of the drug involved equals or exceeds two 1927
hundred fifty grams but is less than one thousand grams of hashish 1928
in a solid form or equals or exceeds fifty grams but is less than 1929
two hundred grams of hashish in a liquid concentrate, liquid 1930

extract, or liquid distillate form, possession of hashish is a 1931
felony of the third degree, and there is a presumption that a 1932
prison term shall be imposed for the offense. 1933

(f) If the amount of the drug involved equals or exceeds one 1934
thousand grams of hashish in a solid form or equals or exceeds two 1935
hundred grams of hashish in a liquid concentrate, liquid extract, 1936
or liquid distillate form, possession of hashish is a felony of 1937
the second degree, and the court shall impose as a mandatory 1938
prison term the maximum prison term prescribed for a felony of the 1939
second degree. 1940

(8) If the drug involved is 1-Pentyl-3-(1-naphthoyl)indole, 1941
1-Butyl-3-(1-naphthoyl)indole, 1942
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1943
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 1944
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a 1945
compound, mixture, preparation, or substance containing 1946
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1947
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1948
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 1949
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1950
whoever violates division (A) of this section is guilty of 1951
possession of spice, a minor misdemeanor. 1952

(D) Arrest or conviction for a minor misdemeanor violation of 1953
this section does not constitute a criminal record and need not be 1954
reported by the person so arrested or convicted in response to any 1955
inquiries about the person's criminal record, including any 1956
inquiries contained in any application for employment, license, or 1957
other right or privilege, or made in connection with the person's 1958
appearance as a witness. 1959

(E) In addition to any prison term or jail term authorized or 1960
required by division (C) of this section and sections 2929.13, 1961
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 1962

addition to any other sanction that is imposed for the offense 1963
under this section, sections 2929.11 to 2929.18, or sections 1964
2929.21 to 2929.28 of the Revised Code, the court that sentences 1965
an offender who is convicted of or pleads guilty to a violation of 1966
division (A) of this section shall do all of the following that 1967
are applicable regarding the offender: 1968

(1)(a) If the violation is a felony of the first, second, or 1969
third degree, the court shall impose upon the offender the 1970
mandatory fine specified for the offense under division (B)(1) of 1971
section 2929.18 of the Revised Code unless, as specified in that 1972
division, the court determines that the offender is indigent. 1973

(b) Notwithstanding any contrary provision of section 3719.21 1974
of the Revised Code, the clerk of the court shall pay a mandatory 1975
fine or other fine imposed for a violation of this section 1976
pursuant to division (A) of section 2929.18 of the Revised Code in 1977
accordance with and subject to the requirements of division (F) of 1978
section 2925.03 of the Revised Code. The agency that receives the 1979
fine shall use the fine as specified in division (F) of section 1980
2925.03 of the Revised Code. 1981

(c) If a person is charged with a violation of this section 1982
that is a felony of the first, second, or third degree, posts 1983
bail, and forfeits the bail, the clerk shall pay the forfeited 1984
bail pursuant to division (E)(1)(b) of this section as if it were 1985
a mandatory fine imposed under division (E)(1)(a) of this section. 1986

(2) The court shall suspend for not less than six months or 1987
more than five years the offender's driver's or commercial 1988
driver's license or permit. 1989

(3) If the offender is a professionally licensed person, in 1990
addition to any other sanction imposed for a violation of this 1991
section, the court immediately shall comply with section 2925.38 1992
of the Revised Code. 1993

(F) It is an affirmative defense, as provided in section 1994
2901.05 of the Revised Code, to a charge of a fourth degree felony 1995
violation under this section that the controlled substance that 1996
gave rise to the charge is in an amount, is in a form, is 1997
prepared, compounded, or mixed with substances that are not 1998
controlled substances in a manner, or is possessed under any other 1999
circumstances, that indicate that the substance was possessed 2000
solely for personal use. Notwithstanding any contrary provision of 2001
this section, if, in accordance with section 2901.05 of the 2002
Revised Code, an accused who is charged with a fourth degree 2003
felony violation of division (C)(2), (4), (5), or (6) of this 2004
section sustains the burden of going forward with evidence of and 2005
establishes by a preponderance of the evidence the affirmative 2006
defense described in this division, the accused may be prosecuted 2007
for and may plead guilty to or be convicted of a misdemeanor 2008
violation of division (C)(2) of this section or a fifth degree 2009
felony violation of division (C)(4), (5), or (6) of this section 2010
respectively. 2011

(G) When a person is charged with possessing a bulk amount or 2012
multiple of a bulk amount, division (E) of section 2925.03 of the 2013
Revised Code applies regarding the determination of the amount of 2014
the controlled substance involved at the time of the offense. 2015

Sec. 3719.01. As used in this chapter: 2016

(A) "Administer" means the direct application of a drug, 2017
whether by injection, inhalation, ingestion, or any other means to 2018
a person or an animal. 2019

(B) "Drug enforcement administration" means the drug 2020
enforcement administration of the United States department of 2021
justice or its successor agency. 2022

(C) "Controlled substance" means a drug, compound, mixture, 2023
preparation, or substance included in schedule I, II, III, IV, or 2024

V.	2025
(D) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.	2026 2027
(E) "Dispense" means to sell, leave with, give away, dispose of, or deliver.	2028 2029
(F) "Distribute" means to deal in, ship, transport, or deliver but does not include administering or dispensing a drug.	2030 2031
(G) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	2032 2033
(H) "Drug abuse offense," "felony drug abuse offense," "cocaine," and "hashish" have the same meanings as in section 2925.01 of the Revised Code.	2034 2035 2036
(I) "Federal drug abuse control laws" means the "Comprehensive Drug Abuse Prevention and Control Act of 1970," 84 Stat. 1242, 21 U.S.C. 801, as amended.	2037 2038 2039
(J) "Hospital" means an institution for the care and treatment of the sick and injured that is certified by the department of health and approved by the state board of pharmacy as proper to be entrusted with the custody of controlled substances and the professional use of controlled substances.	2040 2041 2042 2043 2044
(K) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.	2045 2046
(L) "Isomer," except as otherwise expressly stated, means the optical isomer.	2047 2048
(M) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of controlled substances and the use of controlled substances for scientific and clinical purposes and for purposes of instruction.	2049 2050 2051 2052
(N) "Manufacturer" means a person who manufactures a controlled substance, as "manufacture" is defined in section	2053 2054

3715.01 of the Revised Code. 2055

(O) "Marihuana" means all parts of a plant of the genus 2056
cannabis, whether growing or not; the seeds of a plant of that 2057
type; the resin extracted from a part of a plant of that type; and 2058
every compound, manufacture, salt, derivative, mixture, or 2059
preparation of a plant of that type or of its seeds or resin. 2060
"Marihuana" does not include the mature stalks of the plant, fiber 2061
produced from the stalks, oils or cake made from the seeds of the 2062
plant, or any other compound, manufacture, salt, derivative, 2063
mixture, or preparation of the mature stalks, except the resin 2064
extracted from the mature stalks, fiber, oil or cake, or the 2065
sterilized seed of the plant that is incapable of germination. 2066

(P) "Narcotic drugs" means coca leaves, opium, isonipecaine, 2067
amidone, isoamidone, ketobemidone, as defined in this division, 2068
and every substance not chemically distinguished from them and 2069
every drug, other than cannabis, that may be included in the 2070
meaning of "narcotic drug" under the federal drug abuse control 2071
laws. As used in this division: 2072

(1) "Coca leaves" includes cocaine and any compound, 2073
manufacture, salt, derivative, mixture, or preparation of coca 2074
leaves, except derivatives of coca leaves, that does not contain 2075
cocaine, ecgonine, or substances from which cocaine or ecgonine 2076
may be synthesized or made. 2077

(2) "Isonipecaine" means any substance identified chemically 2078
as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or 2079
any salt thereof, by whatever trade name designated. 2080

(3) "Amidone" means any substance identified chemically as 2081
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, by 2082
whatever trade name designated. 2083

(4) "Isoamidone" means any substance identified chemically as 2084
4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 2085

thereof, by whatever trade name designated. 2086

(5) "Ketobemidone" means any substance identified chemically 2087
as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone 2088
hydrochloride, or any salt thereof, by whatever trade name 2089
designated. 2090

(Q) "Official written order" means an order written on a form 2091
provided for that purpose by the director of the United States 2092
drug enforcement administration, under any laws of the United 2093
States making provision for the order, if the order forms are 2094
authorized and required by federal law. 2095

(R) "Opiate" means any substance having an addiction-forming 2096
or addiction-sustaining liability similar to morphine or being 2097
capable of conversion into a drug having addiction-forming or 2098
addiction-sustaining liability. "Opiate" does not include, unless 2099
specifically designated as controlled under section 3719.41 of the 2100
Revised Code, the dextrorotatory isomer of 2101
3-methoxy-N-methylmorphinan and its salts (dextro-methorphan). 2102
"Opiate" does include its racemic and levoratory forms. 2103

(S) "Opium poppy" means the plant of the species papaver 2104
somniferum L., except its seeds. 2105

(T) "Person" means any individual, corporation, government, 2106
governmental subdivision or agency, business trust, estate, trust, 2107
partnership, association, or other legal entity. 2108

(U) "Pharmacist" means a person licensed under Chapter 4729. 2109
of the Revised Code to engage in the practice of pharmacy. 2110

(V) "Pharmacy" has the same meaning as in section 4729.01 of 2111
the Revised Code. 2112

(W) "Poison" means any drug, chemical, or preparation likely 2113
to be deleterious or destructive to adult human life in quantities 2114
of four grams or less. 2115

(X) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing. 2116
2117

(Y) "Licensed health professional authorized to prescribe drugs," "prescriber," and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 2118
2119
2120

(Z) "Registry number" means the number assigned to each person registered under the federal drug abuse control laws. 2121
2122

(AA) "Sale" includes delivery, barter, exchange, transfer, or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee. 2123
2124
2125
2126

(BB) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, established pursuant to section 3719.41 of the Revised Code, as amended pursuant to section 3719.43 or 3719.44 of the Revised Code. 2127
2128
2129
2130
2131

(CC) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced, or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in section 4729.01 of the Revised Code. 2132
2133
2134
2135
2136

(DD) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code. 2137
2138
2139
2140

(EE) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code. 2141
2142

(FF) "Category III license" means a license issued to a terminal distributor of dangerous drugs as set forth in section 4729.54 of the Revised Code. 2143
2144
2145

(GG) "Prosecutor" has the same meaning as in section 2935.01 2146
of the Revised Code. 2147

(HH)(1) "Controlled substance analog" means, except as 2148
provided in division (HH)(2) of this section, a substance to which 2149
both of the following apply: 2150

(a) The chemical structure of the substance is substantially 2151
similar to the structure of a controlled substance in schedule I 2152
or II. 2153

(b) One of the following applies regarding the substance: 2154

(i) The substance has a stimulant, depressant, or 2155
hallucinogenic effect on the central nervous system that is 2156
substantially similar to or greater than the stimulant, 2157
depressant, or hallucinogenic effect on the central nervous system 2158
of a controlled substance in schedule I or II. 2159

(ii) With respect to a particular person, that person 2160
represents or intends the substance to have a stimulant, 2161
depressant, or hallucinogenic effect on the central nervous system 2162
that is substantially similar to or greater than the stimulant, 2163
depressant, or hallucinogenic effect on the central nervous system 2164
of a controlled substance in schedule I or II. 2165

(2) "Controlled substance analog" does not include any of the 2166
following: 2167

(a) A controlled substance; 2168

(b) Any substance for which there is an approved new drug 2169
application; 2170

(c) With respect to a particular person, any substance if an 2171
exemption is in effect for investigational use for that person 2172
pursuant to federal law to the extent that conduct with respect to 2173
that substance is pursuant to that exemption; 2174

(d) Any substance to the extent it is not intended for human 2175

consumption before the exemption described in division (HH)(2)(b) 2176
of this section takes effect with respect to that substance. 2177

Sec. 3719.013. A controlled substance analog, to the extent 2178
intended for human consumption, shall be treated for purposes of 2179
any provision of the Revised Code as a controlled substance in 2180
schedule I. 2181

Sec. 3719.41. Controlled substance schedules I, II, III, IV, 2182
and V are hereby established, which schedules include the 2183
following, subject to amendment pursuant to section 3719.43 or 2184
3719.44 of the Revised Code. 2185

SCHEDULE I 2186

(A) Narcotics-opiates 2187

Any of the following opiates, including their isomers, 2188
esters, ethers, salts, and salts of isomers, esters, and ethers, 2189
unless specifically excepted under federal drug abuse control 2190
laws, whenever the existence of these isomers, esters, ethers, and 2191
salts is possible within the specific chemical designation: 2192

(1) Acetyl-alpha-methylfentanyl 2193

(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); 2194

(2) Acetylmethadol; 2195

(3) Allylprodine; 2196

(4) Alphacetylmethadol (except levo-alphacetylmethadol, also 2197
known as levo-alpha-acetylmethadol, levomethadyl acetate, or 2198
LAAM); 2199

(5) Alphameprodine; 2200

(6) Alphamethadol; 2201

(7) Alpha-methylfentanyl 2202

(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 2203

1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	2204
(8) Alpha-methylthiofentanyl	2205
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	2206
phenylpropanamide);	2207
(9) Benzethidine;	2208
(10) Betacetylmethadol;	2209
(11) Beta-hydroxyfentanyl	2210
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	2211
(12) Beta-hydroxy-3-methylfentanyl (other name:	2212
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	2213
phenylpropanamide);	2214
(13) Betameprodine;	2215
(14) Betamethadol;	2216
(15) Betaprodine;	2217
(16) Clonitazene;	2218
(17) Dextromoramide;	2219
(18) Diampromide;	2220
(19) Diethylthiambutene;	2221
(20) Difenoazin;	2222
(21) Dimenoxadol;	2223
(22) Dimepheptanol;	2224
(23) Dimethylthiambutene;	2225
(24) Dioxaphetyl butyrate;	2226
(25) Dipipanone;	2227
(26) Ethylmethylthiambutene;	2228
(27) Etonitazene;	2229
(28) Etoxadine;	2230

(29) Furethidine;	2231
(30) Hydroxypethidine;	2232
(31) Ketobemidone;	2233
(32) Levomoramide;	2234
(33) Levophenacylmorphan;	2235
(34) 3-methylfentanyl	2236
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	2237
(35) 3-methylthiofentanyl	2238
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-	2239
phenylpropanamide);	2240
(36) Morpheridine;	2241
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	2242
(38) Noracymethadol;	2243
(39) Norlevorphanol;	2244
(40) Normethadone;	2245
(41) Norpipanone;	2246
(42) Para-fluorofentanyl	2247
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	2248
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	2249
(44) Phenadoxone;	2250
(45) Phenampromide;	2251
(46) Phenomorphan;	2252
(47) Phenoperidine;	2253
(48) Piritramide;	2254
(49) Proheptazine;	2255
(50) Properidine;	2256

(51) Propiram;	2257
(52) Racemoramide;	2258
(53) Thiofentanyl	2259
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide;	2260
(54) Tilidine;	2261
(55) Trimeperidine.	2262
(B) Narcotics-opium derivatives	2263
Any of the following opium derivatives, including their	2264
salts, isomers, and salts of isomers, unless specifically excepted	2265
under federal drug abuse control laws, whenever the existence of	2266
these salts, isomers, and salts of isomers is possible within the	2267
specific chemical designation:	2268
(1) Acetorphine;	2269
(2) Acetyldihydrocodeine;	2270
(3) Benzylmorphine;	2271
(4) Codeine methylbromide;	2272
(5) Codeine-n-oxide;	2273
(6) Cyprenorphine;	2274
(7) Desomorphine;	2275
(8) Dihydromorphine;	2276
(9) Drotebanol;	2277
(10) Etorphine (except hydrochloride salt);	2278
(11) Heroin;	2279
(12) Hydromorphanol;	2280
(13) Methyldesorphine;	2281
(14) Methyldihydromorphine;	2282
(15) Morphine methylbromide;	2283

(16) Morphine methylsulfonate;	2284
(17) Morphine-n-oxide;	2285
(18) Myrophine;	2286
(19) Nicocodeine;	2287
(20) Nicomorphine;	2288
(21) Normorphine;	2289
(22) Pholcodine;	2290
(23) Thebacon.	2291
(C) Hallucinogens	2292
Any material, compound, mixture, or preparation that contains	2293
any quantity of the following hallucinogenic substances, including	2294
their salts, isomers, and salts of isomers, unless specifically	2295
excepted under federal drug abuse control laws, whenever the	2296
existence of these salts, isomers, and salts of isomers is	2297
possible within the specific chemical designation. For the	2298
purposes of this division only, "isomer" includes the optical	2299
isomers, position isomers, and geometric isomers.	2300
(1) Alpha-ethyltryptamine (some trade or other names:	2301
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine;	2302
3-(2-aminobutyl) indole; alpha-ET; and AET);	2303
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	2304
names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;	2305
4-bromo-2,5-DMA);	2306
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other	2307
names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	2308
alpha-desmethyl DOB; 2C-B, Nexus);	2309
(4) 2,5-dimethoxyamphetamine (some trade or other names:	2310
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	2311
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other	2312

names: DOET);	2313
(6) 4-methoxyamphetamine (some trade or other names:	2314
4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;	2315
PMA);	2316
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	2317
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other	2318
names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"	2319
and "STP");	2320
(9) 3,4-methylenedioxy amphetamine;	2321
(10) 3,4-methylenedioxymethamphetamine (MDMA);	2322
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as	2323
N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl	2324
MDA, MDE, MDEA);	2325
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as	2326
N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and	2327
N-hydroxy MDA);	2328
(13) 3,4,5-trimethoxy amphetamine;	2329
(14) Bufotenine (some trade or other names:	2330
3-(beta-dimethylaminoethyl)-5-hydroxyindole;	2331
3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin;	2332
5-hydroxy-N, N-dimethyltryptamine; mappine);	2333
(15) Diethyltryptamine (some trade or other names: N,	2334
N-diethyltryptamine; DET);	2335
(16) Dimethyltryptamine (some trade or other names: DMT);	2336
(17) Ibogaine (some trade or other names:	2337
7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-	2338
5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	2339
(18) Lysergic acid diethylamide;	2340
(19) Marihuana;	2341

(20) Mescaline;	2342
(21) Parahexyl (some trade or other names: 3-hexyl-1-	2343
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;	2344
synhexyl);	2345
(22) Peyote (meaning all parts of the plant presently	2346
classified botanically as "Lophophora williamsii Lemaire," whether	2347
growing or not, the seeds of that plant, any extract from any part	2348
of that plant, and every compound, manufacture, salts, derivative,	2349
mixture, or preparation of that plant, its seeds, or its	2350
extracts);	2351
(23) N-ethyl-3-piperidyl benzilate;	2352
(24) N-methyl-3-piperidyl benzilate;	2353
(25) Psilocybin;	2354
(26) Psilocyn;	2355
(27) Tetrahydrocannabinols (synthetic equivalents of the	2356
substances contained in the plant, or in the resinous extractives	2357
of Cannabis, sp. and/or synthetic substances, derivatives, and	2358
their isomers with similar chemical structure and pharmacological	2359
activity such as the following: delta-1-cis or trans	2360
tetrahydrocannabinol, and their optical isomers; delta-6-cis or	2361
trans tetrahydrocannabinol, and their optical isomers;	2362
delta-3,4-cis or trans tetrahydrocannabinol, and its optical	2363
isomers. (Since nomenclature of these substances is not	2364
internationally standardized, compounds of these structures,	2365
regardless of numerical designation of atomic positions, are	2366
covered.));	2367
(28) Ethylamine analog of phencyclidine (some trade or other	2368
names: N-ethyl-1-phenylcyclohexylamine;	2369
(1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	2370
cyclohexamine; PCE);	2371

(29) Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	2372 2373
(30) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);	2374 2375 2376
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	2377
(32) Hashish;	2378
(33) Salvia divinorum;	2379
(34) Salvinorin A;	2380
<u>(35) 1-Pentyl-3-(1-naphthoyl)indole (some trade or other names: JWH-018);</u>	2381 2382
<u>(36) 1-Butyl-3-(1-naphthoyl)indole (some trade or other names: JWH-073);</u>	2383 2384
<u>(37) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (some trade or other names: JWH-200);</u>	2385 2386
(38) <u>5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: CP-47,497);</u>	2387 2388 2389
(39) <u>5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue);</u>	2390 2391 2392 2393
<u>(40) Methydone (3,4-methylenedioxy methcathinone);</u>	2394
<u>(41) MDPV (3,4-methylenedioxy pyrovalerone);</u>	2395
<u>(42) Mephedrone (4-methylmethcathinone);</u>	2396
<u>(43) 4-methoxymethcathinone;</u>	2397
<u>(44) 4-fluoromethcathinone;</u>	2398
<u>(45) 3-fluoromethcathinone.</u>	2399

(D) Depressants	2400
Any material, compound, mixture, or preparation that contains	2401
any quantity of the following substances having a depressant	2402
effect on the central nervous system, including their salts,	2403
isomers, and salts of isomers, unless specifically excepted under	2404
federal drug abuse control laws, whenever the existence of these	2405
salts, isomers, and salts of isomers is possible within the	2406
specific chemical designation:	2407
(1) Mecloqualone;	2408
(2) Methaqualone.	2409
(E) Stimulants	2410
Unless specifically excepted or unless listed in another	2411
schedule, any material, compound, mixture, or preparation that	2412
contains any quantity of the following substances having a	2413
stimulant effect on the central nervous system, including their	2414
salts, isomers, and salts of isomers:	2415
(1) Aminorex (some other names: aminoxaphen;	2416
2-amino-5-phenyl-2-oxazoline; or	2417
4,5-dihydro-5-phenyl-2-oxazolamine);	2418
(2) Cathinone (some trade or other names:	2419
2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,	2420
2-aminopropiophenone, and norephedrone);	2421
(3) Fenethylline;	2422
(4) Methcathinone (some other names:	2423
2-(methylamino)-propiofenone; alpha-(methylamino)propiofenone;	2424
2-methylamino)-1-phenylpropan-1-one;	2425
alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone;	2426
N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and	2427
UR1432, its salts, optical isomers, and salts of optical isomers;	2428
(5) (+/-)-cis-4-methylaminorex	2429

((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);	2430
(6) N-ethylamphetamine;	2431
(7) N,N-dimethylamphetamine (also known as	2432
N,N-alpha-trimethyl-benzeneethanamine;	2433
N,N-alpha-trimethylphenethylamine).	2434
SCHEDULE II	2435
(A) Narcotics-opium and opium derivatives	2436
Unless specifically excepted under federal drug abuse control	2437
laws or unless listed in another schedule, any of the following	2438
substances whether produced directly or indirectly by extraction	2439
from substances of vegetable origin, independently by means of	2440
chemical synthesis, or by a combination of extraction and chemical	2441
synthesis:	2442
(1) Opium and opiate, and any salt, compound, derivative, or	2443
preparation of opium or opiate, excluding apomorphine,	2444
thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene,	2445
naloxone, and naltrexone, and their respective salts, but	2446
including the following:	2447
(a) Raw opium;	2448
(b) Opium extracts;	2449
(c) Opium fluid extracts;	2450
(d) Powdered opium;	2451
(e) Granulated opium;	2452
(f) Tincture of opium;	2453
(g) Codeine;	2454
(h) Ethylmorphine;	2455
(i) Etorphine hydrochloride;	2456
(j) Hydrocodone;	2457

(k) Hydromorphone;	2458
(l) Metopon;	2459
(m) Morphine;	2460
(n) Oxycodone;	2461
(o) Oxymorphone;	2462
(p) Thebaine.	2463
(2) Any salt, compound, derivative, or preparation thereof	2464
that is chemically equivalent to or identical with any of the	2465
substances referred to in division (A)(1) of this schedule, except	2466
that these substances shall not include the isoquinoline alkaloids	2467
of opium;	2468
(3) Opium poppy and poppy straw;	2469
(4) Coca leaves and any salt, compound, derivative, or	2470
preparation of coca leaves (including cocaine and ecgonine, their	2471
salts, isomers, and derivatives, and salts of those isomers and	2472
derivatives), and any salt, compound, derivative, or preparation	2473
thereof that is chemically equivalent to or identical with any of	2474
these substances, except that the substances shall not include	2475
decocainized coca leaves or extraction of coca leaves, which	2476
extractions do not contain cocaine or ecgonine;	2477
(5) Concentrate of poppy straw (the crude extract of poppy	2478
straw in either liquid, solid, or powder form that contains the	2479
phenanthrene alkaloids of the opium poppy).	2480
(B) Narcotics-opiates	2481
Unless specifically excepted under federal drug abuse control	2482
laws or unless listed in another schedule, any of the following	2483
opiates, including their isomers, esters, ethers, salts, and salts	2484
of isomers, esters, and ethers, whenever the existence of these	2485
isomers, esters, ethers, and salts is possible within the specific	2486
chemical designation, but excluding dextrorphan and	2487

levopropoxyphene:	2488
(1) Alfentanil;	2489
(2) Alphaprodine;	2490
(3) Anileridine;	2491
(4) Bezitramide;	2492
(5) Bulk dextropropoxyphene (non-dosage forms);	2493
(6) Carfentanil;	2494
(7) Dihydrocodeine;	2495
(8) Diphenoxylate;	2496
(9) Fentanyl;	2497
(10) Isomethadone;	2498
(11) Levo-alpha-acetylmethadol (some other names: levo-alpha-acetylmethadol; levomethadyl acetate; LAAM);	2499 2500
(12) Levomethorphan;	2501
(13) Levorphanol;	2502
(14) Metazocine;	2503
(15) Methadone;	2504
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;	2505 2506
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	2507 2508
(18) Pethidine (meperidine);	2509
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;	2510 2511
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;	2512 2513
(21) Pethidine-intermediate-C,	2514

1-methyl-4-phenylpiperidine-4-carboxylic acid;	2515
(22) Phenazocine;	2516
(23) Piminodine;	2517
(24) Racemethorphan;	2518
(25) Racemorphan;	2519
(26) Remifentanil;	2520
(27) Sufentanil.	2521
(C) Stimulants	2522
Unless specifically excepted under federal drug abuse control	2523
laws or unless listed in another schedule, any material, compound,	2524
mixture, or preparation that contains any quantity of the	2525
following substances having a stimulant effect on the central	2526
nervous system:	2527
(1) Amphetamine, its salts, its optical isomers, and salts of	2528
its optical isomers;	2529
(2) Methamphetamine, its salts, its isomers, and salts of its	2530
isomers;	2531
(3) Methylphenidate;	2532
(4) Phenmetrazine and its salts.	2533
(D) Depressants	2534
Unless specifically excepted under federal drug abuse control	2535
laws or unless listed in another schedule, any material, compound,	2536
mixture, or preparation that contains any quantity of the	2537
following substances having a depressant effect on the central	2538
nervous system, including their salts, isomers, and salts of	2539
isomers, whenever the existence of these salts, isomers, and salts	2540
of isomers is possible within the specific chemical designation:	2541
(1) Amobarbital;	2542

(2) Gamma-hydroxy-butyrate;	2543
(3) Glutethimide;	2544
(4) Pentobarbital;	2545
(5) Phencyclidine (some trade or other names:	2546
1-(1-phenylcyclohexyl)piperidine; PCP);	2547
(6) Secobarbital;	2548
(7) 1-aminophenylcyclohexane and all N-mono-substituted	2549
and/or all N-N-disubstituted analogs including, but not limited	2550
to, the following:	2551
(a) 1-phenylcyclohexylamine;	2552
(b) (1-phenylcyclohexyl) methylamine;	2553
(c) (1-phenylcyclohexyl) dimethylamine;	2554
(d) (1-phenylcyclohexyl) methylethylamine;	2555
(e) (1-phenylcyclohexyl) isopropylamine;	2556
(f) 1-(1-phenylcyclohexyl) morpholine.	2557
(E) Hallucinogenic substances	2558
(1) Nabilone (another name for nabilone:	2559
(+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-	2560
hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	2561
(F) Immediate precursors	2562
Unless specifically excepted under federal drug abuse control	2563
laws or unless listed in another schedule, any material, compound,	2564
mixture, or preparation that contains any quantity of the	2565
following substances:	2566
(1) Immediate precursor to amphetamine and methamphetamine:	2567
(a) Phenylacetone (some trade or other names:	2568
phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl	2569
ketone);	2570

(2) Immediate precursors to phencyclidine (PCP):	2571
(a) 1-phenylcyclohexylamine;	2572
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	2573
SCHEDULE III	2574
(A) Stimulants	2575
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, their optical isomers, position isomers, or geometric isomers, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	2576 2577 2578 2579 2580 2581 2582 2583
(1) All stimulant compounds, mixtures, and preparations included in schedule III pursuant to the federal drug abuse control laws and regulations adopted under those laws;	2584 2585 2586
(2) Benzphetamine;	2587
(3) Chlorphentermine;	2588
(4) Clortermine;	2589
(5) Phendimetrazine.	2590
(B) Depressants	2591
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:	2592 2593 2594 2595 2596
(1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs, and one or more other active medicinal ingredients	2597 2598 2599

that are not listed in any schedule;	2600
(2) Any suppository dosage form containing amobarbital,	2601
secobarbital, pentobarbital, or any salt of any of these drugs and	2602
approved by the food and drug administration for marketing only as	2603
a suppository;	2604
(3) Any substance that contains any quantity of a derivative	2605
of barbituric acid or any salt of a derivative of barbituric acid;	2606
(4) Chlorhexadol;	2607
(5) Ketamine, its salts, isomers, and salts of isomers (some	2608
other names for ketamine:	2609
(+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);	2610
(6) Lysergic acid;	2611
(7) Lysergic acid amide;	2612
(8) Methyprylon;	2613
(9) Sulfondiethylmethane;	2614
(10) Sulfonethylmethane;	2615
(11) Sulfonmethane;	2616
(12) Tiletamine, zolazepam, or any salt of tiletamine or	2617
zolazepam (some trade or other names for a tiletamine-zolazepam	2618
combination product: Telazol); (some trade or other names for	2619
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some	2620
trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-	2621
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one;	2622
flupyrzapon).	2623
(C) Narcotic antidotes	2624
(1) Nalorphine.	2625
(D) Narcotics-narcotic preparations	2626
Unless specifically excepted under federal drug abuse control	2627

laws or unless listed in another schedule, any material, compound, 2628
mixture, or preparation that contains any of the following 2629
narcotic drugs, or their salts calculated as the free anhydrous 2630
base or alkaloid, in limited quantities as set forth below: 2631

(1) Not more than 1.8 grams of codeine per 100 milliliters or 2632
not more than 90 milligrams per dosage unit, with an equal or 2633
greater quantity of an isoquinoline alkaloid of opium; 2634

(2) Not more than 1.8 grams of codeine per 100 milliliters or 2635
not more than 90 milligrams per dosage unit, with one or more 2636
active, nonnarcotic ingredients in recognized therapeutic amounts; 2637

(3) Not more than 300 milligrams of dihydrocodeinone per 100 2638
milliliters or not more than 15 milligrams per dosage unit, with a 2639
fourfold or greater quantity of an isoquinoline alkaloid of opium; 2640

(4) Not more than 300 milligrams of dihydrocodeinone per 100 2641
milliliters or not more than 15 milligrams per dosage unit, with 2642
one or more active, nonnarcotic ingredients in recognized 2643
therapeutic amounts; 2644

(5) Not more than 1.8 grams of dihydrocodeine per 100 2645
milliliters or not more than 90 milligrams per dosage unit, with 2646
one or more active, nonnarcotic ingredients in recognized 2647
therapeutic amounts; 2648

(6) Not more than 300 milligrams of ethylmorphine per 100 2649
milliliters or not more than 15 milligrams per dosage unit, with 2650
one or more active, nonnarcotic ingredients in recognized 2651
therapeutic amounts; 2652

(7) Not more than 500 milligrams of opium per 100 milliliters 2653
or per 100 grams or not more than 25 milligrams per dosage unit, 2654
with one or more active, nonnarcotic ingredients in recognized 2655
therapeutic amounts; 2656

(8) Not more than 50 milligrams of morphine per 100 2657

milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts. 2658
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(E) Anabolic steroids 2660

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, esters, isomers, and salts of esters and isomers, whenever the existence of these salts, esters, and isomers is possible within the specific chemical designation: 2661
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(1) Anabolic steroids. Except as otherwise provided in division (E)(1) of schedule III, "anabolic steroids" means any drug or hormonal substance that is chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) and that promotes muscle growth. "Anabolic steroids" does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States secretary of health and human services for that administration, unless a person prescribes, dispenses, or distributes this type of anabolic steroid for human use. "Anabolic steroid" includes, but is not limited to, the following: 2668
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(a) Boldenone; 2680

(b) Chlorotestosterone (4-chlortestosterone); 2681

(c) Clostebol; 2682

(d) Dehydrochlormethyltestosterone; 2683

(e) Dihydrotestosterone (4-dihydrotestosterone); 2684

(f) Drostanolone; 2685

(g) Ethylestrenol; 2686

(h) Fluoxymesterone; 2687

(i) Formebolone (formebolone);	2688
(j) Mesterolone;	2689
(k) Methandienone;	2690
(l) Methandranone;	2691
(m) Methandriol;	2692
(n) Methandrostenolone;	2693
(o) Methenolone;	2694
(p) Methyltestosterone;	2695
(q) Mibolerone;	2696
(r) Nandrolone;	2697
(s) Norethandrolone;	2698
(t) Oxandrolone;	2699
(u) Oxymesterone;	2700
(v) Oxymetholone;	2701
(w) Stanolone;	2702
(x) Stanozolol;	2703
(y) Testolactone;	2704
(z) Testosterone;	2705
(aa) Trenbolone;	2706
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E)(1) of schedule III if the salt, ester, or isomer promotes muscle growth.	2707 2708 2709 2710
(F) Hallucinogenic substances	2711
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for	2712 2713 2714

dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 2715
6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or 2716
(-)-delta-9-(trans)-tetrahydrocannabinol). 2717

SCHEDULE IV 2718

(A) Narcotic drugs 2719

Unless specifically excepted by federal drug abuse control 2720
laws or unless listed in another schedule, any material, compound, 2721
mixture, or preparation that contains any of the following 2722
narcotic drugs, or their salts calculated as the free anhydrous 2723
base or alkaloid, in limited quantities as set forth below: 2724

(1) Not more than one milligram of difenoxin and not less 2725
than 25 micrograms of atropine sulfate per dosage unit; 2726

(2) Dextropropoxyphene 2727
(alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2- 2728
propionoxybutane)[final dosage forms]. 2729

(B) Depressants 2730

Unless specifically excepted under federal drug abuse control 2731
laws or unless listed in another schedule, any material, compound, 2732
mixture, or preparation that contains any quantity of the 2733
following substances, including their salts, isomers, and salts of 2734
isomers, whenever the existence of these salts, isomers, and salts 2735
of isomers is possible within the specific chemical designation: 2736

(1) Alprazolam; 2737

(2) Barbital; 2738

(3) Bromazepam; 2739

(4) Camazepam; 2740

(5) Chloral betaine; 2741

(6) Chloral hydrate; 2742

(7) Chlordiazepoxide; 2743

(8) Clobazam;	2744
(9) Clonazepam;	2745
(10) Clorazepate;	2746
(11) Clotiazepam;	2747
(12) Cloxazolam;	2748
(13) Delorazepam;	2749
(14) Diazepam;	2750
(15) Estazolam;	2751
(16) Ethchlorvynol;	2752
(17) Ethinamate;	2753
(18) Ethyl loflazepate;	2754
(19) Fludiazepam;	2755
(20) Flunitrazepam;	2756
(21) Flurazepam;	2757
(22) Halazepam;	2758
(23) Haloxazolam;	2759
(24) Ketazolam;	2760
(25) Loprazolam;	2761
(26) Lorazepam;	2762
(27) Lormetazepam;	2763
(28) Mebutamate;	2764
(29) Medazepam;	2765
(30) Meprobamate;	2766
(31) Methohexital;	2767
(32) Methylphenobarbital (mephobarbital);	2768

(33) Midazolam;	2769
(34) Nimetazepam;	2770
(35) Nitrazepam;	2771
(36) Nordiazepam;	2772
(37) Oxazepam;	2773
(38) Oxazolam;	2774
(39) Paraldehyde;	2775
(40) Petrichloral;	2776
(41) Phenobarbital;	2777
(42) Pinazepam;	2778
(43) Prazepam;	2779
(44) Quazepam;	2780
(45) Temazepam;	2781
(46) Tetrazepam;	2782
(47) Triazolam;	2783
(48) Zaleplon;	2784
(49) Zolpidem.	2785
(C) Fenfluramine	2786
Any material, compound, mixture, or preparation that contains	2787
any quantity of the following substances, including their salts,	2788
their optical isomers, position isomers, or geometric isomers, and	2789
salts of these isomers, whenever the existence of these salts,	2790
isomers, and salts of isomers is possible within the specific	2791
chemical designation:	2792
(1) Fenfluramine.	2793
(D) Stimulants	2794
Unless specifically excepted under federal drug abuse control	2795

(A) Narcotic drugs	2824
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:	2825 2826 2827 2828
(1) Buprenorphine.	2829
(B) Narcotics-narcotic preparations	2830
Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:	2831 2832 2833 2834 2835 2836 2837 2838
(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;	2839 2840
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;	2841 2842
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;	2843 2844
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfite per dosage unit;	2845 2846
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	2847 2848
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfite per dosage unit.	2849 2850
(C) Stimulants	2851
Unless specifically exempted or excluded under federal drug	2852

abuse control laws or unless listed in another schedule, any 2853
material, compound, mixture, or preparation that contains any 2854
quantity of the following substances having a stimulant effect on 2855
the central nervous system, including their salts, isomers, and 2856
salts of isomers: 2857

(1) Ephedrine, except as provided in division (K) of section 2858
3719.44 of the Revised Code; 2859

(2) Pyrovalerone. 2860

Section 2. That existing sections 149.43, 149.45, 2925.02, 2861
2925.03, 2925.11, 3719.01, and 3719.41 of the Revised Code are 2862
hereby repealed. 2863