

Chapter 2925 Proposal

Members of the Committee –

Our membership has long discussed the need for common sense changes to modernize and refine the provisions of Revised Code section 2925 dealing with controlled substance offenses. We've agreed that at minimum those efforts must address the way trace amount drug cases are handled while ensuring the distinction between drug users and drug traffickers and recognizing that relapse is a part of recovery. To that end, Commission staff has referred to the work of the Recodification Committee, monitored legislative efforts, considered the content of Issue 1 and subsequent draft proposals (i.e. "the Klein-O'Brien plan"), and researched reform efforts in other states in order to help inform the discussion of recommended changes to Chapter 2925.

The Ohio Criminal Recodification Committee brought together a variety of stakeholders from across the Ohio criminal justice system with the common goal of meaningfully reforming Ohio's criminal code. The Recodification Committee spent substantial time and effort specifically on the drug chapter, and focused on distinguishing between those suffering from addiction while punishing drug traffickers. The end result was a significant restructuring of drug trafficking provisions, alteration of threshold amounts, and a significant simplification of offense classification. The proposed reforms were so considerable that legislation was separately drafted to be considered apart from the entire recodification bill package.

That standalone draft legislation is the basis for the following proposal. Commission staff have made efforts to harmonize that bill with recent legislation such as Senate Bill 1, effective 10-31-18, to make adjustments to incorporate best practices from other states¹, and to reflect discussions of our Committee. As drafted, the proposal constitutes an updated, refreshed attempt to advance the meaningful reforms proposed by the Recodification Committee and members of the Sentencing Commission, and is presented as a foundation for further discussion and refinement through the legislative process.

Proposal Synopsis

Aggravated Trafficking and Trafficking (pages 1-6, lines 1-195):

This draft presents a substantial rewrite of the trafficking provisions of the drug chapter. The Recodification Committee proposed that Ohio eliminate the possession/trafficking distinction with regard to thresholds that are accepted as well beyond personal use amounts, and to redefine trafficking at 3 levels based on amount of drugs involved. Aggravated

¹ This fall, Commission staff created a document aimed at detailing low level possession statutes in all 50 states and including information about recent reform efforts. That document can be viewed [here](#) and contains information about how, in recent years, states like Utah, Alaska, and Maryland (amongst others) have addressed criminal justice reform issues, including reducing first offense drug possession cases from felonies to misdemeanors.

Trafficking and Trafficking charges represent felonies of the first, second, and third degree and can be proven by mere possession as well as by the existing elements of trafficking such as sale or offer to sell. Aggravated Trafficking retains mandatory sentences as well as major drug offender provisions, severely punishing those distributing massive amounts of drugs in the state.

Petty Trafficking (pages 6-10, lines 197-333):

Low level trafficking offenses are termed Petty Trafficking, and include a provision that provides for convictions based on possession with proof of “purpose to distribute or sell.” Notably, this change is reflective of applicable statutes in nearly all states that provide an enhanced charge based on “possession with intent” or similar language. The burden remains on the state to prove the purpose or “intent” to sell or distribute.

Possession (pages 10-14, lines 335-485):

As mere possession above the F3 amounts constitutes Trafficking, the simple possession statute is much more condensed. Under the original Recodification Committee proposal from 2016, these were felonies of the fourth and fifth degree. After research into reforms and statutes in other states, Commission staff proposes low level drug possession as an “unclassified” misdemeanor subject to a sentence of up to a year in jail and includes language to allow placement in a Community Based Correctional Facility. Most states with misdemeanor possession statutes provide punishment of up to a year in jail. Further, this change reflects Ohio’s commitment as well as practice at the national level to alleviate collateral consequences of felony charges for low level drug offenders suffering from addiction and a recognition that that treatment needs are often best met in the community.

Additionally, the proposed language includes that the misdemeanor charge is enhanceable to a felony of the fifth degree with two prior possession offenses in a three year period, which again, is consistent with sentencing best practices on the national level.

Fentanyl possession and possession of the date rape drug GHB is maintained as a felony of the fifth degree. The Recodification proposal also separated low level marijuana possession into its own section for clarity. That provision is retained with the sole change being a reduction of possession at the felony five level to that of a first degree misdemeanor.

Drug Threshold Amounts, Mandatory Fines and Proximity to Schools:

Drug threshold amounts proposed by the Recodification Committee generally raised the amount necessary at each felony level. Those threshold amounts are retained in this draft proposal, and a new category of “fentanyl-related compound” has been inserted to harmonize the proposal with Senate Bill 1. Please see the attached chart detailing the changes from current threshold amounts. Similarly, the Recodification Committee moved away from “collateral sanctions with no real deterrent effect” like mandatory fines, and did not include enhancement provisions for proximity to schools or juveniles.

Everything else:

Changes to the remaining sections of the chapter are largely untouched from the recodification proposal. The summary of the Recodification Committee plan available [here](#) (beginning on page 54) does an excellent job explaining the changes to remaining sections of chapter 2925, as well as the rationale for those changes.

Provisions providing for a program of “intensive supervision” based on Hawaii’s HOPE model were not retained based on a belief that legislation of supervision policies is not the preferred approach. The original proposal also contained provisions expanding eligibility for intervention in lieu of conviction (ILC) for drug offenders which were removed because the enactment of Senate Bill 66 provided nearly the same recommendations to increase participation in ILC.

2925.02 Aggravated Trafficking

(A)(1)(a) Except as otherwise provided in division, no person shall knowingly obtain, possess, sell, or offer to sell a controlled substance or controlled substance analog in an amount listed in division (A)(2).

(b) Except as otherwise provided in division (B), no person shall prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or controlled substance analog in an amount listed in division (A)(2) when the person knows or has reasonable cause to believe that the controlled substance or controlled substance analog is intended for sale or resale.

(2) Division (A)(1) applies to conduct involving any of the following:

(a) Fifty times the bulk amount or more of any controlled substance included in schedule I or schedule II, other than marijuana, cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, or a controlled substance analog;

(b) Fifty grams or more of cocaine;

(c) An amount of L.S.D. equal to or exceeding five hundred unit doses or more in solid form or fifty grams in liquid concentrate, liquid extract, or liquid distillate form;

(d) An amount of heroin equal to or exceeding three hundred unit doses or thirty grams;

(e) An amount of a fentanyl-related compound equal to or exceeding one hundred unit doses or ten grams;

(f) Forty thousand grams or more of marijuana, other than hashish;

(g) Two thousand grams or more of hashish;

(h) Thirty grams or more of a controlled substance analog.

(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 R.C. Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741.;

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

36 (4) Any person who obtained the controlled substance under a lawful prescription issued by a
37 licensed health professional authorized to prescribe drugs.

38 (C) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(a) is guilty of
39 aggravated trafficking in drugs. The penalty for the offense shall be determined as follows:

40 (1) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less
41 than one hundred times the bulk amount, aggravated trafficking in drugs is a second degree
42 felony, and the court shall impose as a mandatory prison term one of the prison terms
43 prescribed for a second degree felony.

44 (2) If the amount of the drug involved equals or exceeds one hundred times the bulk amount,
45 aggravated trafficking in drugs is a first degree felony and the court shall impose as a mandatory
46 prison term one of the prison terms prescribed for a first degree felony.

47 (D) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(b) is guilty of
48 aggravated trafficking in cocaine. The penalty for the offense shall be determined as follows:

49 (1) If the amount of the drug involved equals or exceeds fifty grams but is less than one hundred
50 grams, aggravated trafficking in cocaine is a second degree felony and the court shall impose as
51 a mandatory prison term one of the prison terms prescribed for a second degree felony.

52 (2) If the amount of the drug involved equals or exceeds one hundred grams but is less than two
53 hundred fifty grams, aggravated trafficking in cocaine is a first degree felony and the court shall
54 impose as a mandatory prison term one of the prison terms prescribed for a first degree felony.

55 (3) If the amount of the drug involved equals or exceeds two hundred fifty grams, aggravated
56 trafficking in cocaine is a first degree felony, the offender is a major drug offender, and the court
57 shall impose as a mandatory prison term of 10 or 11 years.

58 (E) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(c) is guilty of
59 aggravated trafficking in L.S.D. The penalty for the offense shall be determined as follows:

60 (1) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than
61 five thousand unit doses in a solid form or equals or exceeds fifty grams but is less than five
62 hundred grams in a liquid concentrate, liquid extract, or liquid distillate form, aggravated
63 trafficking in L.S.D. is a second degree felony and the court shall impose as a mandatory prison
64 term one of the prison terms prescribed for a second degree felony.

65 (2) If the amount of the drug involved equals or exceeds five thousand unit doses of in a solid
66 form or equals or exceeds five hundred grams in a liquid concentrate, liquid extract, or liquid
67 distillate form, aggravated trafficking in L.S.D. is a first degree felony, and the court shall impose
68 as a mandatory prison term one of the prison terms prescribed for a first degree felony.

69 (F) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(d) is guilty of
70 aggravated trafficking in heroin. The penalty for the offense shall be determined as follows:

71 (1) If the amount of the drug involved equals or exceeds three hundred unit doses or thirty
72 grams but is less than five hundred unit doses or fifty grams, aggravated trafficking in heroin is a

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

75 (2) If the amount of the drug involved equals or exceeds five hundred unit doses or fifty grams
76 but is less than one thousand unit doses or one hundred grams, aggravated trafficking in heroin
77 is a first degree felony and the court shall impose as a mandatory prison term one of the prison
78 terms prescribed for a first degree felony.

79 (3) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or
80 exceeds one hundred grams, aggravated trafficking in heroin is a first degree felony, the
81 offender is a major drug offender, and the court shall impose a mandatory prison term of 10 or
82 11 years.

83 (G) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(d) is guilty of -
84 aggravated trafficking in a fentanyl-related compound. The penalty for the offense shall be determined
85 as follows:

86 (1) If the amount of the drug involved equals or exceeds one hundred unit doses or ten grams
87 but is less than two hundred unit doses or twenty grams, aggravated trafficking in a fentanyl-
88 related compound is a second degree felony and the court shall impose as a mandatory prison
89 term one of the prison terms prescribed for a second degree felony.

90 (2) If the amount of the drug involved equals or exceeds two hundred unit doses or twenty
91 grams but is less than five hundred unit doses or fifty grams, aggravated trafficking in a fentanyl-
92 related compound is a first degree felony and the court shall impose as a mandatory prison term
93 one of the prison terms prescribed for a first degree felony.

94 (3) If the amount of the drug involved equals or exceeds five hundred unit doses or fifty grams
95 but is less than one thousand unit doses or one hundred grams, aggravated trafficking in a
96 fentanyl-related compound is a first degree felony and the court shall impose a mandatory
97 prison term of 10 or 11 years.

98 (4) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or
99 exceeds one hundred grams, aggravated trafficking in a fentanyl-related compound is a first
100 degree felony, the offender is a major drug offender, and the court shall impose a mandatory
101 prison term of 10 or 11 years.

102 (5) If the drug involved in the violation is a compound, mixture, preparation, or substance that is
103 a combination of a fentanyl-related compound and marihuana, one of the following applies:

104 (a) Except as otherwise provided in division (G)(5)(b) of this section, the offender is
105 guilty of trafficking in marihuana and shall be punished under division (H) of this section,
106 or under 2925.03 (H), or 2925.04(A)(8) as appropriate by amount involved. The offender
107 is not guilty of trafficking in a fentanyl-related compound and shall not be charged with,
108 convicted of, or punished under division (G) of this section for aggravated trafficking in a
109 fentanyl-related compound.

110 (b) If the offender knows or has reason to know that the compound, mixture,
111 preparation, or substance that is the drug involved contains a fentanyl-related

112 compound, the offender is guilty of trafficking in a fentanyl-related compound and shall
113 be punished under division (G) of this section.

114 (H) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(g) is guilty of
115 aggravated trafficking in marijuana, a second degree felony, and the court shall impose as a mandatory
116 prison term one of the prison terms prescribed for a second degree felony.

117 (I) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(g) is guilty of
118 aggravated trafficking in hashish, a second degree felony, and the court shall impose as a mandatory
119 prison term one of the prison terms prescribed for a second degree felony.

120 (J) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(h) is guilty of
121 aggravated trafficking in a controlled substance analog. The penalty for the offense shall be determined
122 as follows:

123 (1) If the amount of the drug involved equals or exceeds thirty grams but is less than forty
124 grams, aggravated trafficking in a controlled substance analog is a second degree felony and the
125 court shall impose as a mandatory prison term one of the prison terms prescribed for a second
126 degree felony.

127 (2) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams,
128 trafficking in a controlled substance analog is a first degree felony and the court shall impose as
129 a mandatory prison term one of the prison terms prescribed for a first degree felony.

130 (3) If the amount of the drug involved equals or exceeds fifty grams, aggravated trafficking of a
131 controlled substance analog is a first degree felony, the offender is a major drug offender, and
132 the court shall impose a mandatory prison term of ten or eleven years.

133 (K) If a person found guilty of a violation of this section is a professionally licensed person, in addition to
134 any other sanction imposed for a violation of this section, the court immediately shall comply with R.C.
135 2925.38.

136

137 **2925.021 Trafficking**

138 (A)(1)(a) Except as provided in division (B), no person shall knowingly obtain, possess, sell, or offer to sell
139 a controlled substance or controlled substance analog in an amount listed in division (A)(2).

140 (c) Except as otherwise provided in division (B), no person shall prepare for shipment,
141 ship, transport, deliver, prepare for distribution, or distribute a controlled substance or
142 controlled substance analog in an amount listed in division (A)(2) when the person
143 knows or has reasonable cause to believe that the controlled substance or controlled
144 substance analog is intended for sale or resale.

145 (2) Division (A)(1) applies to conduct involving any of the following:

146 (a) Five times or more, but less than fifty times the bulk amount of any controlled
147 substance included in schedule I or schedule II, with the exception of marijuana,

148 cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, or a controlled substance
149 analog;

150 (b) Fifty times the bulk amount or more of any substance included in schedule III, IV, or
151 V;

152 (c) Twenty-seven grams or more, but less than fifty grams of cocaine;

153 (d) L.S.D. in an amount equal to or exceeding two hundred unit doses but less than five
154 hundred unit doses in solid form or equal to or exceeding twenty grams but less than
155 fifty grams in liquid concentrate, liquid extract, or liquid distillate form;

156 (e) An amount of heroin equal to or exceeding one hundred unit doses or ten grams, but
157 less than three hundred unit doses or thirty grams;

158 (f) An amount of a fentanyl-related compound equal to or exceeding fifty unit doses or
159 five grams but less than one hundred unit does or ten grams;

160 (g) Five thousand grams or more, but less than forty thousand grams of marijuana, other
161 than hashish;

162 (h) Two hundred fifty grams or more but less than two thousand grams of hashish;

163 (i) Twenty grams or more, but less than thirty grams of a controlled substance analog.

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

165 (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists,
166 owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chapters
167 3719., 4715., 4723., 4729., 4730., 4731., and 4741.;

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

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

177 (4) Any person who obtained the controlled substance under a lawful prescription issued by a
178 licensed health professional authorized to prescribe drugs.

179 (C)(1) Except as provided in division (D), whoever violates this section is guilty of trafficking in drugs, a
180 third degree felony.

181 (2) If the drug involved in the violation is a compound, mixture, preparation, or substance that is
182 a combination of a fentanyl-related compound and marihuana, one of the following applies:

183 (a) Except as otherwise provided in division (C)(2)(b) of this section, the offender is
184 guilty of trafficking in marihuana and shall be punished under division (H) of this section,
185 or 2925.04(A)(8) as appropriate by amount involved. The offender is not guilty of
186 trafficking in a fentanyl-related compound and shall not be charged with, convicted of,
187 or punished under division (G) of this section for aggravated trafficking in a fentanyl-
188 related compound.

189 (b) If the offender knows or has reason to know that the compound, mixture,
190 preparation, or substance that is the drug involved contains a fentanyl-related
191 compound, the offender is guilty of trafficking in a fentanyl-related compound and shall
192 be punished under division (C)(1).

193 (D) If a person found guilty of a violation of this section is a professionally licensed person, in addition to
194 any other sanction imposed for a violation of this section, the court immediately shall comply with R.C.
195 2925.38.

196

197 **2925.03 Petty Trafficking In Drugs**

198 (A)(1)(a) Except as provided in division (C), no person shall knowingly sell or offer to sell a controlled
199 substance or controlled substance analog in an amount listed in division (A)(2).

200 (b) Except as otherwise provided in this division, no person shall obtain or possess, with
201 purpose to distribute or sell, a controlled substance or controlled substance analog in an
202 amount listed in division (A)(2)

203 (c) Except as otherwise provided in division (B), no person shall prepare for shipment,
204 ship, transport, deliver, prepare for distribution, or distribute a controlled substance or
205 controlled substance analog in an amount listed in division (A)(2) when the person
206 knows or has reasonable cause to believe that the controlled substance or controlled
207 substance analog is intended for sale or resale.

208 (2) Division (A)(1) applies to conduct involving all of the following:

209 (a) Twenty-five one-thousandths of one gram or more, but less than five times the bulk
210 amount of any controlled substance included in schedule I or II other than marijuana,
211 cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, or a controlled substance
212 analog;

213 (b) Twenty-five one-thousandths of one gram or more, but less than fifty times the bulk
214 amount of any controlled substance included in schedule III, IV, or V;

215 (c) Twenty-five one-thousandths of one gram or more, but less than twenty seven grams
216 of cocaine;

217 (d) An amount of L.S.D. equal to or exceeding one-fourth of one unit dose, but less than
218 two hundred unit doses of L.S.D. in solid form, or equal to or exceeding twenty-five one-

219 thousandths of one gram, but less than twenty grams in liquid concentrate, liquid
220 extract, or liquid distillate form;

221 (e) An amount of heroin equal to or exceeding twenty-five one-thousandths of one
222 gram, or one-fourth of one unit dose, but less than ten grams or one hundred unit
223 doses;

224 (f) An amount of a fentanyl-related compound equal to or exceeding twenty-five one-
225 thousandths of one gram, or one-fourth of one unit dose, but less than five grams or
226 fifty unit doses

227 (g) Twenty-five one-thousandths of one gram or more, but less than five thousand
228 grams of marijuana, other than hashish;

229 (h) Twenty-five one-thousandths of one gram or more, but less than two hundred fifty
230 grams of hashish;

231 (i) Twenty-five one-thousandths of one gram or more, but less than twenty grams of a
232 controlled substance analogue.

233 (B)(1) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(a) is guilty of
234 petty trafficking in schedule I or schedule II drugs. The penalty for the offense shall be
235 determined as follows:

236 (a) If the amount of the drug involved equals or exceeds the bulk amount, but is less
237 than five times the bulk amount, petty trafficking in schedule I or schedule II drugs is a
238 fourth degree felony.

239 (b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of
240 one gram, but is less than the bulk amount, petty trafficking in schedule I or schedule II
241 drugs is a fifth degree felony.

242 (2) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(b) is guilty of
243 petty trafficking in drugs. The penalty for the offense shall be determined as follows:

244 (a) If the amount of the drug involved equals or exceeds five times the bulk amount, but
245 is less than fifty times the bulk amount, petty trafficking in drugs is a fourth degree
246 felony.

247 (b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of
248 one gram, but is less than five times the bulk amount, petty trafficking in drugs is a fifth
249 degree felony.

250 (3) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(c) is guilty of
251 petty trafficking in cocaine. The penalty for the offense shall be determined as follows:

252 (a) If the amount of the drug involved equals or exceeds ten grams, but is less than
253 twenty-seven grams, petty trafficking in cocaine is a fourth degree felony.

254 (b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of
255 one gram, but is less than ten grams, petty trafficking in cocaine is a fifth degree felony.

256 (4) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(d) is guilty of
257 petty trafficking in L.S.D. The penalty for the offense shall be determined as follows:

258 (a) If the amount of the drug involved equals or exceeds fifty unit doses, but is less than
259 two hundred unit doses in solid form, or equals or exceeds five grams, but is less than
260 twenty grams in liquid concentrate, liquid extract, or liquid distillate form, petty
261 trafficking in L.S.D. is a fourth degree felony.

262 (b) If the amount of the drug involved equals or exceeds one-fourth of one unit dose,
263 but is less than fifty unit doses in solid form, or equals or exceeds twenty-five one-
264 thousandths of one gram, but is less than five grams in liquid concentrate, liquid extract,
265 or liquid distillate form, petty trafficking in L.S.D. is a fifth degree felony.

266 (5) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(e) is guilty of
267 petty trafficking in heroin. The penalty for the offense shall be determined as follows:

268 (a) If the amount of the drug involved equals or exceeds one gram or ten unit doses, but
269 is less than ten grams or one hundred unit doses, petty trafficking in heroin is a fourth
270 degree felony.

271 (b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of
272 one gram or one-fourth of one unit dose, but is less than one gram or ten unit doses,
273 petty trafficking in heroin is a fifth degree felony.

274 (6) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(e) is guilty of
275 petty trafficking in a fentanyl-related compound. The penalty for the offense shall be
276 determined as follows:

277 (a) If the amount of the drug involved equals or exceeds one gram or ten unit doses, but
278 is less than five grams or fifty unit doses, petty trafficking in a fentanyl-related
279 compound is a fourth degree felony.

280 (b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of
281 one gram or one-fourth of one unit dose, but is less than one gram or ten unit doses,
282 petty trafficking in a fentanyl-related compound is a fifth degree felony.

283 (7) If the drug involved in the violation is a compound, mixture, preparation, or substance that is
284 a combination of a fentanyl-related compound and marihuana, one of the following applies:

285 (a) Except as otherwise provided in division (B)(7)(b) of this section, the offender is
286 guilty of trafficking in marihuana and shall be punished under division (B)(8) of this
287 section. The offender is not guilty of trafficking in a fentanyl-related compound and shall
288 not be charged with, convicted of, or punished under division (B)(6) of this section for
289 aggravated trafficking in a fentanyl-related compound.

290 (b) If the offender knows or has reason to know that the compound, mixture,
291 preparation, or substance that is the drug involved contains a fentanyl-related
292 compound, the offender is guilty of trafficking in a fentanyl-related compound and shall
293 be punished under division (B)(6).

294 (8) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(f) is guilty of
295 petty trafficking in marijuana. The penalty for the offense shall be determined as follows:

296 (a) If the amount of the drug involved equals or exceeds one thousand grams, but is less
297 than five thousand grams, petty trafficking in marijuana is a fourth degree felony.

298 (b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of
299 one gram, but is less than one thousand grams, petty trafficking in marijuana is a fifth
300 degree felony.

301 (9) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(g) is guilty of
302 petty trafficking in hashish. The penalty for the offense shall be determined as follows:

303 (a) If the amount of the drug involved equals or exceeds fifty grams, but is less than two
304 hundred fifty grams, trafficking in hashish is a fourth degree felony.

305 (b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of
306 one gram, but is less than fifty grams, trafficking in hashish is a fifth degree felony.

307 (10) Whoever violates division (A)(1) based on an amount specified in division (A)(2)(h) is guilty
308 of petty trafficking in a controlled substance analog. The penalty for the offense shall be
309 determined as follows:

310 (a) If the amount of the drug involved equals or exceeds ten grams, but is less than
311 twenty grams, petty trafficking in a controlled substance analog is a fourth degree
312 felony.

313 (b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of
314 one gram, but is less than ten grams, trafficking in a controlled substance analog is a
315 fifth degree felony.

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

317 (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists,
318 owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chapters
319 3719., 4715., 4723., 4729., 4730., 4731., and 4741.;

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

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

329 (D) Notwithstanding division (B), a person violates division (A)(1) by gifting twenty grams or less of
330 marijuana to another person shall be guilty only of a minor misdemeanor.

331 (E) If a person found guilty of a violation of this section is a professionally licensed person, in addition to
332 any other sanction imposed for a violation of this section, the court immediately shall immediately
333 comply with R.C. 2925.38.

334

335 **2925.04 Unlawful Possession of Drugs**

336 (A)(1) Except as provided in division (B), no person shall knowingly obtain, possess, or use a controlled
337 substance or controlled substance analog in an amount listed in division (A)(2).

338 (2) Division (A)(1) applies to conduct involving all of the following:

339 (a) Twenty-five one-thousandths of one gram or more, but less than five times the bulk
340 amount of any compound, mixture, preparation, or substance included in schedule I or
341 schedule II, other than marijuana, cocaine, L.S.D., heroin, a fentanyl-related compound,
342 hashish, gamma hydroxybutyric acid, or a controlled substance analog;

343 (b) Twenty-five one-thousandths of one gram or more, but less than fifty times the bulk
344 amount of any compound, mixture, preparation, or substance included in schedule III,
345 IV, or V;

346 (c) Twenty-five one-thousandths of one gram or more, but less than twenty-seven
347 grams of cocaine;

348 (d) One-fourth of one unit dose or more, but less than two hundred unit doses of L.S.D.
349 in solid form or twenty-five one-thousandths of one gram or more, but less than twenty
350 grams of L.S.D. in liquid concentrate, liquid extract, or liquid distillate form;

351 (e) An amount of heroin equal to or exceeding twenty-five one-thousandths of one gram
352 or one-fourth of one unit dose, but less than ten grams or fifty unit doses;

353 (f) An amount of a fentanyl-related compound equal to or exceeding twenty-five one-
354 thousandths of one gram or one-fourth of one unit dose, but less than ten grams or one
355 hundred unit doses;

356 (g) Twenty-five one-thousandths of one gram or more, but less than twenty grams of a
357 controlled substance analog;

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

359 (a) Manufacturers, licensed health professionals authorized to prescribe drugs,
360 pharmacists, owners of pharmacies, and other persons whose conduct was in
361 accordance with R.C. Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741.;

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

365 (c) Any person who sells, offers for sale, prescribes, dispenses, or administers for
366 livestock or other nonhuman species an anabolic steroid that is expressly intended for

367 administration through implants to livestock or other nonhuman species and approved
368 for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040
369 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed,
370 or administered for that purpose in accordance with that act;

371 (d) Any person who obtained the controlled substance under a lawful prescription
372 issued by a licensed health professional authorized to prescribe drugs.

373 (2)(a) Subject to division (B)(2)(e), a qualified individual shall not be arrested, charged,
374 prosecuted, convicted, or penalized for a violation of this section or 2925.05 if all of the
375 following apply:

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

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

384 (iii) Subject to division (B)(2)(f), the qualified individual who obtains a Sub. H. B.
385 No. 110 13first G.A. 3 screening and receives a referral for treatment under
386 division (B)(2)(a)(ii), upon the request of any prosecuting attorney, submits
387 documentation to the prosecuting attorney that verifies that the qualified
388 individual satisfied the requirements of that division. The documentation shall
389 be limited to the date and time of the screening obtained and referral received.

390 (b) If a person is found to be in violation of any condition of probation and if the
391 violation is a result of either of the following, the court shall first consider ordering the
392 person's participation or continued participation in a drug treatment program or
393 mitigating the penalty for the violation, after which the court has the discretion either to
394 order the person's participation or continued participation in a drug treatment program
395 or to impose the penalty:

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

398 (ii) Experiencing a drug overdose and seeking medical assistance for that
399 overdose or being the subject of another person seeking or obtaining medical
400 assistance for that overdose as described in division (B)(2)(a).

401 (c) If a person is found to be in violation of any term or condition of parole and if the
402 violation is a result of either of the following, the court or the parole board shall first
403 consider ordering the person's participation or continued participation in a drug
404 treatment program or mitigating the penalty for the violation, after which the court or

405 the parole board has the discretion either to order the person's participation or
406 continued participation in a drug treatment program or to impose the penalty:

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

409 (ii) Experiencing a drug overdose and seeking medical assistance for that
410 emergency or being the subject of another person seeking or obtaining medical
411 assistance for that overdose as described in division (B)(2)(a).

412 (d) Nothing in division (B)(2)(a) shall be construed to do any of the following:

413 (i) Limit the admissibility of any evidence in connection with the investigation or
414 prosecution of a crime with regards to a defendant who does not qualify for the
415 protections of division (B)(2)(a) or with regards to any crime other than a drug
416 possession offense committed by a person who qualifies for protection under
417 division (B)(2)(a) for a drug possession offense;

418 (ii) Limit any seizure of evidence or contraband otherwise permitted by law;

419 (iii) Limit or abridge the authority of a peace officer to detain or take into
420 custody a person in the course of an investigation or to effectuate an arrest for
421 any offense except as provided in that division;

422 (iv) Limit, modify, or remove any immunity from liability available under law in
423 effect prior to September 13, 2016 to any public agency or to an employee of
424 any public agency.

425 (e) Division (B)(2)(a) does not apply to any person who twice previously has been
426 granted an immunity under division (B)(2)(a). No person shall be granted an immunity
427 under division (B)(2)(a) more than two times.

428 (f) Nothing in this section shall compel any qualified individual to disclose protected
429 health information in a way that conflicts with the requirements of the "Health
430 Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat.
431 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United
432 States department of health and human services to implement the act or the
433 requirements of 42 C.F.R. Part 2.

434 (C)(1) Whoever violates division (A)(1) is guilty of possession of a controlled substance. Except as
435 otherwise provided in this division, possession of a controlled substance is an unclassified
436 misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be
437 sentenced pursuant to sections 2929.21 to 2929.28 of the Revised Code, except that the court
438 may impose on the offender a jail term of not more than three hundred and sixty-four days;
439 notwithstanding division (A)(2)(a) of section 2929.28 of the Revised Code, the offender may be
440 fined up to one thousand dollars; and, notwithstanding section 2929.27 of the Revised Code, the
441 offender may be ordered to serve a term of up to 6 months in a community based correctional
442 facility.

443 If the accused has previously been convicted of or pleaded guilty to two or more violations of
444 this section or of a substantially equivalent state or municipal ordinance in the three years
445 immediately preceding the offense date, possession of a controlled substance is a felony of the
446 fifth degree.

447 (2) If the controlled substance involved is gamma hydroxybutyric acid or a fentanyl-related
448 compound, possession of a controlled substance is a felony of the fifth degree.

449 (D) If a person found guilty of a violation of this section is a professionally licensed person, in addition to
450 any other sanction imposed for a violation of this section, the court immediately shall comply with R.C.
451 2925.38.

452

453 **2925.041 - Marijuana Possession**

454 (A) No person shall knowingly obtain, possess, or use marijuana in an amount that equals or exceeds
455 twenty-five one-thousandths of a gram, but is less than five thousand grams.

456 (B) No person shall knowingly obtain, possess, or use hashish in an amount that equals or exceeds
457 twenty-five one-thousandths of a gram, but is less than two thousand fifty grams.

458 (C) Whoever violates division (A) is guilty of possession of marijuana. The penalty for the offense shall be
459 determined as follows:

460 (1) If the amount of marijuana involved equals or exceeds twenty-five one-thousandths of one
461 gram, but is less than two hundred grams, possession of marijuana is a minor misdemeanor;

462 (2) If the amount of marijuana involved is at least two hundred grams, but is less than four
463 hundred grams, possession of marijuana is a fourth degree misdemeanor;

464 (3) If the amount of marijuana involved is at least four hundred grams, but is less than one
465 thousand grams, possession of marijuana is a misdemeanor of the first degree.

466 (4) If the amount of marijuana involved is at least one thousand grams, but is less than five
467 thousand grams, possession of marijuana is a fourth degree felony.

468 (D) Whoever violates division (B) is guilty of possession of hashish. The penalty for the offense shall be
469 determined as follows:

470 (1) If the amount of hashish involved is equals or exceeds twenty-five one-thousandths of one
471 gram, but is less than ten grams, possession of hashish is a minor misdemeanor;

472 (2) If the amount of hashish involved is at least ten grams, but is less than twenty grams,
473 possession of hashish is a fourth degree misdemeanor;

474 (3) If the amount of hashish involved is at least twenty grams, but is less than fifty grams,
475 possession of hashish is a misdemeanor of the first degree.

476 (4) If the amount of hashish involved is at least fifty grams, but is less than two hundred fifty
477 grams, possession of hashish is a fourth degree felony.

478 (E) If a person found guilty of a violation of this section is a professionally licensed person, in addition to
479 any other sanction imposed for a violation of this section, the court immediately shall comply with R.C.
480 2925.38.

481 (F) Arrest or a conviction for a minor misdemeanor violation of this section does not constitute a
482 criminal record and need not be reported by the person so arrested or found guilty in response to any
483 inquiries about the person's criminal record, including any inquiries contained in any application for
484 employment, license, or other right or privilege, or made in connection with the person's appearance as
485 a witness.

486

487 **2925.05 Corrupting another with drugs**

488 (A) No person shall knowingly do any of the following:

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

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

494 (3) By any means, administer or furnish to another or induce or cause another to use a
495 controlled substance, and thereby cause serious physical harm to the other person, or cause the
496 other person to become drug dependent.

497 (B) Division (A)(1) and (3) do not apply to manufacturers, wholesalers, licensed health professionals
498 authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is
499 in accordance with R.C. Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741.

500 (C) Whoever violates this section is guilty of corrupting another with drugs. The penalty for the offense
501 shall be determined, subject to division (E), as follows:

502 (1) If the drug involved in the violation is any compound, mixture, preparation, or substance
503 included in schedule I or II, with the exception of marijuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-
504 Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-
505 dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-
506 hydroxycyclohexyl]-phenol, corrupting another with drugs is a second degree felony.

507 (2) If the drug involved in the violation is any compound, mixture, preparation, or substance
508 included in schedule III, IV, or V, corrupting another with drugs is a second degree felony.

509 (3) If the offense is a violation of division (A) and the drug involved is 1-Pentyl-3-(1-
510 naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-
511 naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-
512 dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a fourth
513 degree felony.

514 (4) If the drug involved in the violation is marijuana, corrupting another with drugs is a first
515 degree misdemeanor.

516 (D) If the offender is a professionally licensed person, in addition to any other sanction imposed for a
517 violation of this section, the court immediately shall comply with R.C. 2925.38.

518 (E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C)
519 and R.C. 2929.13 and 2929.14, if the trier of fact determines that a violation of division (A) involves the
520 sale, offer to sell, or possession of at least one hundred times the bulk amount of a schedule I or II
521 controlled substance, with the exception of marijuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-
522 naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-
523 hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the
524 offense is a first degree felony and the court imposing sentence on the offender, in lieu of the prison
525 term that otherwise is authorized or required, shall impose upon the offender as a mandatory prison
526 term one of the stated minimum prison terms prescribed for a first degree felony.

527

528 **2925.06 Illegal manufacture of drugs - illegal cultivation of marihuana** 529 **- methamphetamine offenses**

530 (A) No person shall knowingly do any of the following:

531 (1) Cultivate marihuana;

532 (2) Manufacture or otherwise engage in any substantial part of the production of a controlled
533 substance.

534 (B) This section does not apply to any person listed in division (B)(1), (2), or (3) of RC 2925.02 to the
535 extent and under the circumstances described in those divisions.

536 (C) Notwithstanding anything to the contrary in R.C. 2941.25, a person who is found guilty of violating
537 division (A)(2) shall not also be found guilty of violating R.C. 2925.041(A) if the both charges involve the
538 same chemicals

539 (D)(1) Whoever commits a violation of division (A) that involves any drug other than marijuana is guilty
540 of illegal manufacture of drugs, and whoever commits a violation of division (A) that involves
541 marijuana is guilty of illegal cultivation of marihuana. The penalty shall be determined under
542 divisions (D)(2) and (3), subject to division (F).

543 (2) If the drug involved in the violation of division (A)(2) is any compound, mixture, preparation,
544 or substance included in schedule I, II, III, IV, or V, with the exception marijuana, illegal
545 manufacture of drugs is a third degree felony.

546 (3) If the drug involved in the violation is marihuana, the penalty for the offense shall be
547 determined as follows:

548 (a) Except as otherwise provided in division (D)(3)(b), (c), or (d), illegal cultivation of
549 marihuana is a minor misdemeanor.

550 (b) If the amount of marihuana involved equals or exceeds two hundred grams but is
551 less than four hundred grams, illegal cultivation of marijuana is a fourth degree
552 misdemeanor.

553 (c) If the amount of marihuana involved equals or exceeds four hundred grams but is
554 less than one thousand grams, illegal cultivation of marijuana is a fifth degree felony.

555 (d) If the amount of marihuana involved equals or exceeds one thousand grams, illegal
556 cultivation of marihuana is a fourth degree felony.

557 (E) If the offender is a professionally licensed person, in addition to any other sanction imposed for a
558 violation of this section, the court immediately shall comply with R.C. 2925.38.

559 (F) Notwithstanding the prison term otherwise authorized for the offense under division (C), if the trier
560 of fact determines that the violation of division (A) involves the sale, offer to sell, or possession of at
561 least one hundred times the bulk amount of any schedule I or II controlled substance, with the exception
562 of marijuana, the court shall impose as a mandatory prison from the range of prison terms prescribed
563 for a first degree felony.

564 (G) It is an affirmative defense, as provided in R.C. 2901.05, to a charge under this section for a fifth
565 degree felony violation of illegal cultivation of marijuana that the marijuana that gave rise to the charge
566 is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled
567 substances in a manner, or is possessed or cultivated under any other circumstances that indicate that
568 the marijuana was solely for personal use.

569 Notwithstanding any contrary provision of division (G), if, in accordance with R.C. 2901.05, a
570 person who is charged with a violation of illegal cultivation of marijuana that is a fifth degree felony
571 sustains the burden of going forward with evidence of and establishes by a preponderance of the
572 evidence the affirmative defense described in this division, the person may be prosecuted for and may
573 be found guilty of a misdemeanor violation of illegal cultivation of marijuana.

574 (H) Arrest or finding of guilt for a minor misdemeanor violation of this section does not constitute a
575 criminal record and need not be reported by the person so arrested or found guilty in response to any
576 inquiries about the person's criminal record, including any inquiries contained in an application for
577 employment, a license, or any other right or privilege or made in connection with the person's
578 appearance as a witness.

579

580 **2925.061 Illegal assembly or possession of chemicals for manufacture** 581 **of drugs**

582 (A) No person shall knowingly assemble or possess one or more chemicals that may be used to
583 manufacture a controlled substance in schedule I or II with the purpose to manufacture a controlled
584 substance in schedule I or II in violation of R.C. 2925.06.

585 (B) In a prosecution under this section, it is not necessary to allege or prove that the offender assembled
586 or possessed all chemicals necessary to manufacture a controlled substance in schedule I or II. The

587 assembly or possession of a single chemical that may be used in the manufacture of a controlled
588 substance in schedule I or II, with the purpose to manufacture a controlled substance in either schedule,
589 is sufficient to violate this section.

590 (C) Whoever violates this section is guilty of illegal assembly or possession of chemicals for the
591 manufacture of drugs, a fifth degree felony. If the offender is a professionally licensed person, in
592 addition to any other sanction imposed for a violation of this section, the court shall comply with R.C.
593 2925.38.

594

595 **2925.07 Funding, aggravated funding of drug or marihuana trafficking**

596 (A) No person shall purposefully provide money or other items of value to another person to obtain any
597 controlled substance for the purpose of violating R.C. 2925.06 or for the purpose of selling the
598 controlled substance in the following amount:

599 (1) If the drug to be sold or offered for sale is any compound, mixture, preparation, or substance
600 included in schedule I or II, with the exception of marijuana, cocaine, L.S.D., heroin, a fentanyl-
601 related compound, and hashish, or schedule III, IV, or V, an amount of the drug that equals or
602 exceeds the bulk amount of the drug;

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

606 (3) If the drug to be sold or offered for sale is cocaine or a compound, mixture, preparation, or
607 substance containing cocaine, an amount of the cocaine that equals or exceeds ten grams;

608 (4) If the drug to be sold or offered for sale is L.S.D. or a compound, mixture, preparation, or
609 substance containing L.S.D., an amount of the L.S.D. that equals or exceeds fifty unit doses if the
610 L.S.D. is in a solid form or equals or exceeds five grams if the L.S.D. is in a liquid concentrate,
611 liquid extract, or liquid distillate form;

612 (5) If the drug to be sold or offered for sale is heroin or a fentanyl-related compound, or a
613 compound, mixture, preparation, or substance containing heroin or a fentanyl-related
614 compound, an amount that equals or exceeds ten unit doses or equals or exceeds one gram;

615 (6) If the drug to be sold or offered for sale is hashish or a compound, mixture, preparation, or
616 substance containing hashish, an amount of the hashish that equals or exceeds fifty grams.

617 (B) This section does not apply to any person listed in division R.C. 2925.03(C) to the extent and under
618 the circumstances described in that division.

619 (C)(1) If the drug involved in the violation is any compound, mixture, preparation, or substance
620 included in schedule I or II, with the exception of marijuana, whoever violates division (A) is
621 guilty of aggravated funding of drug trafficking, a third degree felony, subject to division (E).

622 (2) If the drug involved in the violation is any compound, mixture, preparation, or substance
623 included in schedule III, IV, or V, whoever violates division (A) is guilty of funding of drug
624 trafficking, a fourth degree felony, subject to division (E).

625 (3) If the drug involved in the violation is marihuana, whoever violates division (A) is guilty of
626 funding of marijuana trafficking, a fourth degree felony, subject to division (E).

627 (D) If the offender is a professionally licensed person, in addition to any other sanction imposed for a
628 violation of division (A), the court that sentences an offender who is found guilty of a violation of
629 division (A) immediately shall comply with R.C. 2925.38.

630 (E) Notwithstanding the prison term otherwise authorized for the offense under division (C) and R.C.
631 2929.13, if the violation of division (A) involves the sale, offer to sell, or possession of at least one
632 hundred times the bulk amount of any schedule I or II controlled substance, with the exception of
633 marijuana or a fentanyl related compound, the offense is a first degree felony and the court, in lieu of
634 the prison term otherwise authorized or required, shall impose upon the offender a mandatory prison
635 from within the range of prison terms prescribed for a first degree felony. If the drug involved in the
636 violation is a fentanyl- related compound, the offense is a felony of the first degree, the offender is a
637 major drug offender, and the court shall impose as a mandatory prison term the maximum prison term
638 prescribed for a felony of the first degree.

639

640 **2925.08 Illegal administration or distribution of anabolic steroids**

641 (A) No person shall knowingly administer to a human being, or prescribe or dispense for administration
642 to a human being, any anabolic steroid not approved by the United States food and drug administration
643 for administration to human beings.

644 (B) This section does not apply to any person listed in R.C. 2925.03(C) to the extent and under the
645 circumstances described in that division.

646 (C) Whoever violates division (A) is guilty of illegal administration or distribution of anabolic steroids, a
647 fourth degree felony.

648 (D) In addition to any prison term authorized by division (C) and R.C. Chapter 2929, the court that
649 sentences an offender who is found guilty of a violation of division (A) shall, if the offender is a
650 professionally licensed person, immediately comply with R.C. 2925.38.

651

652 **2925.09 Unapproved drugs - dangerous drug offenses involving** 653 **livestock**

654 (A) No person shall knowingly administer, dispense, distribute, manufacture, possess, sell, or use any
655 drug, other than a controlled substance, that is not approved by the United States food and drug
656 administration, or the United States department of agriculture, unless one of the following applies:

657 (1) The United States food and drug administration has approved an application for
658 investigational use in accordance with the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040
659 (1938), 21 U.S.C.A. 301, as amended, and the drug is used only for the approved investigational
660 use;

661 (2) The United States department of agriculture has approved an application for investigational
662 use in accordance with the federal "Virus-Serum-Toxin Act," 37 Stat. 832 (1913), 21 U.S.C.A. 151,
663 as amended, and the drug is used only for the approved investigational use;

664 (3) A licensed health professional authorized to prescribe drugs, other than a veterinarian,
665 prescribes or combines two or more drugs as a single product for medical purposes;

666 (4) A pharmacist, under a prescription, compounds and dispenses two or more drugs as a single
667 product for medical purposes.

668 (B)(1) Except as provided in division (B)(2), no person shall knowingly administer, dispense, distribute,
669 manufacture, possess, sell, or use any dangerous drug to or for livestock or any animal that is
670 generally used for food or in the production of food, unless the drug is prescribed by a licensed
671 veterinarian by prescription or other written order and the drug is used in accordance with the
672 veterinarian's order or direction.

673 (2) Division (B)(1) does not apply to a registered wholesale distributor of dangerous drugs, a
674 licensed terminal distributor of dangerous drugs, or a person who possesses, possesses for sale,
675 or sells, at retail, a drug in accordance with R.C. Chapters 3719., 4729., or 4741.

676 (C) Whoever violates division (A) or (B)(1) is guilty of a first degree misdemeanor

677

678 **2925.10 – Fines**

679 (A) Notwithstanding any contrary provision of R.C. 3719.21 and except as otherwise provided in division
680 (B)(1) or (2), the clerk of the court shall pay all of the following to the county, township, municipal
681 corporation, park district, as created under R.C. 511.18 or 1545.04, or state law enforcement agencies in
682 this state that primarily were responsible for or involved in making the arrest of and in prosecuting the
683 offender:

684 (1) Any fine imposed on an offender under R.C. 2929.13 for a felony violation of R.C. 2925.02,
685 2925.021, 2925.03, 2925.04, 2925.05, 2925.06, 2925.07, 2925.13, 2925.22, 2925.23, 2925.36, or
686 2925.37;

687 (2) Any fine consisting of any bail that was posted for a first, second, or third degree felony
688 violation of a section listed in division (A)(1) if the bail was forfeited.

689 (B)(1) The clerk shall not pay a fine imposed for a felony violation of 2925.02, 2925.021, 2925.03,
690 2925.04, 2925.05, 2925.06, 2925.07, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 to a law
691 enforcement agency unless the agency has adopted a written internal control policy under
692 division (B)(2) that addresses the use of the fine moneys that it receives. Each agency shall use

693 the fines so paid to subsidize the agency's law enforcement efforts that pertain to drug offenses,
694 in accordance with the written internal control policy.

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

706

707 **2925.11 – Driving License Suspensions**

708 (A)(1) Except as otherwise provided in division (A)(2), the court that sentences an offender who is
709 found guilty of any violation of any prohibition in R.C. Chapter 2925. may suspend the driver's or
710 commercial driver's license or permit of the offender in accordance with division (B) if the
711 violation of the prohibition in R.C. Chapter 2925. occurred under one of the following
712 circumstances:

713 (a) The offender was operating a motor vehicle or motorcycle when the violation
714 occurred.

715 (b) The offender was using a motor vehicle or motorcycle to facilitate the violation.

716 (2) If an offender is found guilty of both a violation of a prohibition in R.C. Chapter 2925. and a
717 violation of R.C. 4511.19 or a substantially similar municipal ordinance or law of another state of
718 another state or the United States, arising out of the same set of circumstances, the court may
719 only suspend the offender's driver's or commercial's driver's license or permit in accordance
720 with R.C. 4511.19 or with 4510.07 or 4510.17.

721 (B) If the sentencing court suspends the offender's driver's or commercial driver's license or permit
722 under division (A)(1), the court shall suspend the license, by order, for not more than five years. If an
723 offender's driver's or commercial driver's license or permit is suspended under this division and division
724 (A)(1), the offender, at any time after the expiration of two years from the day on which the offender's
725 sentence was imposed or from the day on which the offender finally was released from a prison term
726 under the sentence, whichever is later, may file a motion with the sentencing court requesting
727 termination of the suspension; upon the filing of such a motion and the court's finding of good cause for
728 the termination, the court may terminate the suspension.

729 (C) An offender who received a mandatory suspension of the offender's driver's or commercial driver's
730 license or permit for a violation of R.C. Chapter 2925. that occurred prior to the effective date of this
731 section may file a motion with the sentencing court requesting termination of the suspension. However,

732 an offender who was found guilty of a violation of R.C. 4511.19 or a substantially similar municipal
733 ordinance or law of another state or the United States that arose out of the same set of circumstances
734 as the violation for which the offender's license or permit was suspended under this section shall not file
735 such a motion.

736 Upon the filing of a motion under division (C), the sentencing court, in its discretion, may
737 terminate the suspension.

738 (D) Any person whose license or permit has been suspended under this section may file a petition in the
739 municipal court or county court, or if the person is under age eighteen, the juvenile court, in whose
740 jurisdiction the person resides, requesting limited driving privileges and agreeing to pay the cost of the
741 proceedings. The court may grant the person limited driving privileges during the period during which
742 the suspension otherwise would be imposed for any of the purposes set forth in R.C. 4510.021(A).

743

744 **2925.13 Permitting drug abuse**

745 (A) No person who is the owner, operator, or person in charge of a locomotive, watercraft, aircraft, or
746 other vehicle, as defined in R.C. 4501.01(A), shall knowingly permit the vehicle to be used for the
747 commission of a felony drug abuse offense.

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

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

752 (2) Except as provided in division (C)(3), permitting drug abuse is a first degree misdemeanor.

753 (3) Permitting drug abuse is a fifth degree felony if either of the following applies:

754 (a) The felony drug abuse offense in question is a violation of section 2925.02, 2925.021,
755 2925.03, 2929.05, 2925.06, 2925.07, 2925.071, 2925.08, 2925.09 of the Revised Code.

756 (b) The felony drug abuse offense in question is a violation of section 2925.071 of the
757 Revised Code and the offender had actual knowledge, at the time the offender permitted the
758 vehicle, premises, or real estate to be used as described in division (A) or (B) of this section, that
759 the person who assembled or possessed the chemicals in question in violation of section
760 2925.071 of the Revised Code had assembled or possessed them with the intent to manufacture
761 a controlled substance in schedule I or II in violation of section 2925.07 of the Revised Code.

762 (D) If the offender is a professionally licensed person, in addition to any other sanction imposed for a
763 violation of this section, the court immediately shall comply with R.C. 2925.38.

764 (E) Any premises or real estate that is permitted to be used in violation of division (B) constitutes a
765 nuisance subject to abatement under R.C. Chapter 3767.

766

767 **2925.14 Illegal use or possession of drug paraphernalia.**

768 (A)(1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia.

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

772 (3) No person shall place an advertisement in any publication that is published and printed and
773 circulates primarily within this state, if the person knows that the purpose of the advertisement
774 is to promote the illegal sale in this state of the equipment, product, or material that the
775 offender intended or designed for use as drug paraphernalia.

776 (B) This section does not apply to manufacturers, licensed health professionals authorized to prescribe
777 drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with
778 R.C. Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. This section shall not be construed to
779 prohibit the possession or use of a hypodermic needle as authorized by R.C. 3719.172.

780 (C) Notwithstanding R.C. Chapter 2981., any drug paraphernalia that was used, possessed, sold, or
781 manufactured in a violation of this section shall be seized, after a finding of guilt of that violation shall be
782 forfeited, and upon forfeiture shall be disposed of under R.C. 2981.12.

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

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

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

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

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

792 (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the
793 equipment, product, or material, to deliver it to any person whom the owner or person in
794 control of the equipment, product, or material knows intends to use the object to facilitate a
795 violation of any provision of this chapter. A finding that the owner, or anyone in control, of the
796 equipment, product, or material, is not guilty of a violation of any other provision of this chapter
797 does not prevent a finding that the equipment, product, or material was intended or designed
798 by the offender for use as drug paraphernalia.

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

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

- 803 (8) National or local advertising concerning the use of the equipment, product, or material;
- 804 (9) The manner and circumstances in which the equipment, product, or material is displayed for
805 sale;
- 806 (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or
807 material to the total sales of the business enterprise;
- 808 (11) The existence and scope of legitimate uses of the equipment, product, or material in the
809 community;
- 810 (12) Expert testimony concerning the use of the equipment, product, or material.
- 811 (E)(1) Except as otherwise provided in (D)(2) and (3), whoever violates division (A)(1) is guilty of illegal
812 use or possession of drug paraphernalia, a fourth degree misdemeanor.
- 813 (2) If the drug paraphernalia involved is a hypodermic needle or syringe, whoever violates
814 division (A)(1) is guilty of possessing drug abuse instruments, a second degree misdemeanor. If
815 an offender has previously found guilty of a drug abuse offense, possessing drug abuse
816 instruments is a first degree misdemeanor.
- 817 (3) If the drug paraphernalia involved is equipment, a product, or material of any kind that is
818 used by the person, intended by the person for use, or designed for use in storing, containing,
819 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body
820 marijuana, whoever violates division (A)(1) is guilty of illegal use or possession of marijuana drug
821 paraphernalia, a minor misdemeanor.
- 822 (4) Whoever violates division (A)(2) is guilty of dealing in drug paraphernalia, a second degree
823 misdemeanor.
- 824 (5) Whoever violates division (A)(3) is guilty of illegal advertising of drug paraphernalia, a second
825 degree misdemeanor.

826

827 **2925.22 Deception to obtain a dangerous drug**

828 (A) No person, by deception, shall knowingly do any of the following:

- 829 (1) Procure the administration of, a prescription for, or the dispensing of, a dangerous drug;
- 830 (2) Possess an uncompleted preprinted prescription blank used for writing a prescription for a
831 dangerous drug.

832 (B) Whoever violates this section is guilty of deception to obtain a dangerous drug. The penalty for the
833 offense shall be determined as follows:

- 834 (1) If the person possesses an uncompleted preprinted prescription blank used for writing a
835 prescription for a dangerous drug or if the drug involved is a dangerous drug, except as
836 otherwise provided in division (B)(2) or (3), deception to obtain a dangerous drug is a first

837 degree misdemeanor. If the drug involved is a dangerous drug, except as otherwise provided in
838 division (B)(2) or (3), deception to obtain a dangerous drug is a fifth degree felony.

839 (2) If the drug involved is a compound, mixture, preparation, or substance included in schedule I
840 or II, with the exception of marijuana, the penalty for deception to obtain drugs is one of the
841 following:

842 (a) Except as otherwise provided in division (B)(2)(b), (c), or (d), it is a fourth degree
843 felony .

844 (b) If the amount of the drug involved equals or exceeds the bulk amount but is less
845 than fifty times the bulk amount, or if the amount of the drug involved that could be
846 obtained under the prescription would equal or exceed the bulk amount but would be
847 less than fifty times the bulk amount, it is a third degree felony.

848 (c) If the amount of the drug involved equals or exceeds fifty times the bulk amount but
849 is less than one hundred times the bulk amount, or if the amount of the drug involved
850 that could be obtained under the prescription would equal or exceed fifty times the bulk
851 amount but would be less than one hundred times the bulk amount, it is a second
852 degree felony.

853 (d) If the amount of the drug involved equals or exceeds one hundred times the bulk
854 amount, or if the amount of the drug involved that could be obtained under the
855 prescription would equal or exceed one hundred times the bulk amount, it is a first
856 degree felony.

857 (3) If the drug involved is a compound, mixture, preparation, or substance included in schedule
858 III, IV, or V or is marijuana, the penalty for deception to obtain a dangerous drug is one of the
859 following:

860 (a) Except as otherwise provided in division (B)(3)(b) or (c), it is a fifth degree felony.

861 (b) If the amount of the drug involved equals or exceeds the bulk amount but is less
862 than fifty times the bulk amount, or if the amount of the drug involved that could be
863 obtained under the prescription would equal or exceed the bulk amount but would be
864 less than fifty times the bulk amount, it is a fourth degree felony.

865 (c) If the amount of the drug involved equals or exceeds fifty times the bulk amount, or
866 if the amount of the drug involved that could be obtained under the prescription would
867 equal or exceed fifty times the bulk amount, it is a second degree felony.

868 (C) If the offender is a professionally licensed person, in addition to any other sanction imposed for a
869 violation of this section, the court immediately shall comply with R.C. 2925.38.

870

871 **2925.23 Illegal processing of drug documents**

872 (A) No person shall knowingly make a false statement in any prescription, order, report, or record
873 required by R.C. Chapter 3719. or 4729.

874 (B) No person shall purposefully make, utter, or sell, or knowingly possess any of the following that is a
875 false or forged:

876 (1) Prescription;

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

878 (3) Official written order;

879 (4) License for a terminal distributor of dangerous drugs as required in R.C. 4729.60;

880 (5) Registration certificate for a wholesale distributor of dangerous drugs as required in R.C.
881 4729.60.

882 (C) No person, by theft as prohibited by R.C. 2913.02, shall purposefully acquire any of the following:

883 (1) A prescription;

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

885 (3) An official written order;

886 (4) A blank official written order;

887 (5) A license or blank license for a terminal distributor of dangerous drugs as required in R.C.
888 4729.60;

889 (6) A registration certificate or blank registration certificate for a wholesale distributor of
890 dangerous drugs as required in R.C. 4729.60.

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

893 (E) Divisions (A) and (D) do not apply to licensed health professionals authorized to prescribe drugs,
894 pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with R.C.
895 Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741.

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

900 (1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I
901 or II, with the exception of marijuana, illegal processing of drug documents is a fourth degree
902 felony.

903 (2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance
904 included in schedule III, IV, or V or is marihuana, illegal processing of drug documents is a fifth
905 degree felony.

906 (G) If the offender is a professionally licensed person, in addition to any other sanction imposed for a
907 violation of this section, the court that sentences the offender immediately shall comply with R.C.
908 2925.38.

909

910 **2925.24 Tampering with drugs**

911 (A) No person shall knowingly adulterate or alter any dangerous drug or substitute any dangerous drug
912 with another substance.

913 (B) No person shall knowingly adulterate or alter any package or receptacle containing any dangerous
914 drug or substitute any package or receptacle containing any dangerous drug with another package or
915 receptacle.

916 (C) Divisions (A) and (B) do not apply to manufacturers, practitioners, pharmacists, owners of
917 pharmacies, nurses, and other persons, when the conduct of the manufacturer, practitioner,
918 pharmacist, owner of a pharmacy, nurse, or other person is in accordance with R.C. Chapters 3719.,
919 4715., 4723., 4729., 4731., and 4741.

920 (D) It is an affirmative defense to a charge under this section alleging that a person altered a dangerous
921 drug that the dangerous drug the person allegedly altered was lawfully prescribed for the person's
922 personal use and that the person did not sell or transfer or intend to sell or transfer the dangerous drug
923 to another person.

924 (E) Whoever violates this section is guilty of tampering with drugs, a third degree felony. If the violation
925 results in physical harm to any person, tampering with drugs is a second degree felony.

926

927 **2925.31 Abusing harmful intoxicants**

928 (A) Except for lawful research, clinical, medical, dental, or veterinary purposes, no person, with purpose
929 to induce intoxication or similar physiological effects, shall obtain, possess, or use a harmful intoxicant.

930 (B) Whoever violates this section is guilty of abusing harmful intoxicants, a first degree misdemeanor.

931 (C) If the offender is a professionally licensed person, in addition to any other sanction imposed for a
932 violation of this section, the court immediately shall comply with R.C. 2925.38.

933

934 **2925.32 Trafficking in harmful intoxicants - improperly dispensing or** 935 **distributing nitrous oxide**

936 (A) Division (A) does not apply to the dispensing or distributing of nitrous oxide.

937 No person shall knowingly dispense or distribute a harmful intoxicant to a person if the person who
938 dispenses or distributes it knows or has reason to believe that the harmful intoxicant will be used in
939 violation of R.C. 2925.31.

940 (B)(1) No person shall knowingly dispense or distribute nitrous oxide to a person age twenty-one or
941 older if the person who dispenses or distributes it knows or has reason to believe the nitrous
942 oxide will be used in violation of R.C. 2925.31.

943 (2) Except for lawful medical, dental, or clinical purposes, no person shall knowingly dispense or
944 distribute nitrous oxide to a person under age twenty-one.

945 (3) No person, at the time a cartridge of nitrous oxide is sold to another person, shall knowingly
946 sell a device that allows the purchaser to inhale nitrous oxide from cartridges or to hold nitrous
947 oxide released from cartridges for purposes of inhalation. The sale of any such device
948 constitutes a rebuttable presumption that the person knew or had reason to believe that the
949 purchaser intended to abuse the nitrous oxide.

950 (4) No person who dispenses or distributes nitrous oxide in cartridges shall knowingly fail to
951 comply with either of the following:

952 (a) The record-keeping requirements established under division (F);

953 (b) The labeling and transaction identification requirements established under division
954 (G).

955 (C) This section does not apply to products used in making, fabricating, assembling, transporting, or
956 constructing a product or structure by manual labor or machinery for sale or lease to another person, or
957 to the mining, refining, or processing of natural deposits.

958 (D)(1) Whoever violates division (A) or division (B)(1), (2), or (3) is guilty of trafficking in harmful
959 intoxicants, a fifth degree felony. If the offender previously has been found guilty of a drug
960 abuse offense, trafficking in harmful intoxicants is a fourth degree felony. If the offender is a
961 professionally licensed person, in addition to any other sanction imposed for trafficking in
962 harmful intoxicants, the court immediately shall comply with R.C. 2925.38.

963 (2) Whoever violates division (B)(4)(a) or (b) is guilty of improperly dispensing or distributing
964 nitrous oxide, a fourth degree misdemeanor.

965 (E) It is an affirmative defense to a charge of a violation of division (B)(2) that:

966 (1) An individual exhibited to the defendant or an officer or employee of the defendant, for
967 purposes of establishing the individual's age, a driver's license or permit issued by this state, a
968 commercial driver's license or permit issued by this state, an identification card issued under
969 R.C. 4507.50, for another document that purports to be a license, permit, or identification card
970 described in this division;

971 (2) The document exhibited appeared to be a genuine, unaltered document, to pertain to the
972 individual, and to establish the individual's age;

973 (3) The defendant or the officer or employee of the defendant otherwise did not have
974 reasonable cause to believe that the individual was under the age represented.

975 (F) A person who dispenses or distributes nitrous oxide shall record each transaction involving the
976 dispensing or distributing of the nitrous oxide on a separate card. The person shall require the purchaser

977 to sign the card and provide a complete residence address. The person dispensing or distributing the
978 nitrous oxide shall sign and date the card. The person shall retain the card recording a transaction for
979 one year from the date of the transaction. The person shall maintain the cards at the person's business
980 address and make them available during normal business hours for inspection and copying by officers or
981 employees of the state board of pharmacy or of other law enforcement agencies of this state or the
982 United States that are authorized to investigate violations of R.C. Chapter 2925., 3719., or 4729. or the
983 federal drug abuse control laws.

984 The cards used to record each transaction shall inform the purchaser of the following:

985 (1) That nitrous oxide cartridges are to be used only for purposes of preparing food;

986 (2) That inhalation of nitrous oxide can have dangerous health effects;

987 (3) That it is a violation of state law to distribute or dispense cartridges of nitrous oxide to any
988 person under age twenty-one, punishable as a fifth degree felony.

989 (G)(1) Each cartridge of nitrous oxide dispensed or distributed in this state shall bear the following
990 printed warning:

991 "Nitrous oxide cartridges are to be used only for purposes of preparing food. Nitrous oxide
992 cartridges may not be sold to persons under age twenty-one. Do not inhale contents. Misuse
993 can be dangerous to your health."

994 (2) Each time a person dispenses or distributes one or more cartridges of nitrous oxide, the
995 person shall mark the packaging containing the cartridges with a label or other device that
996 identifies the person who dispensed or distributed the nitrous oxide and the person's business
997 address.

998

999 **2925.33 Possessing nitrous oxide in motor vehicle**

1000 (A) Unless authorized under R.C. Chapter 3719., 4715., 4729., 4731., 4741., or 4765., no person shall
1001 knowingly possess an open cartridge of nitrous oxide in either of the following circumstances:

1002 (1) While operating or being a passenger in or on a motor vehicle on a street, highway, or other
1003 public or private property open to the public for purposes of vehicular traffic or parking;

1004 (2) While being in or on a stationary motor vehicle on a street, highway, or other public or
1005 private property open to the public for purposes of vehicular traffic or parking.

1006 (B) Whoever violates this section is guilty of possessing nitrous oxide in a motor vehicle, a fourth degree
1007 misdemeanor.

1008

1009 **2925.34 Restriction against sale of or offer for sale of a pure caffeine** 1010 **product; misdemeanor**

1011 (A) Except as provided in division (B), no person shall knowingly sell or offer to sell a pure caffeine
1012 product.

1013 (B) Division (A) does not prohibit a person from selling or offering for sale any product manufactured in
1014 a unit-dose form such as a pill, tablet, or caplet, but only if each unit dose of the product contains not
1015 more than two hundred fifty milligrams of caffeine.

1016 (C) Nothing in this section prohibits either of the following:

1017 (1) Possession of a product described in division (B);

1018 (2) Possession of a pure caffeine product by any of the following:

1019 (a) A food processing establishment, as defined in R.C. 3715.021;

1020 (b) A manufacturer of a drug that is available without a prescription;

1021 (c) A laboratory that holds a current, valid category III terminal distributor of dangerous
1022 drugs license issued by the state board of pharmacy under R.C. 4729.54;

1023 (d) A laboratory, as defined in R.C. 3719.01;

1024 (e) A laboratory of any agency or department of this state that performs testing,
1025 analysis, and other laboratory services on behalf of the state;

1026 (f) A postal or delivery service that transports or delivers a pure caffeine product to an
1027 entity specified in divisions (C)(2)(a) to (e).

1028 (D) Whoever violates division (A) is guilty of illegal sale of pure caffeine, a minor misdemeanor on a first
1029 offense and a third degree misdemeanor on each subsequent offense.

1030

1031 **2925.36 Illegal dispensing of drug samples**

1032 (A) No person shall knowingly furnish another a sample drug.

1033 (B) Division (A) does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies,
1034 licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in
1035 accordance with R.C. Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741.

1036 (C)(1) Whoever violates this section is guilty of illegal dispensing of drug samples. The penalty for the
1037 offense shall be punished as follows:

1038 (2) If the drug involved in the offense is a compound, mixture, preparation, or substance
1039 included in schedule I or II, with the exception of marijuana, illegal dispensing of drug samples is
1040 a fifth degree felony.

1041 (3) If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation,
1042 or substance included in schedule III, IV, or V, or is marijuana, illegal dispensing of drug samples
1043 is a second degree misdemeanor.

1044 (D) If the offender is a professionally licensed person, in addition to any other sanction imposed for a
1045 violation of this section, the court immediately shall transmit a certified copy of the judgment entry of
1046 conviction in accordance with R.C. 2925.38.

1047 (E) Notwithstanding the prison term authorized or required by division (C) and R.C. 2929.13, if the
1048 violation of division (A) involves the sale, offer to sell, or possession of at least one hundred times the
1049 bulk amount of any schedule I or II controlled substance, with the exception of marijuana, the court shall
1050 impose on the offender a mandatory prison term from within the range of prison terms prescribed for a
1051 first degree felony.

1052

1053 **2925.37 Counterfeit controlled substance offenses.**

1054 (A) No person shall knowingly possess any counterfeit controlled substance.

1055 (B) No person shall knowingly make, sell or deliver any substance that the person knows is a counterfeit
1056 controlled substance.

1057 (C) No person shall knowingly make, possess, sell, or deliver any punch, die, plate, stone, or other device
1058 knowing or having reason to know that it will be used to print or reproduce a trademark, trade name, or
1059 other identifying mark upon a counterfeit controlled substance.

1060 (D) No person shall knowingly directly or indirectly falsely represent or advertise a counterfeit controlled
1061 substance as a controlled substance. (E) Whoever violates division (A) is guilty of possession of
1062 counterfeit controlled substances, a first degree misdemeanor.

1063 (F) Whoever violates division (B) or (C) is guilty of trafficking in counterfeit controlled substances, a fifth
1064 degree felony.

1065 (G) Whoever violates division (D) of this section is guilty of fraudulent drug advertising, a fifth degree
1066 felony.

1067 (H) If the offender is a professionally licensed person, in addition to any other sanction imposed for a
1068 violation of this section, the court immediately shall comply with R.C. 2925.38.

1069

1070 **2925.38 Notice of conviction of professionally licensed person sent to** 1071 **regulatory or licensing board or agency**

1072 If a person who is found guilty of a violation of R.C. 2925.02, 2925.021, 2925.03, 2925.04, 2925.041,
1073 2925.05, 2925.06, 2925.061, 2925.07, 2925.08, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32,
1074 2925.36, or 2925.37 is a professionally licensed person, in addition to any other sanctions imposed for
1075 the violation, the court, except as otherwise provided in this section, immediately shall transmit a
1076 certified copy of the judgment entry of conviction to the regulatory or licensing board or agency that has
1077 the administrative authority to suspend or revoke the offender's professional license. If the
1078 professionally licensed person who is found guilty to a violation of any section listed in this section is a
1079 person who has been admitted to the bar by order of the supreme court in compliance with its

1080 prescribed and published rules, in addition to any other sanctions imposed for the violation, the court
1081 immediately shall transmit a certified copy of the judgment entry of a finding of guilt to the secretary of
1082 the Board of Professional Conduct of the Supreme Court and to either the disciplinary counsel or the
1083 president, secretary, and chairperson of each certified grievance committee.

1084

1085 **2925.42 Criminal forfeiture of property relating to felony drug abuse**
1086 **offense**

1087 (A) If a person is found guilty of a felony drug abuse offense, or a juvenile is found by a juvenile court to
1088 be a delinquent child for an act that, if committed by an adult, would be a felony drug abuse offense,
1089 and derives profits or other proceeds from the offense or act, the court that imposes sentence or an
1090 order of disposition upon the offender or delinquent child, in lieu of any fine that the court is otherwise
1091 authorized or required to impose, may impose upon the offender or delinquent child a fine of not more
1092 than twice the gross profits or other proceeds so derived.

1093 (B) Notwithstanding any contrary provision of R.C. 3719.21, all fines imposed under this section shall be
1094 paid by the clerk of the court to the county, municipal corporation, township, park district, as created
1095 under R.C. 511.18 or 1545.01, or state law enforcement agencies in this state that were primarily
1096 responsible for or involved in making the arrest of, and in prosecuting, the offender. The fines imposed
1097 and paid under this division shall be used by the law enforcement agencies to subsidize their efforts
1098 pertaining to drug offenses.

1099

1100 **2925.50 Conviction or acquittal under federal drug abuse control laws**
1101 **bar to state prosecution**

1102 If a violation of any prohibition in this chapter is a violation of the federal drug abuse control laws, as
1103 defined in R.C. 3719.01, a finding of guilt or acquittal under the federal drug abuse control laws for the
1104 same act is a bar to prosecution in this state.

1105

1106 **2925.51 Evidence in drug offense cases**

1107 (A) In any criminal prosecution for a violation of a prohibition in this chapter or R.C. Chapter 3719 that is
1108 based on the possession of chemicals sufficient to produce a compound, mixture, preparation, or
1109 substance included in schedule I, II, III, IV, or V or the content, identity, and weight or the existence and
1110 number of unit dosages of the substance, a laboratory report is prima facie evidence of the content,
1111 identity, and weight or the existence and number of unit doses of the substance if the report satisfies all
1112 of the following requirements:

1113 (1) The report is produced by the bureau of criminal identification and investigation, a
1114 laboratory operated by another law enforcement agency, or a laboratory established by or
1115 under the authority of an institution of higher education that has its main campus in this state

1116 which is accredited by the association of American universities or the north central association
1117 of colleges and secondary schools, primarily for the purpose of providing scientific services to
1118 law enforcement agencies.

1119 (2) The report is signed by the person performing the analysis, stating that the substance that is
1120 the basis of the alleged offense has been weighed and analyzed, stating the findings as to the
1121 content, weight, and identity of the substance, and stating that it contains any amount of a
1122 controlled substance and the number and description of unit dosage, is prima facie evidence of
1123 the content, identity, and weight or the existence and number of unit dosages of the substance.

1124 (3) The report has attached to it a copy of a notarized statement by the signer of the report
1125 demonstrating the name of the signer, that the signer is an employee of the laboratory issuing
1126 the report, and that performing the analysis is a part of the signer's regular duties. The attached
1127 report shall provide outline of the signer's education, training, and experience for performing an
1128 analysis of materials included under this section. The signer shall attest that scientifically
1129 accepted tests were performed with due caution, and that the evidence was handled in
1130 accordance with established and accepted procedures while in the custody of the laboratory.

1131 (B) The prosecuting attorney shall serve a copy of the report on the attorney of record for the accused,
1132 or on the accused if the accused has no attorney, prior to any proceeding in which the report is to be
1133 used against the accused other than at a preliminary hearing or grand jury proceeding where the report
1134 may be used without having been previously served upon the accused.

1135 (C) If the accused or the accused's attorney demands the testimony of the person signing the report, by
1136 serving the demand upon the prosecuting attorney within seven days after the accused or the accused's
1137 attorney's receives receipt of the report, the report shall not be prima facie evidence of the contents,
1138 identity, and weight or the existence and number of unit dosages of the substance. The time may be
1139 extended by a trial judge in the interests of justice.

1140 (D) Any report issued for use under this section shall contain notice of the right of the accused to
1141 demand, and the manner in which the accused shall demand, the testimony of the person signing the
1142 report.

1143 (E)(1) Any person who is accused of a violation of any prohibition of this chapter or of Chapter 3719. is
1144 entitled, upon written request made to the prosecuting attorney, to have a portion of any
1145 substance that is the basis of the alleged violation preserved for the benefit of independent
1146 analysis performed by a laboratory analyst employed by the accused, or, if the accused is
1147 indigent, by a qualified laboratory analyst appointed by the court.

1148 (2) Any portion preserved under (E)(1) shall be a representative sample of any substance that is
1149 the basis of the alleged violation and shall be of sufficient size, in the opinion of the court, to
1150 permit the accused's analyst to make a thorough scientific analysis concerning the identity of
1151 the substance or substances.

1152 (3) The prosecuting attorney shall provide the accused's analyst with the sample portion at least
1153 fourteen days prior to trial, unless the trial is to be held in a court not of record or unless the
1154 accused is charged with a minor misdemeanor, in which case the prosecuting attorney shall
1155 provide the accused's analyst with the sample portion at least three days prior to trial. If the

1156 prosecuting attorney determines that such a sample portion cannot be preserved and given to
1157 the accused's analyst, the prosecuting attorney shall so inform the accused or the accused's
1158 attorney. In such a circumstance, the accused person is entitled, upon written request made to
1159 the prosecuting attorney, to have the accused's privately employed or court appointed analyst
1160 present at an analysis of any substance that is the basis of the alleged violation, and, upon
1161 further written request, to receive copies of all recorded scientific data that result from the
1162 analysis and that can be used by an analyst in arriving at conclusions, findings, or opinions
1163 concerning the identity of the substance or substances subject to the analysis.

1164 (F) In addition to the rights provided under division (E), any person accused of a violation of any
1165 prohibition in this chapter or of R.C. Chapter 3719. that involves the bulk amount or more of a
1166 controlled substance, or who is accused of a violation of RC 2925.04 , other than a minor misdemeanor
1167 violation, that involves marijuana, is entitled, upon written request made to the prosecuting attorney, to
1168 have a laboratory analyst of the accused's choice. If the accused is indigent, a qualified laboratory
1169 analyst appointed by the court present at a measurement or weighing of the substance that is the basis
1170 of the alleged violation. Also, the accused person is entitled, upon further written request, to receive
1171 copies of all recorded scientific data that result from the measurement or weighing and that can be used
1172 by an analyst in arriving at conclusions, findings, or opinions concerning the weight, volume, or number
1173 of unit doses of the substance.

1174

1175 **2925.511 Reimbursement for costs of positive drug tests**

1176 In addition to the financial sanctions authorized or required under R.C. Chapter 2929. and to any costs
1177 otherwise authorized or required under any provision of law, the court imposing sentence upon an
1178 offender who is found guilty to a drug abuse offense may order the offender to pay to the state,
1179 municipal, or county law enforcement agencies that handled the investigation and prosecution all of the
1180 costs that the state, municipal corporation, or county reasonably incurred in having tests performed
1181 under R.C. 2925.51 or in any other manner on any substance that was the basis of, or involved in, the
1182 offense to determine whether the substance contained any amount of a controlled substance if the
1183 results of the tests indicate that the substance tested contained any controlled substance. No court shall
1184 order an offender under this section to pay the costs of tests performed on a substance if the results of
1185 the tests do not indicate that the substance tested contained any controlled substance.

1186 The court shall hold a hearing to determine the amount of costs to be imposed under this section. The
1187 court may hold the hearing as part of the sentencing hearing for the offender.

1188

1189 **2925.52 Motion for destruction of chemicals for methamphetamine** 1190 **production**

1191 (A) If a person is charged with a violation of R.C. 2925.061 or with any violation of this chapter or R.C.
1192 Chapter 3719. that is based on the possession of chemicals sufficient to produce methamphetamine, the
1193 law enforcement agency that has custody of the chemicals may file a motion with the court in which the
1194 charges are pending requesting the court to order the chemicals destroyed in accordance with this

1195 division. If a law enforcement agency files a motion of that type with a court, the court may issue an
1196 order that requires the containers in which the chemicals are contained be photographed, orders the
1197 chemicals forfeited, and requires that the chemicals be destroyed.

1198 (B) If the court issues an order under division (A), the court may include in the order a requirement that
1199 a sample of the chemicals be taken prior to their destruction and that the samples be preserved.

1200

1201 **2925.55 Unlawful purchase of pseudoephedrine or ephedrine product**

1202 (A) (1) Except as provided in division (B)(2), no individual shall knowingly purchase, receive, or
1203 otherwise acquire an amount of pseudoephedrine product or ephedrine product that contains
1204 an amount of base pseudoephedrine or base ephedrine that is greater than either of the
1205 following:

1206 (a) Three and six tenths grams within a period of a single day;

1207 (a) Nine grams within a period of thirty consecutive days.

1208 The maximum amounts specified in divisions (A)(1)(a) and (b) do not apply to the
1209 product's overall weight.

1210 (2)(a) It is not a violation of division (A)(1) for an individual to receive or accept more than an
1211 amount of pseudoephedrine product or ephedrine product specified in division (A)(1) or (2) if
1212 the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the
1213 employee receives or accepts from the retailer or terminal distributor of dangerous drugs the
1214 pseudoephedrine product or ephedrine product in a sealed container in connection with
1215 manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the
1216 product.

1217 (b) It is not a violation of division (A)(1) for an individual to purchase, receive, or
1218 otherwise acquire an amount of pseudoephedrine product or ephedrine product that is
1219 greater than the maximum amounts specified in division (A)(1)(a) and (b) if the
1220 pseudoephedrine product or ephedrine product is dispensed by a pharmacist under a
1221 valid prescription issued by a licensed health professional authorized to prescribe drugs
1222 and the conduct of the pharmacist and the licensed health professional to prescribe
1223 drugs is in accordance with R.C. Chapter 3719., 4715., 4723., 4729., 4730., 4731., or
1224 4741.

1225 (B)(1) Except as otherwise provided in division (B)(2), no individual under age eighteen shall knowingly
1226 purchase, receive, or otherwise acquire a pseudoephedrine product or ephedrine product.

1227 (2)(a) Division (B)(1) does not apply to an individual under eighteen years of age who purchases,
1228 receives, or otherwise acquires a pseudoephedrine product or ephedrine product from any of
1229 the following:

1230 (i) A licensed health professional authorized to prescribe drugs or pharmacist
1231 who dispenses, sells, or otherwise provides the pseudoephedrine product or

1232 ephedrine product to that individual and whose conduct is in accordance with
1233 Chapter RC 3719., 4715., 4723., 4729., 4730., 4731., or 4741.;

1234 (ii) A parent or guardian of that individual who provides the pseudoephedrine
1235 product or ephedrine product to the individual;

1236 (iii) A person, as authorized by that individual's parent or guardian, who
1237 dispenses, sells, or otherwise provides the pseudoephedrine product or
1238 ephedrine product to the individual;

1239 (iv) A retailer or terminal distributor of dangerous drugs who provides the
1240 pseudoephedrine product or ephedrine product to that individual if the
1241 individual is an employee of the retailer or terminal distributor of dangerous
1242 drugs and the individual receives or accepts from the retailer or terminal
1243 distributor of dangerous drugs the pseudoephedrine product or ephedrine
1244 product in a sealed container in connection with manufacturing, warehousing,
1245 placement, stocking, bagging, loading, or unloading of the product.

1246 (b) Division (B)(1) does not apply to an individual under age eighteen who purchases,
1247 receives, or otherwise acquires a pseudoephedrine product or ephedrine product if the
1248 pseudoephedrine product or ephedrine product is dispensed by a pharmacist under a
1249 valid prescription issued by a licensed health professional authorized to prescribe drugs
1250 and the conduct of the pharmacist and the licensed health professional authorized to
1251 prescribe drugs is in accordance with R.C. Chapter 3719., 4715., 4723., 4729., 4730., or
1252 4741.

1253 (C) No individual under age eighteen shall knowingly show or give false information concerning the
1254 individual's name, age, or other identification for the purpose of purchasing, receiving, or otherwise
1255 acquiring a pseudoephedrine product or ephedrine product.

1256 (D) No individual shall knowingly fail to comply with the requirements of RC 3715.051(B).

1257 (E) Whoever violates division (A)(1) is guilty of unlawful purchase of a pseudoephedrine product or
1258 ephedrine product, a first degree misdemeanor.

1259 (F) Whoever violates division (B)(1) is guilty of underage purchase of a pseudoephedrine product or
1260 ephedrine product, a delinquent act that would be a fourth degree misdemeanor if it could be
1261 committed by an adult.

1262 (G) Whoever violates division (C) is guilty of using false information to purchase a pseudoephedrine
1263 product or ephedrine product, a delinquent act that would be a first degree misdemeanor if it could be
1264 committed by an adult.

1265 (H) Whoever violates division (D) is guilty of improper purchase of a pseudoephedrine product or
1266 ephedrine product, a fourth degree misdemeanor.

1267

1268 **2925.56 Unlawful sale of pseudoephedrine or ephedrine product**

1269 (A)(1) Except as provided in division (B), no retailer or terminal distributor of dangerous drugs or an
1270 employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, hold for
1271 sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or
1272 ephedrine product that is greater than either of the following:

1273 (a) Three and six tenths grams of base pseudoephedrine or base ephedrine in the
1274 pseudoephedrine product or ephedrine product within a period of a single day;

1275 (b) Nine grams of base pseudoephedrine or base ephedrine in the pseudoephedrine
1276 product or ephedrine product within a period of thirty consecutive days.

1277 The maximum amounts specified in divisions (A)(1) and (2) do not apply to the product's
1278 overall weight.

1279 (2)(a) Division (A)(1) does not apply to any quantity of pseudoephedrine product or ephedrine
1280 product dispensed by a pharmacist under a valid prescription issued by a licensed health
1281 professional authorized to prescribe drugs if the conduct of the pharmacist and the licensed
1282 health professional authorized to prescribe drugs is in accordance with R.C. Chapter 3719.,
1283 4715., 4723., 4729., 4730., 4731., or 4741.

1284 (b) It is not a violation of division (A)(1) for a retailer, terminal distributor of dangerous
1285 drugs, or employee of either to provide to an individual more than an amount of
1286 pseudoephedrine product or ephedrine product specified in division (A)(1)(a) or (b)
1287 under either of the following circumstances:

1288 (i) The individual is an employee of the retailer or terminal distributor of
1289 dangerous drugs, and the employee receives or accepts from the retailer,
1290 terminal distributor of dangerous drugs, or employee the pseudoephedrine
1291 product or ephedrine product in a sealed container in connection with
1292 manufacturing, warehousing, placement, stocking, bagging, loading, or
1293 unloading of the product;

1294 (ii) A stop-sale alert is generated after the submission of information to the
1295 national precursor log exchange under the conditions described in R.C.
1296 3715.052(A)(2).

1297 (B)(1) Except as provided in division (B)(2), no retailer or terminal distributor of dangerous drugs or an
1298 employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, hold for
1299 sale, deliver, or otherwise provide a pseudoephedrine product or ephedrine product to an
1300 individual who is under age eighteen.

1301 (2) Division (B)(1) does not apply to any of the following:

1302 (a) A licensed health professional authorized to prescribe drugs or pharmacist who
1303 dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine
1304 product to an individual under eighteen years of age and whose conduct is in
1305 accordance with R.C. Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741.;

1306 (b) A parent or guardian of an individual under eighteen years of age who provides a
1307 pseudoephedrine product or ephedrine product to the individual;

1308 (c) A person who, as authorized by the individual's parent or guardian, dispenses, sells,
1309 or otherwise provides a pseudoephedrine product or ephedrine product to an individual
1310 under age eighteen;

1311 (d) The provision by a retailer, terminal distributor of dangerous drugs, or employee of
1312 either of a pseudoephedrine product or ephedrine product in a sealed container to an
1313 employee of the retailer or terminal distributor of dangerous drugs who is under
1314 eighteen years of age in connection with manufacturing, warehousing, placement,
1315 stocking, bagging, loading, or unloading of the product.

1316 (C) No retailer or terminal distributor of dangerous drugs shall knowingly fail to comply with the
1317 requirements of R.C. 3715.051(A) or 3715.052(A)(2).

1318 (D) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of
1319 R.C. 3715.052(A)(1) .

1320 (E) Whoever violates division (A)(1) is guilty of unlawfully selling a pseudoephedrine product or
1321 ephedrine product, a first degree misdemeanor.

1322 (F) Whoever violates division (B)(1) is guilty of unlawfully selling a pseudoephedrine product or
1323 ephedrine product to a minor, a fourth degree misdemeanor.

1324 (G) Whoever violates division (C) is guilty of improper sale of a pseudoephedrine product or ephedrine
1325 product, a second degree misdemeanor.

1326 (H) Whoever violates division (D) is guilty of failing to submit information to the national precursor log
1327 exchange, a misdemeanor for which the offender shall be fined not more than one thousand dollars per
1328 violation.

1329 (I) It is an affirmative defense for a seller or an agent or employee of a seller where the age of the
1330 purchaser or other recipient of a pseudoephedrine product is an element of the alleged violation if the
1331 seller, agent, or employee proves that all of the following occurred:

1332 (1) A card holder attempting to purchase or receive a pseudoephedrine product presented a
1333 driver's or commercial driver's license or an identification card.

1334 (2) A transaction scan of the driver's or commercial driver's license or identification card that the
1335 card holder presented indicated that the license or card was valid.

1336 (3) The pseudoephedrine product was sold, given away, or otherwise distributed to the card
1337 holder in reasonable reliance upon the identification presented and the completed transaction
1338 scan.

1339 (J) In determining whether a seller or an agent or employee of a seller has proven the affirmative
1340 defense, the trier of fact in the action for the alleged violation shall consider any written policy that the
1341 seller has adopted and implemented and that is intended to prevent violations of this section. For
1342 purposes of division (I)(3), the trier of fact shall consider that reasonable reliance upon the identification

1343 presented and the completed transaction scan may require a seller or an agent or employee of a seller
1344 to exercise reasonable diligence to determine, and that the use of a transaction scan device does not
1345 excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine,
1346 the following:

1347 (1) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or
1348 otherwise distributes a pseudoephedrine product is eighteen years of age or older;

1349 (2) Whether the description and picture appearing on the driver's or commercial driver's license
1350 or identification card presented by a card holder is that of the card holder.

1351 (K) In any criminal action in which the affirmative defense provided by division (I) is raised, the registrar
1352 of motor vehicles or a deputy registrar who issued an identification card under R.C. 4507.50 to 4507.52
1353 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of
1354 the personnel of or contractors with the bureau of motor vehicles in the action.

1355

1356 **2925.57 Illegal pseudoephedrine or ephedrine product transaction** 1357 **scan**

1358 (A)(1) A seller or an agent or employee of a seller may perform a transaction scan by means of a
1359 transaction scan device to check the validity of a driver's or commercial driver's license or
1360 identification card presented by a card holder as a condition for selling, giving away, or
1361 otherwise distributing to the card holder a pseudoephedrine product or ephedrine product.

1362 (2) If the information deciphered by the transaction scan performed under division (A)(1) fails to
1363 match the information printed on the driver's or commercial driver's license or identification
1364 card presented by the card holder, or if the transaction scan indicates that the information so
1365 printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell,
1366 give away, or otherwise distribute any pseudoephedrine product or ephedrine product to the
1367 card holder.

1368 (3) Division (A)(1) does not preclude a seller or an agent or employee of a seller as a condition
1369 for selling, giving away, or otherwise distributing a pseudoephedrine product or ephedrine
1370 product to the person presenting the document from using a transaction scan device to check
1371 the validity of a document other than a driver's or commercial driver's license or an
1372 identification card if the document includes a bar code or magnetic strip that may be scanned by
1373 the device.

1374 (B) Rules adopted by the registrar of motor vehicles under R.C. 4301.61(C) apply to the use of
1375 transaction scan devices for purposes of this section and R.C. 2925.56(I) to (K).

1376 (C)(1) No seller or agent or employee of a seller shall knowingly electronically or mechanically record
1377 or maintain any information derived from a transaction scan, except the following:

1378 (a) The name, address, and date of birth of the person listed on the driver's or
1379 commercial driver's license or identification card presented by a card holder;

1380 (b) The expiration date, identification number, and issuing agency of the driver's or
1381 commercial driver's license or identification card presented by a card holder.

1382 (2) No seller or agent or employee of a seller shall knowingly use the information that is derived
1383 from a transaction scan or that is permitted to be recorded and maintained under division (C)(1)
1384 of this section except for purposes of R.C. 2925.56(I) to (K) or R.C. 3715.052(A)(1).

1385 (3) No seller or agent or employee of a seller shall knowingly use a transaction scan device for a
1386 purpose other than the purpose specified in division (A)(1).

1387 (4) No seller or agent or employee of a seller shall knowingly sell or otherwise disseminate the
1388 information derived from a transaction scan to any third party, including, but not limited to,
1389 selling or otherwise disseminating that information for any marketing, advertising, or
1390 promotional activities, but a seller or agent or employee of a seller may release that information
1391 under a court order or as specifically authorized by R.C. 2925.56(I) to (K) or another R.C. section.

1392 (D) Nothing in this section or R.C. 2925.56(I) to (K) relieves a seller or an agent or employee of a seller of
1393 any responsibility to comply with any other applicable state or federal laws or rules governing the sale,
1394 giving away, or other distribution of pseudoephedrine products or ephedrine products.

1395 (E) Whoever violates division (B)(2) or (C) is guilty of engaging in an illegal pseudoephedrine product or
1396 ephedrine product transaction scan, and the court may impose upon the offender a civil penalty of up to
1397 one thousand dollars for each violation. The clerk of the court shall pay each collected civil penalty to
1398 the county treasurer for deposit into the county treasury.

1399

1400 **2925.61 Lawful administration of naloxone**

1401 (A) A family member, friend, or other individual who is in a position to assist an individual who is
1402 apparently experiencing or at risk of experiencing an opioid-related overdose, is not subject to criminal
1403 prosecution for a violation of R.C. 4731.41 or criminal prosecution under this chapter if the individual,
1404 acting in good faith, does all of the following:

1405 (1) Obtains naloxone under a prescription issued by a licensed health professional or obtains
1406 naloxone from one of the following: a licensed health professional, an individual who is
1407 authorized by a physician under R.C. 4731.941 to personally furnish naloxone, or a pharmacist
1408 or pharmacy intern who is authorized by a physician or board of health under R.C. 4729.44 to
1409 dispense naloxone without a prescription;

1410 (2) Administers the naloxone obtained as described in division (A)(1) to an individual who is
1411 apparently experiencing an opioid-related overdose;

1412 (3) Attempts to summon emergency services as soon as practicable either before or after
1413 administering the naloxone.

1414 (B) Division (A) does not apply to a peace officer or to an emergency medical technician-basic,
1415 emergency medical technician-intermediate, or emergency medical technician-paramedic, as defined in
1416 R.C. 4765.01.

1417 (C) A peace officer employed by a law enforcement agency is not subject to administrative action,
1418 criminal prosecution for a violation of R.C. 4731.41, or criminal prosecution under this chapter if the
1419 peace officer, acting in good faith, obtains naloxone from the peace officer's law enforcement agency
1420 and administers the naloxone to an individual who is apparently experiencing an opioid-related
1421 overdose.

1422

1423 **2945.71 Time for Trial**

1424 (A) Subject to division (D), a person against whom a charge is pending in a court not of record, or against
1425 whom a charge of minor misdemeanor is pending in a court of record, shall be brought to trial
1426 within thirty days after the person's arrest or the service of summons.

1427 (B) (B) Subject to division (D), a person against whom a charge of misdemeanor, other than a minor
1428 misdemeanor, is pending in a court of record, shall be brought to trial as follows:

1429 (1) Within forty-five days after the person's arrest or the service of summons, if the offense charged
1430 is a third or fourth degree misdemeanor, or other misdemeanor for which the maximum penalty
1431 is imprisonment for not more than sixty days;

1432 (2) Within ninety days after the person's arrest or the service of summons, if the offense charged is
1433 a first or second degree misdemeanor, or other misdemeanor for which the maximum penalty is
1434 imprisonment for more than sixty days.

1435 (3) Within one hundred and eighty days after the person's arrest or the service of summons, if the
1436 offense charged is a misdemeanor violation of R.C. 2925.04.

1437 (C) A person against whom a charge of felony is pending:

1438 (1) Notwithstanding any provisions to the contrary in Criminal Rule 5(B), shall be accorded a
1439 preliminary hearing within fifteen consecutive days after the person's arrest if the accused is not
1440 held in jail in lieu of bail on the pending charge or within ten consecutive days after the person's
1441 arrest if the accused is held in jail in lieu of bail on the pending charge;

1442 (2) Shall be brought to trial within two hundred seventy days after the person's arrest.

1443 (D) A person against whom one or more charges of different degrees, whether felonies, misdemeanors,
1444 or combinations of felonies and misdemeanors, all of which arose out of the same act or
1445 transaction, are pending shall be brought to trial on all of the charges within the time period
1446 required for the highest degree of offense charged, as determined under divisions (A), (B), and (C).

1447 (E) (E) For purposes of computing time under divisions (A), (B), (C)(2), and (D), each day during which
1448 the accused is held in jail in lieu of bail on the pending charge shall be counted as three days. This
1449 division does not apply for purposes of computing time under division (C)(1).

1450 (F) This section shall not be construed to modify in any way R.C. 2941.401 or R.C. 2963.30 to 2963.3.

RECODIFICATION PROPOSED DRUG THRESHOLDS¹

Aggravated Trafficking in Drugs

DRUG	RECOD THRESHOLD	LEVEL	CURRENT THRESHOLD
Schedule I or II	≥ 50 → <100 x bulk	F-2 (mandatory within the range)	≥ 5 → <50x bulk
	≥ 100 x bulk	F-1 (mandatory within the range)	≥ 50 → <100x bulk ≥ 100 x bulk (MDO)
Marijuana	≥ 40 kg	F-2 (mandatory within the range)	
Cocaine	≥ 50 g → < 100 g	F-2 (mandatory within the range)	≥ 20 g → < 27 g
	≥ 100 g → < 250 g	F-1 (mandatory within the range)	≥ 27 g → < 100 g
	≥ 250 g	F-1 (MDO – 10 or 11 year mandatory)	≥ 100 g
LSD: Solid	≥ 500 UD → < 5000 UD	F-2 (mandatory within the range)	≥ 250 UD → < 1000 UD
	≥ 5000 UD	F-1 (mandatory within the range)	≥ 1000 UD → < 5000 UD ≥ 5000 UD (MDO)
LSD: Liquid	≥ 50 g → < 500 g	F-2 (mandatory within the range)	≥ 25 g → < 100 g
	≥ 500 g	F-1 (mandatory within the range)	≥ 100 g → < 500 g ≥ 500 g (MDO)
Heroin	≥ 30 g → < 50 g; ≥ 300 UD → < 500 UD	F-2 (mandatory within the range)	≥ 10 g → < 50 g; ≥ 100 UD → < 500 UD
	≥ 50 g → < 100 g; ≥ 500 UD → < 1000 UD	F-1 (mandatory within the range)	≥ 50 g → < 100 g; ≥ 500 UD → < 1000 UD
	≥ 100 g; ≥ 1000 UD	F-1 (MDO – 10 or 11 year mandatory)	≥ 100 g; ≥ 1000 UD
Hashish	≥ 2 kg	F-2 (mandatory within the range)	≥ 2 kg (solid) ≥ 400 g (liquid)
Controlled Substance Analog	≥ 30 g → < 40 g	F-2 (mandatory within the range)	Same
	≥ 40 g → < 50 g	F-1 (mandatory within the range)	Same
	≥ 50 g	F-1 (MDO – 10 or 11 year mandatory minimum)	Same

¹ Chart does not include fentanyl-related compounds. Under the proposed draft, those amounts are taken straight from SB1.

Trafficking in Drugs

DRUG	RECOD THRESHOLD	LEVEL	CURRENT THRESHOLD
Schedule I or II	$\geq 5 \text{ x bulk} \rightarrow < 50 \text{ x bulk}$	F-3	$\geq \text{bulk} \rightarrow < 5 \text{ x bulk}$
Schedule III, IV, or V	$\geq 50 \text{ x bulk}$	F-3	$\geq 5 \text{ x bulk} \rightarrow < 50 \text{ x bulk}$
Marijuana	$\geq 5 \text{ kg} \rightarrow < 40 \text{ kg}$	F-3	$\geq 1 \text{ kg} \rightarrow < 5 \text{ kg}$
Cocaine: Powder or Crack	$\geq 27 \text{ g} \rightarrow < 50 \text{ g}$	F-3	$\geq 10 \text{ g} \rightarrow < 20 \text{ g}$
LSD: Solid	$\geq 200 \text{ UD} \rightarrow < 500 \text{ UD}$	F-3	$\geq 50 \text{ UD} \rightarrow < 250 \text{ UD}$
LSD: Liquid	$\geq 20 \text{ g} \rightarrow < 50 \text{ g}$	F-3	$\geq 5 \text{ g} \rightarrow < 25 \text{ g}$
Heroin	$\geq 10 \text{ g} \rightarrow < 30 \text{ g};$ $\geq 100 \text{ UD} \rightarrow < 300 \text{ UD}$	F-3	$\geq 5 \text{ g} \rightarrow < 10 \text{ g};$ $\geq 50 \text{ UD} \rightarrow < 100 \text{ UD}$
Hashish	$\geq 200 \text{ g} \rightarrow < 2 \text{ kg}$	F-3	$\geq 250 \text{ g} \rightarrow < 1 \text{ kg (solid)}$ $\geq 50 \text{ g} \rightarrow < 200 \text{ g}$
Controlled Substance Analog	$\geq 20 \text{ g} \rightarrow < 30 \text{ g}$	F-3	$\geq 20 \text{ g} \rightarrow < 30 \text{ g}$

Petty Trafficking in Drugs

DRUG	RECOD THRESHOLD	LEVEL	CURRENT THRESHOLD
Schedule I or II	$\geq 0.025\text{g} \rightarrow < \text{bulk}$	F-5	n/a
	$\geq x \text{ bulk} \rightarrow < 5 x \text{ bulk}$	F-4	< bulk
Schedule III, IV, or V	$\geq 0.025\text{g} \rightarrow < \text{bulk}$	F-5	< bulk
	$\geq \text{bulk} \rightarrow < 50 x \text{ bulk}$	F-4	$\geq \text{bulk} \rightarrow < 5 x \text{ bulk}$
Marijuana	Gift $\leq 20\text{g}$	Minor Misdemeanor	same
	$\geq 0.025\text{g} \rightarrow < 1 \text{ kg}$	F-5	< 200 g
	$\geq 1 \text{ kg} \rightarrow < 5 \text{ kg}$	F-4	$\geq 200 \text{ g} \rightarrow < 1 \text{ kg}$
Cocaine: Powder or Crack	$\geq 0.025\text{g} \rightarrow < 10 \text{ g}$	F-5	< 5 g
	$\geq 10 \text{ g} \rightarrow < 27 \text{ g}$	F-4	$\geq 5 \text{ g} \rightarrow < 10 \text{ g}$
LSD: Solid	$\geq 0.25 \text{ UD} \rightarrow < 50 \text{ UD}$	F-5	< 10 UD
	$\geq 50 \text{ UD} \rightarrow < 200 \text{ UD}$	F-4	$\geq 10 \text{ UD} \rightarrow < 50 \text{ UD}$
LSD: Liquid	$\geq 0.025\text{g} \rightarrow < 5 \text{ g}$	F-5	< 2 g
	$\geq 5 \text{ g} \rightarrow < 20 \text{ g}$	F-4	$\geq 2 \text{ g} \rightarrow < 10 \text{ g}$
Heroin	$\geq 0.025\text{g} \rightarrow < 1 \text{ g};$ $\geq 0.25 \text{ UD} \rightarrow < 10 \text{ UD}$	F-5	< 1 g; < 10 UD
	$\geq 1 \text{ g} \rightarrow < 10 \text{ g};$ $\geq 10 \text{ UD}$ $\rightarrow < 100 \text{ UD}$	F-4	$\geq 1 \text{ g} \rightarrow < 5 \text{ g};$ $\geq 10 \text{ UD} \rightarrow < 50 \text{ UD}$
Hashish	$\geq 0.025\text{g} \rightarrow < 50 \text{ g}$	F-5	< 10 g (solid) < 2 g (liquid)
	$\geq 50 \text{ g} \rightarrow < 200 \text{ g}$	F-4	$\geq 10 \text{ g} \rightarrow < 50 \text{ g}$ (solid) $\geq 2 \text{ g} \rightarrow < 10 \text{ g}$ (liquid)
Controlled Substance Analog	$\geq 0.025\text{g} \rightarrow < 10\text{g}$	F-5	< 10 g
	$\geq 10 \text{ g} \rightarrow < 20 \text{ g}$	F-4	$\geq 10 \text{ g} \rightarrow < 20 \text{ g}$

Unlawful Possession of Drugs

DRUG	RECOD THRESHOLD	LEVEL	CURRENT THRESHOLD
Schedule I or II²	$\geq 0.025\text{g} \rightarrow < \text{bulk}$	F-5 (proposed UM)	< bulk
	$\geq x \text{ bulk} \rightarrow < 5 x \text{ bulk}$	F-4 (proposed UM)	n/a
Schedule III, IV, or V	$\geq 0.025\text{g} \rightarrow < 5 x \text{ bulk}$	F-5 (proposed UM)	n/a
	$\geq 5 x \text{ bulk} \rightarrow < 50 x \text{ bulk}$	F-4 (proposed UM)	$\geq x \text{ bulk} \rightarrow < 5 x \text{ bulk}$
Cocaine: Powder or Crack	$\geq 0.025\text{g} \rightarrow < 10 \text{ g}$	F-5 (proposed UM)	< 5 g
	$\geq 10 \text{ g} \rightarrow < 27 \text{ g}$	F-4 (proposed UM)	$\geq 5 \text{ g} \rightarrow < 10 \text{ g}$
LSD: Solid	$\geq 0.25 \text{ UD} \rightarrow < 50 \text{ UD}$	F-5 (proposed UM)	< 10 UD
	$\geq 50 \text{ UD} \rightarrow < 200 \text{ UD}$	F-4 (proposed UM)	$\geq 10 \text{ UD} \rightarrow < 50 \text{ UD}$
LSD: Liquid	$\geq 0.025\text{g} \rightarrow < 5 \text{ g}$	F-5 (proposed UM)	< 1 g
	$\geq 5 \text{ g} \rightarrow < 20 \text{ g}$	F-4 (proposed UM)	$\geq 1 \text{ g} \rightarrow < 5 \text{ g}$
Heroin	$\geq 0.025\text{g} \rightarrow < 1 \text{ g}; \geq 0.25 \text{ UD} \rightarrow < 10 \text{ UD}$	F-5 (proposed UM)	< 1 g; < 10 UD
	$\geq 1 \text{ g} \rightarrow < 10 \text{ g}; \geq 10 \text{ UD} \rightarrow < 100 \text{ UD}$	F-4 (proposed UM)	$\geq 1\text{g} \rightarrow < 5 \text{ g};$ $\geq 10 \text{ UD} \rightarrow < 50 \text{ UD}$
Controlled Substance Analog	$\geq 0.025\text{g} \rightarrow < 10\text{g}$	F-5 (proposed UM)	< 10g
	$\geq 10 \text{ g} \rightarrow < 20 \text{ g}$	F-4 (proposed UM)	$\geq 10 \text{ g} \rightarrow < 20 \text{ g}$

² Exception created for the date rape drug GHB in proposed draft

Possession of Marijuana

DRUG	RECOD THRESHOLD	LEVEL	CURRENT THRESHOLD
Marijuana	$\geq 0.025\text{g} \rightarrow < 200\text{ g}$	Minor Misdemeanor	$< 100\text{ g}$
	$200\text{ g} < 400\text{ g}$	M-4	$\geq 100\text{ g} \rightarrow < 200\text{ g}$
	$400\text{ g} < 1\text{ kg}$	F-5 (proposed M1)	$\geq 200\text{ g} < 1\text{ kg}$
	$1\text{ kg} < 5\text{ kg}$	F-4	N/A
Hashish	$\geq 0.025\text{g} \rightarrow < 10\text{ g}$	Minor Misdemeanor	$< 5\text{ g}$ (solid) $< 1\text{ g}$ (liquid)
	$10\text{ g} < 20\text{ g}$	M-4	$\geq 5\text{ g} < 10\text{ g}$ (solid) $\geq 1\text{ g} < 2\text{ g}$ (liquid)
	$20\text{ g} < 50\text{ g}$	F-5 (proposed M1)	$\geq 10\text{ g} < 50\text{ g}$ (solid) $\geq 2\text{ g} < 10\text{ g}$ (liquid)
	$50\text{ g} < 250\text{ g}$	F-4	n/a