

**As Introduced**

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

**S. B. No. 329**

**Senators Seitz, Burke**

**Cosponsor: Senator Tavares**

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**A B I L L**

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

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

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

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

(1) By force, threat, or deception, administer to another or 19

induce or cause another to use a controlled substance; 20

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

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

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

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

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

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

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

(B) Division (A)(1), (3), or (4) of this section does not 47  
apply to manufacturers, wholesalers, licensed health professionals 48  
authorized to prescribe drugs, pharmacists, owners of pharmacies, 49

and other persons whose conduct is in accordance with Chapters 50  
3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 51  
Code or section 5120.052 of the Revised Code. 52

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

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

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

(3) Except as otherwise provided in this division, if the 80  
drug involved is marihuana, corrupting another with drugs is a 81

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

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

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

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

(c) If a person is charged with any violation of this section 110  
that is a felony of the first, second, or third degree, posts 111  
bail, and forfeits the bail, the forfeited bail shall be paid by 112  
the clerk of the court pursuant to division (D)(1)(b) of this 113

section as if it were a fine imposed for a violation of this 114  
section. 115

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

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

(E) Notwithstanding the prison term otherwise authorized or 132  
required for the offense under division (C) of this section and 133  
sections 2929.13 and 2929.14 of the Revised Code, if the violation 134  
of division (A) of this section involves the sale, offer to sell, 135  
or possession of a schedule I or II controlled substance, with the 136  
exception of marihuana, and if the court imposing sentence upon 137  
the offender finds that the offender as a result of the violation 138  
is a major drug offender and is guilty of a specification of the 139  
type described in section 2941.1410 of the Revised Code, the 140  
court, in lieu of the prison term that otherwise is authorized or 141  
required, shall impose upon the offender the mandatory prison term 142  
specified in division (D)(3)(a) of section 2929.14 of the Revised 143  
Code and may impose an additional prison term under division 144  
(D)(3)(b) of that section. 145

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|---|-----|
| Sec. 2925.03. (A) No person shall knowingly do any of the           | 146 |
| following:  | 147 |
| (1) Sell or offer to sell a controlled substance;                   | 148 |
| (2) Prepare for shipment, ship, transport, deliver, prepare         | 149 |
| for distribution, or distribute a controlled substance, when the    | 150 |
| offender knows or has reasonable cause to believe that the          | 151 |
| controlled substance is intended for sale or resale by the          | 152 |
| offender or another person.   | 153 |
| (B) This section does not apply to any of the following:            | 154 |
| (1) Manufacturers, licensed health professionals authorized         | 155 |
| to prescribe drugs, pharmacists, owners of pharmacies, and other    | 156 |
| persons whose conduct is in accordance with Chapters 3719., 4715.,  | 157 |
| 4723., 4729., 4730., 4731., and 4741. of the Revised Code <u>or</u> | 158 |
| <u>section 5120.052 of the Revised Code;</u>                        | 159 |
| (2) If the offense involves an anabolic steroid, any person         | 160 |
| who is conducting or participating in a research project involving  | 161 |
| the use of an anabolic steroid if the project has been approved by  | 162 |
| the United States food and drug administration;                     | 163 |
| (3) Any person who sells, offers for sale, prescribes,              | 164 |
| dispenses, or administers for livestock or other nonhuman species   | 165 |
| an anabolic steroid that is expressly intended for administration   | 166 |
| through implants to livestock or other nonhuman species and         | 167 |
| approved for that purpose under the "Federal Food, Drug, and        | 168 |
| Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended,   | 169 |
| and is sold, offered for sale, prescribed, dispensed, or            | 170 |
| administered for that purpose in accordance with that act.          | 171 |
| (C) Whoever violates division (A) of this section is guilty         | 172 |
| of one of the following:  | 173 |
| (1) If the drug involved in the violation is any compound,          | 174 |
| mixture, preparation, or substance included in schedule I or        | 175 |

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

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

(b) Except as otherwise provided in division (C)(1)(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, aggravated  
trafficking in drugs 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.

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

(d) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds five times the bulk  
amount but is less than fifty times the bulk amount, aggravated  
trafficking in 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. If the amount

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

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

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

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

(a) Except as otherwise provided in division (C)(2)(b), (c), 235  
(d), or (e) of this section, trafficking in drugs is a felony of 236  
the fifth degree, and division (C) of section 2929.13 of the 237  
Revised Code applies in determining whether to impose a prison 238  
term on the offender. 239



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

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

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

(e) Except as otherwise provided in this division, if the 264  
amount of the drug involved equals or exceeds fifty times the bulk 265  
amount, trafficking in drugs is a felony of the second degree, and 266  
the court shall impose as a mandatory prison term one of the 267  
prison terms prescribed for a felony of the second degree. If the 268  
amount of the drug involved equals or exceeds fifty times the bulk 269  
amount and if the offense was committed in the vicinity of a 270  
school or in the vicinity of a juvenile, trafficking in drugs is a 271

felony of the first degree, and the court shall impose as a 272  
mandatory prison term one of the prison terms prescribed for a 273  
felony of the first degree. 274

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

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

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

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

(d) Except as otherwise provided in this division, if the 302

amount of the drug involved equals or exceeds one thousand grams 303  
but is less than five thousand grams, trafficking in marihuana is 304  
a felony of the third degree, and division (C) of section 2929.13 305  
of the Revised Code applies in determining whether to impose a 306  
prison term on the offender. If the amount of the drug involved is 307  
within that range and if the offense was committed in the vicinity 308  
of a school or in the vicinity of a juvenile, trafficking in 309  
marihuana is a felony of the second degree, and there is a 310  
presumption that a prison term shall be imposed for the offense. 311

(e) Except as otherwise provided in this division, if the 312  
amount of the drug involved equals or exceeds five thousand grams 313  
but is less than twenty thousand grams, trafficking in marihuana 314  
is a felony of the third degree, and there is a presumption that a 315  
prison term shall be imposed for the offense. If the amount of the 316  
drug involved is within that range and if the offense was 317  
committed in the vicinity of a school or in the vicinity of a 318  
juvenile, trafficking in marihuana is a felony of the second 319  
degree, and there is a presumption that a prison term shall be 320  
imposed for the offense. 321

(f) Except as otherwise provided in this division, if the 322  
amount of the drug involved equals or exceeds twenty thousand 323  
grams, trafficking in marihuana is a felony of the second degree, 324  
and the court shall impose as a mandatory prison term the maximum 325  
prison term prescribed for a felony of the second degree. If the 326  
amount of the drug involved equals or exceeds twenty thousand 327  
grams and if the offense was committed in the vicinity of a school 328  
or in the vicinity of a juvenile, trafficking in marihuana is a 329  
felony of the first degree, and the court shall impose as a 330  
mandatory prison term the maximum prison term prescribed for a 331  
felony of the first degree. 332

(g) Except as otherwise provided in this division, if the 333  
offense involves a gift of twenty grams or less of marihuana, 334

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

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

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

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

(c) Except as otherwise provided in this division, if the 357  
amount of the drug involved equals or exceeds five grams but is 358  
less than ten grams of cocaine that is not crack cocaine or equals 359  
or exceeds one gram but is less than five grams of crack cocaine, 360  
trafficking in cocaine is a felony of the fourth degree, and there 361  
is a presumption for a prison term for the offense. If the amount 362  
of the drug involved is within one of those ranges and if the 363  
offense was committed in the vicinity of a school or in the 364  
vicinity of a juvenile, trafficking in cocaine is a felony of the 365  
third degree, and there is a presumption for a prison term for the 366

offense. 367

(d) Except as otherwise provided in this division, if the 368  
amount of the drug involved equals or exceeds ten grams but is 369  
less than one hundred grams of cocaine that is not crack cocaine 370  
or equals or exceeds five grams but is less than ten grams of 371  
crack cocaine, trafficking in cocaine is a felony of the third 372  
degree, and the court shall impose as a mandatory prison term one 373  
of the prison terms prescribed for a felony of the third degree. 374  
If the amount of the drug involved is within one of those ranges 375  
and if the offense was committed in the vicinity of a school or in 376  
the vicinity of a juvenile, trafficking in cocaine is a felony of 377  
the second degree, and the court shall impose as a mandatory 378  
prison term one of the prison terms prescribed for a felony of the 379  
second degree. 380

(e) Except as otherwise provided in this division, if the 381  
amount of the drug involved equals or exceeds one hundred grams 382  
but is less than five hundred grams of cocaine that is not crack 383  
cocaine or equals or exceeds ten grams but is less than 384  
twenty-five grams of crack cocaine, trafficking in cocaine is a 385  
felony of the second degree, and the court shall impose as a 386  
mandatory prison term one of the prison terms prescribed for a 387  
felony of the second degree. If the amount of the drug involved is 388  
within one of those ranges and if the offense was committed in the 389  
vicinity of a school or in the vicinity of a juvenile, trafficking 390  
in cocaine is a felony of the first degree, and the court shall 391  
impose as a mandatory prison term one of the prison terms 392  
prescribed for a felony of the first degree. 393

(f) If the amount of the drug involved equals or exceeds five 394  
hundred grams but is less than one thousand grams of cocaine that 395  
is not crack cocaine or equals or exceeds twenty-five grams but is 396  
less than one hundred grams of crack cocaine and regardless of 397  
whether the offense was committed in the vicinity of a school or 398

in the vicinity of a juvenile, trafficking in cocaine is a felony 399  
of the first degree, and the court shall impose as a mandatory 400  
prison term one of the prison terms prescribed for a felony of the 401  
first degree. 402

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

presumption for a prison term for the offense. 526

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

division (G) of this section. 654

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

driver's license or permit. 1155

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Prescription; 1350

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

(3) Official written order; 1353

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

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

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

(1) A prescription; 1361

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

(3) An official written order; 1364

(4) A blank official written order; 1365

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

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

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

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

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

(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 4729.01.** As used in this chapter: 1599

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

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

(1) Interpreting prescriptions; 1609

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

(3) Compounding drugs; 1611

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) "Drug" means: 1665

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

(1) The proprietary name of the drug product;

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

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

(4) The dosage form;

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

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

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

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

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

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

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

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

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

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

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

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| subject to division (B)(2) of this section;   | 1822   |
| (f) Carriers or warehousemen for the purpose of carriage or storage;  | 1823<br>1824   |
| (g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;   | 1825<br>1826   |
| (h) An individual who holds a current license, certificate, or registration issued under Title 47 of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession; | 1827<br>1828<br>1829<br>1830<br>1831<br>1832<br>1833<br>1834<br>1835 |
| (i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the pharmacy board in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;  | 1836<br>1837<br>1838<br>1839<br>1840                                 |
| (j) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a licensed health professional authorized to prescribe drugs and is authorized to provide the professional services being offered by the entity;   | 1841<br>1842<br>1843<br>1844<br>1845<br>1846<br>1847<br>1848         |
| (k) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership or a limited liability partnership formed under   | 1849<br>1850<br>1851<br>1852   |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

(B) The director of rehabilitation and correction may 2064

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

(1) A physician; 2072

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

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

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

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

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

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

Sec. 5120.053. The director of rehabilitation and correction 2094

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

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

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

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