

As Introduced

**130th General Assembly
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H. B. No. 153

Representative Hagan, R.

Cosponsors: Representatives Foley, Ramos

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A B I L L

To amend sections 2925.02, 2925.03, 2925.04, 2925.11, 1
2925.14, and 3781.32 and to enact sections 2
2925.43, 2925.44, 2925.45, 2925.46, 3728.01, 3
3728.02, 3728.03, 3728.04, 3728.05, 3728.06, 4
3728.07, 3728.08, 3728.09, 3728.10, 3728.11, 5
3728.12, 3728.13, 3728.14, 3728.15, 3728.16, 6
3728.17, 3728.18, 3728.20, 3728.21, 3728.22, 7
3728.25, 3728.26, 3728.27, 3728.28, 3728.29, 8
3728.30, 3728.31, 3728.35, 3728.36, 3728.37, 9
3728.38, 3728.381, 3728.40, 3728.41, 3728.42, 10
3728.43, 3728.45, and 3728.99 of the Revised Code 11
regarding the medical use of cannabis. 12

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

Section 1. That sections 2925.02, 2925.03, 2925.04, 2925.11, 13
2925.14, and 3781.32 be amended and sections 2925.43, 2925.44, 14
2925.45, 2925.46, 3728.01, 3728.02, 3728.03, 3728.04, 3728.05, 15
3728.06, 3728.07, 3728.08, 3728.09, 3728.10, 3728.11, 3728.12, 16
3728.13, 3728.14, 3728.15, 3728.16, 3728.17, 3728.18, 3728.20, 17
3728.21, 3728.22, 3728.25, 3728.26, 3728.27, 3728.28, 3728.29, 18
3728.30, 3728.31, 3728.35, 3728.36, 3728.37, 3728.38, 3728.381, 19
3728.40, 3728.41, 3728.42, 3728.43, 3728.45, and 3728.99 of the 20

Revised Code be enacted to read as follows: 21

Sec. 2925.02. (A) No person shall knowingly do any of the 22
following: 23

(1) By force, threat, or deception, administer to another or 24
induce or cause another to use a controlled substance; 25

(2) By any means, administer or furnish to another or induce 26
or cause another to use a controlled substance with purpose to 27
cause serious physical harm to the other person, or with purpose 28
to cause the other person to become drug dependent; 29

(3) By any means, administer or furnish to another or induce 30
or cause another to use a controlled substance, and thereby cause 31
serious physical harm to the other person, or cause the other 32
person to become drug dependent; 33

(4) By any means, do any of the following: 34

(a) Furnish or administer a controlled substance to a 35
juvenile who is at least two years the offender's junior, when the 36
offender knows the age of the juvenile or is reckless in that 37
regard; 38

(b) Induce or cause a juvenile who is at least two years the 39
offender's junior to use a controlled substance, when the offender 40
knows the age of the juvenile or is reckless in that regard; 41

(c) Induce or cause a juvenile who is at least two years the 42
offender's junior to commit a felony drug abuse offense, when the 43
offender knows the age of the juvenile or is reckless in that 44
regard; 45

(d) Use a juvenile, whether or not the offender knows the age 46
of the juvenile, to perform any surveillance activity that is 47
intended to prevent the detection of the offender or any other 48
person in the commission of a felony drug abuse offense or to 49

prevent the arrest of the offender or any other person for the 50
commission of a felony drug abuse offense. 51

(B)(1) Division (A)(1), (3), or (4) of this section does not 52
apply to manufacturers, wholesalers, licensed health professionals 53
authorized to prescribe drugs, pharmacists, owners of pharmacies, 54
and other persons whose conduct is in accordance with Chapters 55
3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 56
Code. 57

(2) Division (A)(4)(a) of this section does not apply when a 58
cardholder, as defined in section 3728.01 of the Revised Code, 59
provides cannabis to another cardholder pursuant to section 60
3728.05 of the Revised Code. 61

(3) Division (A)(4)(b) of this section does not apply when a 62
practitioner, as defined in section 3728.01 of the Revised Code, 63
signs a written certification under section 3728.07 of the Revised 64
Code. 65

(C) Whoever violates this section is guilty of corrupting 66
another with drugs. The penalty for the offense shall be 67
determined as follows: 68

(1) Except as otherwise provided in this division, if the 69
drug involved is any compound, mixture, preparation, or substance 70
included in schedule I or II, with the exception of marihuana, 71
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 72
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 73
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 74
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 75
corrupting another with drugs is a felony of the second degree, 76
and, subject to division (E) of this section, the court shall 77
impose as a mandatory prison term one of the prison terms 78
prescribed for a felony of the second degree. If the drug involved 79
is any compound, mixture, preparation, or substance included in 80

schedule I or II, with the exception of marihuana, 81
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 82
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 83
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 84
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 85
if the offense was committed in the vicinity of a school, 86
corrupting another with drugs is a felony of the first degree, 87
and, subject to division (E) of this section, the court shall 88
impose as a mandatory prison term one of the prison terms 89
prescribed for a felony of the first degree. 90

(2) Except as otherwise provided in this division, if the 91
drug involved is any compound, mixture, preparation, or substance 92
included in schedule III, IV, or V, corrupting another with drugs 93
is a felony of the second degree, and there is a presumption for a 94
prison term for the offense. If the drug involved is any compound, 95
mixture, preparation, or substance included in schedule III, IV, 96
or V and if the offense was committed in the vicinity of a school, 97
corrupting another with drugs is a felony of the second degree, 98
and the court shall impose as a mandatory prison term one of the 99
prison terms prescribed for a felony of the second degree. 100

(3) Except as otherwise provided in this division, if the 101
drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 102
1-Butyl-3-(1-naphthoyl)indole, 103
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 104
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 105
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 106
corrupting another with drugs is a felony of the fourth degree, 107
and division (C) of section 2929.13 of the Revised Code applies in 108
determining whether to impose a prison term on the offender. If 109
the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 110
1-Butyl-3-(1-naphthoyl)indole, 111
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 112

5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 113
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 114
if the offense was committed in the vicinity of a school, 115
corrupting another with drugs is a felony of the third degree, and 116
division (C) of section 2929.13 of the Revised Code applies in 117
determining whether to impose a prison term on the offender. 118

(D) In addition to any prison term authorized or required by 119
division (C) or (E) of this section and sections 2929.13 and 120
2929.14 of the Revised Code and in addition to any other sanction 121
imposed for the offense under this section or sections 2929.11 to 122
2929.18 of the Revised Code, the court that sentences an offender 123
who is convicted of or pleads guilty to a violation of division 124
(A) of this section or the clerk of that court shall do all of the 125
following that are applicable regarding the offender: 126

(1)(a) If the violation is a felony of the first, second, or 127
third degree, the court shall impose upon the offender the 128
mandatory fine specified for the offense under division (B)(1) of 129
section 2929.18 of the Revised Code unless, as specified in that 130
division, the court determines that the offender is indigent. 131

(b) Notwithstanding any contrary provision of section 3719.21 132
of the Revised Code, any mandatory fine imposed pursuant to 133
division (D)(1)(a) of this section and any fine imposed for a 134
violation of this section pursuant to division (A) of section 135
2929.18 of the Revised Code shall be paid by the clerk of the 136
court in accordance with and subject to the requirements of, and 137
shall be used as specified in, division (F) of section 2925.03 of 138
the Revised Code. 139

(c) If a person is charged with any violation of this section 140
that is a felony of the first, second, or third degree, posts 141
bail, and forfeits the bail, the forfeited bail shall be paid by 142
the clerk of the court pursuant to division (D)(1)(b) of this 143
section as if it were a fine imposed for a violation of this 144

section. 145

(2) The court shall suspend for not less than six months nor 146
more than five years the offender's driver's or commercial 147
driver's license or permit. If an offender's driver's or 148
commercial driver's license or permit is suspended pursuant to 149
this division, the offender, at any time after the expiration of 150
two years from the day on which the offender's sentence was 151
imposed or from the day on which the offender finally was released 152
from a prison term under the sentence, whichever is later, may 153
file a motion with the sentencing court requesting termination of 154
the suspension. Upon the filing of the motion and the court's 155
finding of good cause for the termination, the court may terminate 156
the suspension. 157

(3) If the offender is a professionally licensed person, in 158
addition to any other sanction imposed for a violation of this 159
section, the court immediately shall comply with section 2925.38 160
of the Revised Code. 161

(E) Notwithstanding the prison term otherwise authorized or 162
required for the offense under division (C) of this section and 163
sections 2929.13 and 2929.14 of the Revised Code, if the violation 164
of division (A) of this section involves the sale, offer to sell, 165
or possession of a schedule I or II controlled substance, with the 166
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 167
1-Butyl-3-(1-naphthoyl)indole, 168
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 169
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 170
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 171
if the court imposing sentence upon the offender finds that the 172
offender as a result of the violation is a major drug offender and 173
is guilty of a specification of the type described in section 174
2941.1410 of the Revised Code, the court, in lieu of the prison 175
term that otherwise is authorized or required, shall impose upon 176

the offender the mandatory prison term specified in division 177
(B)(3)(a) of section 2929.14 of the Revised Code. 178

Sec. 2925.03. (A) No person shall knowingly do any of the 179
following: 180

(1) Sell or offer to sell a controlled substance or a 181
controlled substance analog; 182

(2) Prepare for shipment, ship, transport, deliver, prepare 183
for distribution, or distribute a controlled substance or a 184
controlled substance analog, when the offender knows or has 185
reasonable cause to believe that the controlled substance or a 186
controlled substance analog is intended for sale or resale by the 187
offender or another person. 188

(B) This section does not apply to any of the following: 189

(1) Manufacturers, licensed health professionals authorized 190
to prescribe drugs, pharmacists, owners of pharmacies, and other 191
persons whose conduct is in accordance with Chapters 3719., 4715., 192
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 193

(2) If the offense involves an anabolic steroid, any person 194
who is conducting or participating in a research project involving 195
the use of an anabolic steroid if the project has been approved by 196
the United States food and drug administration; 197

(3) Any person who sells, offers for sale, prescribes, 198
dispenses, or administers for livestock or other nonhuman species 199
an anabolic steroid that is expressly intended for administration 200
through implants to livestock or other nonhuman species and 201
approved for that purpose under the "Federal Food, Drug, and 202
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 203
and is sold, offered for sale, prescribed, dispensed, or 204
administered for that purpose in accordance with that act; 205

(4) A cardholder, as defined in section 3728.01 of the 206

Revised Code, to the extent and under the circumstances described 207
in Chapter 3728. of the Revised Code. 208

(C) Whoever violates division (A) of this section is guilty 209
of one of the following: 210

(1) If the drug involved in the violation is any compound, 211
mixture, preparation, or substance included in schedule I or 212
schedule II, with the exception of marihuana, cocaine, L.S.D., 213
heroin, hashish, and controlled substance analogs, whoever 214
violates division (A) of this section is guilty of aggravated 215
trafficking in drugs. The penalty for the offense shall be 216
determined as follows: 217

(a) Except as otherwise provided in division (C)(1)(b), (c), 218
(d), (e), or (f) of this section, aggravated trafficking in drugs 219
is a felony of the fourth degree, and division (C) of section 220
2929.13 of the Revised Code applies in determining whether to 221
impose a prison term on the offender. 222

(b) Except as otherwise provided in division (C)(1)(c), (d), 223
(e), or (f) of this section, if the offense was committed in the 224
vicinity of a school or in the vicinity of a juvenile, aggravated 225
trafficking in drugs is a felony of the third degree, and division 226
(C) of section 2929.13 of the Revised Code applies in determining 227
whether to impose a prison term on the offender. 228

(c) Except as otherwise provided in this division, if the 229
amount of the drug involved equals or exceeds the bulk amount but 230
is less than five times the bulk amount, aggravated trafficking in 231
drugs is a felony of the third degree, and, except as otherwise 232
provided in this division, there is a presumption for a prison 233
term for the offense. If aggravated trafficking in drugs is a 234
felony of the third degree under this division and if the offender 235
two or more times previously has been convicted of or pleaded 236
guilty to a felony drug abuse offense, the court shall impose as a 237

mandatory prison term one of the prison terms prescribed for a 238
felony of the third degree. If the amount of the drug involved is 239
within that range and if the offense was committed in the vicinity 240
of a school or in the vicinity of a juvenile, aggravated 241
trafficking in drugs is a felony of the second degree, and the 242
court shall impose as a mandatory prison term one of the prison 243
terms prescribed for a felony of the second degree. 244

(d) Except as otherwise provided in this division, if the 245
amount of the drug involved equals or exceeds five times the bulk 246
amount but is less than fifty times the bulk amount, aggravated 247
trafficking in drugs is a felony of the second degree, and the 248
court shall impose as a mandatory prison term one of the prison 249
terms prescribed for a felony of the second degree. If the amount 250
of the drug involved is within that range and if the offense was 251
committed in the vicinity of a school or in the vicinity of a 252
juvenile, aggravated trafficking in drugs is a felony of the first 253
degree, and the court shall impose as a mandatory prison term one 254
of the prison terms prescribed for a felony of the first degree. 255

(e) If the amount of the drug involved equals or exceeds 256
fifty times the bulk amount but is less than one hundred times the 257
bulk amount and regardless of whether the offense was committed in 258
the vicinity of a school or in the vicinity of a juvenile, 259
aggravated trafficking in drugs is a felony of the first degree, 260
and the court shall impose as a mandatory prison term one of the 261
prison terms prescribed for a felony of the first degree. 262

(f) If the amount of the drug involved equals or exceeds one 263
hundred times the bulk amount and regardless of whether the 264
offense was committed in the vicinity of a school or in the 265
vicinity of a juvenile, aggravated trafficking in drugs is a 266
felony of the first degree, the offender is a major drug offender, 267
and the court shall impose as a mandatory prison term the maximum 268
prison term prescribed for a felony of the first degree. 269

(2) If the drug involved in the violation is any compound, 270
mixture, preparation, or substance included in schedule III, IV, 271
or V, whoever violates division (A) of this section is guilty of 272
trafficking in drugs. The penalty for the offense shall be 273
determined as follows: 274

(a) Except as otherwise provided in division (C)(2)(b), (c), 275
(d), or (e) of this section, trafficking in drugs is a felony of 276
the fifth degree, and division (B) of section 2929.13 of the 277
Revised Code applies in determining whether to impose a prison 278
term on the offender. 279

(b) Except as otherwise provided in division (C)(2)(c), (d), 280
or (e) of this section, if the offense was committed in the 281
vicinity of a school or in the vicinity of a juvenile, trafficking 282
in drugs is a felony of the fourth degree, and division (C) of 283
section 2929.13 of the Revised Code applies in determining whether 284
to impose a prison term on the offender. 285

(c) Except as otherwise provided in this division, if the 286
amount of the drug involved equals or exceeds the bulk amount but 287
is less than five times the bulk amount, trafficking in drugs is a 288
felony of the fourth degree, and division (B) of section 2929.13 289
of the Revised Code applies in determining whether to impose a 290
prison term for the offense. If the amount of the drug involved is 291
within that range and if the offense was committed in the vicinity 292
of a school or in the vicinity of a juvenile, trafficking in drugs 293
is a felony of the third degree, and there is a presumption for a 294
prison term for the offense. 295

(d) Except as otherwise provided in this division, if the 296
amount of the drug involved equals or exceeds five times the bulk 297
amount but is less than fifty times the bulk amount, trafficking 298
in drugs is a felony of the third degree, and there is a 299
presumption for a prison term for the offense. If the amount of 300
the drug involved is within that range and if the offense was 301

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, 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 equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the 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.

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

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

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

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

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

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

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

amount of the drug involved equals or exceeds twenty thousand 365
grams but is less than forty thousand grams, trafficking in 366
marihuana is a felony of the second degree, and the court shall 367
impose a mandatory prison term of five, six, seven, or eight 368
years. If the amount of the drug involved is within that range and 369
if the offense was committed in the vicinity of a school or in the 370
vicinity of a juvenile, trafficking in marihuana is a felony of 371
the first degree, and the court shall impose as a mandatory prison 372
term the maximum prison term prescribed for a felony of the first 373
degree. 374

(g) Except as otherwise provided in this division, if the 375
amount of the drug involved equals or exceeds forty thousand 376
grams, trafficking in marihuana is a felony of the second degree, 377
and the court shall impose as a mandatory prison term the maximum 378
prison term prescribed for a felony of the second degree. If the 379
amount of the drug involved equals or exceeds forty thousand grams 380
and if the offense was committed in the vicinity of a school or in 381
the vicinity of a juvenile, trafficking in marihuana is a felony 382
of the first degree, and the court shall impose as a mandatory 383
prison term the maximum prison term prescribed for a felony of the 384
first degree. 385

(h) Except as otherwise provided in this division, if the 386
offense involves a gift of twenty grams or less of marihuana, 387
trafficking in marihuana is a minor misdemeanor upon a first 388
offense and a misdemeanor of the third degree upon a subsequent 389
offense. If the offense involves a gift of twenty grams or less of 390
marihuana and if the offense was committed in the vicinity of a 391
school or in the vicinity of a juvenile, trafficking in marihuana 392
is a misdemeanor of the third degree. 393

(4) If the drug involved in the violation is cocaine or a 394
compound, mixture, preparation, or substance containing cocaine, 395
whoever violates division (A) of this section is guilty of 396

trafficking in cocaine. The penalty for the offense shall be 397
determined as follows: 398

(a) Except as otherwise provided in division (C)(4)(b), (c), 399
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 400
felony of the fifth degree, and division (B) of section 2929.13 of 401
the Revised Code applies in determining whether to impose a prison 402
term on the offender. 403

(b) Except as otherwise provided in division (C)(4)(c), (d), 404
(e), (f), or (g) of this section, if the offense was committed in 405
the vicinity of a school or in the vicinity of a juvenile, 406
trafficking in cocaine is a felony of the fourth degree, and 407
division (C) of section 2929.13 of the Revised Code applies in 408
determining whether to impose a prison term on the offender. 409

(c) Except as otherwise provided in this division, if the 410
amount of the drug involved equals or exceeds five grams but is 411
less than ten grams of cocaine, trafficking in cocaine is a felony 412
of the fourth degree, and division (B) of section 2929.13 of the 413
Revised Code applies in determining whether to impose a prison 414
term for the offense. If the amount of the drug involved is within 415
that range and if the offense was committed in the vicinity of a 416
school or in the vicinity of a juvenile, trafficking in cocaine is 417
a felony of the third degree, and there is a presumption for a 418
prison term for the offense. 419

(d) Except as otherwise provided in this division, if the 420
amount of the drug involved equals or exceeds ten grams but is 421
less than twenty grams of cocaine, trafficking in cocaine is a 422
felony of the third degree, and, except as otherwise provided in 423
this division, there is a presumption for a prison term for the 424
offense. If trafficking in cocaine is a felony of the third degree 425
under this division and if the offender two or more times 426
previously has been convicted of or pleaded guilty to a felony 427
drug abuse offense, the court shall impose as a mandatory prison 428

term one of the prison terms prescribed for a felony of the third 429
degree. If the amount of the drug involved is within that range 430
and if the offense was committed in the vicinity of a school or in 431
the vicinity of a juvenile, trafficking in cocaine is a felony of 432
the second degree, and the court shall impose as a mandatory 433
prison term one of the prison terms prescribed for a felony of the 434
second degree. 435

(e) Except as otherwise provided in this division, if the 436
amount of the drug involved equals or exceeds twenty grams but is 437
less than twenty-seven grams of cocaine, trafficking in cocaine is 438
a felony of the second degree, and the court shall impose as a 439
mandatory prison term one of the prison terms prescribed for a 440
felony of the second degree. If the amount of the drug involved is 441
within that range and if the offense was committed in the vicinity 442
of a school or in the vicinity of a juvenile, trafficking in 443
cocaine is a felony of the first degree, and the court shall 444
impose as a mandatory prison term one of the prison terms 445
prescribed for a felony of the first degree. 446

(f) If the amount of the drug involved equals or exceeds 447
twenty-seven grams but is less than one hundred grams of cocaine 448
and regardless of whether the offense was committed in the 449
vicinity of a school or in the vicinity of a juvenile, trafficking 450
in cocaine is a felony of the first degree, and the court shall 451
impose as a mandatory prison term one of the prison terms 452
prescribed for a felony of the first degree. 453

(g) If the amount of the drug involved equals or exceeds one 454
hundred grams of cocaine and regardless of whether the offense was 455
committed in the vicinity of a school or in the vicinity of a 456
juvenile, trafficking in cocaine is a felony of the first degree, 457
the offender is a major drug offender, and the court shall impose 458
as a mandatory prison term the maximum prison term prescribed for 459
a felony of the first degree. 460

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

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

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds 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 division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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 493
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 494
distillate form, trafficking in L.S.D. is a felony of the third 495
degree, and, except as otherwise provided in this division, there 496
is a presumption for a prison term for the offense. If trafficking 497
in L.S.D. is a felony of the third degree under this division and 498
if the offender two or more times previously has been convicted of 499
or pleaded guilty to a felony drug abuse offense, the court shall 500
impose as a mandatory prison term one of the prison terms 501
prescribed for a felony of the third degree. If the amount of the 502
drug involved is within that range and if the offense was 503
committed in the vicinity of a school or in the vicinity of a 504
juvenile, trafficking in L.S.D. is a felony of the second degree, 505
and the court shall impose as a mandatory prison term one of the 506
prison terms prescribed for a felony of the second degree. 507

(e) Except as otherwise provided in this division, if the 508
amount of the drug involved equals or exceeds two hundred fifty 509
unit doses but is less than one thousand unit doses of L.S.D. in a 510
solid form or equals or exceeds twenty-five grams but is less than 511
one hundred grams of L.S.D. in a liquid concentrate, liquid 512
extract, or liquid distillate form, trafficking in L.S.D. is a 513
felony of the second degree, and the court shall impose as a 514
mandatory prison term one of the prison terms prescribed for a 515
felony of the second degree. If the amount of the drug involved is 516
within that range and if the offense was committed in the vicinity 517
of a school or in the vicinity of a juvenile, trafficking in 518
L.S.D. is a felony of the first degree, and the court shall impose 519
as a mandatory prison term one of the prison terms prescribed for 520
a felony of the first degree. 521

(f) If the amount of the drug involved equals or exceeds one 522
thousand unit doses but is less than five thousand unit doses of 523
L.S.D. in a solid form or equals or exceeds one hundred grams but 524

is less than five hundred grams of L.S.D. in a liquid concentrate, 525
liquid extract, or liquid distillate form and regardless of 526
whether the offense was committed in the vicinity of a school or 527
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 528
of the first degree, and the court shall impose as a mandatory 529
prison term one of the prison terms prescribed for a felony of the 530
first degree. 531

(g) If the amount of the drug involved equals or exceeds five 532
thousand unit doses of L.S.D. in a solid form or equals or exceeds 533
five hundred grams of L.S.D. in a liquid concentrate, liquid 534
extract, or liquid distillate form and regardless of whether the 535
offense was committed in the vicinity of a school or in the 536
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 537
first degree, the offender is a major drug offender, and the court 538
shall impose as a mandatory prison term the maximum prison term 539
prescribed for a felony of the first degree. 540

(6) If the drug involved in the violation is heroin or a 541
compound, mixture, preparation, or substance containing heroin, 542
whoever violates division (A) of this section is guilty of 543
trafficking in heroin. The penalty for the offense shall be 544
determined as follows: 545

(a) Except as otherwise provided in division (C)(6)(b), (c), 546
(d), (e), (f), or (g) of this section, trafficking in heroin is a 547
felony of the fifth degree, and division (B) of section 2929.13 of 548
the Revised Code applies in determining whether to impose a prison 549
term on the offender. 550

(b) Except as otherwise provided in division (C)(6)(c), (d), 551
(e), (f), or (g) of this section, if the offense was committed in 552
the vicinity of a school or in the vicinity of a juvenile, 553
trafficking in heroin is a felony of the fourth degree, and 554
division (C) of section 2929.13 of the Revised Code applies in 555
determining whether to impose a prison term on the offender. 556

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

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

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

prison terms prescribed for a felony of the first degree. 589

(f) If the amount of the drug involved equals or exceeds five 590
hundred unit doses but is less than two thousand five hundred unit 591
doses or equals or exceeds fifty grams but is less than two 592
hundred fifty grams and regardless of whether the offense was 593
committed in the vicinity of a school or in the vicinity of a 594
juvenile, trafficking in heroin is a felony of the first degree, 595
and the court shall impose as a mandatory prison term one of the 596
prison terms prescribed for a felony of the first degree. 597

(g) If the amount of the drug involved equals or exceeds two 598
thousand five hundred unit doses or equals or exceeds two hundred 599
fifty grams and regardless of whether the offense was committed in 600
the vicinity of a school or in the vicinity of a juvenile, 601
trafficking in heroin is a felony of the first degree, the 602
offender is a major drug offender, and the court shall impose as a 603
mandatory prison term the maximum prison term prescribed for a 604
felony of the first degree. 605

(7) If the drug involved in the violation is hashish or a 606
compound, mixture, preparation, or substance containing hashish, 607
whoever violates division (A) of this section is guilty of 608
trafficking in hashish. The penalty for the offense shall be 609
determined as follows: 610

(a) Except as otherwise provided in division (C)(7)(b), (c), 611
(d), (e), (f), or (g) of this section, trafficking in hashish is a 612
felony of the fifth degree, and division (B) of section 2929.13 of 613
the Revised Code applies in determining whether to impose a prison 614
term on the offender. 615

(b) Except as otherwise provided in division (C)(7)(c), (d), 616
(e), (f), or (g) of this section, if the offense was committed in 617
the vicinity of a school or in the vicinity of a juvenile, 618
trafficking in hashish is a felony of the fourth degree, and 619

division (B) of section 2929.13 of the Revised Code applies in 620
determining whether to impose a prison term on the offender. 621

(c) Except as otherwise provided in this division, if the 622
amount of the drug involved equals or exceeds ten grams but is 623
less than fifty grams of hashish in a solid form or equals or 624
exceeds two grams but is less than ten grams of hashish in a 625
liquid concentrate, liquid extract, or liquid distillate form, 626
trafficking in hashish is a felony of the fourth degree, and 627
division (B) of section 2929.13 of the Revised Code applies in 628
determining whether to impose a prison term on the offender. If 629
the amount of the drug involved is within that range and if the 630
offense was committed in the vicinity of a school or in the 631
vicinity of a juvenile, trafficking in hashish is a felony of the 632
third degree, and division (C) of section 2929.13 of the Revised 633
Code applies in determining whether to impose a prison term on the 634
offender. 635

(d) Except as otherwise provided in this division, if the 636
amount of the drug involved equals or exceeds fifty grams but is 637
less than two hundred fifty grams of hashish in a solid form or 638
equals or exceeds ten grams but is less than fifty grams of 639
hashish in a liquid concentrate, liquid extract, or liquid 640
distillate form, trafficking in hashish is a felony of the third 641
degree, and division (C) of section 2929.13 of the Revised Code 642
applies in determining whether to impose a prison term on the 643
offender. If the amount of the drug involved is within that range 644
and if the offense was committed in the vicinity of a school or in 645
the vicinity of a juvenile, trafficking in hashish is a felony of 646
the second degree, and there is a presumption that a prison term 647
shall be imposed for the offense. 648

(e) Except as otherwise provided in this division, if the 649
amount of the drug involved equals or exceeds two hundred fifty 650
grams but is less than one thousand grams of hashish in a solid 651

form or equals or exceeds fifty grams but is less than two hundred 652
grams of hashish in a liquid concentrate, liquid extract, or 653
liquid distillate form, trafficking in hashish is a felony of the 654
third degree, and there is a presumption that a prison term shall 655
be imposed for the offense. If the amount of the drug involved is 656
within that range and if the offense was committed in the vicinity 657
of a school or in the vicinity of a juvenile, trafficking in 658
hashish is a felony of the second degree, and there is a 659
presumption that a prison term shall be imposed for the offense. 660

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

(g) Except as otherwise provided in this division, if the 674
amount of the drug involved equals or exceeds two thousand grams 675
of hashish in a solid form or equals or exceeds four hundred grams 676
of hashish in a liquid concentrate, liquid extract, or liquid 677
distillate form, trafficking in hashish is a felony of the second 678
degree, and the court shall impose as a mandatory prison term the 679
maximum prison term prescribed for a felony of the second degree. 680
If the amount of the drug involved equals or exceeds two thousand 681
grams of hashish in a solid form or equals or exceeds four hundred 682
grams of hashish in a liquid concentrate, liquid extract, or 683

liquid distillate form and if the offense was committed in the 684
vicinity of a school or in the vicinity of a juvenile, trafficking 685
in hashish is a felony of the first degree, and the court shall 686
impose as a mandatory prison term the maximum prison term 687
prescribed for a felony of the first degree. 688

(8) If the drug involved in the violation is a controlled 689
substance analog or compound, mixture, preparation, or substance 690
that contains a controlled substance analog, whoever violates 691
division (A) of this section is guilty of trafficking in a 692
controlled substance analog. The penalty for the offense shall be 693
determined as follows: 694

(a) Except as otherwise provided in division (C)(8)(b), (c), 695
(d), (e), (f), or (g) of this section, trafficking in a controlled 696
substance analog is a felony of the fifth degree, and division (C) 697
of section 2929.13 of the Revised Code applies in determining 698
whether to impose a prison term on the offender. 699

(b) Except as otherwise provided in division (C)(8)(c), (d), 700
(e), (f), or (g) of this section, if the offense was committed in 701
the vicinity of a school or in the vicinity of a juvenile, 702
trafficking in a controlled substance analog is a felony of the 703
fourth degree, and division (C) of section 2929.13 of the Revised 704
Code applies in determining whether to impose a prison term on the 705
offender. 706

(c) Except as otherwise provided in this division, if the 707
amount of the drug involved equals or exceeds ten grams but is 708
less than twenty grams, trafficking in a controlled substance 709
analog is a felony of the fourth degree, and division (B) of 710
section 2929.13 of the Revised Code applies in determining whether 711
to impose a prison term for the offense. If the amount of the drug 712
involved is within that range and if the offense was committed in 713
the vicinity of a school or in the vicinity of a juvenile, 714
trafficking in a controlled substance analog is a felony of the 715

third degree, and there is a presumption for a prison term for the offense. 716
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(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense. 718
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(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog 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. 728
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(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog 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. 740
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(g) If the amount of the drug involved equals or exceeds 747

fifty grams and regardless of whether the offense was committed in 748
the vicinity of a school or in the vicinity of a juvenile, 749
trafficking in a controlled substance analog is a felony of the 750
first degree, the offender is a major drug offender, and the court 751
shall impose as a mandatory prison term the maximum prison term 752
prescribed for a felony of the first degree. 753

(D) In addition to any prison term authorized or required by 754
division (C) of this section and sections 2929.13 and 2929.14 of 755
the Revised Code, and in addition to any other sanction imposed 756
for the offense under this section or sections 2929.11 to 2929.18 757
of the Revised Code, the court that sentences an offender who is 758
convicted of or pleads guilty to a violation of division (A) of 759
this section shall do all of the following that are applicable 760
regarding the offender: 761

(1) If the violation of division (A) of this section is a 762
felony of the first, second, or third degree, the court shall 763
impose upon the offender the mandatory fine specified for the 764
offense under division (B)(1) of section 2929.18 of the Revised 765
Code unless, as specified in that division, the court determines 766
that the offender is indigent. Except as otherwise provided in 767
division (H)(1) of this section, a mandatory fine or any other 768
fine imposed for a violation of this section is subject to 769
division (F) of this section. If a person is charged with a 770
violation of this section that is a felony of the first, second, 771
or third degree, posts bail, and forfeits the bail, the clerk of 772
the court shall pay the forfeited bail pursuant to divisions 773
(D)(1) and (F) of this section, as if the forfeited bail was a 774
fine imposed for a violation of this section. If any amount of the 775
forfeited bail remains after that payment and if a fine is imposed 776
under division (H)(1) of this section, the clerk of the court 777
shall pay the remaining amount of the forfeited bail pursuant to 778
divisions (H)(2) and (3) of this section, as if that remaining 779

amount was a fine imposed under division (H)(1) of this section. 780

(2) The court shall suspend the driver's or commercial 781
driver's license or permit of the offender in accordance with 782
division (G) of this section. 783

(3) If the offender is a professionally licensed person, the 784
court immediately shall comply with section 2925.38 of the Revised 785
Code. 786

(E) When a person is charged with the sale of or offer to 787
sell a bulk amount or a multiple of a bulk amount of a controlled 788
substance, the jury, or the court trying the accused, shall 789
determine the amount of the controlled substance involved at the 790
time of the offense and, if a guilty verdict is returned, shall 791
return the findings as part of the verdict. In any such case, it 792
is unnecessary to find and return the exact amount of the 793
controlled substance involved, and it is sufficient if the finding 794
and return is to the effect that the amount of the controlled 795
substance involved is the requisite amount, or that the amount of 796
the controlled substance involved is less than the requisite 797
amount. 798

(F)(1) Notwithstanding any contrary provision of section 799
3719.21 of the Revised Code and except as provided in division (H) 800
of this section, the clerk of the court shall pay any mandatory 801
fine imposed pursuant to division (D)(1) of this section and any 802
fine other than a mandatory fine that is imposed for a violation 803
of this section pursuant to division (A) or (B)(5) of section 804
2929.18 of the Revised Code to the county, township, municipal 805
corporation, park district, as created pursuant to section 511.18 806
or 1545.04 of the Revised Code, or state law enforcement agencies 807
in this state that primarily were responsible for or involved in 808
making the arrest of, and in prosecuting, the offender. However, 809
the clerk shall not pay a mandatory fine so imposed to a law 810
enforcement agency unless the agency has adopted a written 811

internal control policy under division (F)(2) of this section that 812
addresses the use of the fine moneys that it receives. Each agency 813
shall use the mandatory fines so paid to subsidize the agency's 814
law enforcement efforts that pertain to drug offenses, in 815
accordance with the written internal control policy adopted by the 816
recipient agency under division (F)(2) of this section. 817

(2)(a) Prior to receiving any fine moneys under division 818
(F)(1) of this section or division (B) of section 2925.42 of the 819
Revised Code, a law enforcement agency shall adopt a written 820
internal control policy that addresses the agency's use and 821
disposition of all fine moneys so received and that provides for 822
the keeping of detailed financial records of the receipts of those 823
fine moneys, the general types of expenditures made out of those 824
fine moneys, and the specific amount of each general type of 825
expenditure. The policy shall not provide for or permit the 826
identification of any specific expenditure that is made in an 827
ongoing investigation. All financial records of the receipts of 828
those fine moneys, the general types of expenditures made out of 829
those fine moneys, and the specific amount of each general type of 830
expenditure by an agency are public records open for inspection 831
under section 149.43 of the Revised Code. Additionally, a written 832
internal control policy adopted under this division is such a 833
public record, and the agency that adopted it shall comply with 834
it. 835

(b) Each law enforcement agency that receives in any calendar 836
year any fine moneys under division (F)(1) of this section or 837
division (B) of section 2925.42 of the Revised Code shall prepare 838
a report covering the calendar year that cumulates all of the 839
information contained in all of the public financial records kept 840
by the agency pursuant to division (F)(2)(a) of this section for 841
that calendar year, and shall send a copy of the cumulative 842
report, no later than the first day of March in the calendar year 843

following the calendar year covered by the report, to the attorney 844
general. Each report received by the attorney general is a public 845
record open for inspection under section 149.43 of the Revised 846
Code. Not later than the fifteenth day of April in the calendar 847
year in which the reports are received, the attorney general shall 848
send to the president of the senate and the speaker of the house 849
of representatives a written notification that does all of the 850
following: 851

(i) Indicates that the attorney general has received from law 852
enforcement agencies reports of the type described in this 853
division that cover the previous calendar year and indicates that 854
the reports were received under this division; 855

(ii) Indicates that the reports are open for inspection under 856
section 149.43 of the Revised Code; 857

(iii) Indicates that the attorney general will provide a copy 858
of any or all of the reports to the president of the senate or the 859
speaker of the house of representatives upon request. 860

(3) As used in division (F) of this section: 861

(a) "Law enforcement agencies" includes, but is not limited 862
to, the state board of pharmacy and the office of a prosecutor. 863

(b) "Prosecutor" has the same meaning as in section 2935.01 864
of the Revised Code. 865

(G) When required under division (D)(2) of this section or 866
any other provision of this chapter, the court shall suspend for 867
not less than six months or more than five years the driver's or 868
commercial driver's license or permit of any person who is 869
convicted of or pleads guilty to any violation of this section or 870
any other specified provision of this chapter. If an offender's 871
driver's or commercial driver's license or permit is suspended 872
pursuant to this division, the offender, at any time after the 873
expiration of two years from the day on which the offender's 874

sentence was imposed or from the day on which the offender finally 875
was released from a prison term under the sentence, whichever is 876
later, may file a motion with the sentencing court requesting 877
termination of the suspension; upon the filing of such a motion 878
and the court's finding of good cause for the termination, the 879
court may terminate the suspension. 880

(H)(1) In addition to any prison term authorized or required 881
by division (C) of this section and sections 2929.13 and 2929.14 882
of the Revised Code, in addition to any other penalty or sanction 883
imposed for the offense under this section or sections 2929.11 to 884
2929.18 of the Revised Code, and in addition to the forfeiture of 885
property in connection with the offense as prescribed in Chapter 886
2981. of the Revised Code, the court that sentences an offender 887
who is convicted of or pleads guilty to a violation of division 888
(A) of this section may impose upon the offender an additional 889
fine specified for the offense in division (B)(4) of section 890
2929.18 of the Revised Code. A fine imposed under division (H)(1) 891
of this section is not subject to division (F) of this section and 892
shall be used solely for the support of one or more eligible 893
alcohol and drug addiction programs in accordance with divisions 894
(H)(2) and (3) of this section. 895

(2) The court that imposes a fine under division (H)(1) of 896
this section shall specify in the judgment that imposes the fine 897
one or more eligible alcohol and drug addiction programs for the 898
support of which the fine money is to be used. No alcohol and drug 899
addiction program shall receive or use money paid or collected in 900
satisfaction of a fine imposed under division (H)(1) of this 901
section unless the program is specified in the judgment that 902
imposes the fine. No alcohol and drug addiction program shall be 903
specified in the judgment unless the program is an eligible 904
alcohol and drug addiction program and, except as otherwise 905
provided in division (H)(2) of this section, unless the program is 906

located in the county in which the court that imposes the fine is 907
located or in a county that is immediately contiguous to the 908
county in which that court is located. If no eligible alcohol and 909
drug addiction program is located in any of those counties, the 910
judgment may specify an eligible alcohol and drug addiction 911
program that is located anywhere within this state. 912

(3) Notwithstanding any contrary provision of section 3719.21 913
of the Revised Code, the clerk of the court shall pay any fine 914
imposed under division (H)(1) of this section to the eligible 915
alcohol and drug addiction program specified pursuant to division 916
(H)(2) of this section in the judgment. The eligible alcohol and 917
drug addiction program that receives the fine moneys shall use the 918
moneys only for the alcohol and drug addiction services identified 919
in the application for certification under section 3793.06 of the 920
Revised Code or in the application for a license under section 921
3793.11 of the Revised Code filed with the department of alcohol 922
and drug addiction services by the alcohol and drug addiction 923
program specified in the judgment. 924

(4) Each alcohol and drug addiction program that receives in 925
a calendar year any fine moneys under division (H)(3) of this 926
section shall file an annual report covering that calendar year 927
with the court of common pleas and the board of county 928
commissioners of the county in which the program is located, with 929
the court of common pleas and the board of county commissioners of 930
each county from which the program received the moneys if that 931
county is different from the county in which the program is 932
located, and with the attorney general. The alcohol and drug 933
addiction program shall file the report no later than the first 934
day of March in the calendar year following the calendar year in 935
which the program received the fine moneys. The report shall 936
include statistics on the number of persons served by the alcohol 937
and drug addiction program, identify the types of alcohol and drug 938

addiction services provided to those persons, and include a 939
specific accounting of the purposes for which the fine moneys 940
received were used. No information contained in the report shall 941
identify, or enable a person to determine the identity of, any 942
person served by the alcohol and drug addiction program. Each 943
report received by a court of common pleas, a board of county 944
commissioners, or the attorney general is a public record open for 945
inspection under section 149.43 of the Revised Code. 946

(5) As used in divisions (H)(1) to (5) of this section: 947

(a) "Alcohol and drug addiction program" and "alcohol and 948
drug addiction services" have the same meanings as in section 949
3793.01 of the Revised Code. 950

(b) "Eligible alcohol and drug addiction program" means an 951
alcohol and drug addiction program that is certified under section 952
3793.06 of the Revised Code or licensed under section 3793.11 of 953
the Revised Code by the department of alcohol and drug addiction 954
services. 955

(I) As used in this section, "drug" includes any substance 956
that is represented to be a drug. 957

(J) It is an affirmative defense to a charge of trafficking 958
in a controlled substance analog under division (C)(8) of this 959
section that the person charged with violating that offense sold 960
or offered to sell, or prepared for shipment, shipped, 961
transported, delivered, prepared for distribution, or distributed 962
an item described in division (HH)(2)(a), (b), or (c) of section 963
3719.01 of the Revised Code. 964

Sec. 2925.04. (A) No person shall knowingly cultivate 965
marihuana or knowingly manufacture or otherwise engage in any part 966
of the production of a controlled substance. 967

(B) This section does not apply to any person listed in 968

division (B)(1), (2), ~~or (3)~~, or (4) of section 2925.03 of the Revised Code to the extent and under the circumstances described in those divisions.

(C)(1) Whoever commits a violation of division (A) of this section that involves any drug other than marihuana is guilty of illegal manufacture of drugs, and whoever commits a violation of division (A) of this section that involves marihuana is guilty of illegal cultivation of marihuana.

(2) Except as otherwise provided in this division, if the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or marihuana, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or marihuana, and if the offense was committed in the vicinity of a juvenile or in the vicinity of a school, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation of division (A) of this section is methamphetamine, the penalty for the violation shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b) of this section, if the drug involved in the violation is methamphetamine, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the

court shall impose a mandatory prison term on the offender 1000
determined in accordance with this division. Except as otherwise 1001
provided in this division, the court shall impose as a mandatory 1002
prison term one of the prison terms prescribed for a felony of the 1003
second degree that is not less than three years. If the offender 1004
previously has been convicted of or pleaded guilty to a violation 1005
of division (A) of this section, a violation of division (B)(6) of 1006
section 2919.22 of the Revised Code, or a violation of division 1007
(A) of section 2925.041 of the Revised Code, the court shall 1008
impose as a mandatory prison term one of the prison terms 1009
prescribed for a felony of the second degree that is not less than 1010
five years. 1011

(b) If the drug involved in the violation is methamphetamine 1012
and if the offense was committed in the vicinity of a juvenile, in 1013
the vicinity of a school, or on public premises, illegal 1014
manufacture of drugs is a felony of the first degree, and, subject 1015
to division (E) of this section, the court shall impose a 1016
mandatory prison term on the offender determined in accordance 1017
with this division. Except as otherwise provided in this division, 1018
the court shall impose as a mandatory prison term one of the 1019
prison terms prescribed for a felony of the first degree that is 1020
not less than four years. If the offender previously has been 1021
convicted of or pleaded guilty to a violation of division (A) of 1022
this section, a violation of division (B)(6) of section 2919.22 of 1023
the Revised Code, or a violation of division (A) of section 1024
2925.041 of the Revised Code, the court shall impose as a 1025
mandatory prison term one of the prison terms prescribed for a 1026
felony of the first degree that is not less than five years. 1027

(4) If the drug involved in the violation of division (A) of 1028
this section is any compound, mixture, preparation, or substance 1029
included in schedule III, IV, or V, illegal manufacture of drugs 1030
is a felony of the third degree or, if the offense was committed 1031

in the vicinity of a school or in the vicinity of a juvenile, a 1032
felony of the second degree, and there is a presumption for a 1033
prison term for the offense. 1034

(5) If the drug involved in the violation is marihuana, the 1035
penalty for the offense shall be determined as follows: 1036

(a) Except as otherwise provided in division (C)(5)(b), (c), 1037
(d), (e), or (f) of this section, illegal cultivation of marihuana 1038
is a minor misdemeanor or, if the offense was committed in the 1039
vicinity of a school or in the vicinity of a juvenile, a 1040
misdemeanor of the fourth degree. 1041

(b) If the amount of marihuana involved equals or exceeds one 1042
hundred grams but is less than two hundred grams, illegal 1043
cultivation of marihuana is a misdemeanor of the fourth degree or, 1044
if the offense was committed in the vicinity of a school or in the 1045
vicinity of a juvenile, a misdemeanor of the third degree. 1046

(c) If the amount of marihuana involved equals or exceeds two 1047
hundred grams but is less than one thousand grams, illegal 1048
cultivation of marihuana is a felony of the fifth degree or, if 1049
the offense was committed in the vicinity of a school or in the 1050
vicinity of a juvenile, a felony of the fourth degree, and 1051
division (B) of section 2929.13 of the Revised Code applies in 1052
determining whether to impose a prison term on the offender. 1053

(d) If the amount of marihuana involved equals or exceeds one 1054
thousand grams but is less than five thousand grams, illegal 1055
cultivation of marihuana is a felony of the third degree or, if 1056
the offense was committed in the vicinity of a school or in the 1057
vicinity of a juvenile, a felony of the second degree, and 1058
division (C) of section 2929.13 of the Revised Code applies in 1059
determining whether to impose a prison term on the offender. 1060

(e) If the amount of marihuana involved equals or exceeds 1061
five thousand grams but is less than twenty thousand grams, 1062

illegal cultivation of marihuana is a felony of the third degree 1063
or, if the offense was committed in the vicinity of a school or in 1064
the vicinity of a juvenile, a felony of the second degree, and 1065
there is a presumption for a prison term for the offense. 1066

(f) Except as otherwise provided in this division, if the 1067
amount of marihuana involved equals or exceeds twenty thousand 1068
grams, illegal cultivation of marihuana is a felony of the second 1069
degree, and the court shall impose as a mandatory prison term the 1070
maximum prison term prescribed for a felony of the second degree. 1071
If the amount of the drug involved equals or exceeds twenty 1072
thousand grams and if the offense was committed in the vicinity of 1073
a school or in the vicinity of a juvenile, illegal cultivation of 1074
marihuana is a felony of the first degree, and the court shall 1075
impose as a mandatory prison term the maximum prison term 1076
prescribed for a felony of the first degree. 1077

(D) In addition to any prison term authorized or required by 1078
division (C) or (E) of this section and sections 2929.13 and 1079
2929.14 of the Revised Code and in addition to any other sanction 1080
imposed for the offense under this section or sections 2929.11 to 1081
2929.18 of the Revised Code, the court that sentences an offender 1082
who is convicted of or pleads guilty to a violation of division 1083
(A) of this section shall do all of the following that are 1084
applicable regarding the offender: 1085

(1) If the violation of division (A) of this section is a 1086
felony of the first, second, or third degree, the court shall 1087
impose upon the offender the mandatory fine specified for the 1088
offense under division (B)(1) of section 2929.18 of the Revised 1089
Code unless, as specified in that division, the court determines 1090
that the offender is indigent. The clerk of the court shall pay a 1091
mandatory fine or other fine imposed for a violation of this 1092
section pursuant to division (A) of section 2929.18 of the Revised 1093
Code in accordance with and subject to the requirements of 1094

division (F) of section 2925.03 of the Revised Code. The agency 1095
that receives the fine shall use the fine as specified in division 1096
(F) of section 2925.03 of the Revised Code. If a person is charged 1097
with a violation of this section that is a felony of the first, 1098
second, or third degree, posts bail, and forfeits the bail, the 1099
clerk shall pay the forfeited bail as if the forfeited bail were a 1100
fine imposed for a violation of this section. 1101

(2) The court shall suspend the offender's driver's or 1102
commercial driver's license or permit in accordance with division 1103
(G) of section 2925.03 of the Revised Code. If an offender's 1104
driver's or commercial driver's license or permit is suspended in 1105
accordance with that division, the offender may request 1106
termination of, and the court may terminate, the suspension in 1107
accordance with that division. 1108

(3) If the offender is a professionally licensed person, the 1109
court immediately shall comply with section 2925.38 of the Revised 1110
Code. 1111

(E) Notwithstanding the prison term otherwise authorized or 1112
required for the offense under division (C) of this section and 1113
sections 2929.13 and 2929.14 of the Revised Code, if the violation 1114
of division (A) of this section involves the sale, offer to sell, 1115
or possession of a schedule I or II controlled substance, with the 1116
exception of marihuana, and if the court imposing sentence upon 1117
the offender finds that the offender as a result of the violation 1118
is a major drug offender and is guilty of a specification of the 1119
type described in section 2941.1410 of the Revised Code, the 1120
court, in lieu of the prison term otherwise authorized or 1121
required, shall impose upon the offender the mandatory prison term 1122
specified in division (B)(3) of section 2929.14 of the Revised 1123
Code. 1124

(F) It is an affirmative defense, as provided in section 1125
2901.05 of the Revised Code, to a charge under this section for a 1126

fifth degree felony violation of illegal cultivation of marihuana 1127
that the marihuana that gave rise to the charge is in an amount, 1128
is in a form, is prepared, compounded, or mixed with substances 1129
that are not controlled substances in a manner, or is possessed or 1130
cultivated under any other circumstances that indicate that the 1131
marihuana was solely for personal use. 1132

Notwithstanding any contrary provision of division (F) of 1133
this section, if, in accordance with section 2901.05 of the 1134
Revised Code, a person who is charged with a violation of illegal 1135
cultivation of marihuana that is a felony of the fifth degree 1136
sustains the burden of going forward with evidence of and 1137
establishes by a preponderance of the evidence the affirmative 1138
defense described in this division, the person may be prosecuted 1139
for and may be convicted of or plead guilty to a misdemeanor 1140
violation of illegal cultivation of marihuana. 1141

(G) Arrest or conviction for a minor misdemeanor violation of 1142
this section does not constitute a criminal record and need not be 1143
reported by the person so arrested or convicted in response to any 1144
inquiries about the person's criminal record, including any 1145
inquiries contained in an application for employment, a license, 1146
or any other right or privilege or made in connection with the 1147
person's appearance as a witness. 1148

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 1149
or use a controlled substance or a controlled substance analog. 1150

(B) This section does not apply to any of the following: 1151

(1) Manufacturers, licensed health professionals authorized 1152
to prescribe drugs, pharmacists, owners of pharmacies, and other 1153
persons whose conduct was in accordance with Chapters 3719., 1154
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1155

(2) If the offense involves an anabolic steroid, any person 1156

who is conducting or participating in a research project involving 1157
the use of an anabolic steroid if the project has been approved by 1158
the United States food and drug administration; 1159

(3) Any person who sells, offers for sale, prescribes, 1160
dispenses, or administers for livestock or other nonhuman species 1161
an anabolic steroid that is expressly intended for administration 1162
through implants to livestock or other nonhuman species and 1163
approved for that purpose under the "Federal Food, Drug, and 1164
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1165
and is sold, offered for sale, prescribed, dispensed, or 1166
administered for that purpose in accordance with that act; 1167

(4) Any person who obtained the controlled substance pursuant 1168
to a lawful prescription issued by a licensed health professional 1169
authorized to prescribe drugs; 1170

(5) A cardholder, as defined in section 3728.01 of the 1171
Revised Code, to the extent and under the circumstances described 1172
in Chapter 3728. of the Revised Code. 1173

(C) Whoever violates division (A) of this section is guilty 1174
of one of the following: 1175

(1) If the drug involved in the violation is a compound, 1176
mixture, preparation, or substance included in schedule I or II, 1177
with the exception of marihuana, cocaine, L.S.D., heroin, hashish, 1178
and controlled substance analogs, whoever violates division (A) of 1179
this section is guilty of aggravated possession of drugs. The 1180
penalty for the offense shall be determined as follows: 1181

(a) Except as otherwise provided in division (C)(1)(b), (c), 1182
(d), or (e) of this section, aggravated possession of drugs is a 1183
felony of the fifth degree, and division (B) of section 2929.13 of 1184
the Revised Code applies in determining whether to impose a prison 1185
term on the offender. 1186

(b) If the amount of the drug involved equals or exceeds the 1187

bulk amount but is less than five times the bulk amount, 1188
aggravated possession of drugs is a felony of the third degree, 1189
and there is a presumption for a prison term for the offense. 1190

(c) If the amount of the drug involved equals or exceeds five 1191
times the bulk amount but is less than fifty times the bulk 1192
amount, aggravated possession of drugs is a felony of the second 1193
degree, and the court shall impose as a mandatory prison term one 1194
of the prison terms prescribed for a felony of the second degree. 1195

(d) If the amount of the drug involved equals or exceeds 1196
fifty times the bulk amount but is less than one hundred times the 1197
bulk amount, aggravated possession of drugs is a felony of the 1198
first degree, and the court shall impose as a mandatory prison 1199
term one of the prison terms prescribed for a felony of the first 1200
degree. 1201

(e) If the amount of the drug involved equals or exceeds one 1202
hundred times the bulk amount, aggravated possession of drugs is a 1203
felony of the first degree, the offender is a major drug offender, 1204
and the court shall impose as a mandatory prison term the maximum 1205
prison term prescribed for a felony of the first degree. 1206

(2) If the drug involved in the violation is a compound, 1207
mixture, preparation, or substance included in schedule III, IV, 1208
or V, whoever violates division (A) of this section is guilty of 1209
possession of drugs. The penalty for the offense shall be 1210
determined as follows: 1211

(a) Except as otherwise provided in division (C)(2)(b), (c), 1212
or (d) of this section, possession of drugs is a misdemeanor of 1213
the first degree or, if the offender previously has been convicted 1214
of a drug abuse offense, a felony of the fifth degree. 1215

(b) If the amount of the drug involved equals or exceeds the 1216
bulk amount but is less than five times the bulk amount, 1217
possession of drugs is a felony of the fourth degree, and division 1218

(C) of section 2929.13 of the Revised Code applies in determining 1219
whether to impose a prison term on the offender. 1220

(c) If the amount of the drug involved equals or exceeds five 1221
times the bulk amount but is less than fifty times the bulk 1222
amount, possession of drugs is a felony of the third degree, and 1223
there is a presumption for a prison term for the offense. 1224

(d) If the amount of the drug involved equals or exceeds 1225
fifty times the bulk amount, possession of drugs is a felony of 1226
the second degree, and the court shall impose upon the offender as 1227
a mandatory prison term one of the prison terms prescribed for a 1228
felony of the second degree. 1229

(3) If the drug involved in the violation is marihuana or a 1230
compound, mixture, preparation, or substance containing marihuana 1231
other than hashish, whoever violates division (A) of this section 1232
is guilty of possession of marihuana. The penalty for the offense 1233
shall be determined as follows: 1234

(a) Except as otherwise provided in division (C)(3)(b), (c), 1235
(d), (e), (f), or (g) of this section, possession of marihuana is 1236
a minor misdemeanor. 1237

(b) If the amount of the drug involved equals or exceeds one 1238
hundred grams but is less than two hundred grams, possession of 1239
marihuana is a misdemeanor of the fourth degree. 1240

(c) If the amount of the drug involved equals or exceeds two 1241
hundred grams but is less than one thousand grams, possession of 1242
marihuana is a felony of the fifth degree, and division (B) of 1243
section 2929.13 of the Revised Code applies in determining whether 1244
to impose a prison term on the offender. 1245

(d) If the amount of the drug involved equals or exceeds one 1246
thousand grams but is less than five thousand grams, possession of 1247
marihuana is a felony of the third degree, and division (C) of 1248
section 2929.13 of the Revised Code applies in determining whether 1249

to impose a prison term on the offender. 1250

(e) If the amount of the drug involved equals or exceeds five 1251
thousand grams but is less than twenty thousand grams, possession 1252
of marihuana is a felony of the third degree, and there is a 1253
presumption that a prison term shall be imposed for the offense. 1254

(f) If the amount of the drug involved equals or exceeds 1255
twenty thousand grams but is less than forty thousand grams, 1256
possession of marihuana is a felony of the second degree, and the 1257
court shall impose a mandatory prison term of five, six, seven, or 1258
eight years. 1259

(g) If the amount of the drug involved equals or exceeds 1260
forty thousand grams, possession of marihuana is a felony of the 1261
second degree, and the court shall impose as a mandatory prison 1262
term the maximum prison term prescribed for a felony of the second 1263
degree. 1264

(4) If the drug involved in the violation is cocaine or a 1265
compound, mixture, preparation, or substance containing cocaine, 1266
whoever violates division (A) of this section is guilty of 1267
possession of cocaine. The penalty for the offense shall be 1268
determined as follows: 1269

(a) Except as otherwise provided in division (C)(4)(b), (c), 1270
(d), (e), or (f) of this section, possession of cocaine is a 1271
felony of the fifth degree, and division (B) of section 2929.13 of 1272
the Revised Code applies in determining whether to impose a prison 1273
term on the offender. 1274

(b) If the amount of the drug involved equals or exceeds five 1275
grams but is less than ten grams of cocaine, possession of cocaine 1276
is a felony of the fourth degree, and division (B) of section 1277
2929.13 of the Revised Code applies in determining whether to 1278
impose a prison term on the offender. 1279

(c) If the amount of the drug involved equals or exceeds ten 1280

grams but is less than twenty grams of cocaine, possession of 1281
cocaine is a felony of the third degree, and, except as otherwise 1282
provided in this division, there is a presumption for a prison 1283
term for the offense. If possession of cocaine is a felony of the 1284
third degree under this division and if the offender two or more 1285
times previously has been convicted of or pleaded guilty to a 1286
felony drug abuse offense, the court shall impose as a mandatory 1287
prison term one of the prison terms prescribed for a felony of the 1288
third degree. 1289

(d) If the amount of the drug involved equals or exceeds 1290
twenty grams but is less than twenty-seven grams of cocaine, 1291
possession of cocaine is a felony of the second degree, and the 1292
court shall impose as a mandatory prison term one of the prison 1293
terms prescribed for a felony of the second degree. 1294

(e) If the amount of the drug involved equals or exceeds 1295
twenty-seven grams but is less than one hundred grams of cocaine, 1296
possession of cocaine is a felony of the first degree, and the 1297
court shall impose as a mandatory prison term one of the prison 1298
terms prescribed for a felony of the first degree. 1299

(f) If the amount of the drug involved equals or exceeds one 1300
hundred grams of cocaine, possession of cocaine is a felony of the 1301
first degree, the offender is a major drug offender, and the court 1302
shall impose as a mandatory prison term the maximum prison term 1303
prescribed for a felony of the first degree. 1304

(5) If the drug involved in the violation is L.S.D., whoever 1305
violates division (A) of this section is guilty of possession of 1306
L.S.D. The penalty for the offense shall be determined as follows: 1307

(a) Except as otherwise provided in division (C)(5)(b), (c), 1308
(d), (e), or (f) of this section, possession of L.S.D. is a felony 1309
of the fifth degree, and division (B) of section 2929.13 of the 1310
Revised Code applies in determining whether to impose a prison 1311

term on the offender. 1312

(b) If the amount of L.S.D. involved equals or exceeds ten 1313
unit doses but is less than fifty unit doses of L.S.D. in a solid 1314
form or equals or exceeds one gram but is less than five grams of 1315
L.S.D. in a liquid concentrate, liquid extract, or liquid 1316
distillate form, possession of L.S.D. is a felony of the fourth 1317
degree, and division (C) of section 2929.13 of the Revised Code 1318
applies in determining whether to impose a prison term on the 1319
offender. 1320

(c) If the amount of L.S.D. involved equals or exceeds fifty 1321
unit doses, but is less than two hundred fifty unit doses of 1322
L.S.D. in a solid form or equals or exceeds five grams but is less 1323
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 1324
extract, or liquid distillate form, possession of L.S.D. is a 1325
felony of the third degree, and there is a presumption for a 1326
prison term for the offense. 1327

(d) If the amount of L.S.D. involved equals or exceeds two 1328
hundred fifty unit doses but is less than one thousand unit doses 1329
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1330
but is less than one hundred grams of L.S.D. in a liquid 1331
concentrate, liquid extract, or liquid distillate form, possession 1332
of L.S.D. is a felony of the second degree, and the court shall 1333
impose as a mandatory prison term one of the prison terms 1334
prescribed for a felony of the second degree. 1335

(e) If the amount of L.S.D. involved equals or exceeds one 1336
thousand unit doses but is less than five thousand unit doses of 1337
L.S.D. in a solid form or equals or exceeds one hundred grams but 1338
is less than five hundred grams of L.S.D. in a liquid concentrate, 1339
liquid extract, or liquid distillate form, possession of L.S.D. is 1340
a felony of the first degree, and the court shall impose as a 1341
mandatory prison term one of the prison terms prescribed for a 1342
felony of the first degree. 1343

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

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

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

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

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

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams,

possession of heroin is a felony of the second degree, and the 1375
court shall impose as a mandatory prison term one of the prison 1376
terms prescribed for a felony of the second degree. 1377

(e) If the amount of the drug involved equals or exceeds five 1378
hundred unit doses but is less than two thousand five hundred unit 1379
doses or equals or exceeds fifty grams but is less than two 1380
hundred fifty grams, possession of heroin is a felony of the first 1381
degree, and the court shall impose as a mandatory prison term one 1382
of the prison terms prescribed for a felony of the first degree. 1383

(f) If the amount of the drug involved equals or exceeds two 1384
thousand five hundred unit doses or equals or exceeds two hundred 1385
fifty grams, possession of heroin is a felony of the first degree, 1386
the offender is a major drug offender, and the court shall impose 1387
as a mandatory prison term the maximum prison term prescribed for 1388
a felony of the first degree. 1389

(7) If the drug involved in the violation is hashish or a 1390
compound, mixture, preparation, or substance containing hashish, 1391
whoever violates division (A) of this section is guilty of 1392
possession of hashish. The penalty for the offense shall be 1393
determined as follows: 1394

(a) Except as otherwise provided in division (C)(7)(b), (c), 1395
(d), (e), (f), or (g) of this section, possession of hashish is a 1396
minor misdemeanor. 1397

(b) If the amount of the drug involved equals or exceeds five 1398
grams but is less than ten grams of hashish in a solid form or 1399
equals or exceeds one gram but is less than two grams of hashish 1400
in a liquid concentrate, liquid extract, or liquid distillate 1401
form, possession of hashish is a misdemeanor of the fourth degree. 1402

(c) If the amount of the drug involved equals or exceeds ten 1403
grams but is less than fifty grams of hashish in a solid form or 1404
equals or exceeds two grams but is less than ten grams of hashish 1405

in a liquid concentrate, liquid extract, or liquid distillate 1406
form, possession of hashish is a felony of the fifth degree, and 1407
division (B) of section 2929.13 of the Revised Code applies in 1408
determining whether to impose a prison term on the offender. 1409

(d) If the amount of the drug involved equals or exceeds 1410
fifty grams but is less than two hundred fifty grams of hashish in 1411
a solid form or equals or exceeds ten grams but is less than fifty 1412
grams of hashish in a liquid concentrate, liquid extract, or 1413
liquid distillate form, possession of hashish is a felony of the 1414
third degree, and division (C) of section 2929.13 of the Revised 1415
Code applies in determining whether to impose a prison term on the 1416
offender. 1417

(e) If the amount of the drug involved equals or exceeds two 1418
hundred fifty grams but is less than one thousand grams of hashish 1419
in a solid form or equals or exceeds fifty grams but is less than 1420
two hundred grams of hashish in a liquid concentrate, liquid 1421
extract, or liquid distillate form, possession of hashish is a 1422
felony of the third degree, and there is a presumption that a 1423
prison term shall be imposed for the offense. 1424

(f) If the amount of the drug involved equals or exceeds one 1425
thousand grams but is less than two thousand grams of hashish in a 1426
solid form or equals or exceeds two hundred grams but is less than 1427
four hundred grams of hashish in a liquid concentrate, liquid 1428
extract, or liquid distillate form, possession of hashish is a 1429
felony of the second degree, and the court shall impose a 1430
mandatory prison term of five, six, seven, or eight years. 1431

(g) If the amount of the drug involved equals or exceeds two 1432
thousand grams of hashish in a solid form or equals or exceeds 1433
four hundred grams of hashish in a liquid concentrate, liquid 1434
extract, or liquid distillate form, possession of hashish is a 1435
felony of the second degree, and the court shall impose as a 1436
mandatory prison term the maximum prison term prescribed for a 1437

felony of the second degree. 1438

(8) If the drug involved is a controlled substance analog or 1439
compound, mixture, preparation, or substance that contains a 1440
controlled substance analog, whoever violates division (A) of this 1441
section is guilty of possession of a controlled substance analog. 1442
The penalty for the offense shall be determined as follows: 1443

(a) Except as otherwise provided in division (C)(8)(b), (c), 1444
(d), (e), or (f) of this section, possession of a controlled 1445
substance analog is a felony of the fifth degree, and division (B) 1446
of section 2929.13 of the Revised Code applies in determining 1447
whether to impose a prison term on the offender. 1448

(b) If the amount of the drug involved equals or exceeds ten 1449
grams but is less than twenty grams, possession of a controlled 1450
substance analog is a felony of the fourth degree, and there is a 1451
presumption for a prison term for the offense. 1452

(c) If the amount of the drug involved equals or exceeds 1453
twenty grams but is less than thirty grams, possession of a 1454
controlled substance analog is a felony of the third degree, and 1455
there is a presumption for a prison term for the offense. 1456

(d) If the amount of the drug involved equals or exceeds 1457
thirty grams but is less than forty grams, possession of a 1458
controlled substance analog is a felony of the second degree, and 1459
the court shall impose as a mandatory prison term one of the 1460
prison terms prescribed for a felony of the second degree. 1461

(e) If the amount of the drug involved equals or exceeds 1462
forty grams but is less than fifty grams, possession of a 1463
controlled substance analog is a felony of the first degree, and 1464
the court shall impose as a mandatory prison term one of the 1465
prison terms prescribed for a felony of the first degree. 1466

(f) If the amount of the drug involved equals or exceeds 1467
fifty grams, possession of a controlled substance analog is a 1468

felony of the first degree, the offender is a major drug offender, 1469
and the court shall impose as a mandatory prison term the maximum 1470
prison term prescribed for a felony of the first degree. 1471

(D) Arrest or conviction for a minor misdemeanor violation of 1472
this section does not constitute a criminal record and need not be 1473
reported by the person so arrested or convicted in response to any 1474
inquiries about the person's criminal record, including any 1475
inquiries contained in any application for employment, license, or 1476
other right or privilege, or made in connection with the person's 1477
appearance as a witness. 1478

(E) In addition to any prison term or jail term authorized or 1479
required by division (C) of this section and sections 2929.13, 1480
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 1481
addition to any other sanction that is imposed for the offense 1482
under this section, sections 2929.11 to 2929.18, or sections 1483
2929.21 to 2929.28 of the Revised Code, the court that sentences 1484
an offender who is convicted of or pleads guilty to a violation of 1485
division (A) of this section shall do all of the following that 1486
are applicable regarding the offender: 1487

(1)(a) If the violation is a felony of the first, second, or 1488
third degree, the court shall impose upon the offender the 1489
mandatory fine specified for the offense under division (B)(1) of 1490
section 2929.18 of the Revised Code unless, as specified in that 1491
division, the court determines that the offender is indigent. 1492

(b) Notwithstanding any contrary provision of section 3719.21 1493
of the Revised Code, the clerk of the court shall pay a mandatory 1494
fine or other fine imposed for a violation of this section 1495
pursuant to division (A) of section 2929.18 of the Revised Code in 1496
accordance with and subject to the requirements of division (F) of 1497
section 2925.03 of the Revised Code. The agency that receives the 1498
fine shall use the fine as specified in division (F) of section 1499
2925.03 of the Revised Code. 1500

(c) If a person is charged with a violation of this section 1501
that is a felony of the first, second, or third degree, posts 1502
bail, and forfeits the bail, the clerk shall pay the forfeited 1503
bail pursuant to division (E)(1)(b) of this section as if it were 1504
a mandatory fine imposed under division (E)(1)(a) of this section. 1505

(2) The court shall suspend for not less than six months or 1506
more than five years the offender's driver's or commercial 1507
driver's license or permit. 1508

(3) If the offender is a professionally licensed person, in 1509
addition to any other sanction imposed for a violation of this 1510
section, the court immediately shall comply with section 2925.38 1511
of the Revised Code. 1512

(F) It is an affirmative defense, as provided in section 1513
2901.05 of the Revised Code, to a charge of a fourth degree felony 1514
violation under this section that the controlled substance that 1515
gave rise to the charge is in an amount, is in a form, is 1516
prepared, compounded, or mixed with substances that are not 1517
controlled substances in a manner, or is possessed under any other 1518
circumstances, that indicate that the substance was possessed 1519
solely for personal use. Notwithstanding any contrary provision of 1520
this section, if, in accordance with section 2901.05 of the 1521
Revised Code, an accused who is charged with a fourth degree 1522
felony violation of division (C)(2), (4), (5), or (6) of this 1523
section sustains the burden of going forward with evidence of and 1524
establishes by a preponderance of the evidence the affirmative 1525
defense described in this division, the accused may be prosecuted 1526
for and may plead guilty to or be convicted of a misdemeanor 1527
violation of division (C)(2) of this section or a fifth degree 1528
felony violation of division (C)(4), (5), or (6) of this section 1529
respectively. 1530

(G) When a person is charged with possessing a bulk amount or 1531
multiple of a bulk amount, division (E) of section 2925.03 of the 1532

Revised Code applies regarding the determination of the amount of 1533
the controlled substance involved at the time of the offense. 1534

(H) It is an affirmative defense to a charge of possession of 1535
a controlled substance analog under division (C)(8) of this 1536
section that the person charged with violating that offense 1537
obtained, possessed, or used an item described in division 1538
(HH)(2)(a), (b), or (c) of section 3719.01 of the Revised Code. 1539

Sec. 2925.14. (A) As used in this section, "drug 1540
paraphernalia" means any equipment, product, or material of any 1541
kind that is used by the offender, intended by the offender for 1542
use, or designed for use, in propagating, cultivating, growing, 1543
harvesting, manufacturing, compounding, converting, producing, 1544
processing, preparing, testing, analyzing, packaging, repackaging, 1545
storing, containing, concealing, injecting, ingesting, inhaling, 1546
or otherwise introducing into the human body, a controlled 1547
substance in violation of this chapter. "Drug paraphernalia" 1548
includes, but is not limited to, any of the following equipment, 1549
products, or materials that are used by the offender, intended by 1550
the offender for use, or designed by the offender for use, in any 1551
of the following manners: 1552

(1) A kit for propagating, cultivating, growing, or 1553
harvesting any species of a plant that is a controlled substance 1554
or from which a controlled substance can be derived; 1555

(2) A kit for manufacturing, compounding, converting, 1556
producing, processing, or preparing a controlled substance; 1557

(3) Any object, instrument, or device for manufacturing, 1558
compounding, converting, producing, processing, or preparing 1559
methamphetamine; 1560

(4) An isomerization device for increasing the potency of any 1561
species of a plant that is a controlled substance; 1562

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| (5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance; | 1563 1564 |
| (6) A scale or balance for weighing or measuring a controlled substance; | 1565 1566 |
| (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance; | 1567 1568 1569 |
| (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; | 1570 1571 |
| (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; | 1572 1573 |
| (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; | 1574 1575 |
| (11) A container or device for storing or concealing a controlled substance; | 1576 1577 |
| (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; | 1578 1579 |
| (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. | 1580 1581 1582 1583 1584 1585 1586 1587 1588 1589 1590 |
| (B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall | 1591 1592 |

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| consider, in addition to other relevant factors, the following: | 1593 |
| (1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; | 1594 1595 |
| (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; | 1596 1597 1598 |
| (3) The proximity of the equipment, product, or material to any controlled substance; | 1599 1600 |
| (4) The existence of any residue of a controlled substance on the equipment, product, or material; | 1601 1602 |
| (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 control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia. | 1603 1604 1605 1606 1607 1608 1609 1610 1611 1612 |
| (6) Any oral or written instruction provided with the equipment, product, or material concerning its use; | 1613 1614 |
| (7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use; | 1615 1616 |
| (8) National or local advertising concerning the use of the equipment, product, or material; | 1617 1618 |
| (9) The manner and circumstances in which the equipment, product, or material is displayed for sale; | 1619 1620 |
| (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of | 1621 1622 |

the business enterprise; 1623

(11) The existence and scope of legitimate uses of the 1624
equipment, product, or material in the community; 1625

(12) Expert testimony concerning the use of the equipment, 1626
product, or material. 1627

(C)(1) Subject to division (D)(2) of this section, no person 1628
shall knowingly use, or possess with purpose to use, drug 1629
paraphernalia. 1630

(2) No person shall knowingly sell, or possess or manufacture 1631
with purpose to sell, drug paraphernalia, if the person knows or 1632
reasonably should know that the equipment, product, or material 1633
will be used as drug paraphernalia. 1634

(3) No person shall place an advertisement in any newspaper, 1635
magazine, handbill, or other publication that is published and 1636
printed and circulates primarily within this state, if the person 1637
knows that the purpose of the advertisement is to promote the 1638
illegal sale in this state of the equipment, product, or material 1639
that the offender intended or designed for use as drug 1640
paraphernalia. 1641

(D)(1) This section does not apply to manufacturers, licensed 1642
health professionals authorized to prescribe drugs, pharmacists, 1643
owners of pharmacies, and other persons whose conduct is in 1644
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 1645
and 4741. of the Revised Code. This section shall not be construed 1646
to prohibit the possession or use of a hypodermic as authorized by 1647
section 3719.172 of the Revised Code. 1648

(2) Division (C)(1) of this section does not apply to a 1649
person's use, or possession with purpose to use, any drug 1650
paraphernalia that is equipment, a product, or material of any 1651
kind that is used by the person, intended by the person for use, 1652
or designed for use in storing, containing, concealing, injecting, 1653

ingesting, inhaling, or otherwise introducing into the human body 1654
marihuana. 1655

(3) This section does not apply to either of the following: 1656

(a) A cardholder, as defined in section 3728.01 of the 1657
Revised Code, to the extent and under the circumstances described 1658
in Chapter 3728. of the Revised Code; 1659

(b) A person who engages in an activity authorized by section 1660
3728.06 of the Revised Code. 1661

(E) Notwithstanding Chapter 2981. of the Revised Code, any 1662
drug paraphernalia that was used, possessed, sold, or manufactured 1663
in a violation of this section shall be seized, after a conviction 1664
for that violation shall be forfeited, and upon forfeiture shall 1665
be disposed of pursuant to division (B) of section 2981.12 of the 1666
Revised Code. 1667

(F)(1) Whoever violates division (C)(1) of this section is 1668
guilty of illegal use or possession of drug paraphernalia, a 1669
misdemeanor of the fourth degree. 1670

(2) Except as provided in division (F)(3) of this section, 1671
whoever violates division (C)(2) of this section is guilty of 1672
dealing in drug paraphernalia, a misdemeanor of the second degree. 1673

(3) Whoever violates division (C)(2) of this section by 1674
selling drug paraphernalia to a juvenile is guilty of selling drug 1675
paraphernalia to juveniles, a misdemeanor of the first degree. 1676

(4) Whoever violates division (C)(3) of this section is 1677
guilty of illegal advertising of drug paraphernalia, a misdemeanor 1678
of the second degree. 1679

(G) In addition to any other sanction imposed upon an 1680
offender for a violation of this section, the court shall suspend 1681
for not less than six months or more than five years the 1682
offender's driver's or commercial driver's license or permit. If 1683

the offender is a professionally licensed person, in addition to 1684
any other sanction imposed for a violation of this section, the 1685
court immediately shall comply with section 2925.38 of the Revised 1686
Code. 1687

Sec. 2925.43. (A) As used in this section and in sections 1688
2925.44 to 2925.46 of the Revised Code: 1689

(1) "Cannabis," "cardholder," "debilitating medical 1690
condition," "law enforcement officer," "licensing agency," "mature 1691
cannabis plant," "medical use of cannabis," "practitioner," 1692
"registered primary caregiver," "registered qualifying patient," 1693
"registry identification card," "usable cannabis," "valid registry 1694
identification card," and "visiting qualifying patient" have the 1695
same meanings as in section 3728.01 of the Revised Code. 1696

(2) "Valid visiting qualifying patient identification card" 1697
means a valid document issued to a visiting qualifying patient 1698
under the laws of another state, district, territory, 1699
commonwealth, or insular possession of the United States that is 1700
the equivalent of a registry identification card. 1701

(B) The following persons are not subject to arrest, 1702
prosecution, or any criminal or civil penalty and shall not be 1703
denied any right or privilege for engaging in any of the following 1704
specified activities: 1705

(1) A registered qualifying patient or visiting qualifying 1706
patient for engaging in the medical use of cannabis; 1707

(2) A registered primary caregiver for engaging in an 1708
activity authorized by section 3728.03 of the Revised Code; 1709

(3) A cardholder for engaging in an activity authorized by 1710
section 3728.05 of the Revised Code; 1711

(4) Any person for engaging in an activity authorized by 1712
section 3728.06 of the Revised Code; 1713

(5) A practitioner for engaging in an activity authorized by section 3728.07 of the Revised Code. 1714
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(C)(1) There is a presumption that a registered qualifying patient or visiting qualifying patient is engaged in the medical use of cannabis if the patient is in possession of a valid registry identification card or valid visiting qualifying patient identification card, as appropriate, and an amount of usable cannabis or number of mature cannabis plants that does not exceed the applicable limit established by division (B)(1) of section 3728.02 of the Revised Code. The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating the registered qualifying patient's or visiting qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition. 1716
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(2) There is a presumption that a registered primary caregiver is engaging in an activity authorized by section 3728.03 of the Revised Code if the registered primary caregiver is in possession of a valid registry identification card and an amount of usable cannabis or number of mature cannabis plants that does not exceed the applicable limit established by division (B)(1) of section 3728.03 of the Revised Code. The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating the debilitating medical condition or symptoms associated with the debilitating medical condition of a registered qualifying patient for whom the registered primary caregiver was serving as a registered primary caregiver. 1728
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Sec. 2925.44. (A) Possession of a valid registry identification card, an application for a registry identification card, or a valid visiting qualifying patient identification card shall not constitute probable cause or reasonable suspicion to 1741
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search or seize the person or property of the person possessing or 1745
applying for the card. 1746

(B) No person shall be subject to arrest, prosecution, or any 1747
criminal or civil penalty or shall be denied any right or 1748
privilege solely for being in the presence or vicinity of a 1749
registered qualifying patient or visiting qualifying patient 1750
engaging in the medical use of cannabis or for assisting a 1751
registered qualifying patient's or visiting qualifying patient's 1752
use or administration of cannabis, regardless of whether the 1753
person is a registered primary caregiver. 1754

(C) No law enforcement officer or law enforcement agency 1755
shall seize any cannabis, cannabis paraphernalia, licit property, 1756
or interest in licit property that is possessed, owned, or used in 1757
connection with a registered qualifying patient's or visiting 1758
qualifying patient's medical use of cannabis or in connection with 1759
acts incidental to a registered qualifying patient's or visiting 1760
qualifying patient's medical use of cannabis. No court shall order 1761
the forfeiture of any cannabis, cannabis paraphernalia, licit 1762
property, or interest in licit property that is so possessed, 1763
owned, or used. If a law enforcement officer seizes and does not 1764
return cannabis that is possessed by a cardholder in accordance 1765
with section 3728.02 or 3728.03 of the Revised Code, the agency 1766
that employs the officer shall be liable to the cardholder for the 1767
value of the cannabis. 1768

Sec. 2925.45. If an individual being investigated by a law 1769
enforcement officer employed by a state-funded or locally funded 1770
law enforcement agency credibly asserts during the course of the 1771
investigation that the individual is a cardholder, neither the law 1772
enforcement officer nor the law enforcement agency shall provide 1773
any information, except as required by federal law or the United 1774
States Constitution, from any cannabis-related investigation of 1775

the individual to any law enforcement authority that does not 1776
recognize the protections of sections 2925.43 to 2925.45 of the 1777
Revised Code. Any prosecution of the individual for a violation of 1778
this chapter shall be conducted pursuant to the laws of this 1779
state. 1780

Sec. 2925.46. (A) A person who is not a registered qualifying 1781
patient or visiting qualifying patient may assert the medical 1782
purpose for using cannabis as a defense to any prosecution 1783
involving cannabis unless the person is being prosecuted for an 1784
activity described in division (B) of section 3728.02 of the 1785
Revised Code, and this defense shall be presumed valid if the 1786
evidence shows that all of the following apply: 1787

(1) At least thirty days before the date the charges against 1788
the person are filed, a practitioner stated, after completing a 1789
full assessment of the person's medical history and current 1790
medical condition made in the course of a bona fide 1791
practitioner-patient relationship, that in the practitioner's 1792
professional opinion and scope of practice the person is likely to 1793
receive therapeutic or palliative benefit from the medical use of 1794
cannabis to treat or alleviate the person's serious or 1795
debilitating medical condition or symptoms associated with the 1796
person's serious or debilitating medical condition. 1797

(2) The person was in possession of not more than two hundred 1798
grams of usable cannabis and twelve mature cannabis plants. 1799

(3) The person was engaged in the acquisition, possession, 1800
cultivation, manufacture, use, delivery, transfer, or 1801
transportation of cannabis or paraphernalia necessary for the 1802
administration of cannabis to treat or alleviate the person's 1803
serious or debilitating medical condition or symptoms associated 1804
with the person's serious or debilitating medical condition. 1805

(B) If a person who is not a registered qualifying patient or visiting qualifying patient demonstrates the person's medical purpose for using cannabis pursuant to this section, the person shall not be subject to either of the following: 1806
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(1) Disciplinary action by a business or licensing agency; 1810

(2) Forfeiture of any interest in or right to property. 1811

Sec. 3728.01. As used in this chapter: 1812

(A) "Cannabis" means marihuana as defined in section 3719.01 of the Revised Code. 1813
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(B) "Cannabis plant" means female individuals of the cannabis genus or their cultivars. 1815
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(C) "Cardholder" means a registered qualifying patient, registered primary caregiver, or visiting qualifying patient. 1817
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(D) "Debilitating medical condition" means one or more of the following: 1819
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(1) Cancer; glaucoma; positive status for human immunodeficiency virus; acquired immune deficiency syndrome; hepatitis C; amyotrophic lateral sclerosis; Crohn's disease; agitation of Alzheimer's disease; nail patella; multiple sclerosis; injury or disease to the spinal cord, spinal column, or vertebra; mylomalacia; celiac disease; sickle cell anemia; or the treatment of these conditions; 1821
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(2) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: 1828
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(a) Cachexia or wasting syndrome; 1830

(b) Severe or chronic pain; 1831

(c) Severe or chronic nausea; 1832

(d) Seizures, including those characteristic of epilepsy; 1833

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| <u>(e) Severe or persistent muscle spasms.</u> | 1834 |
| <u>(3) Any other medical condition or its treatment added as a debilitating medical condition pursuant to section 3728.37 of the Revised Code.</u> | 1835 1836 1837 |
| <u>(E) "Felony drug abuse offense" means both of the following:</u> | 1838 |
| <u>(1) A violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code that is classified as a felony;</u> | 1839 1840 |
| <u>(2) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to the violations described in division (E)(1) of this section.</u> | 1841 1842 1843 1844 |
| <u>(F) "Immature cannabis plant" means a cannabis plant that has not undergone sexual differentiation to make the cannabis plant a mature cannabis plant.</u> | 1845 1846 1847 |
| <u>(G) "Law enforcement officer" has the same meaning as in section 2901.01 of the Revised Code.</u> | 1848 1849 |
| <u>(H) "Licensing agency" means a department, division, board, section of a board, or other state governmental unit authorized by the Revised Code to issue a license, certificate, permit, card, or other authority to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.</u> | 1850 1851 1852 1853 1854 1855 |
| <u>(I) "Mature cannabis plant" means a cannabis plant that has undergone sexual differentiation as shown by having flower buds that are readily observable by unaided visual examination or, in the case of an observer who relies on eyeglasses or contact lenses to see correctly, readily observable by examination aided solely by the observer's eyeglasses or contact lenses.</u> | 1856 1857 1858 1859 1860 1861 |
| <u>(J) "Medical use of cannabis" means the activities authorized by section 3728.02 of the Revised Code.</u> | 1862 1863 |

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| <u>(K) "Practitioner" means any of the following:</u> | 1864 |
| <u>(1) A dentist licensed under Chapter 4715. of the Revised Code;</u> | 1865 |
| <u>(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;</u> | 1866 |
| <u>(3) An optometrist who holds a therapeutic pharmaceutical agents certificate issued under section 4725.13 of the Revised Code;</u> | 1867 |
| <u>(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;</u> | 1868 |
| <u>(5) A physician assistant who holds a certificate to prescribe issued under section 4730.44 of the Revised Code.</u> | 1869 |
| <u>(L) "Primary caregiver" means an individual who has agreed to assist with a registered qualifying patient's medical use of cannabis.</u> | 1870 |
| <u>(M) "Qualifying patient" means a person who has been diagnosed by a practitioner acting within the practitioner's scope of practice as having a debilitating medical condition.</u> | 1871 |
| <u>(N) "Registered cultivation sites" are the locations, if any, at which a registered qualifying patient or registered primary caregiver may cultivate cannabis as specified in the patient's or caregiver's valid registry identification card.</u> | 1872 |
| <u>(O) "Registered primary caregiver" means a primary caregiver who holds a valid registry identification card.</u> | 1873 |
| <u>(P) "Registered qualifying patient" means a qualifying patient who holds a valid registry identification card.</u> | 1874 |
| <u>(Q) "Registry identification card" means each of the following that identifies a person as a registered qualifying</u> | 1875 |

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| <u>patient or registered primary caregiver:</u> | 1894 |
| <u>(1) A document issued by the department of health under</u> | 1895 |
| <u>section 3728.13 of the Revised Code;</u> | 1896 |
| <u>(2) An application for an initial or renewed registry</u> | 1897 |
| <u>identification card that, pursuant to section 3728.14 of the</u> | 1898 |
| <u>Revised Code, is deemed a registry identification card;</u> | 1899 |
| <u>(3) A written certification and notarized statement that,</u> | 1900 |
| <u>pursuant to section 3721.15 of the Revised Code, are deemed a</u> | 1901 |
| <u>registry identification card;</u> | 1902 |
| <u>(4) A notarized statement that, pursuant to section 3721.16</u> | 1903 |
| <u>of the Revised Code, is deemed a registry identification card.</u> | 1904 |
| <u>(R) "Usable cannabis" means the dried flowers of the female</u> | 1905 |
| <u>cannabis plant and any mixture, tincture, oil, reduction,</u> | 1906 |
| <u>compound, or preparation of the dried flowers of the female</u> | 1907 |
| <u>cannabis plant. "Usable cannabis" does not include the leaves,</u> | 1908 |
| <u>seeds, stalks, or roots of the female cannabis plant.</u> | 1909 |
| <u>(S) "Valid registry identification card" means a registry</u> | 1910 |
| <u>identification card that, pursuant to section 3728.17 of the</u> | 1911 |
| <u>Revised Code, has not expired or ceased to be valid and has not</u> | 1912 |
| <u>been revoked under section 3728.18, 3728.20, or 3728.21 of the</u> | 1913 |
| <u>Revised Code.</u> | 1914 |
| <u>(T) "Visiting qualifying patient" means a qualifying patient</u> | 1915 |
| <u>to whom both of the following apply:</u> | 1916 |
| <u>(1) The qualifying patient holds a valid document issued to</u> | 1917 |
| <u>the qualifying patient under the laws of another state, district,</u> | 1918 |
| <u>territory, commonwealth, or insular possession of the United</u> | 1919 |
| <u>States that is the equivalent of a registry identification card.</u> | 1920 |
| <u>(2) The qualifying patient is not a resident of this state or</u> | 1921 |
| <u>has been a resident of this state for less than thirty days.</u> | 1922 |
| <u>(U) "Written certification" means a document signed by a</u> | 1923 |

practitioner under section 3728.07 of the Revised Code. 1924

Sec. 3728.02. (A) Subject to division (B) of this section, a 1925
registered qualifying patient and a visiting qualifying patient 1926
may do any of the following to treat or alleviate the patient's 1927
debilitating medical condition or symptoms associated with the 1928
debilitating medical condition: 1929

(1) Acquire, possess, transport, and use cannabis and 1930
paraphernalia relating to the administration of cannabis; 1931

(2) In the case of a registered qualifying patient, cultivate 1932
cannabis at the registered qualifying patient's registered 1933
cultivation sites; 1934

(3) Manufacture paraphernalia relating to the administration 1935
of cannabis. 1936

(B) Neither a registered qualifying patient nor a visiting 1937
qualifying patient may do any of the following: 1938

(1) Possess more than two hundred grams of usable cannabis 1939
and more than twelve mature cannabis plants; 1940

(2) Undertake any task under the influence of cannabis when 1941
doing so would constitute negligence or professional malpractice; 1942

(3) Possess cannabis or otherwise engage in the medical use 1943
of cannabis in a school bus, on the grounds of any preschool, 1944
primary school, or secondary school, or in any correctional 1945
facility; 1946

(4) Smoke cannabis on any form of public transportation or in 1947
any public place; 1948

(5) Violate section 4511.19 or 4511.194 of the Revised Code; 1949

(6) Transport cannabis into this state from outside this 1950
state. 1951

(C) Neither of the following shall be included for purposes 1952

of determining whether a registered qualified patient or visiting 1953
qualifying patient possesses more usable cannabis or mature 1954
cannabis plants than permitted by division (B)(1) of this section: 1955

(1) Immature cannabis plants; 1956

(2) If the usable cannabis is added as an ingredient to food 1957
to be consumed by the registered qualifying patient or visiting 1958
qualifying patient, the weight of the other ingredients included 1959
in the food. 1960

Sec. 3728.03. (A) Subject to division (B) of this section, a 1961
registered primary caregiver may do any of the following to assist 1962
a registered qualifying patient for whom the caregiver serves as a 1963
registered primary caregiver as shown on the caregiver's valid 1964
registry identification card: 1965

(1) Acquire, possess, and transport cannabis and 1966
paraphernalia relating to the administration of cannabis; 1967

(2) Cultivate cannabis at the registered primary caregiver's 1968
registered cultivation sites; 1969

(3) Manufacture paraphernalia relating to the administration 1970
of cannabis. 1971

(B) A registered primary caregiver may not do any of the 1972
following: 1973

(1) Possess more than both of the following: 1974

(a) A number of grams of usable cannabis determined by 1975
multiplying two hundred by the number of registered qualifying 1976
patients for whom the caregiver serves as a registered primary 1977
caregiver as shown on the caregiver's valid registry 1978
identification card; 1979

(b) A number of mature cannabis plants determined by 1980
multiplying twelve by the number of registered qualifying patients 1981

for whom the caregiver serves as a registered primary caregiver as shown on the caregiver's valid registry identification card. 1982
1983

(2) Possess cannabis in a school bus, on the grounds of any preschool, primary school, or secondary school, or in any correctional facility; 1984
1985
1986

(3) Transport cannabis into this state from outside this state. 1987
1988

(C) Neither of the following shall be included for purposes of determining whether a registered primary caregiver possesses more usable cannabis or mature cannabis plants than permitted by division (B)(1) of this section: 1989
1990
1991
1992

(1) Immature cannabis plants; 1993

(2) If the usable cannabis is added as an ingredient to food to be consumed by a registered qualifying patient, the weight of the other ingredients included in the food. 1994
1995
1996

Sec. 3728.04. A registered primary caregiver may receive compensation for costs associated with the activities the caregiver engages in pursuant to section 3728.03 of the Revised Code. 1997
1998
1999
2000

Sec. 3728.05. A cardholder may deliver, transport, transfer, or otherwise provide cannabis to another cardholder if the transfer does not cause the other cardholder to possess more usable cannabis or mature cannabis plants than division (B)(1) of section 3728.02 or division (B)(1) of section 3728.03 of the Revised Code, as applicable, permits. 2001
2002
2003
2004
2005
2006

Sec. 3728.06. Any person may deliver, transport, transfer, or otherwise provide paraphernalia relating to the administration of cannabis for free or for a charge to a cardholder. 2007
2008
2009

Sec. 3728.07. A practitioner may sign a written document certifying that in the practitioner's professional opinion a qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis. The practitioner shall sign the document only in the course of a bona fide practitioner-patient relationship with the qualifying patient and only after the practitioner has completed a full assessment of the qualifying patient's medical history. The practitioner shall specify in the document the qualifying patient's debilitating medical condition.

Sec. 3728.08. No individual under twenty-one years of age may become a registered primary caregiver.

Sec. 3728.09. No individual may serve as the registered primary caregiver for more than five registered qualifying patients.

Sec. 3728.10. A qualifying patient who seeks an initial or renewed registry identification card shall submit all of the following to the department of health in accordance with the rules adopted under section 3728.35 of the Revised Code:

(A) A completed application for the registry identification card that shall include, at a minimum, all of the following information:

(1) The name, address, and date of birth of the qualifying patient, except that no address is required for an applicant who is homeless;

(2) The name, address, and telephone number of the practitioner who signed the written certification for the qualifying patient;

(3) The name, address, and telephone number of the qualifying patient's primary caregiver, if any; 2038
2039

(4) A specification as to whether the qualifying patient, the qualifying patient's primary caregiver (if any), both, or neither will cultivate cannabis once issued a registry identification card and, subject to section 3728.26 of the Revised Code, the address of each location, if any, at which the cannabis will be cultivated. 2040
2041
2042
2043
2044
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(B) The initial or renewal fee, as appropriate, established in rules adopted under section 3728.35 of the Revised Code; 2046
2047

(C) A written certification for the qualifying patient. 2048

Sec. 3728.11. A primary caregiver who seeks an initial or renewed registry identification card shall submit all of the following to the department of health in accordance with the rules adopted under section 3728.35 of the Revised Code: 2049
2050
2051
2052

(A) A completed application for the registry identification card that shall include, at a minimum, all of the following information: 2053
2054
2055

(1) The name, address, and date of birth of the primary caregiver; 2056
2057

(2) Subject to section 3728.09 of the Revised Code, the name, address, and date of birth of each qualifying patient the primary caregiver seeks to serve as a registered primary caregiver, except that no address is required for a qualifying patient who is homeless; 2058
2059
2060
2061
2062

(3) Subject to section 3728.26 of the Revised Code, the address of each location, if any, at which the primary caregiver will cultivate cannabis once issued a registry identification card; 2063
2064
2065
2066

(4) A list of each felony drug abuse offense for which the 2067

primary caregiver has been convicted or to which the primary 2068
caregiver has pleaded guilty. 2069

(B) Evidence satisfactory to the department that the primary 2070
caregiver is at least twenty-one years of age; 2071

(C) The initial or renewal fee, as appropriate, established 2072
in rules adopted under section 3728.35 of the Revised Code. 2073

Sec. 3728.12. (A) The department of health shall verify the 2074
information contained in each application for an initial or 2075
renewed registry identification card submitted under section 2076
3728.10 or 3728.11 of the Revised Code. The department shall 2077
approve or deny each application in accordance with Chapter 119. 2078
of the Revised Code. Except as provided in division (B) of this 2079
section, the department shall approve or deny an application not 2080
later than fifteen days after it receives the application. 2081

(B) If the application is not complete, the department shall 2082
notify the applicant that the application is not complete and that 2083
the department may deny the application if the applicant does not 2084
submit a complete application before the end of the ten-day period 2085
that commences when the applicant receives the notice. If a 2086
complete application is submitted, the department shall approve or 2087
deny the application not later than fifteen days after it receives 2088
the application. 2089

(C) The department may deny an application if any of the 2090
following apply: 2091

(1) The application as originally submitted is not complete, 2092
and the applicant does not submit a complete application after 2093
receiving the notice required under division (B) of this section 2094
or within the time period specified in that division for 2095
submitting a complete application. 2096

(2) The department determines that the application or written 2097

certification was purposefully falsified. 2098

(3) The applicant fails to pay the initial or renewal fee, as appropriate. 2099
2100

(4) In the case of an application from a qualifying patient, the applicant does not submit a written certification with the application. 2101
2102
2103

(5) In the case of an applicant who is a qualifying patient under eighteen years of age, either of the following applies: 2104
2105

(a) The practitioner who signed the written certification for the qualifying patient has not explained the potential risks and benefits of the medical use of cannabis to the applicant and to a parent, guardian, or legal custodian of the applicant. 2106
2107
2108
2109

(b) The parent, guardian, or legal custodian of the applicant has not consented in writing to all of the following: 2110
2111

(i) Allowing the applicant's medical use of cannabis in accordance with section 3728.02 of the Revised Code; 2112
2113

(ii) Becoming, and serving as, one of the applicant's registered primary caregivers; 2114
2115

(iii) Controlling the applicant's acquisition and dosage of cannabis and frequency of the medical use of cannabis. 2116
2117

(6) In the case of an application from a primary caregiver, the department determines that a felony drug abuse offense of the applicant listed in the application, if any, is sufficient grounds to deny the application. 2118
2119
2120
2121

(D) An applicant whose application is denied may not reapply under section 3728.10 or 3728.11 of the Revised Code, as appropriate, until at least thirty days after the department issues the denial. 2122
2123
2124
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Sec. 3728.13. The department of health shall issue a registry 2126

identification card to an applicant not later than five business 2127
days after approving the applicant's application under section 2128
3728.12 of the Revised Code. The registry identification card 2129
shall contain all of the following: 2130

(A) In the case of a registry identification card for a 2131
qualifying patient, the name and date of birth of the qualifying 2132
patient; 2133

(B) In the case of a registry identification card for a 2134
primary caregiver, both of the following: 2135

(1) The name and date of birth of the primary caregiver; 2136

(2) Subject to section 3728.09 of the Revised Code, the name 2137
and date of birth of each registered qualifying patient for whom 2138
the registered primary caregiver is to serve as a registered 2139
primary caregiver as specified in the application for the registry 2140
identification card. 2141

(C) The date of issuance and expiration date of the registry 2142
identification card; 2143

(D) Subject to section 3728.26 of the Revised Code, the 2144
address of each of the registered qualifying patient's or 2145
registered primary caregiver's registered cultivation sites, if 2146
any; 2147

(E) A random identification number that is unique to the 2148
registered qualifying patient or registered primary caregiver; 2149

(F) At the option of the department, a photograph of the 2150
registered qualifying patient or registered primary caregiver. 2151

Sec. 3728.14. An application for an initial or renewed 2152
registry identification card shall be deemed a registry 2153
identification card on the twentieth day after the date the 2154
complete application was submitted to the department of health if 2155

all of the requirements for approval of the application have been 2156
met and the department does either of the following: 2157

(A) Fails to approve or deny the application within the 2158
applicable time period specified in division (A) or (B) of section 2159
3728.12 of the Revised Code; 2160

(B) Fails to issue the registry identification card within 2161
the time period specified in section 3728.13 of the Revised Code. 2162

Sec. 3728.15. If, at any time after the date that is one 2163
hundred forty days after the effective date of this section, the 2164
department of health is not accepting applications from qualifying 2165
patients for a registry identification card for any reason, 2166
including failure to adopt rules under section 3728.35 of the 2167
Revised Code, a written certification for the qualifying patient 2168
together with a notarized statement by the qualifying patient of 2169
all of the following shall be deemed a registry identification 2170
card for the qualifying patient: 2171

(A) The name, address, and date of birth of the qualifying 2172
patient, except that no address is required if the qualifying 2173
patient is homeless; 2174

(B) The name, address, and telephone number of the 2175
practitioner who signed the written certification for the 2176
qualifying patient; 2177

(C) Subject to section 3728.26 of the Revised Code, the 2178
address of each location, if any, at which the qualifying patient 2179
will cultivate cannabis. 2180

Sec. 3728.16. If, at any time after the date that is one 2181
hundred forty days after the effective date of this section, the 2182
department of health is not accepting applications from primary 2183
caregivers for a registry identification card for any reason, 2184

including failure to adopt rules under section 3728.35 of the 2185
Revised Code, a notarized statement by the primary caregiver of 2186
all of the following shall be deemed a registry identification 2187
card for the primary caregiver: 2188

(A) The name, address, and date of birth of the primary 2189
caregiver; 2190

(B) The name, address, and date of birth of each qualifying 2191
patient the primary caregiver seeks to serve as a registered 2192
primary caregiver, except that no address is required for a 2193
qualifying patient who is homeless; 2194

(C) Subject to section 3728.26 of the Revised Code, the 2195
address of each location, if any, at which the primary caregiver 2196
will cultivate cannabis. 2197

Sec. 3728.17. Subject to sections 3728.18, 3728.20, and 2198
3728.21 of the Revised Code, all of the following apply to 2199
registry identification cards: 2200

(A) A registry identification card issued by the department 2201
of health under section 3728.13 of the Revised Code expires one 2202
year after the date of issuance. 2203

(B) An application for an initial or renewed registry 2204
identification card that, pursuant to section 3728.14 of the 2205
Revised Code, is deemed a registry identification card remains 2206
valid as long as the requirements for approval of the application 2207
continue to be met. 2208

(C) A written certification and notarized statement that are 2209
deemed pursuant to section 3728.15 of the Revised Code a registry 2210
identification card remain valid as long as the holder remains a 2211
qualifying patient. 2212

(D) A notarized statement that is deemed pursuant to section 2213

3728.16 of the Revised Code a registry identification card remains 2214
valid as long as the holder remains a primary caregiver. 2215

Sec. 3728.18. The department of health may revoke the 2216
registry identification card of a registered qualifying patient or 2217
registered primary caregiver who does any of the following: 2218

(A) Delivers, transports, transfers, or otherwise provides 2219
cannabis for free or for a charge to a person who is not a 2220
cardholder; 2221

(B) Fails to comply with a requirement of this chapter; 2222

(C) Violates a prohibition of this chapter. 2223

Sec. 3728.20. A registered qualifying patient who ceases to 2224
have a debilitating medical condition shall notify the department 2225
of health of that fact not later than thirty days after ceasing to 2226
have the debilitating medical condition. Not later than ten days 2227
after receipt of the notice, the department shall revoke the 2228
patient's registry identification card. 2229

Sec. 3728.21. A registered primary caregiver for a registered 2230
qualifying patient who ceases to have a debilitating medical 2231
condition shall notify the department of health of that fact not 2232
later than thirty days after the registered qualifying patient 2233
ceases to have the debilitating medical condition. Not later than 2234
ten days after the department receives the notice, the department 2235
shall do the following: 2236

(A) If the registered primary caregiver's registry 2237
identification card shows that the caregiver serves as the 2238
registered primary caregiver for more than one registered 2239
qualifying patient, remove from the card the information about the 2240
patient who ceased to have a debilitating medical condition; 2241

(B) If the registered primary caregiver's registry 2242

identification card shows that the registered qualifying patient 2243
who ceased to have a debilitating medical condition was the only 2244
patient for whom the caregiver served as a registered primary 2245
caregiver, revoke the card. 2246

Sec. 3728.22. A registered qualifying patient or registered 2247
primary caregiver whose name or address changes shall notify the 2248
department of health of the change not later than thirty days 2249
after the change occurs. The department shall issue a new registry 2250
identification card to the registered qualifying patient or 2251
registered primary caregiver not later than ten business days 2252
after the department has received both of the following: 2253

(A) The notice of the name or address change; 2254

(B) A ten-dollar fee for the new registry identification 2255
card. 2256

Sec. 3728.25. A registered qualifying patient or registered 2257
primary caregiver who loses the the patient's or caregiver's 2258
registry identification card shall notify the department of health 2259
of the loss not later than ten days after the loss occurs. The 2260
department shall issue a replacement registry identification card 2261
with a new random identification number to the registered 2262
qualifying patient or registered primary caregiver not later than 2263
five business days after the date the department has received both 2264
of the following: 2265

(A) The notice of the loss; 2266

(B) A ten-dollar fee for the replacement registry 2267
identification card. 2268

Sec. 3728.26. No registered qualifying patient or registered 2269
primary caregiver may have more than two registered cultivation 2270
sites. 2271

Sec. 3728.27. (A) Except as provided in division (B) of this section, a cardholder shall maintain cannabis plants in a room, greenhouse, garden, or other enclosed area that is kept locked whenever the cardholder is away and out of public view.

(B) Division (A) of this section does not apply while either of the following is occurring:

(1) The plants are being transported because the cardholder is moving.

(2) The plants are being transported to the property of the cardholder or, in the case of a registered primary caregiver, to the property of the caregiver's registered qualifying patient.

Sec. 3728.28. (A) An employer or licensing agency shall not do any of the following:

(1) Take disciplinary action against a registered qualifying patient or visiting qualifying patient because the patient engages in the medical use of cannabis;

(2) Take disciplinary action against a registered primary caregiver because the caregiver engages in an activity authorized by section 3728.03 of the Revised Code;

(3) Take disciplinary action against a cardholder because the cardholder engages in an activity authorized by section 3728.05 of the Revised Code;

(4) Take disciplinary action against a person because the person engages in an activity authorized by section 3728.06 of the Revised Code;

(5) Take disciplinary action against a practitioner because the practitioner engages in an activity authorized by section 3728.07 of the Revised Code;

(6) Take disciplinary action against a person because the

person is in the presence or vicinity of a registered qualifying patient or visiting qualifying patient engaging in the medical use of cannabis; 2301
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(7) Take disciplinary action against a person because the person assists a registered qualifying patient's or visiting qualifying patient's use or administration of cannabis, regardless of whether the person is a registered primary caregiver. 2304
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(B) Division (A)(5) of this section does not prohibit a licensing agency from taking disciplinary action against a practitioner for failing to properly evaluate a patient's medical condition or for otherwise violating the standard of care for evaluating medical conditions. 2308
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Sec. 3728.29. A school, employer, or landlord shall not refuse to enroll, employ, or lease to a person and shall not otherwise penalize a person because of the person's status as a cardholder, unless failing to do so would render the school, employer, or landlord in violation of federal law. 2313
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Sec. 3728.30. A person's status as a cardholder shall not be considered as a factor in any determination of the person's parental rights and responsibilities, parenting time, or companionship or visitation rights with a minor, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated. 2318
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Sec. 3728.31. Nothing in this chapter requires either of the following: 2324
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(A) A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis; 2326
2327
2328

(B) An employer to accommodate the use of cannabis in any 2329

workplace or any employee working while impaired, provided that 2330
neither a registered qualifying patient nor a visiting qualifying 2331
patient shall be considered to be impaired solely because of the 2332
presence in the patient's body of metabolites or components of 2333
cannabis, if the metabolites or components are in a concentration 2334
insufficient to cause impairment. 2335

Sec. 3728.35. (A) The director of health shall adopt rules in 2336
accordance with Chapter 119. of the Revised Code that do all of 2337
the following: 2338

(1) For the purpose of sections 3728.10 and 3728.11 of the 2339
Revised Code, do both of the following: 2340

(a) Govern the manner in which the department of health must 2341
consider applications for initial and renewed registry 2342
identification cards; 2343

(b) Subject to division (B) of this section, establish fees 2344
for initial and renewed registry identification cards. 2345

(2) For the purpose of section 3728.37 of the Revised Code, 2346
govern the submission of petitions requesting that a medical 2347
condition or its treatment be added as a debilitating medical 2348
condition for the purpose of this chapter. 2349

(B) The amount of the fees for initial and renewed registry 2350
identification cards may be established according to a sliding 2351
scale based on family income. The amount of the fees shall be 2352
sufficient to generate enough revenue to offset all expenses of 2353
implementing and administering this chapter. The department of 2354
health may accept donations from private sources to help offset 2355
the expenses in order to reduce the fees. 2356

Sec. 3728.36. The director of health shall adopt the initial 2357
rules required by section 3728.35 of the Revised Code not later 2358
than one hundred twenty days after the effective date of that 2359

section. If the director fails to adopt the initial rules within 2360
that time period, a qualifying patient or primary caregiver may 2361
petition the Franklin county court of appeals for a writ of 2362
mandamus to compel the director to adopt the rules. 2363

Sec. 3728.37. Any person may submit a petition to the 2364
director of health requesting that a medical condition or its 2365
treatment be added as a debilitating medical condition for the 2366
purpose of this chapter. All petitions shall be submitted in 2367
accordance with rules adopted under section 3728.35 of the Revised 2368
Code. The director shall conduct a hearing for each petition and 2369
may hear multiple petitions in one hearing. The director shall 2370
give public notice of each hearing and make each hearing open to 2371
the public. Any person may comment on a petition at a hearing. The 2372
director shall approve or deny a petition not later than one 2373
hundred eighty days after the date it is submitted to the 2374
director. In determining whether to approve or deny a petition, 2375
the director shall consider the petition, any comments regarding 2376
the petition made at the hearing, and the advice of the medical 2377
cannabis advisory council created under section 3728.38 of the 2378
Revised Code. The director's approval or denial shall be in the 2379
form of an adjudication issued in accordance with, and subject to, 2380
Chapter 119. of the Revised Code. 2381

Sec. 3728.38. (A) There is hereby established the medical 2382
cannabis advisory council. The council shall consist of all of the 2383
following members appointed by the director of health: 2384

(1) Four physicians who are certified by a national 2385
organization recognized by the state medical board as specializing 2386
in family medicine or an area that focuses on pain management or 2387
clinical oncology; 2388

(2) Three registered qualifying patients. 2389

(B) Any person may submit to the director of health 2390
recommendations regarding individuals to be appointed to the 2391
council. The director shall not appoint any individual to the 2392
council who is opposed to the legal use of cannabis to treat or 2393
alleviate a debilitating medical condition or symptoms associated 2394
with a debilitating medical condition. 2395

(C) Members of the council shall serve two-year terms. Each 2396
member shall hold office from the date of the member's appointment 2397
until the end of the term for which the member was appointed. 2398
Members may be reappointed. Vacancies shall be filled in the 2399
manner provided for original appointments. Any member appointed to 2400
fill a vacancy occurring before the expiration date of the term 2401
for which the member's predecessor was appointed shall hold office 2402
as a member for the remainder of that term. A member shall 2403
continue in office subsequent to the expiration date of the 2404
member's term until the member's successor takes office or until a 2405
period of sixty days has elapsed, whichever occurs first. 2406

(D) Members of the council shall not receive compensation for 2407
their service on the council but shall be reimbursed for their 2408
actual and necessary expenses incurred in the performance of their 2409
service on the council. 2410

(E) The council shall select one of the council members to 2411
serve as chairperson of the council. 2412

(F) The chairperson shall call the council to meet at least 2413
quarterly and at other times as necessary. 2414

(G) The department of health shall provide the council with 2415
support services as necessary for the council to perform its 2416
duties, including providing the council with a place to meet. 2417

Sec. 3728.381. The medical cannabis advisory council shall 2418
provide outreach services regarding this chapter and provide the 2419

director of health advice regarding petitions submitted under 2420
section 3728.37 of the Revised Code. 2421

Sec. 3728.40. The department of health shall maintain a list 2422
of the persons to whom the department has issued registry 2423
identification cards. All identifying information on the list is 2424
confidential and not subject to disclosure, except to authorized 2425
employees of the department as necessary to perform the 2426
department's official duties under this chapter or as authorized 2427
by section 3728.42 or 3728.43 of the Revised Code. 2428

Sec. 3728.41. No person or government entity shall disclose 2429
any information contained in an application for an initial or 2430
renewed registry identification card, a written certification 2431
submitted with an application, or a registry identification card 2432
except as necessary in the administration of this chapter or as 2433
authorized by sections 3728.42 and 3728.43 of the Revised Code. 2434

Sec. 3728.42. An employee of the department of health may 2435
notify a law enforcement officer about falsified or fraudulent 2436
information submitted to the department in an application for an 2437
initial or renewed registry identification card or a written 2438
certification submitted with such an application if the employee 2439
first confers with the employee's supervisor or at least one other 2440
employee of the department and both agree that circumstances 2441
warranting notification exist. 2442

Sec. 3728.43. The department of health shall operate an 2443
internet-based system for use by law enforcement officers to 2444
verify whether a person is a registered qualifying patient or 2445
registered primary caregiver and whether the address of a location 2446
at which cannabis is being cultivated is a registered qualifying 2447
patient's or registered primary caregiver's registered cultivation 2448

site. The department shall update the system and verify its 2449
accuracy weekly. The system shall be available for use by law 2450
enforcement officers twenty-four hours each day. A law enforcement 2451
officer shall use the system to verify the status of an individual 2452
or address before initiating an arrest, raid, or other law 2453
enforcement action concerning cannabis. If the person is a 2454
registered qualifying patient or registered primary caregiver or 2455
the address of a location at which cannabis is being cultivated is 2456
a registered qualifying patient's or registered primary 2457
caregiver's registered cultivation site, no further action may be 2458
initiated except on issuance of a warrant. 2459

Sec. 3728.45. (A) The department of health shall submit to 2460
the general assembly an annual report that contains, at a minimum, 2461
all of the following information for the previous year: 2462

(1) The number of applications that were submitted to the 2463
department for initial and renewed registry identification cards; 2464

(2) The number of applications that were denied and the 2465
reasons for the denials; 2466

(3) The number of registered qualifying patients and 2467
registered primary caregivers in each county; 2468

(4) The nature of the debilitating medical conditions of the 2469
registered qualifying patients; 2470

(5) The number of registry identification cards revoked; 2471

(6) The number of practitioners providing written 2472
certifications for qualifying patients. 2473

(B) The report shall not disclose any identifying information 2474
about qualifying patients, primary caregivers, or practitioners. 2475

Sec. 3728.99. Whoever violates section 3728.41 of the Revised 2476

Code is guilty of a misdemeanor of the first degree. 2477

Sec. 3781.32. (A) Any connections or tie-ins to existing 2478
utility services within a public right-of-way shall comply with 2479
permit requirements of the public authority that has jurisdiction 2480
over that right-of-way. 2481

(B) A developer or the designer employed by the developer 2482
shall not require, as a condition for entering into a contract for 2483
a project that will require excavation, that responsibility for 2484
performance of duties imposed under sections 3781.25 to 3781.32 of 2485
the Revised Code shall be assumed by a person other than the 2486
person on whom those duties are imposed under those sections. This 2487
division does not prohibit a utility from entering into any 2488
contract for the performance of duties that are imposed on a 2489
utility under those sections. 2490

(C) Nothing in sections ~~3728.25~~ 3781.25 to ~~3728.32~~ 3781.32 of 2491
the Revised Code shall be construed to require a utility to 2492
relocate its underground utility facilities located at an 2493
excavation site. 2494

Section 2. That existing sections 2925.02, 2925.03, 2925.04, 2495
2925.11, 2925.14, and 3781.32 of the Revised Code are hereby 2496
repealed. 2497

Section 3. The Director of Health shall make the initial 2498
appointments to the Medical Cannabis Advisory Council established 2499
under section 3728.38 of the Revised Code not later than one 2500
hundred twenty days after the effective date of this act. 2501
Notwithstanding division (A)(2) of section 3728.38 of the Revised 2502
Code, the initial members who are to be registered qualifying 2503
patients shall be instead persons who suffer from a debilitating 2504
medical condition as defined in section 3728.01 of the Revised 2505

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| Code. | 2506 |
| Section 4. Section 2925.02 of the Revised Code is presented | 2507 |
| in this act as a composite of the section as amended by both Sub. | 2508 |
| H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly. The | 2509 |
| General Assembly, applying the principle stated in division (B) of | 2510 |
| section 1.52 of the Revised Code that amendments are to be | 2511 |
| harmonized if reasonably capable of simultaneous operation, finds | 2512 |
| that the composite is the resulting version of the section in | 2513 |
| effect prior to the effective date of the section as presented in | 2514 |
| this act. | 2515 |