

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 1

Senator LaRose

**Cosponsors: Senators Gardner, Hoagland, Bacon, Hottinger, Beagle, Oelslager,
Yuko, Hite, Eklund, Manning, Burke, Terhar, Hackett**

A BILL

To amend sections 2925.01, 2925.02, 1
2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2
2925.36, 2929.01, 2929.14, 2941.1410, 3719.41, 3
3719.99, and 4729.99 of the Revised Code to 4
increase penalties for drug trafficking 5
violations, drug possession violations, and 6
aggravated funding of drug trafficking when the 7
drug involved in the offense is a fentanyl- 8
related compound, to revise the manner of 9
determining sentence for certain violations of 10
the offense of permitting drug abuse, and to add 11
lisdexamfetamine to the list of schedule II 12
controlled substances. 13

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

Section 1. That sections 2925.01, 2925.02, 2925.03, 14
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.14, 15
2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised Code be 16
amended to read as follows: 17

Sec. 2925.01. As used in this chapter: 18

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

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

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

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

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance~~analog~~analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding thirty grams or ten

unit doses of a compound, mixture, preparation, or substance 48
that is or contains any amount of a schedule I hallucinogen 49
other than tetrahydrocannabinol or lysergic acid amide, or a 50
schedule I stimulant or depressant; 51

(d) An amount equal to or exceeding twenty grams or five 52
times the maximum daily dose in the usual dose range specified 53
in a standard pharmaceutical reference manual of a compound, 54
mixture, preparation, or substance that is or contains any 55
amount of a schedule II opiate or opium derivative; 56

(e) An amount equal to or exceeding five grams or ten unit 57
doses of a compound, mixture, preparation, or substance that is 58
or contains any amount of phencyclidine; 59

(f) An amount equal to or exceeding one hundred twenty 60
grams or thirty times the maximum daily dose in the usual dose 61
range specified in a standard pharmaceutical reference manual of 62
a compound, mixture, preparation, or substance that is or 63
contains any amount of a schedule II stimulant that is in a 64
final dosage form manufactured by a person authorized by the 65
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 66
U.S.C.A. 301, as amended, and the federal drug abuse control 67
laws, as defined in section 3719.01 of the Revised Code, that is 68
or contains any amount of a schedule II depressant substance or 69
a schedule II hallucinogenic substance; 70

(g) An amount equal to or exceeding three grams of a 71
compound, mixture, preparation, or substance that is or contains 72
any amount of a schedule II stimulant, or any of its salts or 73
isomers, that is not in a final dosage form manufactured by a 74
person authorized by the Federal Food, Drug, and Cosmetic Act 75
and the federal drug abuse control laws. 76

(2) An amount equal to or exceeding one hundred twenty 77
grams or thirty times the maximum daily dose in the usual dose 78
range specified in a standard pharmaceutical reference manual of 79
a compound, mixture, preparation, or substance that is or 80
contains any amount of a schedule III or IV substance other than 81
an anabolic steroid or a schedule III opiate or opium 82
derivative; 83

(3) An amount equal to or exceeding twenty grams or five 84
times the maximum daily dose in the usual dose range specified 85
in a standard pharmaceutical reference manual of a compound, 86
mixture, preparation, or substance that is or contains any 87
amount of a schedule III opiate or opium derivative; 88

(4) An amount equal to or exceeding two hundred fifty 89
milliliters or two hundred fifty grams of a compound, mixture, 90
preparation, or substance that is or contains any amount of a 91
schedule V substance; 92

(5) An amount equal to or exceeding two hundred solid 93
dosage units, sixteen grams, or sixteen milliliters of a 94
compound, mixture, preparation, or substance that is or contains 95
any amount of a schedule III anabolic steroid. 96

(E) "Unit dose" means an amount or unit of a compound, 97
mixture, or preparation containing a controlled substance that 98
is separately identifiable and in a form that indicates that it 99
is the amount or unit by which the controlled substance is 100
separately administered to or taken by an individual. 101

(F) "Cultivate" includes planting, watering, fertilizing, 102
or tilling. 103

(G) "Drug abuse offense" means any of the following: 104

(1) A violation of division (A) of section 2913.02 that 105

constitutes theft of drugs, or a violation of section 2925.02, 106
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 107
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 108
or 2925.37 of the Revised Code; 109

(2) A violation of an existing or former law of this or 110
any other state or of the United States that is substantially 111
equivalent to any section listed in division (G) (1) of this 112
section; 113

(3) An offense under an existing or former law of this or 114
any other state, or of the United States, of which planting, 115
cultivating, harvesting, processing, making, manufacturing, 116
producing, shipping, transporting, delivering, acquiring, 117
possessing, storing, distributing, dispensing, selling, inducing 118
another to use, administering to another, using, or otherwise 119
dealing with a controlled substance is an element; 120

(4) A conspiracy to commit, attempt to commit, or 121
complicity in committing or attempting to commit any offense 122
under division (G) (1), (2), or (3) of this section. 123

(H) "Felony drug abuse offense" means any drug abuse 124
offense that would constitute a felony under the laws of this 125
state, any other state, or the United States. 126

(I) "Harmful intoxicant" does not include beer or 127
intoxicating liquor but means any of the following: 128

(1) Any compound, mixture, preparation, or substance the 129
gas, fumes, or vapor of which when inhaled can induce 130
intoxication, excitement, giddiness, irrational behavior, 131
depression, stupefaction, paralysis, unconsciousness, 132
asphyxiation, or other harmful physiological effects, and 133
includes, but is not limited to, any of the following: 134

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	135 136 137 138
(b) Any aerosol propellant;	139
(c) Any fluorocarbon refrigerant;	140
(d) Any anesthetic gas.	141
(2) Gamma Butyrolactone;	142
(3) 1,4 Butanediol.	143
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	144 145 146 147 148 149
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	150 151 152 153
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	154 155 156 157 158 159
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	160 161 162

(N) "Juvenile" means a person under eighteen years of age.	163
(O) "Counterfeit controlled substance" means any of the following:	164 165
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	166 167 168 169
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	170 171 172 173
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	174 175 176
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	177 178 179 180 181
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	182 183 184 185 186 187 188
(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state	189 190 191

board of education prescribes minimum standards under section 192
3301.07 of the Revised Code, whether or not any instruction, 193
extracurricular activities, or training provided by the school 194
is being conducted at the time a criminal offense is committed. 195

(R) "School premises" means either of the following: 196

(1) The parcel of real property on which any school is 197
situated, whether or not any instruction, extracurricular 198
activities, or training provided by the school is being 199
conducted on the premises at the time a criminal offense is 200
committed; 201

(2) Any other parcel of real property that is owned or 202
leased by a board of education of a school, the governing 203
authority of a community school established under Chapter 3314. 204
of the Revised Code, or the governing body of a nonpublic school 205
for which the state board of education prescribes minimum 206
standards under section 3301.07 of the Revised Code and on which 207
some of the instruction, extracurricular activities, or training 208
of the school is conducted, whether or not any instruction, 209
extracurricular activities, or training provided by the school 210
is being conducted on the parcel of real property at the time a 211
criminal offense is committed. 212

(S) "School building" means any building in which any of 213
the instruction, extracurricular activities, or training 214
provided by a school is conducted, whether or not any 215
instruction, extracurricular activities, or training provided by 216
the school is being conducted in the school building at the time 217
a criminal offense is committed. 218

(T) "Disciplinary counsel" means the disciplinary counsel 219
appointed by the board of commissioners on grievances and 220

discipline of the supreme court under the Rules for the 221
Government of the Bar of Ohio. 222

(U) "Certified grievance committee" means a duly 223
constituted and organized committee of the Ohio state bar 224
association or of one or more local bar associations of the 225
state of Ohio that complies with the criteria set forth in Rule 226
V, section 6 of the Rules for the Government of the Bar of Ohio. 227

(V) "Professional license" means any license, permit, 228
certificate, registration, qualification, admission, temporary 229
license, temporary permit, temporary certificate, or temporary 230
registration that is described in divisions (W) (1) to (36) of 231
this section and that qualifies a person as a professionally 232
licensed person. 233

(W) "Professionally licensed person" means any of the 234
following: 235

(1) A person who has obtained a license as a manufacturer 236
of controlled substances or a wholesaler of controlled 237
substances under Chapter 3719. of the Revised Code; 238

(2) A person who has received a certificate or temporary 239
certificate as a certified public accountant or who has 240
registered as a public accountant under Chapter 4701. of the 241
Revised Code and who holds an Ohio permit issued under that 242
chapter; 243

(3) A person who holds a certificate of qualification to 244
practice architecture issued or renewed and registered under 245
Chapter 4703. of the Revised Code; 246

(4) A person who is registered as a landscape architect 247
under Chapter 4703. of the Revised Code or who holds a permit as 248
a landscape architect issued under that chapter; 249

(5) A person licensed under Chapter 4707. of the Revised Code;	250 251
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	252 253 254
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	255 256 257
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	258 259 260 261 262 263 264 265 266 267 268
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	269 270 271 272 273 274
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the	275 276 277 278

Revised Code;	279
(11) A person who has been licensed as a registered nurse	280
or practical nurse, or who has been issued a certificate for the	281
practice of nurse-midwifery under Chapter 4723. of the Revised	282
Code;	283
(12) A person who has been licensed to practice optometry	284
or to engage in optical dispensing under Chapter 4725. of the	285
Revised Code;	286
(13) A person licensed to act as a pawnbroker under	287
Chapter 4727. of the Revised Code;	288
(14) A person licensed to act as a precious metals dealer	289
under Chapter 4728. of the Revised Code;	290
(15) A person licensed as a pharmacist, a pharmacy intern,	291
a wholesale distributor of dangerous drugs, or a terminal	292
distributor of dangerous drugs under Chapter 4729. of the	293
Revised Code;	294
(16) A person who is authorized to practice as a physician	295
assistant under Chapter 4730. of the Revised Code;	296
(17) A person who has been issued a certificate to	297
practice medicine and surgery, osteopathic medicine and surgery,	298
a limited branch of medicine, or podiatry under Chapter 4731. of	299
the Revised Code;	300
(18) A person licensed as a psychologist or school	301
psychologist under Chapter 4732. of the Revised Code;	302
(19) A person registered to practice the profession of	303
engineering or surveying under Chapter 4733. of the Revised	304
Code;	305

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	306 307
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	308 309
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	310 311
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	312 313
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	314 315
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	316 317
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	318 319 320 321
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	322 323 324
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	325 326 327
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	328 329 330
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised	331 332

Code;	333
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	334 335 336
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	337 338 339 340 341 342
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	343 344
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	345 346 347
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	348 349
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	350 351 352
(X) "Cocaine" means any of the following:	353
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	354 355
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	356 357 358 359

(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

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

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

(EE) "Minor drug possession offense" means either of the

following:	389
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	390 391
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	392 393 394
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	395 396
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	397 398
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	399 400 401
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	402 403 404 405 406
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	407 408 409 410 411
(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	412 413
<u>(LL) "Fentanyl-related compound" means any of the following:</u>	414 415

<u>(1) Fentanyl;</u>	416
<u>(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);</u>	417 418 419
<u>(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);</u>	420 421
<u>(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);</u>	422 423
<u>(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);</u>	424 425 426
<u>(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);</u>	427 428
<u>(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);</u>	429 430
<u>(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;</u>	431 432
<u>(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;</u>	433 434
<u>(10) Alfentanil;</u>	435
<u>(11) Carfentanil;</u>	436
<u>(12) Remifentanil;</u>	437
<u>(13) Sufentanil;</u>	438
<u>(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and</u>	439 440
<u>(15) A schedule I narcotic-opiate that meets the fentanyl</u>	441

pharmacophore requirements specified in division (A) (56) of 442
section 3719.41 of the Revised Code, including acetylfentanyl, 443
furanylfentanyl, valerylfentanyl, butyrylfentanyl, 444
isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para- 445
fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl. 446

Sec. 2925.02. (A) No person shall knowingly do any of the 447
following: 448

(1) By force, threat, or deception, administer to another 449
or induce or cause another to use a controlled substance; 450

(2) By any means, administer or furnish to another or 451
induce or cause another to use a controlled substance with 452
purpose to cause serious physical harm to the other person, or 453
with purpose to cause the other person to become drug dependent; 454

(3) By any means, administer or furnish to another or 455
induce or cause another to use a controlled substance, and 456
thereby cause serious physical harm to the other person, or 457
cause the other person to become drug dependent; 458

(4) By any means, do any of the following: 459

(a) Furnish or administer a controlled substance to a 460
juvenile who is at least two years the offender's junior, when 461
the offender knows the age of the juvenile or is reckless in 462
that regard; 463

(b) Induce or cause a juvenile who is at least two years 464
the offender's junior to use a controlled substance, when the 465
offender knows the age of the juvenile or is reckless in that 466
regard; 467

(c) Induce or cause a juvenile who is at least two years 468
the offender's junior to commit a felony drug abuse offense, 469

when the offender knows the age of the juvenile or is reckless 470
in that regard; 471

(d) Use a juvenile, whether or not the offender knows the 472
age of the juvenile, to perform any surveillance activity that 473
is intended to prevent the detection of the offender or any 474
other person in the commission of a felony drug abuse offense or 475
to prevent the arrest of the offender or any other person for 476
the commission of a felony drug abuse offense. 477

(5) By any means, furnish or administer a controlled 478
substance to a pregnant woman or induce or cause a pregnant 479
woman to use a controlled substance, when the offender knows 480
that the woman is pregnant or is reckless in that regard. 481

(B) Division (A) (1), (3), (4), or (5) of this section does 482
not apply to manufacturers, wholesalers, licensed health 483
professionals authorized to prescribe drugs, pharmacists, owners 484
of pharmacies, and other persons whose conduct is in accordance 485
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 486
4741. of the Revised Code. 487

(C) Whoever violates this section is guilty of corrupting 488
another with drugs. The penalty for the offense shall be 489
determined as follows: 490

(1) If the offense is a violation of division (A) (1), (2), 491
(3), or (4) of this section and the drug involved is any 492
compound, mixture, preparation, or substance included in 493
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 494
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 495
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 496
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 497
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 498

offender shall be punished as follows: 499

(a) Except as otherwise provided in division (C) (1) (b) of 500
this section, corrupting another with drugs committed in those 501
circumstances is a felony of the second degree and, subject to 502
division (E) of this section, the court shall impose as a 503
mandatory prison term one of the prison terms prescribed for a 504
felony of the second degree. 505

(b) If the offense was committed in the vicinity of a 506
school, corrupting another with drugs committed in those 507
circumstances is a felony of the first degree, and, subject to 508
division (E) of this section, the court shall impose as a 509
mandatory prison term one of the prison terms prescribed for a 510
felony of the first degree. 511

(2) If the offense is a violation of division (A) (1), (2), 512
(3), or (4) of this section and the drug involved is any 513
compound, mixture, preparation, or substance included in 514
schedule III, IV, or V, the offender shall be punished as 515
follows: 516

(a) Except as otherwise provided in division (C) (2) (b) of 517
this section, corrupting another with drugs committed in those 518
circumstances is a felony of the second degree and there is a 519
presumption for a prison term for the offense. 520

(b) If the offense was committed in the vicinity of a 521
school, corrupting another with drugs committed in those 522
circumstances is a felony of the second degree and the court 523
shall impose as a mandatory prison term one of the prison terms 524
prescribed for a felony of the second degree. 525

(3) If the offense is a violation of division (A) (1), (2), 526
(3), or (4) of this section and the drug involved is marihuana, 527

1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 528
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 529
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 530
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 531
offender shall be punished as follows: 532

(a) Except as otherwise provided in division (C) (3) (b) of 533
this section, corrupting another with drugs committed in those 534
circumstances is a felony of the fourth degree and division (C) 535
of section 2929.13 of the Revised Code applies in determining 536
whether to impose a prison term on the offender. 537

(b) If the offense was committed in the vicinity of a 538
school, corrupting another with drugs committed in those 539
circumstances is a felony of the third degree and division (C) 540
of section 2929.13 of the Revised Code applies in determining 541
whether to impose a prison term on the offender. 542

(4) If the offense is a violation of division (A) (5) of 543
this section and the drug involved is any compound, mixture, 544
preparation, or substance included in schedule I or II, with the 545
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 546
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 547
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 548
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 549
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 550
felony of the first degree and, subject to division (E) of this 551
section, the court shall impose as a mandatory prison term one 552
of the prison terms prescribed for a felony of the first degree. 553

(5) If the offense is a violation of division (A) (5) of 554
this section and the drug involved is any compound, mixture, 555
preparation, or substance included in schedule III, IV, or V, 556
corrupting another with drugs is a felony of the second degree 557

and the court shall impose as a mandatory prison term one of the 558
prison terms prescribed for a felony of the second degree. 559

(6) If the offense is a violation of division (A) (5) of 560
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 561
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 562
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 563
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 564
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 565
corrupting another with drugs is a felony of the third degree 566
and division (C) of section 2929.13 of the Revised Code applies 567
in determining whether to impose a prison term on the offender. 568

(D) In addition to any prison term authorized or required 569
by division (C) or (E) of this section and sections 2929.13 and 570
2929.14 of the Revised Code and in addition to any other 571
sanction imposed for the offense under this section or sections 572
2929.11 to 2929.18 of the Revised Code, the court that sentences 573
an offender who is convicted of or pleads guilty to a violation 574
of division (A) of this section may suspend for not more than 575
five years the offender's driver's or commercial driver's 576
license or permit. However, if the offender pleaded guilty to or 577
was convicted of a violation of section 4511.19 of the Revised 578
Code or a substantially similar municipal ordinance or the law 579
of another state or the United States arising out of the same 580
set of circumstances as the violation, the court shall suspend 581
the offender's driver's or commercial driver's license or permit 582
for not more than five years. The court also shall do all of the 583
following that are applicable regarding the offender: 584

(1) (a) If the violation is a felony of the first, second, 585
or third degree, the court shall impose upon the offender the 586
mandatory fine specified for the offense under division (B) (1) 587

of section 2929.18 of the Revised Code unless, as specified in 588
that division, the court determines that the offender is 589
indigent. 590

(b) Notwithstanding any contrary provision of section 591
3719.21 of the Revised Code, any mandatory fine imposed pursuant 592
to division (D) (1) (a) of this section and any fine imposed for a 593
violation of this section pursuant to division (A) of section 594
2929.18 of the Revised Code shall be paid by the clerk of the 595
court in accordance with and subject to the requirements of, and 596
shall be used as specified in, division (F) of section 2925.03 597
of the Revised Code. 598

(c) If a person is charged with any violation of this 599
section that is a felony of the first, second, or third degree, 600
posts bail, and forfeits the bail, the forfeited bail shall be 601
paid by the clerk of the court pursuant to division (D) (1) (b) of 602
this section as if it were a fine imposed for a violation of 603
this section. 604

(2) If the offender is a professionally licensed person, 605
in addition to any other sanction imposed for a violation of 606
this section, the court immediately shall comply with section 607
2925.38 of the Revised Code. 608

(E) Notwithstanding the prison term otherwise authorized 609
or required for the offense under division (C) of this section 610
and sections 2929.13 and 2929.14 of the Revised Code, if the 611
violation of division (A) of this section involves the sale, 612
offer to sell, or possession of a schedule I or II controlled 613
substance, with the exception of marihuana, 1-Pentyl-3-(1- 614
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 615
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 616
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 617

(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 618
if the court imposing sentence upon the offender finds that the 619
offender as a result of the violation is a major drug offender 620
and is guilty of a specification of the type described in 621
division (A) of section 2941.1410 of the Revised Code, the 622
court, in lieu of the prison term that otherwise is authorized 623
or required, shall impose upon the offender the mandatory prison 624
term specified in division (B) (3) (a) of section 2929.14 of the 625
Revised Code. 626

(F) (1) If the sentencing court suspends the offender's 627
driver's or commercial driver's license or permit under division 628
(D) of this section, the offender, at any time after the 629
expiration of two years from the day on which the offender's 630
sentence was imposed or from the day on which the offender 631
finally was released from a prison term under the sentence, 632
whichever is later, may file a motion with the sentencing court 633
requesting termination of the suspension. Upon the filing of the 634
motion and the court's finding of good cause for the 635
determination, the court may terminate the suspension. 636

(2) Any offender who received a mandatory suspension of 637
the offender's driver's or commercial driver's license or permit 638
under this section prior to ~~the effective date of this amendment~~ 639
September 13, 2016, may file a motion with the sentencing court 640
requesting the termination of the suspension. However, an 641
offender who pleaded guilty to or was convicted of a violation 642
of section 4511.19 of the Revised Code or a substantially 643
similar municipal ordinance or law of another state or the 644
United States that arose out of the same set of circumstances as 645
the violation for which the offender's license or permit was 646
suspended under this section shall not file such a motion. 647

Upon the filing of a motion under division (F) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

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

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

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

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

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

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

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

as amended, and is sold, offered for sale, prescribed, 677
dispensed, or administered for that purpose in accordance with 678
that act. 679

(C) Whoever violates division (A) of this section is 680
guilty of one of the following: 681

(1) If the drug involved in the violation is any compound, 682
mixture, preparation, or substance included in schedule I or 683
schedule II, with the exception of marihuana, cocaine, L.S.D., 684
heroin, any fentanyl-related compound, hashish, and any 685
controlled substance ~~analog~~ analog, whoever violates division 686
(A) of this section is guilty of aggravated trafficking in 687
drugs. The penalty for the offense shall be determined as 688
follows: 689

(a) Except as otherwise provided in division (C) (1) (b), 690
(c), (d), (e), or (f) of this section, aggravated trafficking in 691
drugs is a felony of the fourth degree, and division (C) of 692
section 2929.13 of the Revised Code applies in determining 693
whether to impose a prison term on the offender. 694

(b) Except as otherwise provided in division (C) (1) (c), 695
(d), (e), or (f) of this section, if the offense was committed 696
in the vicinity of a school or in the vicinity of a juvenile, 697
aggravated trafficking in drugs is a felony of the third degree, 698
and division (C) of section 2929.13 of the Revised Code applies 699
in determining whether to impose a prison term on the offender. 700

(c) Except as otherwise provided in this division, if the 701
amount of the drug involved equals or exceeds the bulk amount 702
but is less than five times the bulk amount, aggravated 703
trafficking in drugs is a felony of the third degree, and, 704
except as otherwise provided in this division, there is a 705

presumption for a prison term for the offense. If aggravated 706
trafficking in drugs is a felony of the third degree under this 707
division and if the offender two or more times previously has 708
been convicted of or pleaded guilty to a felony drug abuse 709
offense, the court shall impose as a mandatory prison term one 710
of the prison terms prescribed for a felony of the third degree. 711
If the amount of the drug involved is within that range and if 712
the offense was committed in the vicinity of a school or in the 713
vicinity of a juvenile, aggravated trafficking in drugs is a 714
felony of the second degree, and the court shall impose as a 715
mandatory prison term one of the prison terms prescribed for a 716
felony of the second degree. 717

(d) Except as otherwise provided in this division, if the 718
amount of the drug involved equals or exceeds five times the 719
bulk amount but is less than fifty times the bulk amount, 720
aggravated trafficking in drugs is a felony of the second 721
degree, and the court shall impose as a mandatory prison term 722
one of the prison terms prescribed for a felony of the second 723
degree. If the amount of the drug involved is within that range 724
and if the offense was committed in the vicinity of a school or 725
in the vicinity of a juvenile, aggravated trafficking in drugs 726
is a felony of the first degree, and the court shall impose as a 727
mandatory prison term one of the prison terms prescribed for a 728
felony of the first degree. 729

(e) If the amount of the drug involved equals or exceeds 730
fifty times the bulk amount but is less than one hundred times 731
the bulk amount and regardless of whether the offense was 732
committed in the vicinity of a school or in the vicinity of a 733
juvenile, aggravated trafficking in drugs is a felony of the 734
first degree, and the court shall impose as a mandatory prison 735
term one of the prison terms prescribed for a felony of the 736

first degree. 737

(f) If the amount of the drug involved equals or exceeds 738
one hundred times the bulk amount and regardless of whether the 739
offense was committed in the vicinity of a school or in the 740
vicinity of a juvenile, aggravated trafficking in drugs is a 741
felony of the first degree, the offender is a major drug 742
offender, and the court shall impose as a mandatory prison term 743
the maximum prison term prescribed for a felony of the first 744
degree. 745

(2) If the drug involved in the violation is any compound, 746
mixture, preparation, or substance included in schedule III, IV, 747
or V, whoever violates division (A) of this section is guilty of 748
trafficking in drugs. The penalty for the offense shall be 749
determined as follows: 750

(a) Except as otherwise provided in division (C) (2) (b), 751
(c), (d), or (e) of this section, trafficking in drugs is a 752
felony of the fifth degree, and division (B) of section 2929.13 753
of the Revised Code applies in determining whether to impose a 754
prison term on the offender. 755

(b) Except as otherwise provided in division (C) (2) (c), 756
(d), or (e) of this section, if the offense was committed in the 757
vicinity of a school or in the vicinity of a juvenile, 758
trafficking in drugs is a felony of the fourth degree, and 759
division (C) of section 2929.13 of the Revised Code applies in 760
determining whether to impose a prison term on the offender. 761

(c) Except as otherwise provided in this division, if the 762
amount of the drug involved equals or exceeds the bulk amount 763
but is less than five times the bulk amount, trafficking in 764
drugs is a felony of the fourth degree, and division (B) of 765

section 2929.13 of the Revised Code applies in determining 766
whether to impose a prison term for the offense. If the amount 767
of the drug involved is within that range and if the offense was 768
committed in the vicinity of a school or in the vicinity of a 769
juvenile, trafficking in drugs is a felony of the third degree, 770
and there is a presumption for a prison term for the offense. 771

(d) Except as otherwise provided in this division, if the 772
amount of the drug involved equals or exceeds five times the 773
bulk amount but is less than fifty times the bulk amount, 774
trafficking in drugs is a felony of the third degree, and there 775
is a presumption for a prison term for the offense. If the 776
amount of the drug involved is within that range and if the 777
offense was committed in the vicinity of a school or in the 778
vicinity of a juvenile, trafficking in drugs is a felony of the 779
second degree, and there is a presumption for a prison term for 780
the offense. 781

(e) Except as otherwise provided in this division, if the 782
amount of the drug involved equals or exceeds fifty times the 783
bulk amount, trafficking in drugs is a felony of the second 784
degree, and the court shall impose as a mandatory prison term 785
one of the prison terms prescribed for a felony of the second 786
degree. If the amount of the drug involved equals or exceeds 787
fifty times the bulk amount and if the offense was committed in 788
the vicinity of a school or in the vicinity of a juvenile, 789
trafficking in drugs is a felony of the first degree, and the 790
court shall impose as a mandatory prison term one of the prison 791
terms prescribed for a felony of the first degree. 792

(3) If the drug involved in the violation is marihuana or 793
a compound, mixture, preparation, or substance containing 794
marihuana other than hashish, whoever violates division (A) of 795

this section is guilty of trafficking in marihuana. The penalty 796
for the offense shall be determined as follows: 797

(a) Except as otherwise provided in division (C) (3) (b), 798
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 799
marihuana is a felony of the fifth degree, and division (B) of 800
section 2929.13 of the Revised Code applies in determining 801
whether to impose a prison term on the offender. 802

(b) Except as otherwise provided in division (C) (3) (c), 803
(d), (e), (f), (g), or (h) of this section, if the offense was 804
committed in the vicinity of a school or in the vicinity of a 805
juvenile, trafficking in marihuana is a felony of the fourth 806
degree, and division (B) of section 2929.13 of the Revised Code 807
applies in determining whether to impose a prison term on the 808
offender. 809

(c) Except as otherwise provided in this division, if the 810
amount of the drug involved equals or exceeds two hundred grams 811
but is less than one thousand grams, trafficking in marihuana is 812
a felony of the fourth degree, and division (B) of section 813
2929.13 of the Revised Code applies in determining whether to 814
impose a prison term on the offender. If the amount of the drug 815
involved is within that range and if the offense was committed 816
in the vicinity of a school or in the vicinity of a juvenile, 817
trafficking in marihuana is a felony of the third degree, and 818
division (C) of section 2929.13 of the Revised Code applies in 819
determining whether to impose a prison term on the offender. 820

(d) Except as otherwise provided in this division, if the 821
amount of the drug involved equals or exceeds one thousand grams 822
but is less than five thousand grams, trafficking in marihuana 823
is a felony of the third degree, and division (C) of section 824
2929.13 of the Revised Code applies in determining whether to 825

impose a prison term on the offender. If the amount of the drug 826
involved is within that range and if the offense was committed 827
in the vicinity of a school or in the vicinity of a juvenile, 828
trafficking in marihuana is a felony of the second degree, and 829
there is a presumption that a prison term shall be imposed for 830
the offense. 831

(e) Except as otherwise provided in this division, if the 832
amount of the drug involved equals or exceeds five thousand 833
grams but is less than twenty thousand grams, trafficking in 834
marihuana is a felony of the third degree, and there is a 835
presumption that a prison term shall be imposed for the offense. 836
If the amount of the drug involved is within that range and if 837
the offense was committed in the vicinity of a school or in the 838
vicinity of a juvenile, trafficking in marihuana is a felony of 839
the second degree, and there is a presumption that a prison term 840
shall be imposed for the offense. 841

(f) Except as otherwise provided in this division, if the 842
amount of the drug involved equals or exceeds twenty thousand 843
grams but is less than forty thousand grams, trafficking in 844
marihuana is a felony of the second degree, and the court shall 845
impose a mandatory prison term of five, six, seven, or eight 846
years. If the amount of the drug involved is within that range 847
and if the offense was committed in the vicinity of a school or 848
in the vicinity of a juvenile, trafficking in marihuana is a 849
felony of the first degree, and the court shall impose as a 850
mandatory prison term the maximum prison term prescribed for a 851
felony of the first degree. 852

(g) Except as otherwise provided in this division, if the 853
amount of the drug involved equals or exceeds forty thousand 854
grams, trafficking in marihuana is a felony of the second 855

degree, and the court shall impose as a mandatory prison term 856
the maximum prison term prescribed for a felony of the second 857
degree. If the amount of the drug involved equals or exceeds 858
forty thousand grams and if the offense was committed in the 859
vicinity of a school or in the vicinity of a juvenile, 860
trafficking in marihuana is a felony of the first degree, and 861
the court shall impose as a mandatory prison term the maximum 862
prison term prescribed for a felony of the first degree. 863

(h) Except as otherwise provided in this division, if the 864
offense involves a gift of twenty grams or less of marihuana, 865
trafficking in marihuana is a minor misdemeanor upon a first 866
offense and a misdemeanor of the third degree upon a subsequent 867
offense. If the offense involves a gift of twenty grams or less 868
of marihuana and if the offense was committed in the vicinity of 869
a school or in the vicinity of a juvenile, trafficking in 870
marihuana is a misdemeanor of the third degree. 871

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

(a) Except as otherwise provided in division (C) (4) (b), 877
(c), (d), (e), (f), or (g) of this section, trafficking in 878
cocaine is a felony of the fifth degree, and division (B) of 879
section 2929.13 of the Revised Code applies in determining 880
whether to impose a prison term on the offender. 881

(b) Except as otherwise provided in division (C) (4) (c), 882
(d), (e), (f), or (g) of this section, if the offense was 883
committed in the vicinity of a school or in the vicinity of a 884
juvenile, trafficking in cocaine is a felony of the fourth 885

degree, and division (C) of section 2929.13 of the Revised Code 886
applies in determining whether to impose a prison term on the 887
offender. 888

(c) Except as otherwise provided in this division, if the 889
amount of the drug involved equals or exceeds five grams but is 890
less than ten grams of cocaine, trafficking in cocaine is a 891
felony of the fourth degree, and division (B) of section 2929.13 892
of the Revised Code applies in determining whether to impose a 893
prison term for the offense. If the amount of the drug involved 894
is within that range and if the offense was committed in the 895
vicinity of a school or in the vicinity of a juvenile, 896
trafficking in cocaine is a felony of the third degree, and 897
there is a presumption for a prison term for the offense. 898

(d) Except as otherwise provided in this division, if the 899
amount of the drug involved equals or exceeds ten grams but is 900
less than twenty grams of cocaine, trafficking in cocaine is a 901
felony of the third degree, and, except as otherwise provided in 902
this division, there is a presumption for a prison term for the 903
offense. If trafficking in cocaine is a felony of the third 904
degree under this division and if the offender two or more times 905
previously has been convicted of or pleaded guilty to a felony 906
drug abuse offense, the court shall impose as a mandatory prison 907
term one of the prison terms prescribed for a felony of the 908
third degree. If the amount of the drug involved is within that 909
range and if the offense was committed in the vicinity of a 910
school or in the vicinity of a juvenile, trafficking in cocaine 911
is a felony of the second degree, and the court shall impose as 912
a mandatory prison term one of the prison terms prescribed for a 913
felony of the second degree. 914

(e) Except as otherwise provided in this division, if the 915

amount of the drug involved equals or exceeds twenty grams but 916
is less than twenty-seven grams of cocaine, trafficking in 917
cocaine is a felony of the second degree, and the court shall 918
impose as a mandatory prison term one of the prison terms 919
prescribed for a felony of the second degree. If the amount of 920
the drug involved is within that range and if the offense was 921
committed in the vicinity of a school or in the vicinity of a 922
juvenile, trafficking in cocaine is a felony of the first 923
degree, and the court shall impose as a mandatory prison term 924
one of the prison terms prescribed for a felony of the first 925
degree. 926

(f) If the amount of the drug involved equals or exceeds 927
twenty-seven grams but is less than one hundred grams of cocaine 928
and regardless of whether the offense was committed in the 929
vicinity of a school or in the vicinity of a juvenile, 930
trafficking in cocaine is a felony of the first degree, and the 931
court shall impose as a mandatory prison term one of the prison 932
terms prescribed for a felony of the first degree. 933

(g) If the amount of the drug involved equals or exceeds 934
one hundred grams of cocaine and regardless of whether the 935
offense was committed in the vicinity of a school or in the 936
vicinity of a juvenile, trafficking in cocaine is a felony of 937
the first degree, the offender is a major drug offender, and the 938
court shall impose as a mandatory prison term the maximum prison 939
term prescribed for a felony of the first degree. 940

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

(a) Except as otherwise provided in division (C) (5) (b), 946
(c), (d), (e), (f), or (g) of this section, trafficking in 947
L.S.D. is a felony of the fifth degree, and division (B) of 948
section 2929.13 of the Revised Code applies in determining 949
whether to impose a prison term on the offender. 950

(b) Except as otherwise provided in division (C) (5) (c), 951
(d), (e), (f), or (g) of this section, if the offense was 952
committed in the vicinity of a school or in the vicinity of a 953
juvenile, trafficking in L.S.D. is a felony of the fourth 954
degree, and division (C) of section 2929.13 of the Revised Code 955
applies in determining whether to impose a prison term on the 956
offender. 957

(c) Except as otherwise provided in this division, if the 958
amount of the drug involved equals or exceeds ten unit doses but 959
is less than fifty unit doses of L.S.D. in a solid form or 960
equals or exceeds one gram but is less than five grams of L.S.D. 961
in a liquid concentrate, liquid extract, or liquid distillate 962
form, trafficking in L.S.D. is a felony of the fourth degree, 963
and division (B) of section 2929.13 of the Revised Code applies 964
in determining whether to impose a prison term for the offense. 965
If the amount of the drug involved is within that range and if 966
the offense was committed in the vicinity of a school or in the 967
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 968
third degree, and there is a presumption for a prison term for 969
the offense. 970

(d) Except as otherwise provided in this division, if the 971
amount of the drug involved equals or exceeds fifty unit doses 972
but is less than two hundred fifty unit doses of L.S.D. in a 973
solid form or equals or exceeds five grams but is less than 974
twenty-five grams of L.S.D. in a liquid concentrate, liquid 975

extract, or liquid distillate form, trafficking in L.S.D. is a 976
felony of the third degree, and, except as otherwise provided in 977
this division, there is a presumption for a prison term for the 978
offense. If trafficking in L.S.D. is a felony of the third 979
degree under this division and if the offender two or more times 980
previously has been convicted of or pleaded guilty to a felony 981
drug abuse offense, the court shall impose as a mandatory prison 982
term one of the prison terms prescribed for a felony of the 983
third degree. If the amount of the drug involved is within that 984
range and if the offense was committed in the vicinity of a 985
school or in the vicinity of a juvenile, trafficking in L.S.D. 986
is a felony of the second degree, and the court shall impose as 987
a mandatory prison term one of the prison terms prescribed for a 988
felony of the second degree. 989

(e) Except as otherwise provided in this division, if the 990
amount of the drug involved equals or exceeds two hundred fifty 991
unit doses but is less than one thousand unit doses of L.S.D. in 992
a solid form or equals or exceeds twenty-five grams but is less 993
than one hundred grams of L.S.D. in a liquid concentrate, liquid 994
extract, or liquid distillate form, trafficking in L.S.D. is a 995
felony of the second degree, and the court shall impose as a 996
mandatory prison term one of the prison terms prescribed for a 997
felony of the second degree. If the amount of the drug involved 998
is within that range and if the offense was committed in the 999
vicinity of a school or in the vicinity of a juvenile, 1000
trafficking in L.S.D. is a felony of the first degree, and the 1001
court shall impose as a mandatory prison term one of the prison 1002
terms prescribed for a felony of the first degree. 1003

(f) If the amount of the drug involved equals or exceeds 1004
one thousand unit doses but is less than five thousand unit 1005
doses of L.S.D. in a solid form or equals or exceeds one hundred 1006

grams but is less than five hundred grams of L.S.D. in a liquid 1007
concentrate, liquid extract, or liquid distillate form and 1008
regardless of whether the offense was committed in the vicinity 1009
of a school or in the vicinity of a juvenile, trafficking in 1010
L.S.D. is a felony of the first degree, and the court shall 1011
impose as a mandatory prison term one of the prison terms 1012
prescribed for a felony of the first degree. 1013

(g) If the amount of the drug involved equals or exceeds 1014
five thousand unit doses of L.S.D. in a solid form or equals or 1015
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1016
liquid extract, or liquid distillate form and regardless of 1017
whether the offense was committed in the vicinity of a school or 1018
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1019
of the first degree, the offender is a major drug offender, and 1020
the court shall impose as a mandatory prison term the maximum 1021
prison term prescribed for a felony of the first degree. 1022

(6) If the drug involved in the violation is heroin or a 1023
compound, mixture, preparation, or substance containing heroin, 1024
whoever violates division (A) of this section is guilty of 1025
trafficking in heroin. The penalty for the offense shall be 1026
determined as follows: 1027

(a) Except as otherwise provided in division (C) (6) (b), 1028
(c), (d), (e), (f), or (g) of this section, trafficking in 1029
heroin is a felony of the fifth degree, and division (B) of 1030
section 2929.13 of the Revised Code applies in determining 1031
whether to impose a prison term on the offender. 1032

(b) Except as otherwise provided in division (C) (6) (c), 1033
(d), (e), (f), or (g) of this section, if the offense was 1034
committed in the vicinity of a school or in the vicinity of a 1035
juvenile, trafficking in heroin is a felony of the fourth 1036

degree, and division (C) of section 2929.13 of the Revised Code 1037
applies in determining whether to impose a prison term on the 1038
offender. 1039

(c) Except as otherwise provided in this division, if the 1040
amount of the drug involved equals or exceeds ten unit doses but 1041
is less than fifty unit doses or equals or exceeds one gram but 1042
is less than five grams, trafficking in heroin is a felony of 1043
the fourth degree, and division (B) of section 2929.13 of the 1044
Revised Code applies in determining whether to impose a prison 1045
term for the offense. If the amount of the drug involved is 1046
within that range and if the offense was committed in the 1047
vicinity of a school or in the vicinity of a juvenile, 1048
trafficking in heroin is a felony of the third degree, and there 1049
is a presumption for a prison term for the offense. 1050

(d) Except as otherwise provided in this division, if the 1051
amount of the drug involved equals or exceeds fifty unit doses 1052
but is less than one hundred unit doses or equals or exceeds 1053
five grams but is less than ten grams, trafficking in heroin is 1054
a felony of the third degree, and there is a presumption for a 1055
prison term for the offense. If the amount of the drug involved 1056
is within that range and if the offense was committed in the 1057
vicinity of a school or in the vicinity of a juvenile, 1058
trafficking in heroin is a felony of the second degree, and 1059
there is a presumption for a prison term for the offense. 1060

(e) Except as otherwise provided in this division, if the 1061
amount of the drug involved equals or exceeds one hundred unit 1062
doses but is less than five hundred unit doses or equals or 1063
exceeds ten grams but is less than fifty grams, trafficking in 1064
heroin is a felony of the second degree, and the court shall 1065
impose as a mandatory prison term one of the prison terms 1066

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

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

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

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

(a) Except as otherwise provided in division (C) (7) (b),
(c), (d), (e), (f), or (g) of this section, trafficking in
hashish is a felony of the fifth degree, and division (B) of

section 2929.13 of the Revised Code applies in determining 1097
whether to impose a prison term on the offender. 1098

(b) Except as otherwise provided in division (C) (7) (c), 1099
(d), (e), (f), or (g) of this section, if the offense was 1100
committed in the vicinity of a school or in the vicinity of a 1101
juvenile, trafficking in hashish is a felony of the fourth 1102
degree, and division (B) of section 2929.13 of the Revised Code 1103
applies in determining whether to impose a prison term on the 1104
offender. 1105

(c) Except as otherwise provided in this division, if the 1106
amount of the drug involved equals or exceeds ten grams but is 1107
less than fifty grams of hashish in a solid form or equals or 1108
exceeds two grams but is less than ten grams of hashish in a 1109
liquid concentrate, liquid extract, or liquid distillate form, 1110
trafficking in hashish is a felony of the fourth degree, and 1111
division (B) of section 2929.13 of the Revised Code applies in 1112
determining whether to impose a prison term on the offender. If 1113
the amount of the drug involved is within that range and if the 1114
offense was committed in the vicinity of a school or in the 1115
vicinity of a juvenile, trafficking in hashish is a felony of 1116
the third degree, and division (C) of section 2929.13 of the 1117
Revised Code applies in determining whether to impose a prison 1118
term on the offender. 1119

(d) Except as otherwise provided in this division, if the 1120
amount of the drug involved equals or exceeds fifty grams but is 1121
less than two hundred fifty grams of hashish in a solid form or 1122
equals or exceeds ten grams but is less than fifty grams of 1123
hashish in a liquid concentrate, liquid extract, or liquid 1124
distillate form, trafficking in hashish is a felony of the third 1125
degree, and division (C) of section 2929.13 of the Revised Code 1126

applies in determining whether to impose a prison term on the 1127
offender. If the amount of the drug involved is within that 1128
range and if the offense was committed in the vicinity of a 1129
school or in the vicinity of a juvenile, trafficking in hashish 1130
is a felony of the second degree, and there is a presumption 1131
that a prison term shall be imposed for the offense. 1132

(e) Except as otherwise provided in this division, if the 1133
amount of the drug involved equals or exceeds two hundred fifty 1134
grams but is less than one thousand grams of hashish in a solid 1135
form or equals or exceeds fifty grams but is less than two 1136
hundred grams of hashish in a liquid concentrate, liquid 1137
extract, or liquid distillate form, trafficking in hashish is a 1138
felony of the third degree, and there is a presumption that a 1139
prison term shall be imposed for the offense. If the amount of 1140
the drug involved is within that range and if the offense was 1141
committed in the vicinity of a school or in the vicinity of a 1142
juvenile, trafficking in hashish is a felony of the second 1143
degree, and there is a presumption that a prison term shall be 1144
imposed for the offense. 1145

(f) Except as otherwise provided in this division, if the 1146
amount of the drug involved equals or exceeds one thousand grams 1147
but is less than two thousand grams of hashish in a solid form 1148
or equals or exceeds two hundred grams but is less than four 1149
hundred grams of hashish in a liquid concentrate, liquid 1150
extract, or liquid distillate form, trafficking in hashish is a 1151
felony of the second degree, and the court shall impose a 1152
mandatory prison term of five, six, seven, or eight years. If 1153
the amount of the drug involved is within that range and if the 1154
offense was committed in the vicinity of a school or in the 1155
vicinity of a juvenile, trafficking in hashish is a felony of 1156
the first degree, and the court shall impose as a mandatory 1157

prison term the maximum prison term prescribed for a felony of 1158
the first degree. 1159

(g) Except as otherwise provided in this division, if the 1160
amount of the drug involved equals or exceeds two thousand grams 1161
of hashish in a solid form or equals or exceeds four hundred 1162
grams of hashish in a liquid concentrate, liquid extract, or 1163
liquid distillate form, trafficking in hashish is a felony of 1164
the second degree, and the court shall impose as a mandatory 1165
prison term the maximum prison term prescribed for a felony of 1166
the second degree. If the amount of the drug involved equals or 1167
exceeds two thousand grams of hashish in a solid form or equals 1168
or exceeds four hundred grams of hashish in a liquid 1169
concentrate, liquid extract, or liquid distillate form and if 1170
the offense was committed in the vicinity of a school or in the 1171
vicinity of a juvenile, trafficking in hashish is a felony of 1172
the first degree, and the court shall impose as a mandatory 1173
prison term the maximum prison term prescribed for a felony of 1174
the first degree. 1175

(8) If the drug involved in the violation is a controlled 1176
substance analog or compound, mixture, preparation, or substance 1177
that contains a controlled substance analog, whoever violates 1178
division (A) of this section is guilty of trafficking in a 1179
controlled substance analog. The penalty for the offense shall 1180
be determined as follows: 1181

(a) Except as otherwise provided in division (C) (8) (b), 1182
(c), (d), (e), (f), or (g) of this section, trafficking in a 1183
controlled substance analog is a felony of the fifth degree, and 1184
division (C) of section 2929.13 of the Revised Code applies in 1185
determining whether to impose a prison term on the offender. 1186

(b) Except as otherwise provided in division (C) (8) (c), 1187

(d), (e), (f), or (g) of this section, if the offense was 1188
committed in the vicinity of a school or in the vicinity of a 1189
juvenile, trafficking in a controlled substance analog is a 1190
felony of the fourth degree, and division (C) of section 2929.13 1191
of the Revised Code applies in determining whether to impose a 1192
prison term on the offender. 1193

(c) Except as otherwise provided in this division, if the 1194
amount of the drug involved equals or exceeds ten grams but is 1195
less than twenty grams, trafficking in a controlled substance 1196
analog is a felony of the fourth degree, and division (B) of 1197
section 2929.13 of the Revised Code applies in determining 1198
whether to impose a prison term for the offense. If the amount 1199
of the drug involved is within that range and if the offense was 1200
committed in the vicinity of a school or in the vicinity of a 1201
juvenile, trafficking in a controlled substance analog is a 1202
felony of the third degree, and there is a presumption for a 1203
prison term for the offense. 1204

(d) Except as otherwise provided in this division, if the 1205
amount of the drug involved equals or exceeds twenty grams but 1206
is less than thirty grams, trafficking in a controlled substance 1207
analog is a felony of the third degree, and there is a 1208
presumption for a prison term for the offense. If the amount of 1209
the drug involved is within that range and if the offense was 1210
committed in the vicinity of a school or in the vicinity of a 1211
juvenile, trafficking in a controlled substance analog is a 1212
felony of the second degree, and there is a presumption for a 1213
prison term for the offense. 1214

(e) Except as otherwise provided in this division, if the 1215
amount of the drug involved equals or exceeds thirty grams but 1216
is less than forty grams, trafficking in a controlled substance 1217

analog is a felony of the second degree, and the court shall 1218
impose as a mandatory prison term one of the prison terms 1219
prescribed for a felony of the second degree. If the amount of 1220
the drug involved is within that range and if the offense was 1221
committed in the vicinity of a school or in the vicinity of a 1222
juvenile, trafficking in a controlled substance analog is a 1223
felony of the first degree, and the court shall impose as a 1224
mandatory prison term one of the prison terms prescribed for a 1225
felony of the first degree. 1226

(f) If the amount of the drug involved equals or exceeds 1227
forty grams but is less than fifty grams and regardless of 1228
whether the offense was committed in the vicinity of a school or 1229
in the vicinity of a juvenile, trafficking in a controlled 1230
substance analog is a felony of the first degree, and the court 1231
shall impose as a mandatory prison term one of the prison terms 1232
prescribed for a felony of the first degree. 1233

(g) If the amount of the drug involved equals or exceeds 1234
fifty grams and regardless of whether the offense was committed 1235
in the vicinity of a school or in the vicinity of a juvenile, 1236
trafficking in a controlled substance analog is a felony of the 1237
first degree, the offender is a major drug offender, and the 1238
court shall impose as a mandatory prison term the maximum prison 1239
term prescribed for a felony of the first degree. 1240

(9) If the drug involved in the violation is a fentanyl- 1241
related compound or a compound, mixture, preparation, or 1242
substance containing a fentanyl-related compound, whoever 1243
violates division (A) of this section is guilty of trafficking 1244
in a fentanyl-related compound. The penalty for the offense 1245
shall be determined as follows: 1246

(a) Except as otherwise provided in division (C) (9) (b), 1247

(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1248
a fentanyl-related compound is a felony of the fifth degree, and 1249
division (B) of section 2929.13 of the Revised Code applies in 1250
determining whether to impose a prison term on the offender. 1251

(b) Except as otherwise provided in division (C) (9) (c), 1252
(d), (e), (f), (g), or (h) of this section, if the offense was 1253
committed in the vicinity of a school or in the vicinity of a 1254
juvenile, trafficking in a fentanyl-related compound is a felony 1255
of the fourth degree, and division (C) of section 2929.13 of the 1256
Revised Code applies in determining whether to impose a prison 1257
term on the offender. 1258

(c) Except as otherwise provided in this division, if the 1259
amount of the drug involved equals or exceeds ten unit doses but 1260
is less than fifty unit doses or equals or exceeds one gram but 1261
is less than five grams, trafficking in a fentanyl-related 1262
compound is a felony of the fourth degree, and division (B) of 1263
section 2929.13 of the Revised Code applies in determining 1264
whether to impose a prison term for the offense. If the amount 1265
of the drug involved is within that range and if the offense was 1266
committed in the vicinity of a school or in the vicinity of a 1267
juvenile, trafficking in a fentanyl-related compound is a felony 1268
of the third degree, and there is a presumption for a prison 1269
term for the offense. 1270

(d) Except as otherwise provided in this division, if the 1271
amount of the drug involved equals or exceeds fifty unit doses 1272
but is less than one hundred unit doses or equals or exceeds 1273
five grams but is less than ten grams, trafficking in a 1274
fentanyl-related compound is a felony of the third degree, and 1275
there is a presumption for a prison term for the offense. If the 1276
amount of the drug involved is within that range and if the 1277

offense was committed in the vicinity of a school or in the 1278
vicinity of a juvenile, trafficking in a fentanyl-related 1279
compound is a felony of the second degree, and there is a 1280
presumption for a prison term for the offense. 1281

(e) Except as otherwise provided in this division, if the 1282
amount of the drug involved equals or exceeds one hundred unit 1283
doses but is less than two hundred unit doses or equals or 1284
exceeds ten grams but is less than twenty grams, trafficking in 1285
a fentanyl-related compound is a felony of the second degree, 1286
and the court shall impose as a mandatory prison term one of the 1287
prison terms prescribed for a felony of the second degree. If 1288
the amount of the drug involved is within that range and if the 1289
offense was committed in the vicinity of a school or in the 1290
vicinity of a juvenile, trafficking in a fentanyl-related 1291
compound is a felony of the first degree, and the court shall 1292
impose as a mandatory prison term one of the prison terms 1293
prescribed for a felony of the first degree. 1294

(f) If the amount of the drug involved equals or exceeds 1295
two hundred unit doses but is less than five hundred unit doses 1296
or equals or exceeds twenty grams but is less than fifty grams 1297
and regardless of whether the offense was committed in the 1298
vicinity of a school or in the vicinity of a juvenile, 1299
trafficking in a fentanyl-related compound is a felony of the 1300
first degree, and the court shall impose as a mandatory prison 1301
term one of the prison terms prescribed for a felony of the 1302
first degree. 1303

(g) If the amount of the drug involved equals or exceeds 1304
five hundred unit doses but is less than one thousand unit doses 1305
or equals or exceeds fifty grams but is less than one hundred 1306
grams and regardless of whether the offense was committed in the 1307

vicinity of a school or in the vicinity of a juvenile, 1308
trafficking in a fentanyl-related compound is a felony of the 1309
first degree, and the court shall impose as a mandatory prison 1310
term the maximum prison term prescribed for a felony of the 1311
first degree. 1312

(h) If the amount of the drug involved equals or exceeds 1313
one thousand unit doses or equals or exceeds one hundred grams 1314
and regardless of whether the offense was committed in the 1315
vicinity of a school or in the vicinity of a juvenile, 1316
trafficking in a fentanyl-related compound is a felony of the 1317
first degree, the offender is a major drug offender, and the 1318
court shall impose as a mandatory prison term the maximum prison 1319
term prescribed for a felony of the first degree. 1320

(D) In addition to any prison term authorized or required 1321
by division (C) of this section and sections 2929.13 and 2929.14 1322
of the Revised Code, and in addition to any other sanction 1323
imposed for the offense under this section or sections 2929.11 1324
to 2929.18 of the Revised Code, the court that sentences an 1325
offender who is convicted of or pleads guilty to a violation of 1326
division (A) of this section may suspend the driver's or 1327
commercial driver's license or permit of the offender in 1328
accordance with division (G) of this section. However, if the 1329
offender pleaded guilty to or was convicted of a violation of 1330
section 4511.19 of the Revised Code or a substantially similar 1331
municipal ordinance or the law of another state or the United 1332
States arising out of the same set of circumstances as the 1333
violation, the court shall suspend the offender's driver's or 1334
commercial driver's license or permit in accordance with 1335
division (G) of this section. If applicable, the court also 1336
shall do the following: 1337

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

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

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

finding and return is to the effect that the amount of the 1369
controlled substance involved is the requisite amount, or that 1370
the amount of the controlled substance involved is less than the 1371
requisite amount. 1372

(F) (1) Notwithstanding any contrary provision of section 1373
3719.21 of the Revised Code and except as provided in division 1374
(H) of this section, the clerk of the court shall pay any 1375
mandatory fine imposed pursuant to division (D) (1) of this 1376
section and any fine other than a mandatory fine that is imposed 1377
for a violation of this section pursuant to division (A) or (B) 1378
(5) of section 2929.18 of the Revised Code to the county, 1379
township, municipal corporation, park district, as created 1380
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1381
state law enforcement agencies in this state that primarily were 1382
responsible for or involved in making the arrest of, and in 1383
prosecuting, the offender. However, the clerk shall not pay a 1384
mandatory fine so imposed to a law enforcement agency unless the 1385
agency has adopted a written internal control policy under 1386
division (F) (2) of this section that addresses the use of the 1387
fine moneys that it receives. Each agency shall use the 1388
mandatory fines so paid to subsidize the agency's law 1389
enforcement efforts that pertain to drug offenses, in accordance 1390
with the written internal control policy adopted by the 1391
recipient agency under division (F) (2) of this section. 1392

(2) Prior to receiving any fine moneys under division (F) 1393
(1) of this section or division (B) of section 2925.42 of the 1394
Revised Code, a law enforcement agency shall adopt a written 1395
internal control policy that addresses the agency's use and 1396
disposition of all fine moneys so received and that provides for 1397
the keeping of detailed financial records of the receipts of 1398
those fine moneys, the general types of expenditures made out of 1399

those fine moneys, and the specific amount of each general type 1400
of expenditure. The policy shall not provide for or permit the 1401
identification of any specific expenditure that is made in an 1402
ongoing investigation. All financial records of the receipts of 1403
those fine moneys, the general types of expenditures made out of 1404
those fine moneys, and the specific amount of each general type 1405
of expenditure by an agency are public records open for 1406
inspection under section 149.43 of the Revised Code. 1407
Additionally, a written internal control policy adopted under 1408
this division is such a public record, and the agency that 1409
adopted it shall comply with it. 1410

(3) As used in division (F) of this section: 1411

(a) "Law enforcement agencies" includes, but is not 1412
limited to, the state board of pharmacy and the office of a 1413
prosecutor. 1414

(b) "Prosecutor" has the same meaning as in section 1415
2935.01 of the Revised Code. 1416

(G) (1) If the sentencing court suspends the offender's 1417
driver's or commercial driver's license or permit under division 1418
(D) of this section or any other provision of this chapter, the 1419
court shall suspend the license, by order, for not more than 1420
five years. If an offender's driver's or commercial driver's 1421
license or permit is suspended pursuant to this division, the 1422
offender, at any time after the expiration of two years from the 1423
day on which the offender's sentence was imposed or from the day 1424
on which the offender finally was released from a prison term 1425
under the sentence, whichever is later, may file a motion with 1426
the sentencing court requesting termination of the suspension; 1427
upon the filing of such a motion and the court's finding of good 1428
cause for the termination, the court may terminate the 1429

suspension. 1430

(2) Any offender who received a mandatory suspension of 1431
the offender's driver's or commercial driver's license or permit 1432
under this section prior to ~~the effective date of this amendment~~ 1433
September 13, 2016, may file a motion with the sentencing court 1434
requesting the termination of the suspension. However, an 1435
offender who pleaded guilty to or was convicted of a violation 1436
of section 4511.19 of the Revised Code or a substantially 1437
similar municipal ordinance or law of another state or the 1438
United States that arose out of the same set of circumstances as 1439
the violation for which the offender's license or permit was 1440
suspended under this section shall not file such a motion. 1441

Upon the filing of a motion under division (G)(2) of this 1442
section, the sentencing court, in its discretion, may terminate 1443
the suspension. 1444

(H)(1) In addition to any prison term authorized or 1445
required by division (C) of this section and sections 2929.13 1446
and 2929.14 of the Revised Code, in addition to any other 1447
penalty or sanction imposed for the offense under this section 1448
or sections 2929.11 to 2929.18 of the Revised Code, and in 1449
addition to the forfeiture of property in connection with the 1450
offense as prescribed in Chapter 2981. of the Revised Code, the 1451
court that sentences an offender who is convicted of or pleads 1452
guilty to a violation of division (A) of this section may impose 1453
upon the offender an additional fine specified for the offense 1454
in division (B)(4) of section 2929.18 of the Revised Code. A 1455
fine imposed under division (H)(1) of this section is not 1456
subject to division (F) of this section and shall be used solely 1457
for the support of one or more eligible community addiction 1458
services providers in accordance with divisions (H)(2) and (3) 1459

of this section. 1460

(2) The court that imposes a fine under division (H) (1) of 1461
this section shall specify in the judgment that imposes the fine 1462
one or more eligible community addiction services providers for 1463
the support of which the fine money is to be used. No community 1464
addiction services provider shall receive or use money paid or 1465
collected in satisfaction of a fine imposed under division (H) 1466
(1) of this section unless the services provider is specified in 1467
the judgment that imposes the fine. No community addiction 1468
services provider shall be specified in the judgment unless the 1469
services provider is an eligible community addiction services 1470
provider and, except as otherwise provided in division (H) (2) of 1471
this section, unless the services provider is located in the 1472
county in which the court that imposes the fine is located or in 1473
a county that is immediately contiguous to the county in which 1474
that court is located. If no eligible community addiction 1475
services provider is located in any of those counties, the 1476
judgment may specify an eligible community addiction services 1477
provider that is located anywhere within this state. 1478

(3) Notwithstanding any contrary provision of section 1479
3719.21 of the Revised Code, the clerk of the court shall pay 1480
any fine imposed under division (H) (1) of this section to the 1481
eligible community addiction services provider specified 1482
pursuant to division (H) (2) of this section in the judgment. The 1483
eligible community addiction services provider that receives the 1484
fine moneys shall use the moneys only for the alcohol and drug 1485
addiction services identified in the application for 1486
certification of services under section 5119.36 of the Revised 1487
Code or in the application for a license under section 5119.391 1488
of the Revised Code filed with the department of mental health 1489
and addiction services by the community addiction services 1490

provider specified in the judgment. 1491

(4) Each community addiction services provider that 1492
receives in a calendar year any fine moneys under division (H) 1493
(3) of this section shall file an annual report covering that 1494
calendar year with the court of common pleas and the board of 1495
county commissioners of the county in which the services 1496
provider is located, with the court of common pleas and the 1497
board of county commissioners of each county from which the 1498
services provider received the moneys if that county is 1499
different from the county in which the services provider is 1500
located, and with the attorney general. The community addiction 1501
services provider shall file the report no later than the first 1502
day of March in the calendar year following the calendar year in 1503
which the services provider received the fine moneys. The report 1504
shall include statistics on the number of persons served by the 1505
community addiction services provider, identify the types of 1506
alcohol and drug addiction services provided to those persons, 1507
and include a specific accounting of the purposes for which the 1508
fine moneys received were used. No information contained in the 1509
report shall identify, or enable a person to determine the 1510
identity of, any person served by the community addiction 1511
services provider. Each report received by a court of common 1512
pleas, a board of county commissioners, or the attorney general 1513
is a public record open for inspection under section 149.43 of 1514
the Revised Code. 1515

(5) As used in divisions (H) (1) to (5) of this section: 1516

(a) "Community addiction services provider" and "alcohol 1517
and drug addiction services" have the same meanings as in 1518
section 5119.01 of the Revised Code. 1519

(b) "Eligible community addiction services provider" means 1520

a community addiction services provider, as defined in section 1521
5119.01 of the Revised Code, or a community addiction services 1522
provider that maintains a methadone treatment program licensed 1523
under section 5119.391 of the Revised Code. 1524

(I) As used in this section, "drug" includes any substance 1525
that is represented to be a drug. 1526

(J) It is an affirmative defense to a charge of 1527
trafficking in a controlled substance analog under division (C) 1528
(8) of this section that the person charged with violating that 1529
offense sold or offered to sell, or prepared for shipment, 1530
shipped, transported, delivered, prepared for distribution, or 1531
distributed an item described in division (HH) (2) (a), (b), or 1532
(c) of section 3719.01 of the Revised Code. 1533

Sec. 2925.04. (A) No person shall knowingly cultivate 1534
marihuana or knowingly manufacture or otherwise engage in any 1535
part of the production of a controlled substance. 1536

(B) This section does not apply to any person listed in 1537
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1538
Code to the extent and under the circumstances described in 1539
those divisions. 1540

(C) (1) Whoever commits a violation of division (A) of this 1541
section that involves any drug other than marihuana is guilty of 1542
illegal manufacture of drugs, and whoever commits a violation of 1543
division (A) of this section that involves marihuana is guilty 1544
of illegal cultivation of marihuana. 1545

(2) Except as otherwise provided in this division, if the 1546
drug involved in the violation of division (A) of this section 1547
is any compound, mixture, preparation, or substance included in 1548
schedule I or II, with the exception of methamphetamine or 1549

marihuana, illegal manufacture of drugs is a felony of the 1550
second degree, and, subject to division (E) of this section, the 1551
court shall impose as a mandatory prison term one of the prison 1552
terms prescribed for a felony of the second degree. 1553

If the drug involved in the violation is any compound, 1554
mixture, preparation, or substance included in schedule I or II, 1555
with the exception of methamphetamine or marihuana, and if the 1556
offense was committed in the vicinity of a juvenile or in the 1557
vicinity of a school, illegal manufacture of drugs is a felony 1558
of the first degree, and, subject to division (E) of this 1559
section, the court shall impose as a mandatory prison term one 1560
of the prison terms prescribed for a felony of the first degree. 1561

(3) If the drug involved in the violation of division (A) 1562
of this section is methamphetamine, the penalty for the 1563
violation shall be determined as follows: 1564

(a) Except as otherwise provided in division (C) (3) (b) of 1565
this section, if the drug involved in the violation is 1566
methamphetamine, illegal manufacture of drugs is a felony of the 1567
second degree, and, subject to division (E) of this section, the 1568
court shall impose a mandatory prison term on the offender 1569
determined in accordance with this division. Except as otherwise 1570
provided in this division, the court shall impose as a mandatory 1571
prison term one of the prison terms prescribed for a felony of 1572
the second degree that is not less than three years. If the 1573
offender previously has been convicted of or pleaded guilty to a 1574
violation of division (A) of this section, a violation of 1575
division (B) (6) of section 2919.22 of the Revised Code, or a 1576
violation of division (A) of section 2925.041 of the Revised 1577
Code, the court shall impose as a mandatory prison term one of 1578
the prison terms prescribed for a felony of the second degree 1579

that is not less than five years. 1580

(b) If the drug involved in the violation is 1581
methamphetamine and if the offense was committed in the vicinity 1582
of a juvenile, in the vicinity of a school, or on public 1583
premises, illegal manufacture of drugs is a felony of the first 1584
degree, and, subject to division (E) of this section, the court 1585
shall impose a mandatory prison term on the offender determined 1586
in accordance with this division. Except as otherwise provided 1587
in this division, the court shall impose as a mandatory prison 1588
term one of the prison terms prescribed for a felony of the 1589
first degree that is not less than four years. If the offender 1590
previously has been convicted of or pleaded guilty to a 1591
violation of division (A) of this section, a violation of 1592
division (B) (6) of section 2919.22 of the Revised Code, or a 1593
violation of division (A) of section 2925.041 of the Revised 1594
Code, the court shall impose as a mandatory prison term one of 1595
the prison terms prescribed for a felony of the first degree 1596
that is not less than five years. 1597

(4) If the drug involved in the violation of division (A) 1598
of this section is any compound, mixture, preparation, or 1599
substance included in schedule III, IV, or V, illegal 1600
manufacture of drugs is a felony of the third degree or, if the 1601
offense was committed in the vicinity of a school or in the 1602
vicinity of a juvenile, a felony of the second degree, and there 1603
is a presumption for a prison term for the offense. 1604

(5) If the drug involved in the violation is marihuana, 1605
the penalty for the offense shall be determined as follows: 1606

(a) Except as otherwise provided in division (C) (5) (b), 1607
(c), (d), (e), or (f) of this section, illegal cultivation of 1608
marihuana is a minor misdemeanor or, if the offense was 1609

committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

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

(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a felony of the fifth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, 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.

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

(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense.

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

amount of marihuana involved equals or exceeds twenty thousand 1639
grams, illegal cultivation of marihuana is a felony of the 1640
second degree, and the court shall impose as a mandatory prison 1641
term the maximum prison term prescribed for a felony of the 1642
second degree. If the amount of the drug involved equals or 1643
exceeds twenty thousand grams and if the offense was committed 1644
in the vicinity of a school or in the vicinity of a juvenile, 1645
illegal cultivation of marihuana is a felony of the first 1646
degree, and the court shall impose as a mandatory prison term 1647
the maximum prison term prescribed for a felony of the first 1648
degree. 1649

(D) In addition to any prison term authorized or required 1650
by division (C) or (E) of this section and sections 2929.13 and 1651
2929.14 of the Revised Code and in addition to any other 1652
sanction imposed for the offense under this section or sections 1653
2929.11 to 2929.18 of the Revised Code, the court that sentences 1654
an offender who is convicted of or pleads guilty to a violation 1655
of division (A) of this section may suspend the offender's 1656
driver's or commercial driver's license or permit in accordance 1657
with division (G) of section 2925.03 of the Revised Code. 1658
However, if the offender pleaded guilty to or was convicted of a 1659
violation of section 4511.19 of the Revised Code or a 1660
substantially similar municipal ordinance or the law of another 1661
state or the United States arising out of the same set of 1662
circumstances as the violation, the court shall suspend the 1663
offender's driver's or commercial driver's license or permit in 1664
accordance with division (G) of section 2925.03 of the Revised 1665
Code. If applicable, the court also shall do the following: 1666

(1) If the violation of division (A) of this section is a 1667
felony of the first, second, or third degree, the court shall 1668
impose upon the offender the mandatory fine specified for the 1669

offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

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

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

(F) It is an affirmative defense, as provided in section

2901.05 of the Revised Code, to a charge under this section for 1700
a fifth degree felony violation of illegal cultivation of 1701
marihuana that the marihuana that gave rise to the charge is in 1702
an amount, is in a form, is prepared, compounded, or mixed with 1703
substances that are not controlled substances in a manner, or is 1704
possessed or cultivated under any other circumstances that 1705
indicate that the marihuana was solely for personal use. 1706

Notwithstanding any contrary provision of division (F) of 1707
this section, if, in accordance with section 2901.05 of the 1708
Revised Code, a person who is charged with a violation of 1709
illegal cultivation of marihuana that is a felony of the fifth 1710
degree sustains the burden of going forward with evidence of and 1711
establishes by a preponderance of the evidence the affirmative 1712
defense described in this division, the person may be prosecuted 1713
for and may be convicted of or plead guilty to a misdemeanor 1714
violation of illegal cultivation of marihuana. 1715

(G) Arrest or conviction for a minor misdemeanor violation 1716
of this section does not constitute a criminal record and need 1717
not be reported by the person so arrested or convicted in 1718
response to any inquiries about the person's criminal record, 1719
including any inquiries contained in an application for 1720
employment, a license, or any other right or privilege or made 1721
in connection with the person's appearance as a witness. 1722

(H) (1) If the sentencing court suspends the offender's 1723
driver's or commercial driver's license or permit under this 1724
section in accordance with division (G) of section 2925.03 of 1725
the Revised Code, the offender may request termination of, and 1726
the court may terminate, the suspension of the offender in 1727
accordance with that division. 1728

(2) Any offender who received a mandatory suspension of 1729

the offender's driver's or commercial driver's license or permit 1730
under this section prior to ~~the effective date of this amendment~~ 1731
September 13, 2016, may file a motion with the sentencing court 1732
requesting the termination of the suspension. However, an 1733
offender who pleaded guilty to or was convicted of a violation 1734
of section 4511.19 of the Revised Code or a substantially 1735
similar municipal ordinance or law of another state or the 1736
United States that arose out of the same set of circumstances as 1737
the violation for which the offender's license or permit was 1738
suspended under this section shall not file such a motion. 1739

Upon the filing of a motion under division (H) (2) of this 1740
section, the sentencing court, in its discretion, may terminate 1741
the suspension. 1742

Sec. 2925.05. (A) No person shall knowingly provide money 1743
or other items of value to another person with the purpose that 1744
the recipient of the money or items of value use them to obtain 1745
any controlled substance for the purpose of violating section 1746
2925.04 of the Revised Code or for the purpose of selling or 1747
offering to sell the controlled substance in the following 1748
amount: 1749

(1) If the drug to be sold or offered for sale is any 1750
compound, mixture, preparation, or substance included in 1751
schedule I or II, with the exception of marihuana, cocaine, 1752
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1753
schedule III, IV, or V, an amount of the drug that equals or 1754
exceeds the bulk amount of the drug; 1755

(2) If the drug to be sold or offered for sale is 1756
marihuana or a compound, mixture, preparation, or substance 1757
other than hashish containing marihuana, an amount of the 1758
marihuana that equals or exceeds two hundred grams; 1759

(3) If the drug to be sold or offered for sale is cocaine 1760
or a compound, mixture, preparation, or substance containing 1761
cocaine, an amount of the cocaine that equals or exceeds five 1762
grams; 1763

(4) If the drug to be sold or offered for sale is L.S.D. 1764
or a compound, mixture, preparation, or substance containing 1765
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1766
doses if the L.S.D. is in a solid form or equals or exceeds one 1767
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1768
or liquid distillate form; 1769

(5) If the drug to be sold or offered for sale is heroin 1770
or a fentanyl-related compound, or a compound, mixture, 1771
preparation, or substance containing heroin or a fentanyl- 1772
related compound, an amount ~~of the heroin~~ that equals or exceeds 1773
ten unit doses or equals or exceeds one gram; 1774

(6) If the drug to be sold or offered for sale is hashish 1775
or a compound, mixture, preparation, or substance containing 1776
hashish, an amount of the hashish that equals or exceeds ten 1777
grams if the hashish is in a solid form or equals or exceeds two 1778
grams if the hashish is in a liquid concentrate, liquid extract, 1779
or liquid distillate form. 1780

(B) This section does not apply to any person listed in 1781
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1782
Code to the extent and under the circumstances described in 1783
those divisions. 1784

(C) (1) If the drug involved in the violation is any 1785
compound, mixture, preparation, or substance included in 1786
schedule I or II, with the exception of marihuana, whoever 1787
violates division (A) of this section is guilty of aggravated 1788

funding of drug trafficking, a felony of the first degree, and, 1789
subject to division (E) of this section, the court shall impose 1790
as a mandatory prison term one of the prison terms prescribed 1791
for a felony of the first degree. 1792

(2) If the drug involved in the violation is any compound, 1793
mixture, preparation, or substance included in schedule III, IV, 1794
or V, whoever violates division (A) of this section is guilty of 1795
funding of drug trafficking, a felony of the second degree, and 1796
the court shall impose as a mandatory prison term one of the 1797
prison terms prescribed for a felony of the second degree. 1798

(3) If the drug involved in the violation is marihuana, 1799
whoever violates division (A) of this section is guilty of 1800
funding of marihuana trafficking, a felony of the third degree, 1801
and, except as otherwise provided in this division, there is a 1802
presumption for a prison term for the offense. If funding of 1803
marihuana trafficking is a felony of the third degree under this 1804
division and if the offender two or more times previously has 1805
been convicted of or pleaded guilty to a felony drug abuse 1806
offense, the court shall impose as a mandatory prison term one 1807
of the prison terms prescribed for a felony of the third degree. 1808

(D) In addition to any prison term authorized or required 1809
by division (C) or (E) of this section and sections 2929.13 and 1810
2929.14 of the Revised Code and in addition to any other 1811
sanction imposed for the offense under this section or sections 1812
2929.11 to 2929.18 of the Revised Code, the court that sentences 1813
an offender who is convicted of or pleads guilty to a violation 1814
of division (A) of this section may suspend the offender's 1815
driver's or commercial driver's license or permit in accordance 1816
with division (G) of section 2925.03 of the Revised Code. 1817
However, if the offender pleaded guilty to or was convicted of a 1818

violation of section 4511.19 of the Revised Code or a 1819
substantially similar municipal ordinance or the law of another 1820
state or the United States arising out of the same set of 1821
circumstances as the violation, the court shall suspend the 1822
offender's driver's or commercial driver's license or permit in 1823
accordance with division (G) of section 2925.03 of the Revised 1824
Code. If applicable, the court also shall do the following: 1825

(1) The court shall impose the mandatory fine specified 1826
for the offense under division (B) (1) of section 2929.18 of the 1827
Revised Code unless, as specified in that division, the court 1828
determines that the offender is indigent. The clerk of the court 1829
shall pay a mandatory fine or other fine imposed for a violation 1830
of this section pursuant to division (A) of section 2929.18 of 1831
the Revised Code in accordance with and subject to the 1832
requirements of division (F) of section 2925.03 of the Revised 1833
Code. The agency that receives the fine shall use the fine in 1834
accordance with division (F) of section 2925.03 of the Revised 1835
Code. If a person is charged with a violation of this section, 1836
posts bail, and forfeits the bail, the forfeited bail shall be 1837
paid as if the forfeited bail were a fine imposed for a 1838
violation of this section. 1839

(2) If the offender is a professionally licensed person, 1840
the court immediately shall comply with section 2925.38 of the 1841
Revised Code. 1842

(E) Notwithstanding the prison term otherwise authorized 1843
or required for the offense under division (C) of this section 1844
and sections 2929.13 and 2929.14 of the Revised Code, if the 1845
violation of division (A) of this section involves the sale, 1846
offer to sell, or possession of a schedule I or II controlled 1847
substance, with the exception of marihuana, ~~and if one of the~~ 1848

following applies: 1849

(1) If the drug involved in the violation is a fentanyl- 1850
related compound, the offense is a felony of the first degree, 1851
the offender is a major drug offender, and the court shall 1852
impose as a mandatory prison term the maximum prison term 1853
prescribed for a felony of the first degree. 1854

(2) If division (E) (1) of this section does not apply and 1855
the court imposing sentence upon the offender finds that the 1856
offender as a result of the violation is a major drug offender 1857
and is guilty of a specification of the type described in 1858
division (A) of section 2941.1410 of the Revised Code, the 1859
court, in lieu of the prison term otherwise authorized or 1860
required, shall impose upon the offender the mandatory prison 1861
term specified in division (B) (3) of section 2929.14 of the 1862
Revised Code. 1863

(F) (1) If the sentencing court suspends the offender's 1864
driver's or commercial driver's license or permit under this 1865
section in accordance with division (G) of section 2925.03 of 1866
the Revised Code, the offender may request termination of, and 1867
the court may terminate, the suspension in accordance with that 1868
division. 1869

(2) Any offender who received a mandatory suspension of 1870
the offender's driver's or commercial driver's license or permit 1871
under this section prior to ~~the effective date of this amendment~~ 1872
September 13, 2016, may file a motion with the sentencing court 1873
requesting the termination of the suspension. However, an 1874
offender who pleaded guilty to or was convicted of a violation 1875
of section 4511.19 of the Revised Code or a substantially 1876
similar municipal ordinance or law of another state or the 1877
United States that arose out of the same set of circumstances as 1878

the violation for which the offender's license or permit was 1879
suspended under this section shall not file such a motion. 1880

Upon the filing of a motion under division (F) (2) of this 1881
section, the sentencing court, in its discretion, may terminate 1882
the suspension. 1883

Sec. 2925.11. (A) No person shall knowingly obtain, 1884
possess, or use a controlled substance or a controlled substance 1885
analog. 1886

(B) (1) This section does not apply to any of the 1887
following: 1888

(a) Manufacturers, licensed health professionals 1889
authorized to prescribe drugs, pharmacists, owners of 1890
pharmacies, and other persons whose conduct was in accordance 1891
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1892
4741. of the Revised Code; 1893

(b) If the offense involves an anabolic steroid, any 1894
person who is conducting or participating in a research project 1895
involving the use of an anabolic steroid if the project has been 1896
approved by the United States food and drug administration; 1897

(c) Any person who sells, offers for sale, prescribes, 1898
dispenses, or administers for livestock or other nonhuman 1899
species an anabolic steroid that is expressly intended for 1900
administration through implants to livestock or other nonhuman 1901
species and approved for that purpose under the "Federal Food, 1902
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1903
as amended, and is sold, offered for sale, prescribed, 1904
dispensed, or administered for that purpose in accordance with 1905
that act; 1906

(d) Any person who obtained the controlled substance 1907

pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs. 1908
1909

(2) (a) As used in division (B) (2) of this section: 1910

(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 1911
1912

(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code. 1913
1914
1915

(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code. 1916
1917

(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 1918
1919
1920

(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 1921
1922

(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 1923
1924

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 1925
1926

(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 1927
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(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

(b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:

(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.

(ii) Subject to division (B) (2) (g) of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

(iii) Subject to division (B) (2) (g) of this section, the qualified individual who obtains a screening and receives a referral for treatment under division (B) (2) (b) (ii) of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that division. The documentation shall be limited to the date and time of the screening obtained and referral received.

(c) If a person is found to be in violation of any community control sanction and if the violation is a result of

either of the following, the court shall first consider ordering 1964
the person's participation or continued participation in a drug 1965
treatment program or mitigating the penalty specified in section 1966
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1967
applicable, after which the court has the discretion either to 1968
order the person's participation or continued participation in a 1969
drug treatment program or to impose the penalty with the 1970
mitigating factor specified in any of those applicable sections: 1971

(i) Seeking or obtaining medical assistance in good faith 1972
for another person who is experiencing a drug overdose; 1973

(ii) Experiencing a drug overdose and seeking medical 1974
assistance for that overdose or being the subject of another 1975
person seeking or obtaining medical assistance for that overdose 1976
as described in division (B) (2) (b) of this section. 1977

(d) If a person is found to be in violation of any post- 1978
release control sanction and if the violation is a result of 1979
either of the following, the court or the parole board shall 1980
first consider ordering the person's participation or continued 1981
participation in a drug treatment program or mitigating the 1982
penalty specified in section 2929.141 or 2967.28 of the Revised 1983
Code, whichever is applicable, after which the court or the 1984
parole board has the discretion either to order the person's 1985
participation or continued participation in a drug treatment 1986
program or to impose the penalty with the mitigating factor 1987
specified in either of those applicable sections: 1988

(i) Seeking or obtaining medical assistance in good faith 1989
for another person who is experiencing a drug overdose; 1990

(ii) Experiencing a drug overdose and seeking medical 1991
assistance for that emergency or being the subject of another 1992

person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	1993 1994
(e) Nothing in division (B) (2) (b) of this section shall be construed to do any of the following:	1995 1996
(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B) (2) (b) of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to division (B) (2) (b) of this section for a minor drug possession offense;	1997 1998 1999 2000 2001 2002 2003
(ii) Limit any seizure of evidence or contraband otherwise permitted by law;	2004 2005
(iii) Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;	2006 2007 2008 2009
(iv) Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to the effective date of this amendment <u>September 13, 2016,</u> to any public agency or to an employee of any public agency.	2010 2011 2012 2013
(f) Division (B) (2) (b) of this section does not apply to any person who twice previously has been granted an immunity under division (B) (2) (b) of this section. No person shall be granted an immunity under division (B) (2) (b) of this section more than two times.	2014 2015 2016 2017 2018
(g) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance	2019 2020 2021

Portability and Accountability Act of 1996," 104 Pub. L. No. 2022
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2023
regulations promulgated by the United States department of 2024
health and human services to implement the act or the 2025
requirements of 42 C.F.R. Part 2. 2026

(C) Whoever violates division (A) of this section is 2027
guilty of one of the following: 2028

(1) If the drug involved in the violation is a compound, 2029
mixture, preparation, or substance included in schedule I or II, 2030
with the exception of marihuana, cocaine, L.S.D., heroin, any 2031
fentanyl-related compound, hashish, and any controlled substance 2032
~~analog~~ analog, whoever violates division (A) of this section is 2033
guilty of aggravated possession of drugs. The penalty for the 2034
offense shall be determined as follows: 2035

(a) Except as otherwise provided in division (C) (1) (b), 2036
(c), (d), or (e) of this section, aggravated possession of drugs 2037
is a felony of the fifth degree, and division (B) of section 2038
2929.13 of the Revised Code applies in determining whether to 2039
impose a prison term on the offender. 2040

(b) If the amount of the drug involved equals or exceeds 2041
the bulk amount but is less than five times the bulk amount, 2042
aggravated possession of drugs is a felony of the third degree, 2043
and there is a presumption for a prison term for the offense. 2044

(c) If the amount of the drug involved equals or exceeds 2045
five times the bulk amount but is less than fifty times the bulk 2046
amount, aggravated possession of drugs is a felony of the second 2047
degree, and the court shall impose as a mandatory prison term 2048
one of the prison terms prescribed for a felony of the second 2049
degree. 2050

(d) If the amount of the drug involved equals or exceeds 2051
fifty times the bulk amount but is less than one hundred times 2052
the bulk amount, aggravated possession of drugs is a felony of 2053
the first degree, and the court shall impose as a mandatory 2054
prison term one of the prison terms prescribed for a felony of 2055
the first degree. 2056

(e) If the amount of the drug involved equals or exceeds 2057
one hundred times the bulk amount, aggravated possession of 2058
drugs is a felony of the first degree, the offender is a major 2059
drug offender, and the court shall impose as a mandatory prison 2060
term the maximum prison term prescribed for a felony of the 2061
first degree. 2062

(2) If the drug involved in the violation is a compound, 2063
mixture, preparation, or substance included in schedule III, IV, 2064
or V, whoever violates division (A) of this section is guilty of 2065
possession of drugs. The penalty for the offense shall be 2066
determined as follows: 2067

(a) Except as otherwise provided in division (C) (2) (b), 2068
(c), or (d) of this section, possession of drugs is a 2069
misdemeanor of the first degree or, if the offender previously 2070
has been convicted of a drug abuse offense, a felony of the 2071
fifth degree. 2072

(b) If the amount of the drug involved equals or exceeds 2073
the bulk amount but is less than five times the bulk amount, 2074
possession of drugs is a felony of the fourth degree, and 2075
division (C) of section 2929.13 of the Revised Code applies in 2076
determining whether to impose a prison term on the offender. 2077

(c) If the amount of the drug involved equals or exceeds 2078
five times the bulk amount but is less than fifty times the bulk 2079

amount, possession of drugs is a felony of the third degree, and 2080
there is a presumption for a prison term for the offense. 2081

(d) If the amount of the drug involved equals or exceeds 2082
fifty times the bulk amount, possession of drugs is a felony of 2083
the second degree, and the court shall impose upon the offender 2084
as a mandatory prison term one of the prison terms prescribed 2085
for a felony of the second degree. 2086

(3) If the drug involved in the violation is marihuana or 2087
a compound, mixture, preparation, or substance containing 2088
marihuana other than hashish, whoever violates division (A) of 2089
this section is guilty of possession of marihuana. The penalty 2090
for the offense shall be determined as follows: 2091

(a) Except as otherwise provided in division (C) (3) (b), 2092
(c), (d), (e), (f), or (g) of this section, possession of 2093
marihuana is a minor misdemeanor. 2094

(b) If the amount of the drug involved equals or exceeds 2095
one hundred grams but is less than two hundred grams, possession 2096
of marihuana is a misdemeanor of the fourth degree. 2097

(c) If the amount of the drug involved equals or exceeds 2098
two hundred grams but is less than one thousand grams, 2099
possession of marihuana is a felony of the fifth degree, and 2100
division (B) of section 2929.13 of the Revised Code applies in 2101
determining whether to impose a prison term on the offender. 2102

(d) If the amount of the drug involved equals or exceeds 2103
one thousand grams but is less than five thousand grams, 2104
possession of marihuana is a felony of the third degree, and 2105
division (C) of section 2929.13 of the Revised Code applies in 2106
determining whether to impose a prison term on the offender. 2107

(e) If the amount of the drug involved equals or exceeds 2108

five thousand grams but is less than twenty thousand grams, 2109
possession of marihuana is a felony of the third degree, and 2110
there is a presumption that a prison term shall be imposed for 2111
the offense. 2112

(f) If the amount of the drug involved equals or exceeds 2113
twenty thousand grams but is less than forty thousand grams, 2114
possession of marihuana is a felony of the second degree, and 2115
the court shall impose a mandatory prison term of five, six, 2116
seven, or eight years. 2117

(g) If the amount of the drug involved equals or exceeds 2118
forty thousand grams, possession of marihuana is a felony of the 2119
second degree, and the court shall impose as a mandatory prison 2120
term the maximum prison term prescribed for a felony of the 2121
second degree. 2122

(4) If the drug involved in the violation is cocaine or a 2123
compound, mixture, preparation, or substance containing cocaine, 2124
whoever violates division (A) of this section is guilty of 2125
possession of cocaine. The penalty for the offense shall be 2126
determined as follows: 2127

(a) Except as otherwise provided in division (C) (4) (b), 2128
(c), (d), (e), or (f) of this section, possession of cocaine is 2129
a felony of the fifth degree, and division (B) of section 2130
2929.13 of the Revised Code applies in determining whether to 2131
impose a prison term on the offender. 2132

(b) If the amount of the drug involved equals or exceeds 2133
five grams but is less than ten grams of cocaine, possession of 2134
cocaine is a felony of the fourth degree, and division (B) of 2135
section 2929.13 of the Revised Code applies in determining 2136
whether to impose a prison term on the offender. 2137

(c) If the amount of the drug involved equals or exceeds 2138
ten grams but is less than twenty grams of cocaine, possession 2139
of cocaine is a felony of the third degree, and, except as 2140
otherwise provided in this division, there is a presumption for 2141
a prison term for the offense. If possession of cocaine is a 2142
felony of the third degree under this division and if the 2143
offender two or more times previously has been convicted of or 2144
pleaded guilty to a felony drug abuse offense, the court shall 2145
impose as a mandatory prison term one of the prison terms 2146
prescribed for a felony of the third degree. 2147

(d) If the amount of the drug involved equals or exceeds 2148
twenty grams but is less than twenty-seven grams of cocaine, 2149
possession of cocaine is a felony of the second degree, and the 2150
court shall impose as a mandatory prison term one of the prison 2151
terms prescribed for a felony of the second degree. 2152

(e) If the amount of the drug involved equals or exceeds 2153
twenty-seven grams but is less than one hundred grams of 2154
cocaine, possession of cocaine is a felony of the first degree, 2155
and the court shall impose as a mandatory prison term one of the 2156
prison terms prescribed for a felony of the first degree. 2157

(f) If the amount of the drug involved equals or exceeds 2158
one hundred grams of cocaine, possession of cocaine is a felony 2159
of the first degree, the offender is a major drug offender, and 2160
the court shall impose as a mandatory prison term the maximum 2161
prison term prescribed for a felony of the first degree. 2162

(5) If the drug involved in the violation is L.S.D., 2163
whoever violates division (A) of this section is guilty of 2164
possession of L.S.D. The penalty for the offense shall be 2165
determined as follows: 2166

(a) Except as otherwise provided in division (C) (5) (b), 2167
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2168
felony of the fifth degree, and division (B) of section 2929.13 2169
of the Revised Code applies in determining whether to impose a 2170
prison term on the offender. 2171

(b) If the amount of L.S.D. involved equals or exceeds ten 2172
unit doses but is less than fifty unit doses of L.S.D. in a 2173
solid form or equals or exceeds one gram but is less than five 2174
grams of L.S.D. in a liquid concentrate, liquid extract, or 2175
liquid distillate form, possession of L.S.D. is a felony of the 2176
fourth degree, and division (C) of section 2929.13 of the 2177
Revised Code applies in determining whether to impose a prison 2178
term on the offender. 2179

(c) If the amount of L.S.D. involved equals or exceeds 2180
fifty unit doses, but is less than two hundred fifty unit doses 2181
of L.S.D. in a solid form or equals or exceeds five grams but is 2182
less than twenty-five grams of L.S.D. in a liquid concentrate, 2183
liquid extract, or liquid distillate form, possession of L.S.D. 2184
is a felony of the third degree, and there is a presumption for 2185
a prison term for the offense. 2186

(d) If the amount of L.S.D. involved equals or exceeds two 2187
hundred fifty unit doses but is less than one thousand unit 2188
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2189
grams but is less than one hundred grams of L.S.D. in a liquid 2190
concentrate, liquid extract, or liquid distillate form, 2191
possession of L.S.D. is a felony of the second degree, and the 2192
court shall impose as a mandatory prison term one of the prison 2193
terms prescribed for a felony of the second degree. 2194

(e) If the amount of L.S.D. involved equals or exceeds one 2195
thousand unit doses but is less than five thousand unit doses of 2196

L.S.D. in a solid form or equals or exceeds one hundred grams 2197
but is less than five hundred grams of L.S.D. in a liquid 2198
concentrate, liquid extract, or liquid distillate form, 2199
possession of L.S.D. is a felony of the first degree, and the 2200
court shall impose as a mandatory prison term one of the prison 2201
terms prescribed for a felony of the first degree. 2202

(f) If the amount of L.S.D. involved equals or exceeds 2203
five thousand unit doses of L.S.D. in a solid form or equals or 2204
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2205
liquid extract, or liquid distillate form, possession of L.S.D. 2206
is a felony of the first degree, the offender is a major drug 2207
offender, and the court shall impose as a mandatory prison term 2208
the maximum prison term prescribed for a felony of the first 2209
degree. 2210

(6) If the drug involved in the violation is heroin or a 2211
compound, mixture, preparation, or substance containing heroin, 2212
whoever violates division (A) of this section is guilty of 2213
possession of heroin. The penalty for the offense shall be 2214
determined as follows: 2215

(a) Except as otherwise provided in division (C) (6) (b), 2216
(c), (d), (e), or (f) of this section, possession of heroin is a 2217
felony of the fifth degree, and division (B) of section 2929.13 2218
of the Revised Code applies in determining whether to impose a 2219
prison term on the offender. 2220

(b) If the amount of the drug involved equals or exceeds 2221
ten unit doses but is less than fifty unit doses or equals or 2222
exceeds one gram but is less than five grams, possession of 2223
heroin is a felony of the fourth degree, and division (C) of 2224
section 2929.13 of the Revised Code applies in determining 2225
whether to impose a prison term on the offender. 2226

(c) If the amount of the drug involved equals or exceeds 2227
fifty unit doses but is less than one hundred unit doses or 2228
equals or exceeds five grams but is less than ten grams, 2229
possession of heroin is a felony of the third degree, and there 2230
is a presumption for a prison term for the offense. 2231

(d) If the amount of the drug involved equals or exceeds 2232
one hundred unit doses but is less than five hundred unit doses 2233
or equals or exceeds ten grams but is less than fifty grams, 2234
possession of heroin is a felony of the second degree, and the 2235
court shall impose as a mandatory prison term one of the prison 2236
terms prescribed for a felony of the second degree. 2237

(e) If the amount of the drug involved equals or exceeds 2238
five hundred unit doses but is less than one thousand unit doses 2239
or equals or exceeds fifty grams but is less than one hundred 2240
grams, possession of heroin is a felony of the first degree, and 2241
the court shall impose as a mandatory prison term one of the 2242
prison terms prescribed for a felony of the first degree. 2243

(f) If the amount of the drug involved equals or exceeds 2244
one thousand unit doses or equals or exceeds one hundred grams, 2245
possession of heroin is a felony of the first degree, the 2246
offender is a major drug offender, and the court shall impose as 2247
a mandatory prison term the maximum prison term prescribed for a 2248
felony of the first degree. 2249

(7) If the drug involved in the violation is hashish or a 2250
compound, mixture, preparation, or substance containing hashish, 2251
whoever violates division (A) of this section is guilty of 2252
possession of hashish. The penalty for the offense shall be 2253
determined as follows: 2254

(a) Except as otherwise provided in division (C) (7) (b), 2255

(c), (d), (e), (f), or (g) of this section, possession of 2256
hashish is a minor misdemeanor. 2257

(b) If the amount of the drug involved equals or exceeds 2258
five grams but is less than ten grams of hashish in a solid form 2259
or equals or exceeds one gram but is less than two grams of 2260
hashish in a liquid concentrate, liquid extract, or liquid 2261
distillate form, possession of hashish is a misdemeanor of the 2262
fourth degree. 2263

(c) If the amount of the drug involved equals or exceeds 2264
ten grams but is less than fifty grams of hashish in a solid 2265
form or equals or exceeds two grams but is less than ten grams 2266
of hashish in a liquid concentrate, liquid extract, or liquid 2267
distillate form, possession of hashish is a felony of the fifth 2268
degree, and division (B) of section 2929.13 of the Revised Code 2269
applies in determining whether to impose a prison term on the 2270
offender. 2271

(d) If the amount of the drug involved equals or exceeds 2272
fifty grams but is less than two hundred fifty grams of hashish 2273
in a solid form or equals or exceeds ten grams but is less than 2274
fifty grams of hashish in a liquid concentrate, liquid extract, 2275
or liquid distillate form, possession of hashish is a felony of 2276
the third degree, and division (C) of section 2929.13 of the 2277
Revised Code applies in determining whether to impose a prison 2278
term on the offender. 2279

(e) If the amount of the drug involved equals or exceeds 2280
two hundred fifty grams but is less than one thousand grams of 2281
hashish in a solid form or equals or exceeds fifty grams but is 2282
less than two hundred grams of hashish in a liquid concentrate, 2283
liquid extract, or liquid distillate form, possession of hashish 2284
is a felony of the third degree, and there is a presumption that 2285

a prison term shall be imposed for the offense. 2286

(f) If the amount of the drug involved equals or exceeds 2287
one thousand grams but is less than two thousand grams of 2288
hashish in a solid form or equals or exceeds two hundred grams 2289
but is less than four hundred grams of hashish in a liquid 2290
concentrate, liquid extract, or liquid distillate form, 2291
possession of hashish is a felony of the second degree, and the 2292
court shall impose a mandatory prison term of five, six, seven, 2293
or eight years. 2294

(g) If the amount of the drug involved equals or exceeds 2295
two thousand grams of hashish in a solid form or equals or 2296
exceeds four hundred grams of hashish in a liquid concentrate, 2297
liquid extract, or liquid distillate form, possession of hashish 2298
is a felony of the second degree, and the court shall impose as 2299
a mandatory prison term the maximum prison term prescribed for a 2300
felony of the second degree. 2301

(8) If the drug involved is a controlled substance analog 2302
or compound, mixture, preparation, or substance that contains a 2303
controlled substance analog, whoever violates division (A) of 2304
this section is guilty of possession of a controlled substance 2305
analog. The penalty for the offense shall be determined as 2306
follows: 2307

(a) Except as otherwise provided in division (C) (8) (b), 2308
(c), (d), (e), or (f) of this section, possession of a 2309
controlled substance analog is a felony of the fifth degree, and 2310
division (B) of section 2929.13 of the Revised Code applies in 2311
determining whether to impose a prison term on the offender. 2312

(b) If the amount of the drug involved equals or exceeds 2313
ten grams but is less than twenty grams, possession of a 2314

controlled substance analog is a felony of the fourth degree, 2315
and there is a presumption for a prison term for the offense. 2316

(c) If the amount of the drug involved equals or exceeds 2317
twenty grams but is less than thirty grams, possession of a 2318
controlled substance analog is a felony of the third degree, and 2319
there is a presumption for a prison term for the offense. 2320

(d) If the amount of the drug involved equals or exceeds 2321
thirty grams but is less than forty grams, possession of a 2322
controlled substance analog is a felony of the second degree, 2323
and the court shall impose as a mandatory prison term one of the 2324
prison terms prescribed for a felony of the second degree. 2325

(e) If the amount of the drug involved equals or exceeds 2326
forty grams but is less than fifty grams, possession of a 2327
controlled substance analog is a felony of the first degree, and 2328
the court shall impose as a mandatory prison term one of the 2329
prison terms prescribed for a felony of the first degree. 2330

(f) If the amount of the drug involved equals or exceeds 2331
fifty grams, possession of a controlled substance analog is a 2332
felony of the first degree, the offender is a major drug 2333
offender, and the court shall impose as a mandatory prison term 2334
the maximum prison term prescribed for a felony of the first 2335
degree. 2336

(9) If the drug involved in the violation is a fentanyl- 2337
related compound, or a compound, mixture, preparation, or 2338
substance containing a fentanyl-related compound, whoever 2339
violates division (A) of this section is guilty of possession of 2340
a fentanyl-related compound. The penalty for the offense shall 2341
be determined as follows: 2342

(a) Except as otherwise provided in division (C) (9) (b), 2343

(c), (d), (e), (f), or (g) of this section, possession of a 2344
fentanyl-related compound is a felony of the fifth degree, and 2345
division (B) of section 2929.13 of the Revised Code applies in 2346
determining whether to impose a prison term on the offender. 2347

(b) If the amount of the drug involved equals or exceeds 2348
ten unit doses but is less than fifty unit doses or equals or 2349
exceeds one gram but is less than five grams, possession of a 2350
fentanyl-related compound is a felony of the fourth degree, and 2351
division (C) of section 2929.13 of the Revised Code applies in 2352
determining whether to impose a prison term on the offender. 2353

(c) If the amount of the drug involved equals or exceeds 2354
fifty unit doses but is less than one hundred unit doses or 2355
equals or exceeds five grams but is less than ten grams, 2356
possession of a fentanyl-related compound is a felony of the 2357
third degree, and there is a presumption for a prison term for 2358
the offense. 2359

(d) If the amount of the drug involved equals or exceeds 2360
one hundred unit doses but is less than two hundred unit doses 2361
or equals or exceeds ten grams but is less than twenty grams, 2362
possession of a fentanyl-related compound is a felony of the 2363
second degree, and the court shall impose as a mandatory prison 2364
term one of the prison terms prescribed for a felony of the 2365
second degree. 2366

(e) If the amount of the drug involved equals or exceeds 2367
two hundred unit doses but is less than five hundred unit doses 2368
or equals or exceeds twenty grams but is less than fifty grams, 2369
possession of a fentanyl-related compound is a felony of the 2370
first degree, and the court shall impose as a mandatory prison 2371
term one of the prison terms prescribed for a felony of the 2372
first degree. 2373

(f) If the amount of the drug involved equals or exceeds 2374
five hundred unit doses but is less than one thousand unit doses 2375
or equals or exceeds fifty grams but is less than one hundred 2376
grams, possession of a fentanyl-related compound is a felony of 2377
the first degree, and the court shall impose the mandatory 2378
maximum prison term. 2379

(g) If the amount of the drug involved equals or exceeds 2380
one thousand unit doses or equals or exceeds one hundred grams, 2381
possession of a fentanyl-related compound is a felony of the 2382
first degree, the offender is a major drug offender, and the 2383
court shall impose as a mandatory prison term the maximum prison 2384
term prescribed for a felony of the first degree. 2385

(D) Arrest or conviction for a minor misdemeanor violation 2386
of this section does not constitute a criminal record and need 2387
not be reported by the person so arrested or convicted in 2388
response to any inquiries about the person's criminal record, 2389
including any inquiries contained in any application for 2390
employment, license, or other right or privilege, or made in 2391
connection with the person's appearance as a witness. 2392

(E) In addition to any prison term or jail term authorized 2393
or required by division (C) of this section and sections 2394
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2395
Code and in addition to any other sanction that is imposed for 2396
the offense under this section, sections 2929.11 to 2929.18, or 2397
sections 2929.21 to 2929.28 of the Revised Code, the court that 2398
sentences an offender who is convicted of or pleads guilty to a 2399
violation of division (A) of this section may suspend the 2400
offender's driver's or commercial driver's license or permit for 2401
not more than five years. However, if the offender pleaded 2402
guilty to or was convicted of a violation of section 4511.19 of 2403

the Revised Code or a substantially similar municipal ordinance 2404
or the law of another state or the United States arising out of 2405
the same set of circumstances as the violation, the court shall 2406
suspend the offender's driver's or commercial driver's license 2407
or permit for not more than five years. If applicable, the court 2408
also shall do the following: 2409

(1) (a) If the violation is a felony of the first, second, 2410
or third degree, the court shall impose upon the offender the 2411
mandatory fine specified for the offense under division (B) (1) 2412
of section 2929.18 of the Revised Code unless, as specified in 2413
that division, the court determines that the offender is 2414
indigent. 2415

(b) Notwithstanding any contrary provision of section 2416
3719.21 of the Revised Code, the clerk of the court shall pay a 2417
mandatory fine or other fine imposed for a violation of this 2418
section pursuant to division (A) of section 2929.18 of the 2419
Revised Code in accordance with and subject to the requirements 2420
of division (F) of section 2925.03 of the Revised Code. The 2421
agency that receives the fine shall use the fine as specified in 2422
division (F) of section 2925.03 of the Revised Code. 2423

(c) If a person is charged with a violation of this 2424
section that is a felony of the first, second, or third degree, 2425
posts bail, and forfeits the bail, the clerk shall pay the 2426
forfeited bail pursuant to division (E) (1) (b) of this section as 2427
if it were a mandatory fine imposed under division (E) (1) (a) of 2428
this section. 2429

(2) If the offender is a professionally licensed person, 2430
in addition to any other sanction imposed for a violation of 2431
this section, the court immediately shall comply with section 2432
2925.38 of the Revised Code. 2433

(F) It is an affirmative defense, as provided in section 2434
2901.05 of the Revised Code, to a charge of a fourth degree 2435
felony violation under this section that the controlled 2436
substance that gave rise to the charge is in an amount, is in a 2437
form, is prepared, compounded, or mixed with substances that are 2438
not controlled substances in a manner, or is possessed under any 2439
other circumstances, that indicate that the substance was 2440
possessed solely for personal use. Notwithstanding any contrary 2441
provision of this section, if, in accordance with section 2442
2901.05 of the Revised Code, an accused who is charged with a 2443
fourth degree felony violation of division (C) (2), (4), (5), or 2444
(6) of this section sustains the burden of going forward with 2445
evidence of and establishes by a preponderance of the evidence 2446
the affirmative defense described in this division, the accused 2447
may be prosecuted for and may plead guilty to or be convicted of 2448
a misdemeanor violation of division (C) (2) of this section or a 2449
fifth degree felony violation of division (C) (4), (5), or (6) of 2450
this section respectively. 2451

(G) When a person is charged with possessing a bulk amount 2452
or multiple of a bulk amount, division (E) of section 2925.03 of 2453
the Revised Code applies regarding the determination of the 2454
amount of the controlled substance involved at the time of the 2455
offense. 2456

(H) It is an affirmative defense to a charge of possession 2457
of a controlled substance analog under division (C) (8) of this 2458
section that the person charged with violating that offense 2459
obtained, possessed, or used an item described in division (HH) 2460
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 2461

(I) Any offender who received a mandatory suspension of 2462
the offender's driver's or commercial driver's license or permit 2463

under this section prior to ~~the effective date of this amendment~~ 2464
September 13, 2016, may file a motion with the sentencing court 2465
requesting the termination of the suspension. However, an 2466
offender who pleaded guilty to or was convicted of a violation 2467
of section 4511.19 of the Revised Code or a substantially 2468
similar municipal ordinance or law of another state or the 2469
United States that arose out of the same set of circumstances as 2470
the violation for which the offender's license or permit was 2471
suspended under this section shall not file such a motion. 2472

Upon the filing of a motion under division (I) of this 2473
section, the sentencing court, in its discretion, may terminate 2474
the suspension. 2475

Sec. 2925.13. (A) No person who is the owner, operator, or 2476
person in charge of a locomotive, watercraft, aircraft, or other 2477
vehicle, as defined in division (A) of section 4501.01 of the 2478
Revised Code, shall knowingly permit the vehicle to be used for 2479
the commission of a felony drug abuse offense. 2480

(B) No person who is the owner, lessee, or occupant, or 2481
who has custody, control, or supervision, of premises or real 2482
estate, including vacant land, shall knowingly permit the 2483
premises or real estate, including vacant land, to be used for 2484
the commission of a felony drug abuse offense by another person. 2485

(C) (1) Whoever violates this section is guilty of 2486
permitting drug abuse. 2487

(2) Except as provided in division (C) (3) of this section, 2488
permitting drug abuse is a misdemeanor of the first degree. 2489

(3) Permitting drug abuse is a felony of the fifth degree, 2490
and division (C) of section 2929.13 of the Revised Code applies 2491
in determining whether to impose a prison term on the offender, 2492

if ~~the~~ either of the following applies: 2493

(a) The felony drug abuse offense in question is a 2494
violation of section 2925.02 ~~or~~, 2925.03, or 2925.04 of the 2495
Revised Code. 2496

(b) The felony drug abuse offense in question is a 2497
violation of section 2925.041 of the Revised Code and the 2498
offender had actual knowledge, at the time the offender 2499
permitted the vehicle, premises, or real estate to be used as 2500
described in division (A) or (B) of this section, that the 2501
person who assembled or possessed the chemicals in question in 2502
violation of section 2925.041 of the Revised Code had assembled 2503
or possessed them with the intent to manufacture a controlled 2504
substance in schedule I or II in violation of section 2925.04 of 2505
the Revised Code. 2506

(D) (1) In addition to any prison term authorized or 2507
required by division (C) of this section and sections 2929.13 2508
and 2929.14 of the Revised Code and in addition to any other 2509
sanction imposed for the offense under this section or sections 2510
2929.11 to 2929.18 of the Revised Code, the court that sentences 2511
a person who is convicted of or pleads guilty to a violation of 2512
division (A) of this section may suspend for not more than five 2513
years the offender's driver's or commercial driver's license or 2514
permit. However, if the offender pleaded guilty to or was 2515
convicted of a violation of section 4511.19 of the Revised Code 2516
or a substantially similar municipal ordinance or the law of 2517
another state or the United States arising out of the same set 2518
of circumstances as the violation, the court shall suspend the 2519
offender's driver's or commercial driver's license or permit for 2520
not more than five years. 2521

If the offender is a professionally licensed person, in 2522

addition to any other sanction imposed for a violation of this 2523
section, the court immediately shall comply with section 2925.38 2524
of the Revised Code. 2525

(2) Any offender who received a mandatory suspension of 2526
the offender's driver's or commercial driver's license or permit 2527
under this section prior to ~~the effective date of this amendment~~ 2528
September 13, 2016, may file a motion with the sentencing court 2529
requesting the termination of the suspension. However, an 2530
offender who pleaded guilty to or was convicted of a violation 2531
of section 4511.19 of the Revised Code or a substantially 2532
similar municipal ordinance or law of another state or the 2533
United States that arose out of the same set of circumstances as 2534
the violation for which the offender's license or permit was 2535
suspended under this section shall not file such a motion. 2536

Upon the filing of a motion under division (D) (2) of this 2537
section, the sentencing court, in its discretion, may terminate 2538
the suspension. 2539

(E) Notwithstanding any contrary provision of section 2540
3719.21 of the Revised Code, the clerk of the court shall pay a 2541
fine imposed for a violation of this section pursuant to 2542
division (A) of section 2929.18 of the Revised Code in 2543
accordance with and subject to the requirements of division (F) 2544
of section 2925.03 of the Revised Code. The agency that receives 2545
the fine shall use the fine as specified in division (F) of 2546
section 2925.03 of the Revised Code. 2547

(F) Any premises or real estate that is permitted to be 2548
used in violation of division (B) of this section constitutes a 2549
nuisance subject to abatement pursuant to Chapter 3767. of the 2550
Revised Code. 2551

Sec. 2925.36. (A) No person shall knowingly furnish 2552
another a sample drug. 2553

(B) Division (A) of this section does not apply to 2554
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2555
licensed health professionals authorized to prescribe drugs, and 2556
other persons whose conduct is in accordance with Chapters 2557
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2558
the Revised Code. 2559

(C) (1) Whoever violates this section is guilty of illegal 2560
dispensing of drug samples. 2561

(2) If the drug involved in the offense is a compound, 2562
mixture, preparation, or substance included in schedule I or II, 2563
with the exception of marihuana, the penalty for the offense 2564
shall be determined as follows: 2565

(a) Except as otherwise provided in division (C) (2) (b) of 2566
this section, illegal dispensing of drug samples is a felony of 2567
the fifth degree, and, subject to division (E) of this section, 2568
division (C) of section 2929.13 of the Revised Code applies in 2569
determining whether to impose a prison term on the offender. 2570

(b) If the offense was committed in the vicinity of a 2571
school or in the vicinity of a juvenile, illegal dispensing of 2572
drug samples is a felony of the fourth degree, and, subject to 2573
division (E) of this section, division (C) of section 2929.13 of 2574
the Revised Code applies in determining whether to impose a 2575
prison term on the offender. 2576

(3) If the drug involved in the offense is a dangerous 2577
drug or a compound, mixture, preparation, or substance included 2578
in schedule III, IV, or V, or is marihuana, the penalty for the 2579
offense shall be determined as follows: 2580

(a) Except as otherwise provided in division (C) (3) (b) of 2581
this section, illegal dispensing of drug samples is a 2582
misdemeanor of the second degree. 2583

(b) If the offense was committed in the vicinity of a 2584
school or in the vicinity of a juvenile, illegal dispensing of 2585
drug samples is a misdemeanor of the first degree. 2586

(D) (1) In addition to any prison term authorized or 2587
required by division (C) or (E) of this section and sections 2588
2929.13 and 2929.14 of the Revised Code and in addition to any 2589
other sanction imposed for the offense under this section or 2590
sections 2929.11 to 2929.18 of the Revised Code, the court that 2591
sentences an offender who is convicted of or pleads guilty to a 2592
violation of division (A) of this section may suspend for not 2593
more than five years the offender's driver's or commercial 2594
driver's license or permit. However, if the offender pleaded 2595
guilty to or was convicted of a violation of section 4511.19 of 2596
the Revised Code or a substantially similar municipal ordinance 2597
or the law of another state or the United States arising out of 2598
the same set of circumstances as the violation, the court shall 2599
suspend the offender's driver's or commercial driver's license 2600
or permit for not more than five years. 2601

If the offender is a professionally licensed person, in 2602
addition to any other sanction imposed for a violation of this 2603
section, the court immediately shall comply with section 2925.38 2604
of the Revised Code. 2605

(2) Any offender who received a mandatory suspension of 2606
the offender's driver's or commercial driver's license or permit 2607
under this section prior to ~~the effective date of this amendment~~ 2608
September 13, 2016, may file a motion with the sentencing court 2609
requesting the termination of the suspension. However, an 2610

offender who pleaded guilty to or was convicted of a violation 2611
of section 4511.19 of the Revised Code or a substantially 2612
similar municipal ordinance or law of another state or the 2613
United States that arose out of the same set of circumstances as 2614
the violation for which the offender's license or permit was 2615
suspended under this section shall not file such a motion. 2616

Upon the filing of a motion under division (D) (2) of this 2617
section, the sentencing court, in its discretion, may terminate 2618
the suspension. 2619

(E) Notwithstanding the prison term authorized or required 2620
by division (C) of this section and sections 2929.13 and 2929.14 2621
of the Revised Code, if the violation of division (A) of this 2622
section involves the sale, offer to sell, or possession of a 2623
schedule I or II controlled substance, with the exception of 2624
marihuana, and if the court imposing sentence upon the offender 2625
finds that the offender as a result of the violation is a major 2626
drug offender and is guilty of a specification of the type 2627
described in division (A) of section 2941.1410 of the Revised 2628
Code, the court, in lieu of the prison term otherwise authorized 2629
or required, shall impose upon the offender the mandatory prison 2630
term specified in division (B) (3) (a) of section 2929.14 of the 2631
Revised Code. 2632

(F) Notwithstanding any contrary provision of section 2633
3719.21 of the Revised Code, the clerk of the court shall pay a 2634
fine imposed for a violation of this section pursuant to 2635
division (A) of section 2929.18 of the Revised Code in 2636
accordance with and subject to the requirements of division (F) 2637
of section 2925.03 of the Revised Code. The agency that receives 2638
the fine shall use the fine as specified in division (F) of 2639
section 2925.03 of the Revised Code. 2640

Sec. 2929.01. As used in this chapter:	2641
(A) (1) "Alternative residential facility" means, subject to division (A) (2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:	2642 2643 2644 2645
(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.	2646 2647 2648
(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.	2649 2650 2651 2652 2653 2654
(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.	2655 2656 2657
(B) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.	2658 2659 2660 2661 2662 2663 2664
(C) "Cocaine," " <u>fentanyl-related compound</u> ," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.	2665 2666 2667
(D) "Community-based correctional facility" means a community-based correctional facility and program or district	2668 2669

community-based correctional facility and program developed 2670
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2671

(E) "Community control sanction" means a sanction that is 2672
not a prison term and that is described in section 2929.15, 2673
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2674
that is not a jail term and that is described in section 2675
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2676
control sanction" includes probation if the sentence involved 2677
was imposed for a felony that was committed prior to July 1, 2678
1996, or if the sentence involved was imposed for a misdemeanor 2679
that was committed prior to January 1, 2004. 2680

(F) "Controlled substance," "marihuana," "schedule I," and 2681
"schedule II" have the same meanings as in section 3719.01 of 2682
the Revised Code. 2683

(G) "Curfew" means a requirement that an offender during a 2684
specified period of time be at a designated place. 2685

(H) "Day reporting" means a sanction pursuant to which an 2686
offender is required each day to report to and leave a center or 2687
other approved reporting location at specified times in order to 2688
participate in work, education or training, treatment, and other 2689
approved programs at the center or outside the center. 2690

(I) "Deadly weapon" has the same meaning as in section 2691
2923.11 of the Revised Code. 2692

(J) "Drug and alcohol use monitoring" means a program 2693
under which an offender agrees to submit to random chemical 2694
analysis of the offender's blood, breath, or urine to determine 2695
whether the offender has ingested any alcohol or other drugs. 2696

(K) "Drug treatment program" means any program under which 2697
a person undergoes assessment and treatment designed to reduce 2698

or completely eliminate the person's physical or emotional 2699
reliance upon alcohol, another drug, or alcohol and another drug 2700
and under which the person may be required to receive assessment 2701
and treatment on an outpatient basis or may be required to 2702
reside at a facility other than the person's home or residence 2703
while undergoing assessment and treatment. 2704

(L) "Economic loss" means any economic detriment suffered 2705
by a victim as a direct and proximate result of the commission 2706
of an offense and includes any loss of income due to lost time 2707
at work because of any injury caused to the victim, and any 2708
property loss, medical cost, or funeral expense incurred as a 2709
result of the commission of the offense. "Economic loss" does 2710
not include non-economic loss or any punitive or exemplary 2711
damages. 2712

(M) "Education or training" includes study at, or in 2713
conjunction with a program offered by, a university, college, or 2714
technical college or vocational study and also includes the 2715
completion of primary school, secondary school, and literacy 2716
curricula or their equivalent. 2717

(N) "Firearm" has the same meaning as in section 2923.11 2718
of the Revised Code. 2719

(O) "Halfway house" means a facility licensed by the 2720
division of parole and community services of the department of 2721
rehabilitation and correction pursuant to section 2967.14 of the 2722
Revised Code as a suitable facility for the care and treatment 2723
of adult offenders. 2724

(P) "House arrest" means a period of confinement of an 2725
offender that is in the offender's home or in other premises 2726
specified by the sentencing court or by the parole board 2727

pursuant to section 2967.28 of the Revised Code and during which 2728
all of the following apply: 2729

(1) The offender is required to remain in the offender's 2730
home or other specified premises for the specified period of 2731
confinement, except for periods of time during which the 2732
offender is at the offender's place of employment or at other 2733
premises as authorized by the sentencing court or by the parole 2734
board. 2735

(2) The offender is required to report periodically to a 2736
person designated by the court or parole board. 2737

(3) The offender is subject to any other restrictions and 2738
requirements that may be imposed by the sentencing court or by 2739
the parole board. 2740

(Q) "Intensive probation supervision" means a requirement 2741
that an offender maintain frequent contact with a person 2742
appointed by the court, or by the parole board pursuant to 2743
section 2967.28 of the Revised Code, to supervise the offender 2744
while the offender is seeking or maintaining necessary 2745
employment and participating in training, education, and 2746
treatment programs as required in the court's or parole board's 2747
order. "Intensive probation supervision" includes intensive 2748
parole supervision and intensive post-release control 2749
supervision. 2750

(R) "Jail" means a jail, workhouse, minimum security jail, 2751
or other residential facility used for the confinement of 2752
alleged or convicted offenders that is operated by a political 2753
subdivision or a combination of political subdivisions of this 2754
state. 2755

(S) "Jail term" means the term in a jail that a sentencing 2756

court imposes or is authorized to impose pursuant to section 2757
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2758
provision of the Revised Code that authorizes a term in a jail 2759
for a misdemeanor conviction. 2760

(T) "Mandatory jail term" means the term in a jail that a 2761
sentencing court is required to impose pursuant to division (G) 2762
of section 1547.99 of the Revised Code, division (E) of section 2763
2903.06 or division (D) of section 2903.08 of the Revised Code, 2764
division (E) or (G) of section 2929.24 of the Revised Code, 2765
division (B) of section 4510.14 of the Revised Code, or division 2766
(G) of section 4511.19 of the Revised Code or pursuant to any 2767
other provision of the Revised Code that requires a term in a 2768
jail for a misdemeanor conviction. 2769

(U) "Delinquent child" has the same meaning as in section 2770
2152.02 of the Revised Code. 2771

(V) "License violation report" means a report that is made 2772
by a sentencing court, or by the parole board pursuant to 2773
section 2967.28 of the Revised Code, to the regulatory or 2774
licensing board or agency that issued an offender a professional 2775
license or a license or permit to do business in this state and 2776
that specifies that the offender has been convicted of or 2777
pleaded guilty to an offense that may violate the conditions 2778
under which the offender's professional license or license or 2779
permit to do business in this state was granted or an offense 2780
for which the offender's professional license or license or 2781
permit to do business in this state may be revoked or suspended. 2782

(W) "Major drug offender" means an offender who is 2783
convicted of or pleads guilty to the possession of, sale of, or 2784
offer to sell any drug, compound, mixture, preparation, or 2785
substance that consists of or contains at least one thousand 2786

grams of hashish; at least one hundred grams of cocaine; at 2787
least one thousand unit doses or one hundred grams of heroin; at 2788
least five thousand unit doses of L.S.D. or five hundred grams 2789
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2790
distillate form; at least fifty grams of a controlled substance 2791
analog; at least one thousand unit doses or one hundred grams of 2792
a fentanyl-related compound; or at least one hundred times the 2793
amount of any other schedule I or II controlled substance other 2794
than marihuana that is necessary to commit a felony of the third 2795
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2796
of the Revised Code that is based on the possession of, sale of, 2797
or offer to sell the controlled substance. 2798

(X) "Mandatory prison term" means any of the following: 2799

(1) Subject to division (X) (2) of this section, the term 2800
in prison that must be imposed for the offenses or circumstances 2801
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 2802
section 2929.13 and division (B) of section 2929.14 of the 2803
Revised Code. Except as provided in sections 2925.02, 2925.03, 2804
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2805
maximum or another specific term is required under section 2806
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2807
described in this division may be any prison term authorized for 2808
the level of offense. 2809

(2) The term of sixty or one hundred twenty days in prison 2810
that a sentencing court is required to impose for a third or 2811
fourth degree felony OVI offense pursuant to division (G) (2) of 2812
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2813
of the Revised Code or the term of one, two, three, four, or 2814
five years in prison that a sentencing court is required to 2815
impose pursuant to division (G) (2) of section 2929.13 of the 2816

Revised Code.	2817
(3) The term in prison imposed pursuant to division (A) of section 2971.03 of the Revised Code for the offenses and in the circumstances described in division (F)(11) of section 2929.13 of the Revised Code or pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and that term as modified or terminated pursuant to section 2971.05 of the Revised Code.	2818 2819 2820 2821 2822 2823 2824
(Y) "Monitored time" means a period of time during which an offender continues to be under the control of the sentencing court or parole board, subject to no conditions other than leading a law-abiding life.	2825 2826 2827 2828
(Z) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.	2829 2830
(AA) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.	2831 2832 2833 2834 2835
(BB) "Prison term" includes either of the following sanctions for an offender:	2836 2837
(1) A stated prison term;	2838
(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.143, 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	2839 2840 2841
(CC) "Repeat violent offender" means a person about whom both of the following apply:	2842 2843
(1) The person is being sentenced for committing or for	2844

complicity in committing any of the following: 2845

(a) Aggravated murder, murder, any felony of the first or 2846
second degree that is an offense of violence, or an attempt to 2847
commit any of these offenses if the attempt is a felony of the 2848
first or second degree; 2849

(b) An offense under an existing or former law of this 2850
state, another state, or the United States that is or was 2851
substantially equivalent to an offense described in division 2852
(CC) (1) (a) of this section. 2853

(2) The person previously was convicted of or pleaded 2854
guilty to an offense described in division (CC) (1) (a) or (b) of 2855
this section. 2856

(DD) "Sanction" means any penalty imposed upon an offender 2857
who is convicted of or pleads guilty to an offense, as 2858
punishment for the offense. "Sanction" includes any sanction 2859
imposed pursuant to any provision of sections 2929.14 to 2929.18 2860
or 2929.24 to 2929.28 of the Revised Code. 2861

(EE) "Sentence" means the sanction or combination of 2862
sanctions imposed by the sentencing court on an offender who is 2863
convicted of or pleads guilty to an offense. 2864

(FF) "Stated prison term" means the prison term, mandatory 2865
prison term, or combination of all prison terms and mandatory 2866
prison terms imposed by the sentencing court pursuant to section 2867
2929.14, 2929.142, or 2971.03 of the Revised Code or under 2868
section 2919.25 of the Revised Code. "Stated prison term" 2869
includes any credit received by the offender for time spent in 2870
jail awaiting trial, sentencing, or transfer to prison for the 2871
offense and any time spent under house arrest or house arrest 2872
with electronic monitoring imposed after earning credits 2873

pursuant to section 2967.193 of the Revised Code. If an offender 2874
is serving a prison term as a risk reduction sentence under 2875
sections 2929.143 and 5120.036 of the Revised Code, "stated 2876
prison term" includes any period of time by which the prison 2877
term imposed upon the offender is shortened by the offender's 2878
successful completion of all assessment and treatment or 2879
programming pursuant to those sections. 2880

(GG) "Victim-offender mediation" means a reconciliation or 2881
mediation program that involves an offender and the victim of 2882
the offense committed by the offender and that includes a 2883
meeting in which the offender and the victim may discuss the 2884
offense, discuss restitution, and consider other sanctions for 2885
the offense. 2886

(HH) "Fourth degree felony OVI offense" means a violation 2887
of division (A) of section 4511.19 of the Revised Code that, 2888
under division (G) of that section, is a felony of the fourth 2889
degree. 2890

(II) "Mandatory term of local incarceration" means the 2891
term of sixty or one hundred twenty days in a jail, a community- 2892
based correctional facility, a halfway house, or an alternative 2893
residential facility that a sentencing court may impose upon a 2894
person who is convicted of or pleads guilty to a fourth degree 2895
felony OVI offense pursuant to division (G)(1) of section 2896
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 2897
section 4511.19 of the Revised Code. 2898

(JJ) "Designated homicide, assault, or kidnapping 2899
offense," "violent sex offense," "sexual motivation 2900
specification," "sexually violent offense," "sexually violent 2901
predator," and "sexually violent predator specification" have 2902
the same meanings as in section 2971.01 of the Revised Code. 2903

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

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense.

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

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

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

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

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

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

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

(TT) "Electronic monitoring" means monitoring through the

use of an electronic monitoring device. 2932

(UU) "Electronic monitoring device" means any of the 2933
following: 2934

(1) Any device that can be operated by electrical or 2935
battery power and that conforms with all of the following: 2936

(a) The device has a transmitter that can be attached to a 2937
person, that will transmit a specified signal to a receiver of 2938
the type described in division (UU) (1) (b) of this section if the 2939
transmitter is removed from the person, turned off, or altered 2940
in any manner without prior court approval in relation to 2941
electronic monitoring or without prior approval of the 2942
department of rehabilitation and correction in relation to the 2943
use of an electronic monitoring device for an inmate on 2944
transitional control or otherwise is tampered with, that can 2945
transmit continuously and periodically a signal to that receiver 2946
when the person is within a specified distance from the 2947
receiver, and that can transmit an appropriate signal to that 2948
receiver if the person to whom it is attached travels a 2949
specified distance from that receiver. 2950

(b) The device has a receiver that can receive 2951
continuously the signals transmitted by a transmitter of the 2952
type described in division (UU) (1) (a) of this section, can 2953
transmit continuously those signals by a wireless or landline 2954
telephone connection to a central monitoring computer of the 2955
type described in division (UU) (1) (c) of this section, and can 2956
transmit continuously an appropriate signal to that central 2957
monitoring computer if the device has been turned off or altered 2958
without prior court approval or otherwise tampered with. The 2959
device is designed specifically for use in electronic 2960
monitoring, is not a converted wireless phone or another 2961

tracking device that is clearly not designed for electronic 2962
monitoring, and provides a means of text-based or voice 2963
communication with the person. 2964

(c) The device has a central monitoring computer that can 2965
receive continuously the signals transmitted by a wireless or 2966
landline telephone connection by a receiver of the type 2967
described in division (UU) (1) (b) of this section and can monitor 2968
continuously the person to whom an electronic monitoring device 2969
of the type described in division (UU) (1) (a) of this section is 2970
attached. 2971

(2) Any device that is not a device of the type described 2972
in division (UU) (1) of this section and that conforms with all 2973
of the following: 2974

(a) The device includes a transmitter and receiver that 2975
can monitor and determine the location of a subject person at 2976
any time, or at a designated point in time, through the use of a 2977
central monitoring computer or through other electronic means. 2978

(b) The device includes a transmitter and receiver that 2979
can determine at any time, or at a designated point in time, 2980
through the use of a central monitoring computer or other 2981
electronic means the fact that the transmitter is turned off or 2982
altered in any manner without prior approval of the court in 2983
relation to the electronic monitoring or without prior approval 2984
of the department of rehabilitation and correction in relation 2985
to the use of an electronic monitoring device for an inmate on 2986
transitional control or otherwise is tampered with. 2987

(3) Any type of technology that can adequately track or 2988
determine the location of a subject person at any time and that 2989
is approved by the director of rehabilitation and correction, 2990

including, but not limited to, any satellite technology, voice 2991
tracking system, or retinal scanning system that is so approved. 2992

(VV) "Non-economic loss" means nonpecuniary harm suffered 2993
by a victim of an offense as a result of or related to the 2994
commission of the offense, including, but not limited to, pain 2995
and suffering; loss of society, consortium, companionship, care, 2996
assistance, attention, protection, advice, guidance, counsel, 2997
instruction, training, or education; mental anguish; and any 2998
other intangible loss. 2999

(WW) "Prosecutor" has the same meaning as in section 3000
2935.01 of the Revised Code. 3001

(XX) "Continuous alcohol monitoring" means the ability to 3002
automatically test and periodically transmit alcohol consumption 3003
levels and tamper attempts at least every hour, regardless of 3004
the location of the person who is being monitored. 3005

(YY) A person is "adjudicated a sexually violent predator" 3006
if the person is convicted of or pleads guilty to a violent sex 3007
offense and also is convicted of or pleads guilty to a sexually 3008
violent predator specification that was included in the 3009
indictment, count in the indictment, or information charging 3010
that violent sex offense or if the person is convicted of or 3011
pleads guilty to a designated homicide, assault, or kidnapping 3012
offense and also is convicted of or pleads guilty to both a 3013
sexual motivation specification and a sexually violent predator 3014
specification that were included in the indictment, count in the 3015
indictment, or information charging that designated homicide, 3016
assault, or kidnapping offense. 3017

(ZZ) An offense is "committed in proximity to a school" if 3018
the offender commits the offense in a school safety zone or 3019

within five hundred feet of any school building or the 3020
boundaries of any school premises, regardless of whether the 3021
offender knows the offense is being committed in a school safety 3022
zone or within five hundred feet of any school building or the 3023
boundaries of any school premises. 3024

(AAA) "Human trafficking" means a scheme or plan to which 3025
all of the following apply: 3026

(1) Its object is one or more of the following: 3027

(a) To subject a victim or victims to involuntary 3028
servitude, as defined in section 2905.31 of the Revised Code or 3029
to compel a victim or victims to engage in sexual activity for 3030
hire, to engage in a performance that is obscene, sexually 3031
oriented, or nudity oriented, or to be a model or participant in 3032
the production of material that is obscene, sexually oriented, 3033
or nudity oriented; 3034

(b) To facilitate, encourage, or recruit a victim who is 3035
less than sixteen years of age or is a person with a 3036
developmental disability, or victims who are less than sixteen 3037
years of age or are persons with developmental disabilities, for 3038
any purpose listed in divisions (A) (2) (a) to (c) of section 3039
2905.32 of the Revised Code; 3040

(c) To facilitate, encourage, or recruit a victim who is 3041
sixteen or seventeen years of age, or victims who are sixteen or 3042
seventeen years of age, for any purpose listed in divisions (A) 3043
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 3044
circumstances described in division (A) (5), (6), (7), (8), (9), 3045
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 3046
apply with respect to the person engaging in the conduct and the 3047
victim or victims. 3048

(2) It involves at least two felony offenses, whether or 3049
not there has been a prior conviction for any of the felony 3050
offenses, to which all of the following apply: 3051

(a) Each of the felony offenses is a violation of section 3052
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 3053
division (A) (1) or (2) of section 2907.323, or division (B) (1), 3054
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 3055
is a violation of a law of any state other than this state that 3056
is substantially similar to any of the sections or divisions of 3057
the Revised Code identified in this division. 3058

(b) At least one of the felony offenses was committed in 3059
this state. 3060

(c) The felony offenses are related to the same scheme or 3061
plan and are not isolated instances. 3062

(BBB) "Material," "nudity," "obscene," "performance," and 3063
"sexual activity" have the same meanings as in section 2907.01 3064
of the Revised Code. 3065

(CCC) "Material that is obscene, sexually oriented, or 3066
nudity oriented" means any material that is obscene, that shows 3067
a person participating or engaging in sexual activity, 3068
masturbation, or bestiality, or that shows a person in a state 3069
of nudity. 3070

(DDD) "Performance that is obscene, sexually oriented, or 3071
nudity oriented" means any performance that is obscene, that 3072
shows a person participating or engaging in sexual activity, 3073
masturbation, or bestiality, or that shows a person in a state 3074
of nudity. 3075

Sec. 2929.14. (A) Except as provided in division (B) (1), 3076
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3077

(E), (G), (H), (J), or (K) of this section or in division (D) (6) 3078
of section 2919.25 of the Revised Code and except in relation to 3079
an offense for which a sentence of death or life imprisonment is 3080
to be imposed, if the court imposing a sentence upon an offender 3081
for a felony elects or is required to impose a prison term on 3082
the offender pursuant to this chapter, the court shall impose a 3083
definite prison term that shall be one of the following: 3084

(1) For a felony of the first degree, the prison term 3085
shall be three, four, five, six, seven, eight, nine, ten, or 3086
eleven years. 3087

(2) For a felony of the second degree, the prison term 3088
shall be two, three, four, five, six, seven, or eight years. 3089

(3) (a) For a felony of the third degree that is a 3090
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3091
2907.05, or 3795.04 of the Revised Code or that is a violation 3092
of section 2911.02 or 2911.12 of the Revised Code if the 3093
offender previously has been convicted of or pleaded guilty in 3094
two or more separate proceedings to two or more violations of 3095
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 3096
Code, the prison term shall be twelve, eighteen, twenty-four, 3097
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 3098
months. 3099

(b) For a felony of the third degree that is not an 3100
offense for which division (A) (3) (a) of this section applies, 3101
the prison term shall be nine, twelve, eighteen, twenty-four, 3102
thirty, or thirty-six months. 3103

(4) For a felony of the fourth degree, the prison term 3104
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3105
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3106

(5) For a felony of the fifth degree, the prison term 3107
shall be six, seven, eight, nine, ten, eleven, or twelve months. 3108

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3109
section, if an offender who is convicted of or pleads guilty to 3110
a felony also is convicted of or pleads guilty to a 3111
specification of the type described in section 2941.141, 3112
2941.144, or 2941.145 of the Revised Code, the court shall 3113
impose on the offender one of the following prison terms: 3114

(i) A prison term of six years if the specification is of 3115
the type described in division (A) of section 2941.144 of the 3116
Revised Code that charges the offender with having a firearm 3117
that is an automatic firearm or that was equipped with a firearm 3118
muffler or suppressor on or about the offender's person or under 3119
the offender's control while committing the offense; 3120

(ii) A prison term of three years if the specification is 3121
of the type described in division (A) of section 2941.145 of the 3122
Revised Code that charges the offender with having a firearm on 3123
or about the offender's person or under the offender's control 3124
while committing the offense and displaying the firearm, 3125
brandishing the firearm, indicating that the offender possessed 3126
the firearm, or using it to facilitate the offense; 3127

(iii) A prison term of one year if the specification is of 3128
the type described in division (A) of section 2941.141 of the 3129
Revised Code that charges the offender with having a firearm on 3130
or about the offender's person or under the offender's control 3131
while committing the offense; 3132

(iv) A prison term of nine years if the specification is 3133
of the type described in division (D) of section 2941.144 of the 3134
Revised Code that charges the offender with having a firearm 3135

that is an automatic firearm or that was equipped with a firearm 3136
muffler or suppressor on or about the offender's person or under 3137
the offender's control while committing the offense and 3138
specifies that the offender previously has been convicted of or 3139
pleaded guilty to a specification of the type described in 3140
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3141
the Revised Code; 3142

(v) A prison term of fifty-four months if the 3143
specification is of the type described in division (D) of 3144
section 2941.145 of the Revised Code that charges the offender 3145
with having a firearm on or about the offender's person or under 3146
the offender's control while committing the offense and 3147
displaying the firearm, brandishing the firearm, indicating that 3148
the offender possessed the firearm, or using the firearm to 3149
facilitate the offense and that the offender previously has been 3150
convicted of or pleaded guilty to a specification of the type 3151
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3152
2941.1412 of the Revised Code; 3153

(vi) A prison term of eighteen months if the specification 3154
is of the type described in division (D) of section 2941.141 of 3155
the Revised Code that charges the offender with having a firearm 3156
on or about the offender's person or under the offender's 3157
control while committing the offense and that the offender 3158
previously has been convicted of or pleaded guilty to a 3159
specification of the type described in section 2941.141, 3160
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3161

(b) If a court imposes a prison term on an offender under 3162
division (B)(1)(a) of this section, the prison term shall not be 3163
reduced pursuant to section 2967.19, section 2929.20, section 3164
2967.193, or any other provision of Chapter 2967. or Chapter 3165

5120. of the Revised Code. Except as provided in division (B) (1) 3166
(g) of this section, a court shall not impose more than one 3167
prison term on an offender under division (B) (1) (a) of this 3168
section for felonies committed as part of the same act or 3169
transaction. 3170

(c) (i) Except as provided in division (B) (1) (e) of this 3171
section, if an offender who is convicted of or pleads guilty to 3172
a violation of section 2923.161 of the Revised Code or to a 3173
felony that includes, as an essential element, purposely or 3174
knowingly causing or attempting to cause the death of or 3175
physical harm to another, also is convicted of or pleads guilty 3176
to a specification of the type described in division (A) of 3177
section 2941.146 of the Revised Code that charges the offender 3178
with committing the offense by discharging a firearm from a 3179
motor vehicle other than a manufactured home, the court, after 3180
imposing a prison term on the offender for the violation of 3181
section 2923.161 of the Revised Code or for the other felony 3182
offense under division (A), (B) (2), or (B) (3) of this section, 3183
shall impose an additional prison term of five years upon the 3184
offender that shall not be reduced pursuant to section 2929.20, 3185
section 2967.19, section 2967.193, or any other provision of 3186
Chapter 2967. or Chapter 5120. of the Revised Code. 3187

(ii) Except as provided in division (B) (1) (e) of this 3188
section, if an offender who is convicted of or pleads guilty to 3189
a violation of section 2923.161 of the Revised Code or to a 3190
felony that includes, as an essential element, purposely or 3191
knowingly causing or attempting to cause the death of or 3192
physical harm to another, also is convicted of or pleads guilty 3193
to a specification of the type described in division (C) of 3194
section 2941.146 of the Revised Code that charges the offender 3195
with committing the offense by discharging a firearm from a 3196

motor vehicle other than a manufactured home and that the 3197
offender previously has been convicted of or pleaded guilty to a 3198
specification of the type described in section 2941.141, 3199
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3200
the court, after imposing a prison term on the offender for the 3201
violation of section 2923.161 of the Revised Code or for the 3202
other felony offense under division (A), (B) (2), or (3) of this 3203
section, shall impose an additional prison term of ninety months 3204
upon the offender that shall not be reduced pursuant to section 3205
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3206
2967. or Chapter 5120. of the Revised Code. 3207

(iii) A court shall not impose more than one additional 3208
prison term on an offender under division (B) (1) (c) of this 3209
section for felonies committed as part of the same act or 3210
transaction. If a court imposes an additional prison term on an 3211
offender under division (B) (1) (c) of this section relative to an 3212
offense, the court also shall impose a prison term under 3213
division (B) (1) (a) of this section relative to the same offense, 3214
provided the criteria specified in that division for imposing an 3215
additional prison term are satisfied relative to the offender 3216
and the offense. 3217

(d) If an offender who is convicted of or pleads guilty to 3218
an offense of violence that is a felony also is convicted of or 3219
pleads guilty to a specification of the type described in 3220
section 2941.1411 of the Revised Code that charges the offender 3221
with wearing or carrying body armor while committing the felony 3222
offense of violence, the court shall impose on the offender a 3223
prison term of two years. The prison term so imposed, subject to 3224
divisions (C) to (I) of section 2967.19 of the Revised Code, 3225
shall not be reduced pursuant to section 2929.20, section 3226
2967.19, section 2967.193, or any other provision of Chapter 3227

2967. or Chapter 5120. of the Revised Code. A court shall not 3228
impose more than one prison term on an offender under division 3229
(B) (1) (d) of this section for felonies committed as part of the 3230
same act or transaction. If a court imposes an additional prison 3231
term under division (B) (1) (a) or (c) of this section, the court 3232
is not precluded from imposing an additional prison term under 3233
division (B) (1) (d) of this section. 3234

(e) The court shall not impose any of the prison terms 3235
described in division (B) (1) (a) of this section or any of the 3236
additional prison terms described in division (B) (1) (c) of this 3237
section upon an offender for a violation of section 2923.12 or 3238
2923.123 of the Revised Code. The court shall not impose any of 3239
the prison terms described in division (B) (1) (a) or (b) of this 3240
section upon an offender for a violation of section 2923.122 3241
that involves a deadly weapon that is a firearm other than a 3242
dangerous ordnance, section 2923.16, or section 2923.121 of the 3243
Revised Code. The court shall not impose any of the prison terms 3244
described in division (B) (1) (a) of this section or any of the 3245
additional prison terms described in division (B) (1) (c) of this 3246
section upon an offender for a violation of section 2923.13 of 3247
the Revised Code unless all of the following apply: 3248

(i) The offender previously has been convicted of 3249
aggravated murder, murder, or any felony of the first or second 3250
degree. 3251

(ii) Less than five years have passed since the offender 3252
was released from prison or post-release control, whichever is 3253
later, for the prior offense. 3254

(f) (i) If an offender is convicted of or pleads guilty to 3255
a felony that includes, as an essential element, causing or 3256
attempting to cause the death of or physical harm to another and 3257

also is convicted of or pleads guilty to a specification of the 3258
type described in division (A) of section 2941.1412 of the 3259
Revised Code that charges the offender with committing the 3260
offense by discharging a firearm at a peace officer as defined 3261
in section 2935.01 of the Revised Code or a corrections officer, 3262
as defined in section 2941.1412 of the Revised Code, the court, 3263
after imposing a prison term on the offender for the felony 3264
offense under division (A), (B) (2), or (B) (3) of this section, 3265
shall impose an additional prison term of seven years upon the 3266
offender that shall not be reduced pursuant to section 2929.20, 3267
section 2967.19, section 2967.193, or any other provision of 3268
Chapter 2967. or Chapter 5120. of the Revised Code. 3269

(ii) If an offender is convicted of or pleads guilty to a 3270
felony that includes, as an essential element, causing or 3271
attempting to cause the death of or physical harm to another and 3272
also is convicted of or pleads guilty to a specification of the 3273
type described in division (B) of section 2941.1412 of the 3274
Revised Code that charges the offender with committing the 3275
offense by discharging a firearm at a peace officer, as defined 3276
in section 2935.01 of the Revised Code, or a corrections 3277
officer, as defined in section 2941.1412 of the Revised Code, 3278
and that the offender previously has been convicted of or 3279
pleaded guilty to a specification of the type described in 3280
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3281
the Revised Code, the court, after imposing a prison term on the 3282
offender for the felony offense under division (A), (B) (2), or 3283
(3) of this section, shall impose an additional prison term of 3284
one hundred twenty-six months upon the offender that shall not 3285
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3286
any other provision of Chapter 2967. or 5120. of the Revised 3287
Code. 3288

(iii) If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B)(1)(f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B)(1)(f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (B)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (B)(1)(a) or (c) of this section relative to the same offense.

(g) If an offender is convicted of or pleads guilty to two or more felonies, if one or more of those felonies are aggravated murder, murder, attempted aggravated murder, attempted murder, aggravated robbery, felonious assault, or rape, and if the offender is convicted of or pleads guilty to a specification of the type described under division (B)(1)(a) of this section in connection with two or more of the felonies, the sentencing court shall impose on the offender the prison term specified under division (B)(1)(a) of this section for each of the two most serious specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining

specifications. 3320

(2) (a) If division (B) (2) (b) of this section does not 3321
apply, the court may impose on an offender, in addition to the 3322
longest prison term authorized or required for the offense, an 3323
additional definite prison term of one, two, three, four, five, 3324
six, seven, eight, nine, or ten years if all of the following 3325
criteria are met: 3326

(i) The offender is convicted of or pleads guilty to a 3327
specification of the type described in section 2941.149 of the 3328
Revised Code that the offender is a repeat violent offender. 3329

(ii) The offense of which the offender currently is 3330
convicted or to which the offender currently pleads guilty is 3331
aggravated murder and the court does not impose a sentence of 3332
death or life imprisonment without parole, murder, terrorism and 3333
the court does not impose a sentence of life imprisonment 3334
without parole, any felony of the first degree that is an 3335
offense of violence and the court does not impose a sentence of 3336
life imprisonment without parole, or any felony of the second 3337
degree that is an offense of violence and the trier of fact 3338
finds that the offense involved an attempt to cause or a threat 3339
to cause serious physical harm to a person or resulted in 3340
serious physical harm to a person. 3341

(iii) The court imposes the longest prison term for the 3342
offense that is not life imprisonment without parole. 3343

(iv) The court finds that the prison terms imposed 3344
pursuant to division (B) (2) (a) (iii) of this section and, if 3345
applicable, division (B) (1) or (3) of this section are 3346
inadequate to punish the offender and protect the public from 3347
future crime, because the applicable factors under section 3348

2929.12 of the Revised Code indicating a greater likelihood of 3349
recidivism outweigh the applicable factors under that section 3350
indicating a lesser likelihood of recidivism. 3351

(v) The court finds that the prison terms imposed pursuant 3352
to division (B)(2)(a)(iii) of this section and, if applicable, 3353
division (B)(1) or (3) of this section are demeaning to the 3354
seriousness of the offense, because one or more of the factors 3355
under section 2929.12 of the Revised Code indicating that the 3356
offender's conduct is more serious than conduct normally 3357
constituting the offense are present, and they outweigh the 3358
applicable factors under that section indicating that the 3359
offender's conduct is less serious than conduct normally 3360
constituting the offense. 3361

(b) The court shall impose on an offender the longest 3362
prison term authorized or required for the offense and shall 3363
impose on the offender an additional definite prison term of 3364
one, two, three, four, five, six, seven, eight, nine, or ten 3365
years if all of the following criteria are met: 3366

(i) The offender is convicted of or pleads guilty to a 3367
specification of the type described in section 2941.149 of the 3368
Revised Code that the offender is a repeat violent offender. 3369

(ii) The offender within the preceding twenty years has 3370
been convicted of or pleaded guilty to three or more offenses 3371
described in division (CC)(1) of section 2929.01 of the Revised 3372
Code, including all offenses described in that division of which 3373
the offender is convicted or to which the offender pleads guilty 3374
in the current prosecution and all offenses described in that 3375
division of which the offender previously has been convicted or 3376
to which the offender previously pleaded guilty, whether 3377
prosecuted together or separately. 3378

(iii) The offense or offenses of which the offender 3379
currently is convicted or to which the offender currently pleads 3380
guilty is aggravated murder and the court does not impose a 3381
sentence of death or life imprisonment without parole, murder, 3382
terrorism and the court does not impose a sentence of life 3383
imprisonment without parole, any felony of the first degree that 3384
is an offense of violence and the court does not impose a 3385
sentence of life imprisonment without parole, or any felony of 3386
the second degree that is an offense of violence and the trier 3387
of fact finds that the offense involved an attempt to cause or a 3388
threat to cause serious physical harm to a person or resulted in 3389
serious physical harm to a person. 3390

(c) For purposes of division (B) (2) (b) of this section, 3391
two or more offenses committed at the same time or as part of 3392
the same act or event shall be considered one offense, and that 3393
one offense shall be the offense with the greatest penalty. 3394

(d) A sentence imposed under division (B) (2) (a) or (b) of 3395
this section shall not be reduced pursuant to section 2929.20, 3396
section 2967.19, or section 2967.193, or any other provision of 3397
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3398
shall serve an additional prison term imposed under this section 3399
consecutively to and prior to the prison term imposed for the 3400
underlying offense. 3401

(e) When imposing a sentence pursuant to division (B) (2) 3402
(a) or (b) of this section, the court shall state its findings 3403
explaining the imposed sentence. 3404

(3) Except when an offender commits a violation of section 3405
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3406
for the violation is life imprisonment or commits a violation of 3407
section 2903.02 of the Revised Code, if the offender commits a 3408

violation of section 2925.03 or 2925.11 of the Revised Code and 3409
that section classifies the offender as a major drug offender, 3410
if the offender commits a violation of section 2925.05 of the 3411
Revised Code and division (E)(1) of that section classifies the 3412
offender as a major drug offender, if the offender commits a 3413
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3414
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3415
division (C) or (D) of section 3719.172, division (E) of section 3416
4729.51, or division (J) of section 4729.54 of the Revised Code 3417
that includes the sale, offer to sell, or possession of a 3418
schedule I or II controlled substance, with the exception of 3419
marihuana, and the court imposing sentence upon the offender 3420
finds that the offender is guilty of a specification of the type 3421
described in division (A) of section 2941.1410 of the Revised 3422
Code charging that the offender is a major drug offender, if the 3423
court imposing sentence upon an offender for a felony finds that 3424
the offender is guilty of corrupt activity with the most serious 3425
offense in the pattern of corrupt activity being a felony of the 3426
first degree, or if the offender is guilty of an attempted 3427
violation of section 2907.02 of the Revised Code and, had the 3428
offender completed the violation of section 2907.02 of the 3429
Revised Code that was attempted, the offender would have been 3430
subject to a sentence of life imprisonment or life imprisonment 3431
without parole for the violation of section 2907.02 of the 3432
Revised Code, the court shall impose upon the offender for the 3433
felony violation a mandatory prison term of the maximum prison 3434
term prescribed for a felony of the first degree that, subject 3435
to divisions (C) to (I) of section 2967.19 of the Revised Code, 3436
cannot be reduced pursuant to section 2929.20, section 2967.19, 3437
or any other provision of Chapter 2967. or 5120. of the Revised 3438
Code. 3439

(4) If the offender is being sentenced for a third or 3440
fourth degree felony OVI offense under division (G) (2) of 3441
section 2929.13 of the Revised Code, the sentencing court shall 3442
impose upon the offender a mandatory prison term in accordance 3443
with that division. In addition to the mandatory prison term, if 3444
the offender is being sentenced for a fourth degree felony OVI 3445
offense, the court, notwithstanding division (A) (4) of this 3446
section, may sentence the offender to a definite prison term of 3447
not less than six months and not more than thirty months, and if 3448
the offender is being sentenced for a third degree felony OVI 3449
offense, the sentencing court may sentence the offender to an 3450
additional prison term of any duration specified in division (A) 3451
(3) of this section. In either case, the additional prison term 3452
imposed shall be reduced by the sixty or one hundred twenty days 3453
imposed upon the offender as the mandatory prison term. The 3454
total of the additional prison term imposed under division (B) 3455
(4) of this section plus the sixty or one hundred twenty days 3456
imposed as the mandatory prison term shall equal a definite term 3457
in the range of six months to thirty months for a fourth degree 3458
felony OVI offense and shall equal one of the authorized prison 3459
terms specified in division (A) (3) of this section for a third 3460
degree felony OVI offense. If the court imposes an additional 3461
prison term under division (B) (4) of this section, the offender 3462
shall serve the additional prison term after the offender has 3463
served the mandatory prison term required for the offense. In 3464
addition to the mandatory prison term or mandatory and 3465
additional prison term imposed as described in division (B) (4) 3466
of this section, the court also may sentence the offender to a 3467
community control sanction under section 2929.16 or 2929.17 of 3468
the Revised Code, but the offender shall serve all of the prison 3469
terms so imposed prior to serving the community control 3470
sanction. 3471

If the offender is being sentenced for a fourth degree 3472
felony OVI offense under division (G) (1) of section 2929.13 of 3473
the Revised Code and the court imposes a mandatory term of local 3474
incarceration, the court may impose a prison term as described 3475
in division (A) (1) of that section. 3476

(5) If an offender is convicted of or pleads guilty to a 3477
violation of division (A) (1) or (2) of section 2903.06 of the 3478
Revised Code and also is convicted of or pleads guilty to a 3479
specification of the type described in section 2941.1414 of the 3480
Revised Code that charges that the victim of the offense is a 3481
peace officer, as defined in section 2935.01 of the Revised 3482
Code, or an investigator of the bureau of criminal 3483
identification and investigation, as defined in section 2903.11 3484
of the Revised Code, the court shall impose on the offender a 3485
prison term of five years. If a court imposes a prison term on 3486
an offender under division (B) (5) of this section, the prison 3487
term, subject to divisions (C) to (I) of section 2967.19 of the 3488
Revised Code, shall not be reduced pursuant to section 2929.20, 3489
section 2967.19, section 2967.193, or any other provision of 3490
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3491
shall not impose more than one prison term on an offender under 3492
division (B) (5) of this section for felonies committed as part 3493
of the same act. 3494

(6) If an offender is convicted of or pleads guilty to a 3495
violation of division (A) (1) or (2) of section 2903.06 of the 3496
Revised Code and also is convicted of or pleads guilty to a 3497
specification of the type described in section 2941.1415 of the 3498
Revised Code that charges that the offender previously has been 3499
convicted of or pleaded guilty to three or more violations of 3500
division (A) or (B) of section 4511.19 of the Revised Code or an 3501
equivalent offense, as defined in section 2941.1415 of the 3502

Revised Code, or three or more violations of any combination of 3503
those divisions and offenses, the court shall impose on the 3504
offender a prison term of three years. If a court imposes a 3505
prison term on an offender under division (B) (6) of this 3506
section, the prison term, subject to divisions (C) to (I) of 3507
section 2967.19 of the Revised Code, shall not be reduced 3508
pursuant to section 2929.20, section 2967.19, section 2967.193, 3509
or any other provision of Chapter 2967. or Chapter 5120. of the 3510
Revised Code. A court shall not impose more than one prison term 3511
on an offender under division (B) (6) of this section for 3512
felonies committed as part of the same act. 3513

(7) (a) If an offender is convicted of or pleads guilty to 3514
a felony violation of section 2905.01, 2905.02, 2907.21, 3515
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 3516
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 3517
the Revised Code and also is convicted of or pleads guilty to a 3518
specification of the type described in section 2941.1422 of the 3519
Revised Code that charges that the offender knowingly committed 3520
the offense in furtherance of human trafficking, the court shall 3521
impose on the offender a mandatory prison term that is one of 3522
the following: 3523

(i) If the offense is a felony of the first degree, a 3524
definite prison term of not less than five years and not greater 3525
than ten years; 3526

(ii) If the offense is a felony of the second or third 3527
degree, a definite prison term of not less than three years and 3528
not greater than the maximum prison term allowed for the offense 3529
by division (A) of section 2929.14 of the Revised Code; 3530

(iii) If the offense is a felony of the fourth or fifth 3531
degree, a definite prison term that is the maximum prison term 3532

allowed for the offense by division (A) of section 2929.14 of 3533
the Revised Code. 3534

(b) Subject to divisions (C) to (I) of section 2967.19 of 3535
the Revised Code, the prison term imposed under division (B) (7) 3536
(a) of this section shall not be reduced pursuant to section 3537
2929.20, section 2967.19, section 2967.193, or any other 3538
provision of Chapter 2967. of the Revised Code. A court shall 3539
not impose more than one prison term on an offender under 3540
division (B) (7) (a) of this section for felonies committed as 3541
part of the same act, scheme, or plan. 3542

(8) If an offender is convicted of or pleads guilty to a 3543
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3544
Revised Code and also is convicted of or pleads guilty to a 3545
specification of the type described in section 2941.1423 of the 3546
Revised Code that charges that the victim of the violation was a 3547
woman whom the offender knew was pregnant at the time of the 3548
violation, notwithstanding the range of prison terms prescribed 3549
in division (A) of this section for felonies of the same degree 3550
as the violation, the court shall impose on the offender a 3551
mandatory prison term that is either a definite prison term of 3552
six months or one of the prison terms prescribed in section 3553
2929.14 of the Revised Code for felonies of the same degree as 3554
the violation. 3555

(9) If an offender is convicted of or pleads guilty to a 3556
felony violation of section 2925.03, 2925.05, or 2925.11 of the 3557
Revised Code, if the drug involved in the violation is a 3558
fentanyl-related compound or a compound, mixture, preparation, 3559
or substance containing a fentanyl-related compound, and if the 3560
offender also is convicted of or pleads guilty to a 3561
specification of the type described in division (B) of section 3562

2941.1410 of the Revised Code that charges that the offender is 3563
a major drug offender, in addition to any other penalty imposed 3564
for the violation, the court shall impose on the offender a 3565
mandatory prison term of three, four, five, six, seven, or eight 3566
years. If a court imposes a prison term on an offender under 3567
division (B) (9) of this section, the prison term, subject to 3568
divisions (C) to (I) of section 2967.19 of the Revised Code, 3569
shall not be reduced pursuant to section 2929.20, 2967.19, or 3570
2967.193, or any other provision of Chapter 2967. or 5120. of 3571
the Revised Code. A court shall not impose more than one prison 3572
term on an offender under division (B) (9) of this section for 3573
felonies committed as part of the same act. 3574

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3575
if a mandatory prison term is imposed upon an offender pursuant 3576
to division (B) (1) (a) of this section for having a firearm on or 3577
about the offender's person or under the offender's control 3578
while committing a felony, if a mandatory prison term is imposed 3579
upon an offender pursuant to division (B) (1) (c) of this section 3580
for committing a felony specified in that division by 3581
discharging a firearm from a motor vehicle, or if both types of 3582
mandatory prison terms are imposed, the offender shall serve any 3583
mandatory prison term imposed under either division 3584
consecutively to any other mandatory prison term imposed under 3585
either division or under division (B) (1) (d) of this section, 3586
consecutively to and prior to any prison term imposed for the 3587
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3588
this section or any other section of the Revised Code, and 3589
consecutively to any other prison term or mandatory prison term 3590
previously or subsequently imposed upon the offender. 3591

(b) If a mandatory prison term is imposed upon an offender 3592
pursuant to division (B) (1) (d) of this section for wearing or 3593

carrying body armor while committing an offense of violence that 3594
is a felony, the offender shall serve the mandatory term so 3595
imposed consecutively to any other mandatory prison term imposed 3596
under that division or under division (B) (1) (a) or (c) of this 3597
section, consecutively to and prior to any prison term imposed 3598
for the underlying felony under division (A), (B) (2), or (B) (3) 3599
of this section or any other section of the Revised Code, and 3600
consecutively to any other prison term or mandatory prison term 3601
previously or subsequently imposed upon the offender. 3602

(c) If a mandatory prison term is imposed upon an offender 3603
pursuant to division (B) (1) (f) of this section, the offender 3604
shall serve the mandatory prison term so imposed consecutively 3605
to and prior to any prison term imposed for the underlying 3606
felony under division (A), (B) (2), or (B) (3) of this section or 3607
any other section of the Revised Code, and consecutively to any 3608
other prison term or mandatory prison term previously or 3609
subsequently imposed upon the offender. 3610

(d) If a mandatory prison term is imposed upon an offender 3611
pursuant to division (B) (7) or (8) of this section, the offender 3612
shall serve the mandatory prison term so imposed consecutively 3613
to any other mandatory prison term imposed under that division 3614
or under any other provision of law and consecutively to any 3615
other prison term or mandatory prison term previously or 3616
subsequently imposed upon the offender. 3617

(e) If a mandatory prison term is imposed upon an offender 3618
pursuant to division (B) (9) of this section, the offender shall 3619
serve the mandatory prison term consecutively to any other 3620
mandatory prison term imposed under that division, consecutively 3621
to and prior to any prison term imposed for the underlying 3622
felony, and consecutively to any other prison term or mandatory 3623

prison term previously or subsequently imposed upon the 3624
offender. 3625

(2) If an offender who is an inmate in a jail, prison, or 3626
other residential detention facility violates section 2917.02, 3627
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3628
(2) of section 2921.34 of the Revised Code, if an offender who 3629
is under detention at a detention facility commits a felony 3630
violation of section 2923.131 of the Revised Code, or if an 3631
offender who is an inmate in a jail, prison, or other 3632
residential detention facility or is under detention at a 3633
detention facility commits another felony while the offender is 3634
an escapee in violation of division (A) (1) or (2) of section 3635
2921.34 of the Revised Code, any prison term imposed upon the 3636
offender for one of those violations shall be served by the 3637
offender consecutively to the prison term or term of 3638
imprisonment the offender was serving when the offender 3639
committed that offense and to any other prison term previously 3640
or subsequently imposed upon the offender. 3641

(3) If a prison term is imposed for a violation of 3642
division (B) of section 2911.01 of the Revised Code, a violation 3643
of division (A) of section 2913.02 of the Revised Code in which 3644
the stolen property is a firearm or dangerous ordnance, or a 3645
felony violation of division (B) of section 2921.331 of the 3646
Revised Code, the offender shall serve that prison term 3647
consecutively to any other prison term or mandatory prison term 3648
previously or subsequently imposed upon the offender. 3649

(4) If multiple prison terms are imposed on an offender 3650
for convictions of multiple offenses, the court may require the 3651
offender to serve the prison terms consecutively if the court 3652
finds that the consecutive service is necessary to protect the 3653

public from future crime or to punish the offender and that 3654
consecutive sentences are not disproportionate to the 3655
seriousness of the offender's conduct and to the danger the 3656
offender poses to the public, and if the court also finds any of 3657
the following: 3658

(a) The offender committed one or more of the multiple 3659
offenses while the offender was awaiting trial or sentencing, 3660
was under a sanction imposed pursuant to section 2929.16, 3661
2929.17, or 2929.18 of the Revised Code, or was under post- 3662
release control for a prior offense. 3663

(b) At least two of the multiple offenses were committed 3664
as part of one or more courses of conduct, and the harm caused 3665
by two or more of the multiple offenses so committed was so 3666
great or unusual that no single prison term for any of the 3667
offenses committed as part of any of the courses of conduct 3668
adequately reflects the seriousness of the offender's conduct. 3669

(c) The offender's history of criminal conduct 3670
demonstrates that consecutive sentences are necessary to protect 3671
the public from future crime by the offender. 3672

(5) If a mandatory prison term is imposed upon an offender 3673
pursuant to division (B) (5) or (6) of this section, the offender 3674
shall serve the mandatory prison term consecutively to and prior 3675
to any prison term imposed for the underlying violation of 3676
division (A) (1) or (2) of section 2903.06 of the Revised Code 3677
pursuant to division (A) of this section or section 2929.142 of 3678
the Revised Code. If a mandatory prison term is imposed upon an 3679
offender pursuant to division (B) (5) of this section, and if a 3680
mandatory prison term also is imposed upon the offender pursuant 3681
to division (B) (6) of this section in relation to the same 3682
violation, the offender shall serve the mandatory prison term 3683

imposed pursuant to division (B) (5) of this section 3684
consecutively to and prior to the mandatory prison term imposed 3685
pursuant to division (B) (6) of this section and consecutively to 3686
and prior to any prison term imposed for the underlying 3687
violation of division (A) (1) or (2) of section 2903.06 of the 3688
Revised Code pursuant to division (A) of this section or section 3689
2929.142 of the Revised Code. 3690

(6) Any prison term imposed for a violation of section 3691
2903.04 of the Revised Code that is based on a violation of 3692
section 2925.03, 2925.05, or 2925.11 of the Revised Code shall 3693
run consecutively to any prison term imposed for the violation 3694
of section 2925.03, 2925.05, or 2925.11 of the Revised Code. 3695

(7) When consecutive prison terms are imposed pursuant to 3696
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 3697
(1) or (2) of this section, the term to be served is the 3698
aggregate of all of the terms so imposed. 3699

(D) (1) If a court imposes a prison term for a felony of 3700
the first degree, for a felony of the second degree, for a 3701
felony sex offense, or for a felony of the third degree that is 3702
not a felony sex offense and in the commission of which the 3703
offender caused or threatened to cause physical harm to a 3704
person, it shall include in the sentence a requirement that the 3705
offender be subject to a period of post-release control after 3706
the offender's release from imprisonment, in accordance with 3707
that division. If a court imposes a sentence including a prison 3708
term of a type described in this division on or after July 11, 3709
2006, the failure of a court to include a post-release control 3710
requirement in the sentence pursuant to this division does not 3711
negate, limit, or otherwise affect the mandatory period of post- 3712
release control that is required for the offender under division 3713

(B) of section 2967.28 of the Revised Code. Section 2929.191 of 3714
the Revised Code applies if, prior to July 11, 2006, a court 3715
imposed a sentence including a prison term of a type described 3716
in this division and failed to include in the sentence pursuant 3717
to this division a statement regarding post-release control. 3718

(2) If a court imposes a prison term for a felony of the 3719
third, fourth, or fifth degree that is not subject to division 3720
(D)(1) of this section, it shall include in the sentence a 3721
requirement that the offender be subject to a period of post- 3722
release control after the offender's release from imprisonment, 3723
in accordance with that division, if the parole board determines 3724
that a period of post-release control is necessary. Section 3725
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3726
a court imposed a sentence including a prison term of a type 3727
described in this division and failed to include in the sentence 3728
pursuant to this division a statement regarding post-release 3729
control. 3730

(E) The court shall impose sentence upon the offender in 3731
accordance with section 2971.03 of the Revised Code, and Chapter 3732
2971. of the Revised Code applies regarding the prison term or 3733
term of life imprisonment without parole imposed upon the 3734
offender and the service of that term of imprisonment if any of 3735
the following apply: 3736

(1) A person is convicted of or pleads guilty to a violent 3737
sex offense or a designated homicide, assault, or kidnapping 3738
offense, and, in relation to that offense, the offender is 3739
adjudicated a sexually violent predator. 3740

(2) A person is convicted of or pleads guilty to a 3741
violation of division (A)(1)(b) of section 2907.02 of the 3742
Revised Code committed on or after January 2, 2007, and either 3743

the court does not impose a sentence of life without parole when 3744
authorized pursuant to division (B) of section 2907.02 of the 3745
Revised Code, or division (B) of section 2907.02 of the Revised 3746
Code provides that the court shall not sentence the offender 3747
pursuant to section 2971.03 of the Revised Code. 3748

(3) A person is convicted of or pleads guilty to attempted 3749
rape committed on or after January 2, 2007, and a specification 3750
of the type described in section 2941.1418, 2941.1419, or 3751
2941.1420 of the Revised Code. 3752

(4) A person is convicted of or pleads guilty to a 3753
violation of section 2905.01 of the Revised Code committed on or 3754
after January 1, 2008, and that section requires the court to 3755
sentence the offender pursuant to section 2971.03 of the Revised 3756
Code. 3757

(5) A person is convicted of or pleads guilty to 3758
aggravated murder committed on or after January 1, 2008, and 3759
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3760
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3761
(d) of section 2929.03, or division (A) or (B) of section 3762
2929.06 of the Revised Code requires the court to sentence the 3763
offender pursuant to division (B) (3) of section 2971.03 of the 3764
Revised Code. 3765

(6) A person is convicted of or pleads guilty to murder 3766
committed on or after January 1, 2008, and division (B) (2) of 3767
section 2929.02 of the Revised Code requires the court to 3768
sentence the offender pursuant to section 2971.03 of the Revised 3769
Code. 3770

(F) If a person who has been convicted of or pleaded 3771
guilty to a felony is sentenced to a prison term or term of 3772

imprisonment under this section, sections 2929.02 to 2929.06 of 3773
the Revised Code, section 2929.142 of the Revised Code, section 3774
2971.03 of the Revised Code, or any other provision of law, 3775
section 5120.163 of the Revised Code applies regarding the 3776
person while the person is confined in a state correctional 3777
institution. 3778

(G) If an offender who is convicted of or pleads guilty to 3779
a felony that is an offense of violence also is convicted of or 3780
pleads guilty to a specification of the type described in 3781
section 2941.142 of the Revised Code that charges the offender 3782
with having committed the felony while participating in a 3783
criminal gang, the court shall impose upon the offender an 3784
additional prison term of one, two, or three years. 3785

(H) (1) If an offender who is convicted of or pleads guilty 3786
to aggravated murder, murder, or a felony of the first, second, 3787
or third degree that is an offense of violence also is convicted 3788
of or pleads guilty to a specification of the type described in 3789
section 2941.143 of the Revised Code that charges the offender 3790
with having committed the offense in a school safety zone or 3791
towards a person in a school safety zone, the court shall impose 3792
upon the offender an additional prison term of two years. The 3793
offender shall serve the additional two years consecutively to 3794
and prior to the prison term imposed for the underlying offense. 3795

(2) (a) If an offender is convicted of or pleads guilty to 3796
a felony violation of section 2907.22, 2907.24, 2907.241, or 3797
2907.25 of the Revised Code and to a specification of the type 3798
described in section 2941.1421 of the Revised Code and if the 3799
court imposes a prison term on the offender for the felony 3800
violation, the court may impose upon the offender an additional 3801
prison term as follows: 3802

(i) Subject to division (H) (2) (a) (ii) of this section, an additional prison term of one, two, three, four, five, or six months;

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and also was convicted of or pleaded guilty to a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an additional prison term of one, two, three, four, five, six, seven, eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional prison term that the court could have imposed upon the offender under division (H) (2) (a) of this section. A sanction imposed under this division shall commence on the date specified by the court, provided that the sanction shall not commence until after the offender has served the prison term imposed for the felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and any residential sanction imposed for the violation under section 2929.16 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.15 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly

inapplicable. The offender shall pay all costs associated with a 3834
sanction imposed under this division, including the cost of the 3835
use of the monitoring device. 3836

(I) At the time of sentencing, the court may recommend the 3837
offender for placement in a program of shock incarceration under 3838
section 5120.031 of the Revised Code or for placement in an 3839
intensive program prison under section 5120.032 of the Revised 3840
Code, disapprove placement of the offender in a program of shock 3841
incarceration or an intensive program prison of that nature, or 3842
make no recommendation on placement of the offender. In no case 3843
shall the department of rehabilitation and correction place the 3844
offender in a program or prison of that nature unless the 3845
department determines as specified in section 5120.031 or 3846
5120.032 of the Revised Code, whichever is applicable, that the 3847
offender is eligible for the placement. 3848

If the court disapproves placement of the offender in a 3849
program or prison of that nature, the department of 3850
rehabilitation and correction shall not place the offender in 3851
any program of shock incarceration or intensive program prison. 3852

If the court recommends placement of the offender in a 3853
program of shock incarceration or in an intensive program 3854
prison, and if the offender is subsequently placed in the 3855
recommended program or prison, the department shall notify the 3856
court of the placement and shall include with the notice a brief 3857
description of the placement. 3858

If the court recommends placement of the offender in a 3859
program of shock incarceration or in an intensive program prison 3860
and the department does not subsequently place the offender in 3861
the recommended program or prison, the department shall send a 3862
notice to the court indicating why the offender was not placed 3863

in the recommended program or prison. 3864

If the court does not make a recommendation under this 3865
division with respect to an offender and if the department 3866
determines as specified in section 5120.031 or 5120.032 of the 3867
Revised Code, whichever is applicable, that the offender is 3868
eligible for placement in a program or prison of that nature, 3869
the department shall screen the offender and determine if there 3870
is an available program of shock incarceration or an intensive 3871
program prison for which the offender is suited. If there is an 3872
available program of shock incarceration or an intensive program 3873
prison for which the offender is suited, the department shall 3874
notify the court of the proposed placement of the offender as 3875
specified in section 5120.031 or 5120.032 of the Revised Code 3876
and shall include with the notice a brief description of the 3877
placement. The court shall have ten days from receipt of the 3878
notice to disapprove the placement. 3879

(J) If a person is convicted of or pleads guilty to 3880
aggravated vehicular homicide in violation of division (A) (1) of 3881
section 2903.06 of the Revised Code and division (B) (2) (c) of 3882
that section applies, the person shall be sentenced pursuant to 3883
section 2929.142 of the Revised Code. 3884

(K) (1) The court shall impose an additional mandatory 3885
prison term of two, three, four, five, six, seven, eight, nine, 3886
ten, or eleven years on an offender who is convicted of or 3887
pleads guilty to a violent felony offense if the offender also 3888
is convicted of or pleads guilty to a specification of the type 3889
described in section 2941.1424 of the Revised Code that charges 3890
that the offender is a violent career criminal and had a firearm 3891
on or about the offender's person or under the offender's 3892
control while committing the presently charged violent felony 3893

offense and displayed or brandished the firearm, indicated that 3894
the offender possessed a firearm, or used the firearm to 3895
facilitate the offense. The offender shall serve the prison term 3896
imposed under this division consecutively to and prior to the 3897
prison term imposed for the underlying offense. The prison term 3898
shall not be reduced pursuant to section 2929.20 or 2967.19 or 3899
any other provision of Chapter 2967. or 5120. of the Revised 3900
Code. A court may not impose more than one sentence under 3901
division (B) (2) (a) of this section and this division for acts 3902
committed as part of the same act or transaction. 3903

(2) As used in division (K) (1) of this section, "violent 3904
career criminal" and "violent felony offense" have the same 3905
meanings as in section 2923.132 of the Revised Code. 3906

Sec. 2941.1410. (A) Except as provided in sections 2925.03 3907
and 2925.11 and division (E) (1) of section 2925.05 of the 3908
Revised Code, the determination by a court that an offender is a 3909
major drug offender is precluded unless the indictment, count in 3910
the indictment, or information charging the offender specifies 3911
that the offender is a major drug offender. The specification 3912
shall be stated at the end of the body of the indictment, count, 3913
or information, and shall be stated in substantially the 3914
following form: 3915

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3916
Grand Jurors (or insert the person's or prosecuting attorney's 3917
name when appropriate) further find and specify that (set forth 3918
that the offender is a major drug offender)." 3919

(B) Imposition of a three, four, five, six, seven, or 3920
eight-year mandatory prison term upon an offender under division 3921
(B) (9) of section 2929.14 of the Revised Code, pursuant to 3922
determination by a court that an offender is a major drug 3923

offender, is precluded unless the indictment, count in the 3924
indictment, or information charging the offender with the 3925
violation of section 2925.03, 2925.05, or 2925.11 of the Revised 3926
Code specifies that the offender is a major drug offender and 3927
that the drug involved in the violation is a fentanyl-related 3928
compound or a compound, mixture, preparation, or substance 3929
containing a fentanyl-related compound. The specification shall 3930
be stated at the end of the body of the indictment, count, or 3931
information, and shall be stated in substantially the following 3932
form: 3933

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3934
Grand Jurors (or insert the person's or prosecuting attorney's 3935
name when appropriate) further find and specify that (set forth 3936
that the offender is a major drug offender and the drug involved 3937
in the violation is a fentanyl-related compound or a compound, 3938
mixture, preparation, or substance containing a fentanyl-related 3939
compound)." 3940

(C) The court shall determine the issue of whether an 3941
offender is a major drug offender. 3942

~~(C)~~ (D) As used in this section, "major drug offender" has 3943
the same meaning as in section 2929.01 of the Revised Code. 3944

Sec. 3719.41. Controlled substance schedules I, II, III, 3945
IV, and V are hereby established, which schedules include the 3946
following, subject to amendment pursuant to section 3719.43 or 3947
3719.44 of the Revised Code. 3948

SCHEDULE I 3949

(A) Narcotics-opiates 3950

Any of the following opiates, including their isomers, 3951
esters, ethers, salts, and salts of isomers, esters, and ethers, 3952

unless specifically excepted under federal drug abuse control	3953
laws, whenever the existence of these isomers, esters, ethers,	3954
and salts is possible within the specific chemical designation:	3955
(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-	3956
phenethyl)-4-piperidinyl]-N-phenylacetamide);	3957
(2) Acetylmethadol;	3958
(3) Allylprodine;	3959
(4) Alphacetylmethadol (except levo-alphacetylmethadol,	3960
also known as levo-alpha-acetylmethadol, levomethadyl acetate,	3961
or LAAM);	3962
(5) Alphameprodine;	3963
(6) Alphamethadol;	3964
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	3965
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-	3966
phenylethyl)-4-(N-propanilido) piperidine);	3967
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	3968
thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	3969
(9) Benzethidine;	3970
(10) Betacetylmethadol;	3971
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	3972
piperidinyl]-N- phenylpropanamide);	3973
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	3974
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	3975
phenylpropanamide);	3976
(13) Betameprodine;	3977
(14) Betamethadol;	3978

(15) Betaprodine;	3979
(16) Clonitazene;	3980
(17) Dextromoramide;	3981
(18) Diampromide;	3982
(19) Diethylthiambutene;	3983
(20) Difenoxin;	3984
(21) Dimenoxadol;	3985
(22) Dimepheptanol;	3986
(23) Dimethylthiambutene;	3987
(24) Dioxaphetyl butyrate;	3988
(25) Dipipanone;	3989
(26) Ethylmethylthiambutene;	3990
(27) Etonitazene;	3991
(28) Etoxeridine;	3992
(29) Furethidine;	3993
(30) Hydroxypethidine;	3994
(31) Ketobemidone;	3995
(32) Levomoramide;	3996
(33) Levophenacymorphan;	3997
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- piperidyl]-N- phenylpropanamide);	3998 3999
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2- (thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);	4000 4001

(36) Morpheridine;	4002
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	4003
(38) Noracymethadol;	4004
(39) Norlevorphanol;	4005
(40) Normethadone;	4006
(41) Norpipanone;	4007
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	4008 4009
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	4010
(44) Phenadoxone;	4011
(45) Phenampromide;	4012
(46) Phenomorphan;	4013
(47) Phenoperidine;	4014
(48) Piritramide;	4015
(49) Proheptazine;	4016
(50) Properidine;	4017
(51) Propiram;	4018
(52) Racemoramide;	4019
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	4020 4021
(54) Tilidine;	4022
(55) Trimeperidine.	4023
<u>(56) Except as otherwise provided in this section, any</u>	4024

compound that meets all of the following fentanyl pharmacophore 4025
requirements to bind at the mu receptor, as identified by a 4026
report from an established forensic laboratory: 4027

(a) A chemical scaffold consisting of both of the 4028
following: 4029

(i) A five, six, or seven member ring structure containing 4030
a nitrogen, whether or not further substituted; 4031

(ii) An attached nitrogen to the ring, whether or not that 4032
nitrogen is enclosed in a ring structure, including an attached 4033
aromatic ring or other lipophilic group to that nitrogen; 4034

(b) A polar functional group attached to the chemical 4035
scaffold, including but not limited to, a hydroxyl, ketone, 4036
amide, or ester; 4037

(c) An alkyl or aryl substitution off the ring nitrogen of 4038
the chemical scaffold; and 4039

(d) The compound has not been approved for medical use by 4040
the United States food and drug administration. 4041

(B) Narcotics-opium derivatives 4042

Any of the following opium derivatives, including their 4043
salts, isomers, and salts of isomers, unless specifically 4044
excepted under federal drug abuse control laws, whenever the 4045
existence of these salts, isomers, and salts of isomers is 4046
possible within the specific chemical designation: 4047

(1) Acetorphine; 4048

(2) Acetyldihydrocodeine; 4049

(3) Benzylmorphine; 4050

(4) Codeine methylbromide; 4051

(5) Codeine-n-oxide;	4052
(6) Cyprenorphine;	4053
(7) Desomorphine;	4054
(8) Dihydromorphine;	4055
(9) Drotebanol;	4056
(10) Etorphine (except hydrochloride salt);	4057
(11) Heroin;	4058
(12) Hydromorphenol;	4059
(13) Methyldesorphine;	4060
(14) Methyldihydromorphine;	4061
(15) Morphine methylbromide;	4062
(16) Morphine methylsulfonate;	4063
(17) Morphine-n-oxide;	4064
(18) Myrophine;	4065
(19) Nicocodeine;	4066
(20) Nicomorphine;	4067
(21) Normorphine;	4068
(22) Pholcodine;	4069
(23) Thebacon.	4070
(C) Hallucinogens	4071
Any material, compound, mixture, or preparation that	4072
contains any quantity of the following hallucinogenic	4073
substances, including their salts, isomers, and salts of	4074

isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation. For the purposes of this division only, "isomer" includes the optical isomers, position isomers, and geometric isomers.

(1) Alpha-ethyltryptamine (some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET);

(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);

(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus);

(4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);

(6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);

(7) 5-methoxy-3,4-methylenedioxy-amphetamine;

(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");

(9) 3,4-methylenedioxy amphetamine (MDA);

(10) 3,4-methylenedioxyamphetamine (MDMA);	4102
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	4103 4104 4105
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	4106 4107 4108
(13) 3,4,5-trimethoxy amphetamine;	4109
(14) Bufotenine (some trade or other names: 3-(beta- dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5- indolol; N, N-dimethylserotonin; 5-hydroxy-N, N- dimethyltryptamine; mappine);	4110 4111 4112 4113
(15) Diethyltryptamine (some trade or other names: N, N- diethyltryptamine; DET);	4114 4115
(16) Dimethyltryptamine (some trade or other names: DMT);	4116
(17) Ibogaine (some trade or other names: 7-ethyl- 6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H- pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	4117 4118 4119
(18) Lysergic acid diethylamide;	4120
(19) Marihuana;	4121
(20) Mescaline;	4122
(21) Parahexyl (some trade or other names: 3-hexyl-1- hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H- dibenzo[b,d]pyran; synhexyl);	4123 4124 4125
(22) Peyote (meaning all parts of the plant presently classified botanically as "Lophophora williamsii Lemaire," whether growing or not, the seeds of that plant, any extract	4126 4127 4128

from any part of that plant, and every compound, manufacture,	4129
salts, derivative, mixture, or preparation of that plant, its	4130
seeds, or its extracts);	4131
(23) N-ethyl-3-piperidyl benzilate;	4132
(24) N-methyl-3-piperidyl benzilate;	4133
(25) Psilocybin;	4134
(26) Psilocyn;	4135
(27) Tetrahydrocannabinols (synthetic equivalents of the	4136
substances contained in the plant, or in the resinous	4137
extractives of Cannabis, sp. and/or synthetic substances,	4138
derivatives, and their isomers with similar chemical structure	4139
and pharmacological activity such as the following: delta-1-cis	4140
or trans tetrahydrocannabinol, and their optical isomers; delta-	4141
6-cis or trans tetrahydrocannabinol, and their optical isomers;	4142
delta-3,4-cis or trans tetrahydrocannabinol, and its optical	4143
isomers. (Since nomenclature of these substances is not	4144
internationally standardized, compounds of these structures,	4145
regardless of numerical designation of atomic positions, are	4146
covered.);	4147
(28) Ethylamine analog of phencyclidine (some trade or	4148
other names: N-ethyl-1-phenylcyclohexylamine; (1-	4149
phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	4150
cyclohexamine; PCE);	4151
(29) Pyrrolidine analog of phencyclidine (some trade or	4152
other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	4153
(30) Thiophene analog of phencyclidine (some trade or	4154
other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl	4155
analog of phencyclidine; TPCP; TCP);	4156

(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	4157
(32) Hashish;	4158
(33) Salvia divinorum;	4159
(34) Salvinorin A;	4160
(35) (1-pentylindol-3-yl)-(2,2,3,3- tetramethylcyclopropyl)methanone (UR-144);	4161 4162
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	4163
(37) N-adamantyl-1-pentylindole-3-carboxamide;	4164
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	4165
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (methoxetamine);	4166 4167
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	4168
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	4169 4170
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	4171 4172
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	4173 4174
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3- tetramethylcyclopropyl)methanone (A-796,260);	4175 4176
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1- adamantoyl)indole (AM1248);	4177 4178
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	4179
(47) 5-(2-aminopropyl)benzofuran (5-APB);	4180

(48) 6-(2-aminopropyl)benzofuran (6-APB);	4181
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	4182
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	4183
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	4184
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	4185
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	4186
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	4187
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	4188
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C- T-2);	4189 4190
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);	4191 4192
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	4193
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	4194
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C- P);	4195 4196
(61) 4-methoxymethamphetamine (PMMA);	4197
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	4198
(63) 5-iodo-2-aminoindane (5-IAI);	4199
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2- methoxyphenyl)methyl]ethanamine (25I-NBOMe);	4200 4201
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	4202 4203
(66) Desoxypipradrol (2-benzhydrylpiperidine);	4204

(67) Synthetic cannabinoids - unless specifically excepted 4205
or unless listed in another schedule, any material, compound, 4206
mixture, or preparation that contains any quantity of a 4207
synthetic cannabinoid found to be in any of the following 4208
chemical groups or any of those groups which contain any 4209
synthetic cannabinoid salts, isomers, or salts of isomers, 4210
whenever the existence of such salts, isomers, or salts of 4211
isomers is possible within the specific chemical groups: 4212

(a) Naphthoylindoles: any compound containing a 3-(1- 4213
naphthoyl)indole structure with or without substitution at the 4214
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4215
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4216
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4217
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4218
or 2-(4-morpholinyl)ethyl group, whether or not further 4219
substituted on the indole ring to any extent or whether or not 4220
substituted on the naphthyl group to any extent. 4221
Naphthoylindoles include, but are not limited to, 1-[2-(4- 4222
morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- 4223
fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- 4224
naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole 4225
(JWH-073). 4226

(b) Naphthylmethylindoles: any compound containing a 1H- 4227
indol-3-yl-(1-naphthyl)methane structure with or without 4228
substitution at the nitrogen atom of the indole ring by an 4229
alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 4230
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 4231
2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 4232
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 4233
not further substituted on the indole ring to any extent or 4234
whether or not substituted on the naphthyl group to any extent. 4235

Naphthylmethylindoles include, but are not limited to, (1-
4236
penty lindol-3-yl) (1-naphthyl)methane (JWH-175). 4237

(c) Naphthoylpyrroles: any compound containing a 3-(1-
4238
naphthoyl)pyrrole structure with or without substitution at the 4239
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 4240
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-
4241
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4242
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4243
or 2-(4-morpholinyl)ethyl group, whether or not further 4244
substituted on the pyrrole ring to any extent or whether or not 4245
substituted on the naphthyl group to any extent. 4246
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2-
4247
phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 4248

(d) Naphthylmethylindenes: any compound containing a 4249
naphthylmethylideneindene structure with or without substitution 4250
at the 3-position of the indene ring by an alkyl, haloalkyl, 4251
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-
4252
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4253
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4254
or 2-(4-morpholinyl)ethyl group, whether or not further 4255
substituted on the indene group to any extent or whether or not 4256
substituted on the naphthyl group to any extent. 4257
Naphthylmethylindenes include, but are not limited to, (1-[(3-
4258
penty l)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 4259

(e) Phenylacetylindoles: any compound containing a 3- 4260
phenylacetylindole structure with or without substitution at the 4261
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4262
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-
4263
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4264
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4265

or 2-(4-morpholinyl)ethyl group, whether or not further 4266
substituted on the indole ring to any extent or whether or not 4267
substituted on the phenyl group to any extent. 4268

Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 4269
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 4270
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 4271
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 4272

(f) Cyclohexylphenols: any compound containing a 2-(3- 4273
hydroxycyclohexyl)phenol structure with or without substitution 4274
at the 5-position of the phenolic ring by an alkyl, haloalkyl, 4275
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4276
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4277
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4278
or 2-(4-morpholinyl)ethyl group, whether or not further 4279
substituted on the cyclohexyl group to any extent. 4280
Cyclohexylphenols include, but are not limited to, 5-(1,1- 4281
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 4282
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 4283
[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 4284
cannabicyclohexanol; CP-47,497 C8 homologue). 4285

(g) Benzoylindoles: any compound containing a 3-(1- 4286
benzoyl)indole structure with or without substitution at the 4287
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4288
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4289
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4290
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 4291
or 2-(4-morpholinyl)ethyl group, whether or not further 4292
substituted on the indole ring to any extent or whether or not 4293
substituted on the phenyl group to any extent. Benzoylindoles 4294
include, but are not limited to, 1-pentyl-3-(4- 4295
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 4296

methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098).	4297
(D) Depressants	4298
Any material, compound, mixture, or preparation that	4299
contains any quantity of the following substances having a	4300
depressant effect on the central nervous system, including their	4301
salts, isomers, and salts of isomers, unless specifically	4302
excepted under federal drug abuse control laws, whenever the	4303
existence of these salts, isomers, and salts of isomers is	4304
possible within the specific chemical designation:	4305
(1) Mecloqualone;	4306
(2) Methaqualone.	4307
(E) Stimulants	4308
Unless specifically excepted or unless listed in another	4309
schedule, any material, compound, mixture, or preparation that	4310
contains any quantity of the following substances having a	4311
stimulant effect on the central nervous system, including their	4312
salts, isomers, and salts of isomers:	4313
(1) Aminorex (some other names: aminoxaphen; 2-amino-5-	4314
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine);	4315
(2) Fenethylline;	4316
(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4-	4317
methyl-5-phenyl-2-oxazolamine);	4318
(4) N-ethylamphetamine;	4319
(5) N,N-dimethylamphetamine (also known as N,N-alpha-	4320
trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);	4321
(6) N-methyl-1-(thiophen-2-yl) propan-2-amine	4322
(Methiopropamine);	4323

(7) Substituted cathinones - any compound except bupropion 4324
or compounds listed under a different schedule, structurally 4325
derived from 2-aminopropan-1-one by substitution at the 1- 4326
position with either phenyl, naphthyl, or thiophene ring 4327
systems, whether or not the compound is further modified in any 4328
of the following ways: 4329

(a) By substitution in the ring system to any extent with 4330
alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide 4331
substituents, whether or not further substituted in the ring 4332
system by one or more other univalent substituents; 4333

(b) By substitution at the 3-position with an acyclic 4334
alkyl substituent; 4335

(c) By substitution at the 2-amino nitrogen atom with 4336
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 4337

(d) By inclusion of the 2-amino nitrogen atom in a cyclic 4338
structure. 4339

Examples of substituted cathinones include, but are not 4340
limited to, methyldone (3,4-methylenedioxy-methcathinone), MDPV 4341
(3,4-methylenedioxy-pyrovalerone), mephedrone (4- 4342
methylmethcathinone), 4-methoxymethcathinone, 4- 4343
fluoromethcathinone, 3-fluoromethcathinone, Pentadrone (2- 4344
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3- 4345
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1- 4346
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1- 4347
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1- 4348
phenyl-1-propanone), and methcathinone (2-(methylamino)- 4349
propiofenone). 4350

SCHEDULE II 4351

(A) Narcotics-opium and opium derivatives 4352

Unless specifically excepted under federal drug abuse 4353
control laws or unless listed in another schedule, any of the 4354
following substances whether produced directly or indirectly by 4355
extraction from substances of vegetable origin, independently by 4356
means of chemical synthesis, or by a combination of extraction 4357
and chemical synthesis: 4358

(1) Opium and opiate, and any salt, compound, derivative, 4359
or preparation of opium or opiate, excluding apomorphine, 4360
thebaine-derived butorphanol, dextrorphan, nalbuphine, 4361
nalmeffene, naloxone, and naltrexone, and their respective salts, 4362
but including the following: 4363

- (a) Raw opium; 4364
- (b) Opium extracts; 4365
- (c) Opium fluid extracts; 4366
- (d) Powdered opium; 4367
- (e) Granulated opium; 4368
- (f) Tincture of opium; 4369
- (g) Codeine; 4370
- (h) Ethylmorphine; 4371
- (i) Etorphine hydrochloride; 4372
- (j) Hydrocodone; 4373
- (k) Hydromorphone; 4374
- (l) Metopon; 4375
- (m) Morphine; 4376
- (n) Oxycodone; 4377

(o) Oxymorphone;	4378
(p) Thebaine.	4379
(2) Any salt, compound, derivative, or preparation thereof	4380
that is chemically equivalent to or identical with any of the	4381
substances referred to in division (A) (1) of this schedule,	4382
except that these substances shall not include the isoquinoline	4383
alkaloids of opium;	4384
(3) Opium poppy and poppy straw;	4385
(4) Coca leaves and any salt, compound, derivative, or	4386
preparation of coca leaves (including cocaine and ecgonine,	4387
their salts, isomers, and derivatives, and salts of those	4388
isomers and derivatives), and any salt, compound, derivative, or	4389
preparation thereof that is chemically equivalent to or	4390
identical with any of these substances, except that the	4391
substances shall not include decocainized coca leaves or	4392
extraction of coca leaves, which extractions do not contain	4393
cocaine or ecgonine;	4394
(5) Concentrate of poppy straw (the crude extract of poppy	4395
straw in either liquid, solid, or powder form that contains the	4396
phenanthrene alkaloids of the opium poppy).	4397
(B) Narcotics-opiates	4398
Unless specifically excepted under federal drug abuse	4399
control laws or unless listed in another schedule, any of the	4400
following opiates, including their isomers, esters, ethers,	4401
salts, and salts of isomers, esters, and ethers, whenever the	4402
existence of these isomers, esters, ethers, and salts is	4403
possible within the specific chemical designation, but excluding	4404
dextrorphan and levopropoxyphene:	4405

(1) Alfentanil;	4406
(2) Alphaprodine;	4407
(3) Anileridine;	4408
(4) Bezitramide;	4409
(5) Bulk dextropropoxyphene (non-dosage forms);	4410
(6) Carfentanil;	4411
(7) Dihydrocodeine;	4412
(8) Diphenoxylate;	4413
(9) Fentanyl;	4414
(10) Isomethadone;	4415
(11) Levo-alpha-acetylmethadol (some other names: levo- alpha-acetylmethadol; levomethadyl acetate; LAAM);	4416 4417
(12) Levomethorphan;	4418
(13) Levorphanol;	4419
(14) Metazocine;	4420
(15) Methadone;	4421
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4- diphenyl butane;	4422 4423
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1- diphenylpropane-carboxylic acid;	4424 4425
(18) Pethidine (meperidine);	4426
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4- phenylpiperidine;	4427 4428
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-	4429

carboxylate;	4430
(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	4431
	4432
(22) Phenazocine;	4433
(23) Piminodine;	4434
(24) Racemethorphan;	4435
(25) Racemorphan;	4436
(26) Remifentanil;	4437
(27) Sufentanil.	4438
(C) Stimulants	4439
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:	4440
	4441
	4442
	4443
	4444
(1) Amphetamine, its salts, its optical isomers, and salts of its optical isomers;	4445
	4446
(2) Methamphetamine, its salts, its isomers, and salts of its isomers;	4447
	4448
(3) Methylphenidate;	4449
(4) Phenmetrazine and its salts;	4450
<u>(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.</u>	4451
	4452
(D) Depressants	4453
Unless specifically excepted under federal drug abuse	4454

control laws or unless listed in another schedule, any material,	4455
compound, mixture, or preparation that contains any quantity of	4456
the following substances having a depressant effect on the	4457
central nervous system, including their salts, isomers, and	4458
salts of isomers, whenever the existence of these salts,	4459
isomers, and salts of isomers is possible within the specific	4460
chemical designation:	4461
(1) Amobarbital;	4462
(2) Gamma-hydroxy-butyrate;	4463
(3) Glutethimide;	4464
(4) Pentobarbital;	4465
(5) Phencyclidine (some trade or other names: 1-(1-	4466
phenylcyclohexyl)piperidine; PCP);	4467
(6) Secobarbital;	4468
(7) 1-aminophenylcyclohexane and all N-mono-substituted	4469
and/or all N-N-disubstituted analogs including, but not limited	4470
to, the following:	4471
(a) 1-phenylcyclohexylamine;	4472
(b) (1-phenylcyclohexyl) methylamine;	4473
(c) (1-phenylcyclohexyl) dimethylamine;	4474
(d) (1-phenylcyclohexyl) methylethylamine;	4475
(e) (1-phenylcyclohexyl) isopropylamine;	4476
(f) 1-(1-phenylcyclohexyl) morpholine.	4477
(E) Hallucinogenic substances	4478
(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-	4479

dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6- 4480
dimethyl-9H-dibenzo[b,d]pyran-9-one). 4481

(F) Immediate precursors 4482

Unless specifically excepted under federal drug abuse 4483
control laws or unless listed in another schedule, any material, 4484
compound, mixture, or preparation that contains any quantity of 4485
the following substances: 4486

(1) Immediate precursor to amphetamine and 4487
methamphetamine: 4488

(a) Phenylacetone (some trade or other names: phenyl-2- 4489
propanone; P2P; benzyl methyl ketone; methyl benzyl ketone); 4490

(2) Immediate precursors to phencyclidine (PCP): 4491

(a) 1-phenylcyclohexylamine; 4492

(b) 1-piperidinocyclohexanecarbonitrile (PCC). 4493

SCHEDULE III 4494

(A) Stimulants 4495

Unless specifically excepted under federal drug abuse 4496
control laws or unless listed in another schedule, any material, 4497
compound, mixture, or preparation that contains any quantity of 4498
the following substances having a stimulant effect on the 4499
central nervous system, including their salts, their optical 4500
isomers, position isomers, or geometric isomers, and salts of 4501
these isomers, whenever the existence of these salts, isomers, 4502
and salts of isomers is possible within the specific chemical 4503
designation: 4504

(1) All stimulant compounds, mixtures, and preparations 4505
included in schedule III pursuant to the federal drug abuse 4506

control laws and regulations adopted under those laws;	4507
(2) Benzphetamine;	4508
(3) Chlorphentermine;	4509
(4) Clortermine;	4510
(5) Phendimetrazine.	4511
(B) Depressants	4512
Unless specifically excepted under federal drug abuse	4513
control laws or unless listed in another schedule, any material,	4514
compound, mixture, or preparation that contains any quantity of	4515
the following substances having a depressant effect on the	4516
central nervous system:	4517
(1) Any compound, mixture, or preparation containing	4518
amobarbital, secobarbital, pentobarbital, or any salt of any of	4519
these drugs, and one or more other active medicinal ingredients	4520
that are not listed in any schedule;	4521
(2) Any suppository dosage form containing amobarbital,	4522
secobarbital, pentobarbital, or any salt of any of these drugs	4523
and approved by the food and drug administration for marketing	4524
only as a suppository;	4525
(3) Any substance that contains any quantity of a	4526
derivative of barbituric acid or any salt of a derivative of	4527
barbituric acid;	4528
(4) Chlorhexadol;	4529
(5) Ketamine, its salts, isomers, and salts of isomers	4530
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-	4531
(methylamino)-cyclohexanone);	4532
(6) Lysergic acid;	4533

(7) Lysergic acid amide;	4534
(8) Methyprylon;	4535
(9) Sulfondiethylmethane;	4536
(10) Sulfonethylmethane;	4537
(11) Sulfonmethane;	4538
(12) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine-zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)- one; flupyrazapon).	4539 4540 4541 4542 4543 4544 4545
(C) Narcotic antidotes	4546
(1) Nalorphine.	4547
(D) Narcotics-narcotic preparations	4548
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	4549 4550 4551 4552 4553 4554
(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;	4555 4556 4557
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic	4558 4559 4560

amounts;	4561
(3) Not more than 300 milligrams of dihydrocodeinone per	4562
100 milliliters or not more than 15 milligrams per dosage unit,	4563
with a fourfold or greater quantity of an isoquinoline alkaloid	4564
of opium;	4565
(4) Not more than 300 milligrams of dihydrocodeinone per	4566
100 milliliters or not more than 15 milligrams per dosage unit,	4567
with one or more active, nonnarcotic ingredients in recognized	4568
therapeutic amounts;	4569
(5) Not more than 1.8 grams of dihydrocodeine per 100	4570
milliliters or not more than 90 milligrams per dosage unit, with	4571
one or more active, nonnarcotic ingredients in recognized	4572
therapeutic amounts;	4573
(6) Not more than 300 milligrams of ethylmorphine per 100	4574
milliliters or not more than 15 milligrams per dosage unit, with	4575
one or more active, nonnarcotic ingredients in recognized	4576
therapeutic amounts;	4577
(7) Not more than 500 milligrams of opium per 100	4578
milliliters or per 100 grams or not more than 25 milligrams per	4579
dosage unit, with one or more active, nonnarcotic ingredients in	4580
recognized therapeutic amounts;	4581
(8) Not more than 50 milligrams of morphine per 100	4582
milliliters or per 100 grams, with one or more active,	4583
nonnarcotic ingredients in recognized therapeutic amounts.	4584
(E) Anabolic steroids	4585
Unless specifically excepted under federal drug abuse	4586
control laws or unless listed in another schedule, any material,	4587
compound, mixture, or preparation that contains any quantity of	4588

the following substances, including their salts, esters, 4589
isomers, and salts of esters and isomers, whenever the existence 4590
of these salts, esters, and isomers is possible within the 4591
specific chemical designation: 4592

(1) Anabolic steroids. Except as otherwise provided in 4593
division (E)(1) of schedule III, "anabolic steroids" means any 4594
drug or hormonal substance that is chemically and 4595
pharmacologically related to testosterone (other than estrogens, 4596
progestins, and corticosteroids) and that promotes muscle 4597
growth. "Anabolic steroids" does not include an anabolic steroid 4598
that is expressly intended for administration through implants 4599
to cattle or other nonhuman species and that has been approved 4600
by the United States secretary of health and human services for 4601
that administration, unless a person prescribes, dispenses, or 4602
distributes this type of anabolic steroid for human use. 4603
"Anabolic steroid" includes, but is not limited to, the 4604
following: 4605

- (a) Boldenone; 4606
- (b) Chlorotestosterone (4-chlortestosterone); 4607
- (c) Clostebol; 4608
- (d) Dehydrochlormethyltestosterone; 4609
- (e) Dihydrotestosterone (4-dihydrotestosterone); 4610
- (f) Drostanolone; 4611
- (g) Ethylestrenol; 4612
- (h) Fluoxymesterone; 4613
- (i) Formebolone (formebolone); 4614
- (j) Mesterolone; 4615

(k) Methandienone;	4616
(l) Methandranone;	4617
(m) Methandriol;	4618
(n) Methandrostenolone;	4619
(o) Methenolone;	4620
(p) Methyltestosterone;	4621
(q) Mibolerone;	4622
(r) Nandrolone;	4623
(s) Norethandrolone;	4624
(t) Oxandrolone;	4625
(u) Oxymesterone;	4626
(v) Oxymetholone;	4627
(w) Stanolone;	4628
(x) Stanozolol;	4629
(y) Testolactone;	4630
(z) Testosterone;	4631
(aa) Trenbolone;	4632
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E) (1) of schedule III if the salt, ester, or isomer promotes muscle growth.	4633 4634 4635 4636
(F) Hallucinogenic substances	4637
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug	4638 4639

administration approved drug product (some other names for 4640
dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl- 4641
3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)- 4642
tetrahydrocannabinol). 4643

SCHEDULE IV 4644

(A) Narcotic drugs 4645

Unless specifically excepted by federal drug abuse control 4646
laws or unless listed in another schedule, any material, 4647
compound, mixture, or preparation that contains any of the 4648
following narcotic drugs, or their salts calculated as the free 4649
anhydrous base or alkaloid, in limited quantities as set forth 4650
below: 4651

(1) Not more than one milligram of difenoxin and not less 4652
than 25 micrograms of atropine sulfate per dosage unit; 4653

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2- 4654
diphenyl-3-methyl-2- propionoxybutane) [final dosage forms]. 4655

(B) Depressants 4656

Unless specifically excepted under federal drug abuse 4657
control laws or unless listed in another schedule, any material, 4658
compound, mixture, or preparation that contains any quantity of 4659
the following substances, including their salts, isomers, and 4660
salts of isomers, whenever the existence of these salts, 4661
isomers, and salts of isomers is possible within the specific 4662
chemical designation: 4663

(1) Alprazolam; 4664

(2) Barbital; 4665

(3) Bromazepam; 4666

(4) Camazepam;	4667
(5) Chloral betaine;	4668
(6) Chloral hydrate;	4669
(7) Chlordiazepoxide;	4670
(8) Clobazam;	4671
(9) Clonazepam;	4672
(10) Clorazepate;	4673
(11) Clotiazepam;	4674
(12) Cloxazolam;	4675
(13) Delorazepam;	4676
(14) Diazepam;	4677
(15) Estazolam;	4678
(16) Ethchlorvynol;	4679
(17) Ethinamate;	4680
(18) Ethyl loflazepate;	4681
(19) Fludiazepam;	4682
(20) Flunitrazepam;	4683
(21) Flurazepam;	4684
(22) Halazepam;	4685
(23) Haloxazolam;	4686
(24) Ketazolam;	4687
(25) Loprazolam;	4688

(26) Lorazepam;	4689
(27) Lormetazepam;	4690
(28) Mebutamate;	4691
(29) Medazepam;	4692
(30) Meprobamate;	4693
(31) Methohexital;	4694
(32) Methylphenobarbital (mephobarbital);	4695
(33) Midazolam;	4696
(34) Nimetazepam;	4697
(35) Nitrazepam;	4698
(36) Nordiazepam;	4699
(37) Oxazepam;	4700
(38) Oxazolam;	4701
(39) Paraldehyde;	4702
(40) Petrichloral;	4703
(41) Phenobarbital;	4704
(42) Pinazepam;	4705
(43) Prazepam;	4706
(44) Quazepam;	4707
(45) Temazepam;	4708
(46) Tetrazepam;	4709
(47) Triazolam;	4710

(48) Zaleplon;	4711
(49) Zolpidem.	4712
(C) Fenfluramine	4713
Any material, compound, mixture, or preparation that	4714
contains any quantity of the following substances, including	4715
their salts, their optical isomers, position isomers, or	4716
geometric isomers, and salts of these isomers, whenever the	4717
existence of these salts, isomers, and salts of isomers is	4718
possible within the specific chemical designation:	4719
(1) Fenfluramine.	4720
(D) Stimulants	4721
Unless specifically excepted under federal drug abuse	4722
control laws or unless listed in another schedule, any material,	4723
compound, mixture, or preparation that contains any quantity of	4724
the following substances having a stimulant effect on the	4725
central nervous system, including their salts, their optical	4726
isomers, position isomers, or geometric isomers, and salts of	4727
these isomers, whenever the existence of these salts, isomers,	4728
and salts of isomers is possible within the specific chemical	4729
designation:	4730
(1) Cathine ((+)-norpseudoephedrine);	4731
(2) Diethylpropion;	4732
(3) Fencamfamin;	4733
(4) Fenproporex;	4734
(5) Mazindol;	4735
(6) Mefenorex;	4736

(7) Modafinil;	4737
(8) Pemoline (including organometallic complexes and chelates thereof);	4738 4739
(9) Phentermine;	4740
(10) Pipradrol;	4741
(11) Sibutramine;	4742
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	4743
(E) Other substances	4744
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:	4745 4746 4747 4748
(1) Pentazocine;	4749
(2) Butorphanol (including its optical isomers).	4750
SCHEDULE V	4751
(A) Narcotic drugs	4752
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:	4753 4754 4755 4756
(1) Buprenorphine.	4757
(B) Narcotics-narcotic preparations	4758
Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated	4759 4760 4761

as the free anhydrous base or alkaloid, in limited quantities as 4762
set forth below, and that includes one or more nonnarcotic 4763
active medicinal ingredients in sufficient proportion to confer 4764
upon the compound, mixture, or preparation valuable medicinal 4765
qualities other than those possessed by narcotic drugs alone: 4766

(1) Not more than 200 milligrams of codeine per 100 4767
milliliters or per 100 grams; 4768

(2) Not more than 100 milligrams of dihydrocodeine per 100 4769
milliliters or per 100 grams; 4770

(3) Not more than 100 milligrams of ethylmorphine per 100 4771
milliliters or per 100 grams; 4772

(4) Not more than 2.5 milligrams of diphenoxylate and not 4773
less than 25 micrograms of atropine sulfate per dosage unit; 4774

(5) Not more than 100 milligrams of opium per 100 4775
milliliters or per 100 grams; 4776

(6) Not more than 0.5 milligram of difenoxin and not less 4777
than 25 micrograms of atropine sulfate per dosage unit. 4778

(C) Stimulants 4779

Unless specifically exempted or excluded under federal 4780
drug abuse control laws or unless listed in another schedule, 4781
any material, compound, mixture, or preparation that contains 4782
any quantity of the following substances having a stimulant 4783
effect on the central nervous system, including their salts, 4784
isomers, and salts of isomers: 4785

(1) Ephedrine, except as provided in division (K) of 4786
section 3719.44 of the Revised Code; 4787

(2) Pyrovalerone. 4788

Sec. 3719.99. (A) Whoever violates section 3719.16 or 4789
3719.161 of the Revised Code is guilty of a felony of the fifth 4790
degree. If the offender previously has been convicted of a 4791
violation of section 3719.16 or 3719.161 of the Revised Code or 4792
a drug abuse offense, a violation of section 3719.16 or 3719.161 4793
of the Revised Code is a felony of the fourth degree. If the 4794
violation involves the sale, offer to sell, or possession of a 4795
schedule I or II controlled substance, with the exception of 4796
marihuana, and if the offender, as a result of the violation, is 4797
a major drug offender, division (D) of this section applies. 4798

(B) Whoever violates division (C) or (D) of section 4799
3719.172 of the Revised Code is guilty of a felony of the fifth 4800
degree. If the offender previously has been convicted of a 4801
violation of division (C) or (D) of section 3719.172 of the 4802
Revised Code or a drug abuse offense, a violation of division 4803
(C) or (D) of section 3719.172 of the Revised Code is a felony 4804
of the fourth degree. If the violation involves the sale, offer 4805
to sell, or possession of a schedule I or II controlled 4806
substance, with the exception of marihuana, and if the offender, 4807
as a result of the violation, is a major drug offender, division 4808
(D) of this section applies. 4809

(C) Whoever violates section 3719.07 or 3719.08 of the 4810
Revised Code is guilty of a misdemeanor of the first degree. If 4811
the offender previously has been convicted of a violation of 4812
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 4813
offense, a violation of section 3719.07 or 3719.08 of the 4814
Revised Code is a felony of the fifth degree. If the violation 4815
involves the sale, offer to sell, or possession of a schedule I 4816
or II controlled substance, with the exception of marihuana, and 4817
if the offender, as a result of the violation, is a major drug 4818
offender, division (D) of this section applies. 4819

(D) (1) If an offender is convicted of or pleads guilty to 4820
a felony violation of section 3719.07, 3719.08, 3719.16, or 4821
3719.161 or of division (C) or (D) of section 3719.172 of the 4822
Revised Code, if the violation involves the sale, offer to sell, 4823
or possession of a schedule I or II controlled substance, with 4824
the exception of marihuana, and if the court imposing sentence 4825
upon the offender finds that the offender as a result of the 4826
violation is a major drug offender and is guilty of a 4827
specification of the type described in division (A) of section 4828
2941.1410 of the Revised Code, the court, in lieu of the prison 4829
term authorized or required by division (A), (B), or (C) of this 4830
section and sections 2929.13 and 2929.14 of the Revised Code and 4831
in addition to any other sanction imposed for the offense under 4832
sections 2929.11 to 2929.18 of the Revised Code, shall impose 4833
upon the offender, in accordance with division (B) (3) (a) of 4834
section 2929.14 of the Revised Code, the mandatory prison term 4835
specified in that division and may impose an additional prison 4836
term under division (B) (3) (b) of that section. 4837

(2) Notwithstanding any contrary provision of section 4838
3719.21 of the Revised Code, the clerk of the court shall pay 4839
any fine imposed for a felony violation of section 3719.07, 4840
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 4841
section 3719.172 of the Revised Code pursuant to division (A) of 4842
section 2929.18 of the Revised Code in accordance with and 4843
subject to the requirements of division (F) of section 2925.03 4844
of the Revised Code. The agency that receives the fine shall use 4845
the fine as specified in division (F) of section 2925.03 of the 4846
Revised Code. 4847

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 4848
3719.31 or division (B) of section 3719.172 of the Revised Code 4849
is guilty of a misdemeanor of the third degree. If the offender 4850

previously has been convicted of a violation of section 3719.05, 4851
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 4852
of the Revised Code or a drug abuse offense, a violation of 4853
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 4854
section 3719.172 of the Revised Code is a misdemeanor of the 4855
first degree. 4856

(F) Whoever violates section 3719.30 of the Revised Code 4857
is guilty of a misdemeanor of the fourth degree. If the offender 4858
previously has been convicted of a violation of section 3719.30 4859
of the Revised Code or a drug abuse offense, a violation of 4860
section 3719.30 of the Revised Code is a misdemeanor of the 4861
third degree. 4862

(G) Whoever violates section 3719.32 or 3719.33 of the 4863
Revised Code is guilty of a minor misdemeanor. 4864

(H) Whoever violates division (K) (2) (b) of section 3719.44 4865
of the Revised Code is guilty of a felony of the fifth degree. 4866

(I) Whoever violates division (K) (2) (c) of section 3719.44 4867
of the Revised Code is guilty of a misdemeanor of the second 4868
degree. 4869

(J) As used in this section, "major drug offender" has the 4870
same meaning as in section 2929.01 of the Revised Code. 4871

Sec. 4729.99. (A) Whoever violates division (H) of section 4872
4729.16, division (G) of section 4729.38, section 4729.57, or 4873
division (F) of section 4729.96 of the Revised Code is guilty of 4874
a minor misdemeanor, unless a different penalty is otherwise 4875
specified in the Revised Code. Each day's violation constitutes 4876
a separate offense. 4877

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 4878
of the Revised Code is guilty of a misdemeanor of the third 4879

degree. Each day's violation constitutes a separate offense. If 4880
the offender previously has been convicted of or pleaded guilty 4881
to a violation of this chapter, that person is guilty of a 4882
misdemeanor of the second degree. 4883

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 4884
of the Revised Code is guilty of a misdemeanor. 4885

(D) Whoever violates division (A), (B), (C), (D), (F), or 4886
(G) of section 4729.51 of the Revised Code is guilty of a 4887
misdemeanor of the first degree. 4888

(E) (1) Whoever violates section 4729.37, division (E) (1) 4889
(b) of section 4729.51, division (J) of section 4729.54, 4890
division (B) or (D) of section 4729.553, or section 4729.61 of 4891
the Revised Code is guilty of a felony of the fifth degree. If 4892
the offender previously has been convicted of or pleaded guilty 4893
to a violation of this chapter or a violation of Chapter 2925. 4894
or 3719. of the Revised Code, that person is guilty of a felony 4895
of the fourth degree. 4896

(2) If an offender is convicted of or pleads guilty to a 4897
violation of section 4729.37, division (E) of section 4729.51, 4898
division (J) of section 4729.54, or section 4729.61 of the 4899
Revised Code, if the violation involves the sale, offer to sell, 4900
or possession of a schedule I or II controlled substance, with 4901
the exception of marihuana, and if the court imposing sentence 4902
upon the offender finds that the offender as a result of the 4903
violation is a major drug offender, as defined in section 4904
2929.01 of the Revised Code, and is guilty of a specification of 4905
the type described in division (A) of section 2941.1410 of the 4906
Revised Code, the court, in lieu of the prison term authorized 4907
or required by division (E) (1) of this section and sections 4908
2929.13 and 2929.14 of the Revised Code and in addition to any 4909

other sanction imposed for the offense under sections 2929.11 to 4910
2929.18 of the Revised Code, shall impose upon the offender, in 4911
accordance with division (B) (3) of section 2929.14 of the 4912
Revised Code, the mandatory prison term specified in that 4913
division. 4914

(3) Notwithstanding any contrary provision of section 4915
3719.21 of the Revised Code, the clerk of court shall pay any 4916
fine imposed for a violation of section 4729.37, division (E) of 4917
section 4729.51, division (J) of section 4729.54, or section 4918
4729.61 of the Revised Code pursuant to division (A) of section 4919
2929.18 of the Revised Code in accordance with and subject to 4920
the requirements of division (F) of section 2925.03 of the 4921
Revised Code. The agency that receives the fine shall use the 4922
fine as specified in division (F) of section 2925.03 of the 4923
Revised Code. 4924

(F) Whoever violates section 4729.531 of the Revised Code 4925
or any rule adopted thereunder or section 4729.532 of the 4926
Revised Code is guilty of a misdemeanor of the first degree. 4927

(G) Whoever violates division (E) (1) (a) of section 4729.51 4928
of the Revised Code is guilty of a felony of the fourth degree. 4929
If the offender has previously been convicted of or pleaded 4930
guilty to a violation of this chapter, or of a violation of 4931
Chapter 2925. or 3719. of the Revised Code, that person is 4932
guilty of a felony of the third degree. 4933

(H) Whoever violates division (E) (1) (c) of section 4729.51 4934
of the Revised Code is guilty of a misdemeanor of the first 4935
degree. If the offender has previously been convicted of or 4936
pleaded guilty to a violation of this chapter, or of a violation 4937
of Chapter 2925. or 3719. of the Revised Code, that person is 4938
guilty of a felony of the fifth degree. 4939

(I) (1) Whoever violates division (A) of section 4729.95 of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(2) Whoever violates division (B) or (C) of section 4729.95 of the Revised Code is guilty of permitting unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code or any other provision of law that governs the distribution of fines, the clerk of the court shall pay any fine imposed pursuant to division (I) (1) or (2) of this section to the state board of pharmacy if the board has adopted a written internal control policy under division (F) (2) of section 2925.03 of the Revised Code that addresses fine moneys that it receives under Chapter 2925. of the Revised Code and if the policy also addresses fine moneys paid under this division. The state board of pharmacy shall use the fines so paid in accordance with the written internal control policy to subsidize the board's law enforcement efforts that pertain to drug

offenses. 4971

(J) (1) Whoever violates division (A) (1) of section 4729.86 4972
of the Revised Code is guilty of a misdemeanor of the third 4973
degree. If the offender has previously been convicted of or 4974
pleaded guilty to a violation of division (A) (1), (2), or (3) of 4975
section 4729.86 of the Revised Code, that person is guilty of a 4976
misdemeanor of the first degree. 4977

(2) Whoever violates division (A) (2) of section 4729.86 of 4978
the Revised Code is guilty of a misdemeanor of the first degree. 4979
If the offender has previously been convicted of or pleaded 4980
guilty to a violation of division (A) (1), (2), or (3) of section 4981
4729.86 of the Revised Code, that person is guilty of a felony 4982
of the fifth degree. 4983

(3) Whoever violates division (A) (3) of section 4729.86 of 4984
the Revised Code is guilty of a felony of the fifth degree. If 4985
the offender has previously been convicted of or pleaded guilty 4986
to a violation of division (A) (1), (2), or (3) of section 4987
4729.86 of the Revised Code, that person is guilty of a felony 4988
of the fourth degree. 4989

(K) A person who violates division (C) of section 4729.552 4990
of the Revised Code is guilty of a misdemeanor of the first 4991
degree. If the person previously has been convicted of or 4992
pleaded guilty to a violation of division (C) of section 4993
4729.552 of the Revised Code, that person is guilty of a felony 4994
of the fifth degree. 4995

Section 2. That existing sections 2925.01, 2925.02, 4996
2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 4997
2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised 4998
Code are hereby repealed. 4999

Section 3. Section 2925.03 of the Revised Code is 5000
presented in this act as a composite of the section as amended 5001
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 5002
131st General Assembly. The General Assembly, applying the 5003
principle stated in division (B) of section 1.52 of the Revised 5004
Code that amendments are to be harmonized if reasonably capable 5005
of simultaneous operation, finds that the composite is the 5006
resulting version of the section in effect prior to the 5007
effective date of the section as presented in this act. 5008

Section 2925.11 of the Revised Code is presented in this 5009
act as a composite of the section as amended by Sub. H.B. 110, 5010
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 5011
The General Assembly, applying the principle stated in division 5012
(B) of section 1.52 of the Revised Code that amendments are to 5013
be harmonized if reasonably capable of simultaneous operation, 5014
finds that the composite is the resulting version of the section 5015
in effect prior to the effective date of the section as 5016
presented in this act. 5017

Section 2929.01 of the Revised Code is presented in this 5018
act as a composite of the section as amended by both Sub. H.B. 5019
158 and H.B. 171 of the 131st General Assembly. The General 5020
Assembly, applying the principle stated in division (B) of 5021
section 1.52 of the Revised Code that amendments are to be 5022
harmonized if reasonably capable of simultaneous operation, 5023
finds that the composite is the resulting version of the section 5024
in effect prior to the effective date of the section as 5025
presented in this act. 5026

Section 2929.14 of the Revised Code is presented in this 5027
act as a composite of the section as amended by both Sub. H.B. 5028
470 and Sub. S.B. 319 of the 131st General Assembly. The General 5029

Assembly, applying the principle stated in division (B) of 5030
section 1.52 of the Revised Code that amendments are to be 5031
harmonized if reasonably capable of simultaneous operation, 5032
finds that the composite is the resulting version of the section 5033
in effect prior to the effective date of the section as 5034
presented in this act. 5035

Section 4729.99 of the Revised Code is presented in this 5036
act as a composite of the section as amended by both Sub. H.B. 5037
505 and Sub. S.B. 319 of the 131st General Assembly. The General 5038
Assembly, applying the principle stated in division (B) of 5039
section 1.52 of the Revised Code that amendments are to be 5040
harmonized if reasonably capable of simultaneous operation, 5041
finds that the composite is the resulting version of the section 5042
in effect prior to the effective date of the section as 5043
presented in this act. 5044