

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. S. B. No. 237**

**Senator LaRose**

**Cosponsors: Senators Burke, Bacon, Hackett, Eklund, Balderson, Beagle, Faber, Gardner, Hite, Hottinger, Hughes, Jones, Manning, Oelslager, Patton, Peterson, Seitz, Uecker**

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**A BILL**

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

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

**Section 1.** That sections 2925.01, 2925.02, 2925.03, 13  
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.14, 14  
2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised Code be 15  
amended to read as follows: 16

**Sec. 2925.01.** As used in this chapter: 17

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

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

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

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

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

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

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

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

unit doses of a compound, mixture, preparation, or substance 47  
that is or contains any amount of a schedule I hallucinogen 48  
other than tetrahydrocannabinol or lysergic acid amide, or a 49  
schedule I stimulant or depressant; 50

(d) An amount equal to or exceeding twenty grams or five 51  
times the maximum daily dose in the usual dose range specified 52  
in a standard pharmaceutical reference manual of a compound, 53  
mixture, preparation, or substance that is or contains any 54  
amount of a schedule II opiate or opium derivative; 55

(e) An amount equal to or exceeding five grams or ten unit 56  
doses of a compound, mixture, preparation, or substance that is 57  
or contains any amount of phencyclidine; 58

(f) An amount equal to or exceeding one hundred twenty 59  
grams or thirty times the maximum daily dose in the usual dose 60  
range specified in a standard pharmaceutical reference manual of 61  
a compound, mixture, preparation, or substance that is or 62  
contains any amount of a schedule II stimulant that is in a 63  
final dosage form manufactured by a person authorized by the 64  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 65  
U.S.C.A. 301, as amended, and the federal drug abuse control 66  
laws, as defined in section 3719.01 of the Revised Code, that is 67  
or contains any amount of a schedule II depressant substance or 68  
a schedule II hallucinogenic substance; 69

(g) An amount equal to or exceeding three grams of a 70  
compound, mixture, preparation, or substance that is or contains 71  
any amount of a schedule II stimulant, or any of its salts or 72  
isomers, that is not in a final dosage form manufactured by a 73  
person authorized by the Federal Food, Drug, and Cosmetic Act 74  
and the federal drug abuse control laws. 75

(2) An amount equal to or exceeding one hundred twenty 76  
grams or thirty times the maximum daily dose in the usual dose 77  
range specified in a standard pharmaceutical reference manual of 78  
a compound, mixture, preparation, or substance that is or 79  
contains any amount of a schedule III or IV substance other than 80  
an anabolic steroid or a schedule III opiate or opium 81  
derivative; 82

(3) An amount equal to or exceeding twenty grams or five 83  
times the maximum daily dose in the usual dose range specified 84  
in a standard pharmaceutical reference manual of a compound, 85  
mixture, preparation, or substance that is or contains any 86  
amount of a schedule III opiate or opium derivative; 87

(4) An amount equal to or exceeding two hundred fifty 88  
milliliters or two hundred fifty grams of a compound, mixture, 89  
preparation, or substance that is or contains any amount of a 90  
schedule V substance; 91

(5) An amount equal to or exceeding two hundred solid 92  
dosage units, sixteen grams, or sixteen milliliters of a 93  
compound, mixture, preparation, or substance that is or contains 94  
any amount of a schedule III anabolic steroid. 95

(E) "Unit dose" means an amount or unit of a compound, 96  
mixture, or preparation containing a controlled substance that 97  
is separately identifiable and in a form that indicates that it 98  
is the amount or unit by which the controlled substance is 99  
separately administered to or taken by an individual. 100

(F) "Cultivate" includes planting, watering, fertilizing, 101  
or tilling. 102

(G) "Drug abuse offense" means any of the following: 103

(1) A violation of division (A) of section 2913.02 that 104

constitutes theft of drugs, or a violation of section 2925.02, 105  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 106  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 107  
or 2925.37 of the Revised Code; 108

(2) A violation of an existing or former law of this or 109  
any other state or of the United States that is substantially 110  
equivalent to any section listed in division (G) (1) of this 111  
section; 112

(3) An offense under an existing or former law of this or 113  
any other state, or of the United States, of which planting, 114  
cultivating, harvesting, processing, making, manufacturing, 115  
producing, shipping, transporting, delivering, acquiring, 116  
possessing, storing, distributing, dispensing, selling, inducing 117  
another to use, administering to another, using, or otherwise 118  
dealing with a controlled substance is an element; 119

(4) A conspiracy to commit, attempt to commit, or 120  
complicity in committing or attempting to commit any offense 121  
under division (G) (1), (2), or (3) of this section. 122

(H) "Felony drug abuse offense" means any drug abuse 123  
offense that would constitute a felony under the laws of this 124  
state, any other state, or the United States. 125

(I) "Harmful intoxicant" does not include beer or 126  
intoxicating liquor but means any of the following: 127

(1) Any compound, mixture, preparation, or substance the 128  
gas, fumes, or vapor of which when inhaled can induce 129  
intoxication, excitement, giddiness, irrational behavior, 130  
depression, stupefaction, paralysis, unconsciousness, 131  
asphyxiation, or other harmful physiological effects, and 132  
includes, but is not limited to, any of the following: 133

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	134 135 136 137
(b) Any aerosol propellant;	138
(c) Any fluorocarbon refrigerant;	139
(d) Any anesthetic gas.	140
(2) Gamma Butyrolactone;	141
(3) 1,4 Butanediol.	142
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	143 144 145 146 147 148
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	149 150 151 152
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	153 154 155 156 157 158
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	159 160 161

(N) "Juvenile" means a person under eighteen years of age.	162
(O) "Counterfeit controlled substance" means any of the following:	163 164
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	165 166 167 168
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	169 170 171 172
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	173 174 175
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	176 177 178 179 180
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	181 182 183 184 185 186 187
(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state	188 189 190

board of education prescribes minimum standards under section 191  
3301.07 of the Revised Code, whether or not any instruction, 192  
extracurricular activities, or training provided by the school 193  
is being conducted at the time a criminal offense is committed. 194

(R) "School premises" means either of the following: 195

(1) The parcel of real property on which any school is 196  
situated, whether or not any instruction, extracurricular 197  
activities, or training provided by the school is being 198  
conducted on the premises at the time a criminal offense is 199  
committed; 200

(2) Any other parcel of real property that is owned or 201  
leased by a board of education of a school, the governing 202  
authority of a community school established under Chapter 3314. 203  
of the Revised Code, or the governing body of a nonpublic school 204  
for which the state board of education prescribes minimum 205  
standards under section 3301.07 of the Revised Code and on which 206  
some of the instruction, extracurricular activities, or training 207  
of the school is conducted, whether or not any instruction, 208  
extracurricular activities, or training provided by the school 209  
is being conducted on the parcel of real property at the time a 210  
criminal offense is committed. 211

(S) "School building" means any building in which any of 212  
the instruction, extracurricular activities, or training 213  
provided by a school is conducted, whether or not any 214  
instruction, extracurricular activities, or training provided by 215  
the school is being conducted in the school building at the time 216  
a criminal offense is committed. 217

(T) "Disciplinary counsel" means the disciplinary counsel 218  
appointed by the board of commissioners on grievances and 219



discipline of the supreme court under the Rules for the 220  
Government of the Bar of Ohio. 221

(U) "Certified grievance committee" means a duly 222  
constituted and organized committee of the Ohio state bar 223  
association or of one or more local bar associations of the 224  
state of Ohio that complies with the criteria set forth in Rule 225  
V, section 6 of the Rules for the Government of the Bar of Ohio. 226

(V) "Professional license" means any license, permit, 227  
certificate, registration, qualification, admission, temporary 228  
license, temporary permit, temporary certificate, or temporary 229  
registration that is described in divisions (W) (1) to (36) of 230  
this section and that qualifies a person as a professionally 231  
licensed person. 232

(W) "Professionally licensed person" means any of the 233  
following: 234

(1) A person who has obtained a license as a manufacturer 235  
of controlled substances or a wholesaler of controlled 236  
substances under Chapter 3719. of the Revised Code; 237

(2) A person who has received a certificate or temporary 238  
certificate as a certified public accountant or who has 239  
registered as a public accountant under Chapter 4701. of the 240  
Revised Code and who holds an Ohio permit issued under that 241  
chapter; 242

(3) A person who holds a certificate of qualification to 243  
practice architecture issued or renewed and registered under 244  
Chapter 4703. of the Revised Code; 245

(4) A person who is registered as a landscape architect 246  
under Chapter 4703. of the Revised Code or who holds a permit as 247  
a landscape architect issued under that chapter; 248

(5) A person licensed under Chapter 4707. of the Revised Code;	249 250
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	251 252 253
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	254 255 256
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	257 258 259 260 261 262 263 264 265 266 267
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	268 269 270 271 272 273
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the	274 275 276 277

Revised Code;	278
(11) A person who has been licensed as a registered nurse	279
or practical nurse, or who has been issued a certificate for the	280
practice of nurse-midwifery under Chapter 4723. of the Revised	281
Code;	282
(12) A person who has been licensed to practice optometry	283
or to engage in optical dispensing under Chapter 4725. of the	284
Revised Code;	285
(13) A person licensed to act as a pawnbroker under	286
Chapter 4727. of the Revised Code;	287
(14) A person licensed to act as a precious metals dealer	288
under Chapter 4728. of the Revised Code;	289
(15) A person licensed as a pharmacist, a pharmacy intern,	290
a wholesale distributor of dangerous drugs, or a terminal	291
distributor of dangerous drugs under Chapter 4729. of the	292
Revised Code;	293
(16) A person who is authorized to practice as a physician	294
assistant under Chapter 4730. of the Revised Code;	295
(17) A person who has been issued a certificate to	296
practice medicine and surgery, osteopathic medicine and surgery,	297
a limited branch of medicine, or podiatry under Chapter 4731. of	298
the Revised Code;	299
(18) A person licensed as a psychologist or school	300
psychologist under Chapter 4732. of the Revised Code;	301
(19) A person registered to practice the profession of	302
engineering or surveying under Chapter 4733. of the Revised	303
Code;	304

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	305 306
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	307 308
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	309 310
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	311 312
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	313 314
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	315 316
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	317 318 319 320
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	321 322 323
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	324 325 326
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	327 328 329
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised	330 331

Code;	332
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	333 334 335
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	336 337 338 339 340 341
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	342 343
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	344 345 346
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	347 348
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	349 350 351
(X) "Cocaine" means any of the following:	352
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	353 354
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	355 356 357 358

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

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

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

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

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

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

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

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

following:	388
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	389 390
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	391 392 393
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	394 395
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	396 397
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	398 399 400
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	401 402 403 404 405
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	406 407 408 409 410
(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	411 412
<u>(LL) "Fentanyl-related compound" means any of the following:</u>	413 414

<u>(1) Fentanyl;</u>	415
<u>(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);</u>	416 417 418
<u>(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);</u>	419 420
<u>(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);</u>	421 422
<u>(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);</u>	423 424 425
<u>(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);</u>	426 427
<u>(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);</u>	428 429
<u>(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;</u>	430 431
<u>(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;</u>	432 433
<u>(10) Alfentanil;</u>	434
<u>(11) Carfentanil;</u>	435
<u>(12) Remifentanil;</u>	436
<u>(13) Sufentanil;</u>	437
<u>(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and</u>	438 439
<u>(15) A schedule I narcotic-opiate that meets the fentanyl</u>	440



pharmacophore requirements specified in division (A) (56) of 441  
section 3719.41 of the Revised Code, including acetylfentanyl, 442  
furanylfentanyl, valerylfentanyl, butyrylfentanyl, 443  
isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para- 444  
fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl. 445

**Sec. 2925.02.** (A) No person shall knowingly do any of the 446  
following: 447

(1) By force, threat, or deception, administer to another 448  
or induce or cause another to use a controlled substance; 449

(2) By any means, administer or furnish to another or 450  
induce or cause another to use a controlled substance with 451  
purpose to cause serious physical harm to the other person, or 452  
with purpose to cause the other person to become drug dependent; 453

(3) By any means, administer or furnish to another or 454  
induce or cause another to use a controlled substance, and 455  
thereby cause serious physical harm to the other person, or 456  
cause the other person to become drug dependent; 457

(4) By any means, do any of the following: 458

(a) Furnish or administer a controlled substance to a 459  
juvenile who is at least two years the offender's junior, when 460  
the offender knows the age of the juvenile or is reckless in 461  
that regard; 462

(b) Induce or cause a juvenile who is at least two years 463  
the offender's junior to use a controlled substance, when the 464  
offender knows the age of the juvenile or is reckless in that 465  
regard; 466

(c) Induce or cause a juvenile who is at least two years 467  
the offender's junior to commit a felony drug abuse offense, 468

when the offender knows the age of the juvenile or is reckless 469  
in that regard; 470

(d) Use a juvenile, whether or not the offender knows the 471  
age of the juvenile, to perform any surveillance activity that 472  
is intended to prevent the detection of the offender or any 473  
other person in the commission of a felony drug abuse offense or 474  
to prevent the arrest of the offender or any other person for 475  
the commission of a felony drug abuse offense. 476

(5) By any means, furnish or administer a controlled 477  
substance to a pregnant woman or induce or cause a pregnant 478  
woman to use a controlled substance, when the offender knows 479  
that the woman is pregnant or is reckless in that regard. 480

(B) Division (A) (1), (3), (4), or (5) of this section does 481  
not apply to manufacturers, wholesalers, licensed health 482  
professionals authorized to prescribe drugs, pharmacists, owners 483  
of pharmacies, and other persons whose conduct is in accordance 484  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 485  
4741. of the Revised Code. 486

(C) Whoever violates this section is guilty of corrupting 487  
another with drugs. The penalty for the offense shall be 488  
determined as follows: 489

(1) If the offense is a violation of division (A) (1), (2), 490  
(3), or (4) of this section and the drug involved is any 491  
compound, mixture, preparation, or substance included in 492  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 493  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 494  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 495  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 496  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 497

offender shall be punished as follows: 498

(a) Except as otherwise provided in division (C) (1) (b) of 499  
this section, corrupting another with drugs committed in those 500  
circumstances is a felony of the second degree and, subject to 501  
division (E) of this section, the court shall impose as a 502  
mandatory prison term one of the prison terms prescribed for a 503  
felony of the second degree. 504

(b) If the offense was committed in the vicinity of a 505  
school, corrupting another with drugs committed in those 506  
circumstances is a felony of the first degree, and, subject to 507  
division (E) of this section, the court shall impose as a 508  
mandatory prison term one of the prison terms prescribed for a 509  
felony of the first degree. 510

(2) If the offense is a violation of division (A) (1), (2), 511  
(3), or (4) of this section and the drug involved is any 512  
compound, mixture, preparation, or substance included in 513  
schedule III, IV, or V, the offender shall be punished as 514  
follows: 515

(a) Except as otherwise provided in division (C) (2) (b) of 516  
this section, corrupting another with drugs committed in those 517  
circumstances is a felony of the second degree and there is a 518  
presumption for a prison term for the offense. 519

(b) If the offense was committed in the vicinity of a 520  
school, corrupting another with drugs committed in those 521  
circumstances is a felony of the second degree and the court 522  
shall impose as a mandatory prison term one of the prison terms 523  
prescribed for a felony of the second degree. 524

(3) If the offense is a violation of division (A) (1), (2), 525  
(3), or (4) of this section and the drug involved is marihuana, 526

1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 527  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 528  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 529  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 530  
offender shall be punished as follows: 531

(a) Except as otherwise provided in division (C) (3) (b) of 532  
this section, corrupting another with drugs committed in those 533  
circumstances is a felony of the fourth degree and division (C) 534  
of section 2929.13 of the Revised Code applies in determining 535  
whether to impose a prison term on the offender. 536

(b) If the offense was committed in the vicinity of a 537  
school, corrupting another with drugs committed in those 538  
circumstances is a felony of the third degree and division (C) 539  
of section 2929.13 of the Revised Code applies in determining 540  
whether to impose a prison term on the offender. 541

(4) If the offense is a violation of division (A) (5) of 542  
this section and the drug involved is any compound, mixture, 543  
preparation, or substance included in schedule I or II, with the 544  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 545  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 546  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 547  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 548  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 549  
felony of the first degree and, subject to division (E) of this 550  
section, the court shall impose as a mandatory prison term one 551  
of the prison terms prescribed for a felony of the first degree. 552

(5) If the offense is a violation of division (A) (5) of 553  
this section and the drug involved is any compound, mixture, 554  
preparation, or substance included in schedule III, IV, or V, 555  
corrupting another with drugs is a felony of the second degree 556

and the court shall impose as a mandatory prison term one of the 557  
prison terms prescribed for a felony of the second degree. 558

(6) If the offense is a violation of division (A) (5) of 559  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 560  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 561  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 562  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 563  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 564  
corrupting another with drugs is a felony of the third degree 565  
and division (C) of section 2929.13 of the Revised Code applies 566  
in determining whether to impose a prison term on the offender. 567

(D) In addition to any prison term authorized or required 568  
by division (C) or (E) of this section and sections 2929.13 and 569  
2929.14 of the Revised Code and in addition to any other 570  
sanction imposed for the offense under this section or sections 571  
2929.11 to 2929.18 of the Revised Code, the court that sentences 572  
an offender who is convicted of or pleads guilty to a violation 573  
of division (A) of this section may suspend for not more than 574  
five years the offender's driver's or commercial driver's 575  
license or permit. However, if the offender pleaded guilty to or 576  
was convicted of a violation of section 4511.19 of the Revised 577  
Code or a substantially similar municipal ordinance or the law 578  
of another state or the United States arising out of the same 579  
set of circumstances as the violation, the court shall suspend 580  
the offender's driver's or commercial driver's license or permit 581  
for not more than five years. The court also shall do all of the 582  
following that are applicable regarding the offender: 583

(1) (a) If the violation is a felony of the first, second, 584  
or third degree, the court shall impose upon the offender the 585  
mandatory fine specified for the offense under division (B) (1) 586

of section 2929.18 of the Revised Code unless, as specified in 587  
that division, the court determines that the offender is 588  
indigent. 589

(b) Notwithstanding any contrary provision of section 590  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 591  
to division (D) (1) (a) of this section and any fine imposed for a 592  
violation of this section pursuant to division (A) of section 593  
2929.18 of the Revised Code shall be paid by the clerk of the 594  
court in accordance with and subject to the requirements of, and 595  
shall be used as specified in, division (F) of section 2925.03 596  
of the Revised Code. 597

(c) If a person is charged with any violation of this 598  
section that is a felony of the first, second, or third degree, 599  
posts bail, and forfeits the bail, the forfeited bail shall be 600  
paid by the clerk of the court pursuant to division (D) (1) (b) of 601  
this section as if it were a fine imposed for a violation of 602  
this section. 603

(2) If the offender is a professionally licensed person, 604  
in addition to any other sanction imposed for a violation of 605  
this section, the court immediately shall comply with section 606  
2925.38 of the Revised Code. 607

(E) Notwithstanding the prison term otherwise authorized 608  
or required for the offense under division (C) of this section 609  
and sections 2929.13 and 2929.14 of the Revised Code, if the 610  
violation of division (A) of this section involves the sale, 611  
offer to sell, or possession of a schedule I or II controlled 612  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 613  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 614  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 615  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 616

(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 617  
if the court imposing sentence upon the offender finds that the 618  
offender as a result of the violation is a major drug offender 619  
and is guilty of a specification of the type described in 620  
division (A) of section 2941.1410 of the Revised Code, the 621  
court, in lieu of the prison term that otherwise is authorized 622  
or required, shall impose upon the offender the mandatory prison 623  
term specified in division (B) (3) (a) of section 2929.14 of the 624  
Revised Code. 625

(F) (1) If the sentencing court suspends the offender's 626  
driver's or commercial driver's license or permit under division 627  
(D) of this section, the offender, at any time after the 628  
expiration of two years from the day on which the offender's 629  
sentence was imposed or from the day on which the offender 630  
finally was released from a prison term under the sentence, 631  
whichever is later, may file a motion with the sentencing court 632  
requesting termination of the suspension. Upon the filing of the 633  
motion and the court's finding of good cause for the 634  
determination, the court may terminate the suspension. 635

(2) Any offender who received a mandatory suspension of 636  
the offender's driver's or commercial driver's license or permit 637  
under this section prior to ~~the effective date of this amendment~~ 638  
September 13, 2016, may file a motion with the sentencing court 639  
requesting the termination of the suspension. However, an 640  
offender who pleaded guilty to or was convicted of a violation 641  
of section 4511.19 of the Revised Code or a substantially 642  
similar municipal ordinance or law of another state or the 643  
United States that arose out of the same set of circumstances as 644  
the violation for which the offender's license or permit was 645  
suspended under this section shall not file such a motion. 646

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

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

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

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

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

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

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

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



as amended, and is sold, offered for sale, prescribed, 676  
dispensed, or administered for that purpose in accordance with 677  
that act. 678

(C) Whoever violates division (A) of this section is 679  
guilty of one of the following: 680

(1) If the drug involved in the violation is any compound, 681  
mixture, preparation, or substance included in schedule I or 682  
schedule II, with the exception of marihuana, cocaine, L.S.D., 683  
heroin, any fentanyl-related compound, hashish, and any 684  
controlled substance ~~analog~~ analog, whoever violates division 685  
(A) of this section is guilty of aggravated trafficking in 686  
drugs. The penalty for the offense shall be determined as 687  
follows: 688

(a) Except as otherwise provided in division (C) (1) (b), 689  
(c), (d), (e), or (f) of this section, aggravated trafficking in 690  
drugs is a felony of the fourth degree, and division (C) of 691  
section 2929.13 of the Revised Code applies in determining 692  
whether to impose a prison term on the offender. 693

(b) Except as otherwise provided in division (C) (1) (c), 694  
(d), (e), or (f) of this section, if the offense was committed 695  
in the vicinity of a school or in the vicinity of a juvenile, 696  
aggravated trafficking in drugs is a felony of the third degree, 697  
and division (C) of section 2929.13 of the Revised Code applies 698  
in determining whether to impose a prison term on the offender. 699

(c) Except as otherwise provided in this division, if the 700  
amount of the drug involved equals or exceeds the bulk amount 701  
but is less than five times the bulk amount, aggravated 702  
trafficking in drugs is a felony of the third degree, and, 703  
except as otherwise provided in this division, there is a 704

presumption for a prison term for the offense. If aggravated 705  
trafficking in drugs is a felony of the third degree under this 706  
division and if the offender two or more times previously has 707  
been convicted of or pleaded guilty to a felony drug abuse 708  
offense, the court shall impose as a mandatory prison term one 709  
of the prison terms prescribed for a felony of the third degree. 710  
If the amount of the drug involved is within that range and if 711  
the offense was committed in the vicinity of a school or in the 712  
vicinity of a juvenile, aggravated trafficking in drugs is a 713  
felony of the second degree, and the court shall impose as a 714  
mandatory prison term one of the prison terms prescribed for a 715  
felony of the second degree. 716

(d) Except as otherwise provided in this division, if the 717  
amount of the drug involved equals or exceeds five times the 718  
bulk amount but is less than fifty times the bulk amount, 719  
aggravated trafficking in drugs is a felony of the second 720  
degree, and the court shall impose as a mandatory prison term 721  
one of the prison terms prescribed for a felony of the second 722  
degree. If the amount of the drug involved is within that range 723  
and if the offense was committed in the vicinity of a school or 724  
in the vicinity of a juvenile, aggravated trafficking in drugs 725  
is a felony of the first degree, and the court shall impose as a 726  
mandatory prison term one of the prison terms prescribed for a 727  
felony of the first degree. 728

(e) If the amount of the drug involved equals or exceeds 729  
fifty times the bulk amount but is less than one hundred times 730  
the bulk amount and regardless of whether the offense was 731  
committed in the vicinity of a school or in the vicinity of a 732  
juvenile, aggravated trafficking in drugs is a felony of the 733  
first degree, and the court shall impose as a mandatory prison 734  
term one of the prison terms prescribed for a felony of the 735

first degree. 736

(f) If the amount of the drug involved equals or exceeds 737  
one hundred times the bulk amount and regardless of whether the 738  
offense was committed in the vicinity of a school or in the 739  
vicinity of a juvenile, aggravated trafficking in drugs is a 740  
felony of the first degree, the offender is a major drug 741  
offender, and the court shall impose as a mandatory prison term 742  
the maximum prison term prescribed for a felony of the first 743  
degree. 744

(2) If the drug involved in the violation is any compound, 745  
mixture, preparation, or substance included in schedule III, IV, 746  
or V, whoever violates division (A) of this section is guilty of 747  
trafficking in drugs. The penalty for the offense shall be 748  
determined as follows: 749

(a) Except as otherwise provided in division (C) (2) (b), 750  
(c), (d), or (e) of this section, trafficking in drugs is a 751  
felony of the fifth degree, and division (B) of section 2929.13 752  
of the Revised Code applies in determining whether to impose a 753  
prison term on the offender. 754

(b) Except as otherwise provided in division (C) (2) (c), 755  
(d), or (e) of this section, if the offense was committed in the 756  
vicinity of a school or in the vicinity of a juvenile, 757  
trafficking in drugs is a felony of the fourth degree, and 758  
division (C) of section 2929.13 of the Revised Code applies in 759  
determining whether to impose a prison term on the offender. 760

(c) Except as otherwise provided in this division, if the 761  
amount of the drug involved equals or exceeds the bulk amount 762  
but is less than five times the bulk amount, trafficking in 763  
drugs is a felony of the fourth degree, and division (B) of 764

section 2929.13 of the Revised Code applies in determining 765  
whether to impose a prison term for the offense. If the amount 766  
of the drug involved is within that range and if the offense was 767  
committed in the vicinity of a school or in the vicinity of a 768  
juvenile, trafficking in drugs is a felony of the third degree, 769  
and there is a presumption for a prison term for the offense. 770

(d) Except as otherwise provided in this division, if the 771  
amount of the drug involved equals or exceeds five times the 772  
bulk amount but is less than fifty times the bulk amount, 773  
trafficking in drugs is a felony of the third degree, and there 774  
is a presumption for a prison term for the offense. If the 775  
amount of the drug involved is within that range and if the 776  
offense was committed in the vicinity of a school or in the 777  
vicinity of a juvenile, trafficking in drugs is a felony of the 778  
second degree, and there is a presumption for a prison term for 779  
the offense. 780

(e) Except as otherwise provided in this division, if the 781  
amount of the drug involved equals or exceeds fifty times the 782  
bulk amount, trafficking in drugs is a felony of the second 783  
degree, and the court shall impose as a mandatory prison term 784  
one of the prison terms prescribed for a felony of the second 785  
degree. If the amount of the drug involved equals or exceeds 786  
fifty times the bulk amount and if the offense was committed in 787  
the vicinity of a school or in the vicinity of a juvenile, 788  
trafficking in drugs is a felony of the first degree, and the 789  
court shall impose as a mandatory prison term one of the prison 790  
terms prescribed for a felony of the first degree. 791

(3) If the drug involved in the violation is marihuana or 792  
a compound, mixture, preparation, or substance containing 793  
marihuana other than hashish, whoever violates division (A) of 794

this section is guilty of trafficking in marihuana. The penalty 795  
for the offense shall be determined as follows: 796

(a) Except as otherwise provided in division (C) (3) (b), 797  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 798  
marihuana is a felony of the fifth degree, and division (B) of 799  
section 2929.13 of the Revised Code applies in determining 800  
whether to impose a prison term on the offender. 801

(b) Except as otherwise provided in division (C) (3) (c), 802  
(d), (e), (f), (g), or (h) of this section, if the offense was 803  
committed in the vicinity of a school or in the vicinity of a 804  
juvenile, trafficking in marihuana is a felony of the fourth 805  
degree, and division (B) of section 2929.13 of the Revised Code 806  
applies in determining whether to impose a prison term on the 807  
offender. 808

(c) Except as otherwise provided in this division, if the 809  
amount of the drug involved equals or exceeds two hundred grams 810  
but is less than one thousand grams, trafficking in marihuana is 811  
a felony of the fourth degree, and division (B) of section 812  
2929.13 of the Revised Code applies in determining whether to 813  
impose a prison term on the offender. If the amount of the drug 814  
involved is within that range and if the offense was committed 815  
in the vicinity of a school or in the vicinity of a juvenile, 816  
trafficking in marihuana is a felony of the third degree, and 817  
division (C) of section 2929.13 of the Revised Code applies in 818  
determining whether to impose a prison term on the offender. 819

(d) Except as otherwise provided in this division, if the 820  
amount of the drug involved equals or exceeds one thousand grams 821  
but is less than five thousand grams, trafficking in marihuana 822  
is a felony of the third degree, and division (C) of section 823  
2929.13 of the Revised Code applies in determining whether to 824

impose a prison term on the offender. If the amount of the drug 825  
involved is within that range and if the offense was committed 826  
in the vicinity of a school or in the vicinity of a juvenile, 827  
trafficking in marihuana is a felony of the second degree, and 828  
there is a presumption that a prison term shall be imposed for 829  
the offense. 830

(e) Except as otherwise provided in this division, if the 831  
amount of the drug involved equals or exceeds five thousand 832  
grams but is less than twenty thousand grams, trafficking in 833  
marihuana is a felony of the third degree, and there is a 834  
presumption that a prison term shall be imposed for the offense. 835  
If the amount of the drug involved is within that range and if 836  
the offense was committed in the vicinity of a school or in the 837  
vicinity of a juvenile, trafficking in marihuana is a felony of 838  
the second degree, and there is a presumption that a prison term 839  
shall be imposed for the offense. 840

(f) Except as otherwise provided in this division, if the 841  
amount of the drug involved equals or exceeds twenty thousand 842  
grams but is less than forty thousand grams, trafficking in 843  
marihuana is a felony of the second degree, and the court shall 844  
impose a mandatory prison term of five, six, seven, or eight 845  
years. If the amount of the drug involved is within that range 846  
and if the offense was committed in the vicinity of a school or 847  
in the vicinity of a juvenile, trafficking in marihuana is a 848  
felony of the first degree, and the court shall impose as a 849  
mandatory prison term the maximum prison term prescribed for a 850  
felony of the first degree. 851

(g) Except as otherwise provided in this division, if the 852  
amount of the drug involved equals or exceeds forty thousand 853  
grams, trafficking in marihuana is a felony of the second 854

degree, and the court shall impose as a mandatory prison term 855  
the maximum prison term prescribed for a felony of the second 856  
degree. If the amount of the drug involved equals or exceeds 857  
forty thousand grams and if the offense was committed in the 858  
vicinity of a school or in the vicinity of a juvenile, 859  
trafficking in marihuana is a felony of the first degree, and 860  
the court shall impose as a mandatory prison term the maximum 861  
prison term prescribed for a felony of the first degree. 862

(h) Except as otherwise provided in this division, if the 863  
offense involves a gift of twenty grams or less of marihuana, 864  
trafficking in marihuana is a minor misdemeanor upon a first 865  
offense and a misdemeanor of the third degree upon a subsequent 866  
offense. If the offense involves a gift of twenty grams or less 867  
of marihuana and if the offense was committed in the vicinity of 868  
a school or in the vicinity of a juvenile, trafficking in 869  
marihuana is a misdemeanor of the third degree. 870

(4) If the drug involved in the violation is cocaine or a 871  
compound, mixture, preparation, or substance containing cocaine, 872  
whoever violates division (A) of this section is guilty of 873  
trafficking in cocaine. The penalty for the offense shall be 874  
determined as follows: 875

(a) Except as otherwise provided in division (C) (4) (b), 876  
(c), (d), (e), (f), or (g) of this section, trafficking in 877  
cocaine is a felony of the fifth degree, and division (B) of 878  
section 2929.13 of the Revised Code applies in determining 879  
whether to impose a prison term on the offender. 880

(b) Except as otherwise provided in division (C) (4) (c), 881  
(d), (e), (f), or (g) of this section, if the offense was 882  
committed in the vicinity of a school or in the vicinity of a 883  
juvenile, trafficking in cocaine is a felony of the fourth 884

degree, and division (C) of section 2929.13 of the Revised Code 885  
applies in determining whether to impose a prison term on the 886  
offender. 887

(c) Except as otherwise provided in this division, if the 888  
amount of the drug involved equals or exceeds five grams but is 889  
less than ten grams of cocaine, trafficking in cocaine is a 890  
felony of the fourth degree, and division (B) of section 2929.13 891  
of the Revised Code applies in determining whether to impose a 892  
prison term for the offense. If the amount of the drug involved 893  
is within that range and if the offense was committed in the 894  
vicinity of a school or in the vicinity of a juvenile, 895  
trafficking in cocaine is a felony of the third degree, and 896  
there is a presumption for a prison term for the offense. 897

(d) Except as otherwise provided in this division, if the 898  
amount of the drug involved equals or exceeds ten grams but is 899  
less than twenty grams of cocaine, trafficking in cocaine is a 900  
felony of the third degree, and, except as otherwise provided in 901  
this division, there is a presumption for a prison term for the 902  
offense. If trafficking in cocaine is a felony of the third 903  
degree under this division and if the offender two or more times 904  
previously has been convicted of or pleaded guilty to a felony 905  
drug abuse offense, the court shall impose as a mandatory prison 906  
term one of the prison terms prescribed for a felony of the 907  
third degree. If the amount of the drug involved is within that 908  
range and if the offense was committed in the vicinity of a 909  
school or in the vicinity of a juvenile, trafficking in cocaine 910  
is a felony of the second degree, and the court shall impose as 911  
a mandatory prison term one of the prison terms prescribed for a 912  
felony of the second degree. 913

(e) Except as otherwise provided in this division, if the 914



amount of the drug involved equals or exceeds twenty grams but 915  
is less than twenty-seven grams of cocaine, trafficking in 916  
cocaine is a felony of the second degree, and the court shall 917  
impose as a mandatory prison term one of the prison terms 918  
prescribed for a felony of the second degree. If the amount of 919  
the drug involved is within that range and if the offense was 920  
committed in the vicinity of a school or in the vicinity of a 921  
juvenile, trafficking in cocaine is a felony of the first 922  
degree, and the court shall impose as a mandatory prison term 923  
one of the prison terms prescribed for a felony of the first 924  
degree. 925

(f) If the amount of the drug involved equals or exceeds 926  
twenty-seven grams but is less than one hundred grams of cocaine 927  
and regardless of whether the offense was committed in the 928  
vicinity of a school or in the vicinity of a juvenile, 929  
trafficking in cocaine is a felony of the first degree, and the 930  
court shall impose as a mandatory prison term one of the prison 931  
terms prescribed for a felony of the first degree. 932

(g) If the amount of the drug involved equals or exceeds 933  
one hundred grams of cocaine and regardless of whether the 934  
offense was committed in the vicinity of a school or in the 935  
vicinity of a juvenile, trafficking in cocaine is a felony of 936  
the first degree, the offender is a major drug offender, and the 937  
court shall impose as a mandatory prison term the maximum prison 938  
term prescribed for a felony of the first degree. 939

(5) If the drug involved in the violation is L.S.D. or a 940  
compound, mixture, preparation, or substance containing L.S.D., 941  
whoever violates division (A) of this section is guilty of 942  
trafficking in L.S.D. The penalty for the offense shall be 943  
determined as follows: 944

(a) Except as otherwise provided in division (C) (5) (b), 945  
(c), (d), (e), (f), or (g) of this section, trafficking in 946  
L.S.D. is a felony of the fifth degree, and division (B) of 947  
section 2929.13 of the Revised Code applies in determining 948  
whether to impose a prison term on the offender. 949

(b) Except as otherwise provided in division (C) (5) (c), 950  
(d), (e), (f), or (g) of this section, if the offense was 951  
committed in the vicinity of a school or in the vicinity of a 952  
juvenile, trafficking in L.S.D. is a felony of the fourth 953  
degree, and division (C) of section 2929.13 of the Revised Code 954  
applies in determining whether to impose a prison term on the 955  
offender. 956

(c) Except as otherwise provided in this division, if the 957  
amount of the drug involved equals or exceeds ten unit doses but 958  
is less than fifty unit doses of L.S.D. in a solid form or 959  
equals or exceeds one gram but is less than five grams of L.S.D. 960  
in a liquid concentrate, liquid extract, or liquid distillate 961  
form, trafficking in L.S.D. is a felony of the fourth degree, 962  
and division (B) of section 2929.13 of the Revised Code applies 963  
in determining whether to impose a prison term for the offense. 964  
If the amount of the drug involved is within that range and if 965  
the offense was committed in the vicinity of a school or in the 966  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 967  
third degree, and there is a presumption for a prison term for 968  
the offense. 969

(d) Except as otherwise provided in this division, if the 970  
amount of the drug involved equals or exceeds fifty unit doses 971  
but is less than two hundred fifty unit doses of L.S.D. in a 972  
solid form or equals or exceeds five grams but is less than 973  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 974

extract, or liquid distillate form, trafficking in L.S.D. is a 975  
felony of the third degree, and, except as otherwise provided in 976  
this division, there is a presumption for a prison term for the 977  
offense. If trafficking in L.S.D. is a felony of the third 978  
degree under this division and if the offender two or more times 979  
previously has been convicted of or pleaded guilty to a felony 980  
drug abuse offense, the court shall impose as a mandatory prison 981  
term one of the prison terms prescribed for a felony of the 982  
third degree. If the amount of the drug involved is within that 983  
range and if the offense was committed in the vicinity of a 984  
school or in the vicinity of a juvenile, trafficking in L.S.D. 985  
is a felony of the second degree, and the court shall impose as 986  
a mandatory prison term one of the prison terms prescribed for a 987  
felony of the second degree. 988

(e) Except as otherwise provided in this division, if the 989  
amount of the drug involved equals or exceeds two hundred fifty 990  
unit doses but is less than one thousand unit doses of L.S.D. in 991  
a solid form or equals or exceeds twenty-five grams but is less 992  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 993  
extract, or liquid distillate form, trafficking in L.S.D. is a 994  
felony of the second degree, and the court shall impose as a 995  
mandatory prison term one of the prison terms prescribed for a 996  
felony of the second degree. If the amount of the drug involved 997  
is within that range and if the offense was committed in the 998  
vicinity of a school or in the vicinity of a juvenile, 999  
trafficking in L.S.D. is a felony of the first degree, and the 1000  
court shall impose as a mandatory prison term one of the prison 1001  
terms prescribed for a felony of the first degree. 1002

(f) If the amount of the drug involved equals or exceeds 1003  
one thousand unit doses but is less than five thousand unit 1004  
doses of L.S.D. in a solid form or equals or exceeds one hundred 1005

grams but is less than five hundred grams of L.S.D. in a liquid 1006  
concentrate, liquid extract, or liquid distillate form and 1007  
regardless of whether the offense was committed in the vicinity 1008  
of a school or in the vicinity of a juvenile, trafficking in 1009  
L.S.D. is a felony of the first degree, and the court shall 1010  
impose as a mandatory prison term one of the prison terms 1011  
prescribed for a felony of the first degree. 1012

(g) If the amount of the drug involved equals or exceeds 1013  
five thousand unit doses of L.S.D. in a solid form or equals or 1014  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1015  
liquid extract, or liquid distillate form and regardless of 1016  
whether the offense was committed in the vicinity of a school or 1017  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1018  
of the first degree, the offender is a major drug offender, and 1019  
the court shall impose as a mandatory prison term the maximum 1020  
prison term prescribed for a felony of the first degree. 1021

(6) If the drug involved in the violation is heroin or a 1022  
compound, mixture, preparation, or substance containing heroin, 1023  
whoever violates division (A) of this section is guilty of 1024  
trafficking in heroin. The penalty for the offense shall be 1025  
determined as follows: 1026

(a) Except as otherwise provided in division (C) (6) (b), 1027  
(c), (d), (e), (f), or (g) of this section, trafficking in 1028  
heroin is a felony of the fifth degree, and division (B) of 1029  
section 2929.13 of the Revised Code applies in determining 1030  
whether to impose a prison term on the offender. 1031

(b) Except as otherwise provided in division (C) (6) (c), 1032  
(d), (e), (f), or (g) of this section, if the offense was 1033  
committed in the vicinity of a school or in the vicinity of a 1034  
juvenile, trafficking in heroin is a felony of the fourth 1035

degree, and division (C) of section 2929.13 of the Revised Code 1036  
applies in determining whether to impose a prison term on the 1037  
offender. 1038

(c) Except as otherwise provided in this division, if the 1039  
amount of the drug involved equals or exceeds ten unit doses but 1040  
is less than fifty unit doses or equals or exceeds one gram but 1041  
is less than five grams, trafficking in heroin is a felony of 1042  
the fourth degree, and division (B) of section 2929.13 of the 1043  
Revised Code applies in determining whether to impose a prison 1044  
term for the offense. If the amount of the drug involved is 1045  
within that range and if the offense was committed in the 1046  
vicinity of a school or in the vicinity of a juvenile, 1047  
trafficking in heroin is a felony of the third degree, and there 1048  
is a presumption for a prison term for the offense. 1049

(d) Except as otherwise provided in this division, if the 1050  
amount of the drug involved equals or exceeds fifty unit doses 1051  
but is less than one hundred unit doses or equals or exceeds 1052  
five grams but is less than ten grams, trafficking in heroin is 1053  
a felony of the third degree, and there is a presumption for a 1054  
prison term for the offense. If the amount of the drug involved 1055  
is within that range and if the offense was committed in the 1056  
vicinity of a school or in the vicinity of a juvenile, 1057  
trafficking in heroin is a felony of the second degree, and 1058  
there is a presumption for a prison term for the offense. 1059

(e) Except as otherwise provided in this division, if the 1060  
amount of the drug involved equals or exceeds one hundred unit 1061  
doses but is less than five hundred unit doses or equals or 1062  
exceeds ten grams but is less than fifty grams, trafficking in 1063  
heroin is a felony of the second degree, and the court shall 1064  
impose as a mandatory prison term one of the prison terms 1065

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

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

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

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

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

section 2929.13 of the Revised Code applies in determining 1096  
whether to impose a prison term on the offender. 1097

(b) Except as otherwise provided in division (C) (7) (c), 1098  
(d), (e), (f), or (g) of this section, if the offense was 1099  
committed in the vicinity of a school or in the vicinity of a 1100  
juvenile, trafficking in hashish is a felony of the fourth 1101  
degree, and division (B) of section 2929.13 of the Revised Code 1102  
applies in determining whether to impose a prison term on the 1103  
offender. 1104

(c) Except as otherwise provided in this division, if the 1105  
amount of the drug involved equals or exceeds ten grams but is 1106  
less than fifty grams of hashish in a solid form or equals or 1107  
exceeds two grams but is less than ten grams of hashish in a 1108  
liquid concentrate, liquid extract, or liquid distillate form, 1109  
trafficking in hashish is a felony of the fourth degree, and 1110  
division (B) of section 2929.13 of the Revised Code applies in 1111  
determining whether to impose a prison term on the offender. If 1112  
the amount of the drug involved is within that range and if the 1113  
offense was committed in the vicinity of a school or in the 1114  
vicinity of a juvenile, trafficking in hashish is a felony of 1115  
the third degree, and division (C) of section 2929.13 of the 1116  
Revised Code applies in determining whether to impose a prison 1117  
term on the offender. 1118

(d) Except as otherwise provided in this division, if the 1119  
amount of the drug involved equals or exceeds fifty grams but is 1120  
less than two hundred fifty grams of hashish in a solid form or 1121  
equals or exceeds ten grams but is less than fifty grams of 1122  
hashish in a liquid concentrate, liquid extract, or liquid 1123  
distillate form, trafficking in hashish is a felony of the third 1124  
degree, and division (C) of section 2929.13 of the Revised Code 1125

applies in determining whether to impose a prison term on the 1126  
offender. If the amount of the drug involved is within that 1127  
range and if the offense was committed in the vicinity of a 1128  
school or in the vicinity of a juvenile, trafficking in hashish 1129  
is a felony of the second degree, and there is a presumption 1130  
that a prison term shall be imposed for the offense. 1131

(e) Except as otherwise provided in this division, if the 1132  
amount of the drug involved equals or exceeds two hundred fifty 1133  
grams but is less than one thousand grams of hashish in a solid 1134  
form or equals or exceeds fifty grams but is less than two 1135  
hundred grams of hashish in a liquid concentrate, liquid 1136  
extract, or liquid distillate form, trafficking in hashish is a 1137  
felony of the third degree, and there is a presumption that a 1138  
prison term shall be imposed for the offense. If the amount of 1139  
the drug involved is within that range and if the offense was 1140  
committed in the vicinity of a school or in the vicinity of a 1141  
juvenile, trafficking in hashish is a felony of the second 1142  
degree, and there is a presumption that a prison term shall be 1143  
imposed for the offense. 1144

(f) Except as otherwise provided in this division, if the 1145  
amount of the drug involved equals or exceeds one thousand grams 1146  
but is less than two thousand grams of hashish in a solid form 1147  
or equals or exceeds two hundred grams but is less than four 1148  
hundred grams of hashish in a liquid concentrate, liquid 1149  
extract, or liquid distillate form, trafficking in hashish is a 1150  
felony of the second degree, and the court shall impose a 1151  
mandatory prison term of five, six, seven, or eight years. If 1152  
the amount of the drug involved is within that range and if the 1153  
offense was committed in the vicinity of a school or in the 1154  
vicinity of a juvenile, trafficking in hashish is a felony of 1155  
the first degree, and the court shall impose as a mandatory 1156



prison term the maximum prison term prescribed for a felony of 1157  
the first degree. 1158

(g) Except as otherwise provided in this division, if the 1159  
amount of the drug involved equals or exceeds two thousand grams 1160  
of hashish in a solid form or equals or exceeds four hundred 1161  
grams of hashish in a liquid concentrate, liquid extract, or 1162  
liquid distillate form, trafficking in hashish is a felony of 1163  
the second degree, and the court shall impose as a mandatory 1164  
prison term the maximum prison term prescribed for a felony of 1165  
the second degree. If the amount of the drug involved equals or 1166  
exceeds two thousand grams of hashish in a solid form or equals 1167  
or exceeds four hundred grams of hashish in a liquid 1168  
concentrate, liquid extract, or liquid distillate form and if 1169  
the offense was committed in the vicinity of a school or in the 1170  
vicinity of a juvenile, trafficking in hashish is a felony of 1171  
the first degree, and the court shall impose as a mandatory 1172  
prison term the maximum prison term prescribed for a felony of 1173  
the first degree. 1174

(8) If the drug involved in the violation is a controlled 1175  
substance analog or compound, mixture, preparation, or substance 1176  
that contains a controlled substance analog, whoever violates 1177  
division (A) of this section is guilty of trafficking in a 1178  
controlled substance analog. The penalty for the offense shall 1179  
be determined as follows: 1180

(a) Except as otherwise provided in division (C) (8) (b), 1181  
(c), (d), (e), (f), or (g) of this section, trafficking in a 1182  
controlled substance analog is a felony of the fifth degree, and 1183  
division (C) of section 2929.13 of the Revised Code applies in 1184  
determining whether to impose a prison term on the offender. 1185

(b) Except as otherwise provided in division (C) (8) (c), 1186

(d), (e), (f), or (g) of this section, if the offense was 1187  
committed in the vicinity of a school or in the vicinity of a 1188  
juvenile, trafficking in a controlled substance analog is a 1189  
felony of the fourth degree, and division (C) of section 2929.13 1190  
of the Revised Code applies in determining whether to impose a 1191  
prison term on the offender. 1192

(c) Except as otherwise provided in this division, if the 1193  
amount of the drug involved equals or exceeds ten grams but is 1194  
less than twenty grams, trafficking in a controlled substance 1195  
analog is a felony of the fourth degree, and division (B) of 1196  
section 2929.13 of the Revised Code applies in determining 1197  
whether to impose a prison term for the offense. If the amount 1198  
of the drug involved is within that range and if the offense was 1199  
committed in the vicinity of a school or in the vicinity of a 1200  
juvenile, trafficking in a controlled substance analog is a 1201  
felony of the third degree, and there is a presumption for a 1202  
prison term for the offense. 1203

(d) Except as otherwise provided in this division, if the 1204  
amount of the drug involved equals or exceeds twenty grams but 1205  
is less than thirty grams, trafficking in a controlled substance 1206  
analog is a felony of the third degree, and there is a 1207  
presumption for a prison term for the offense. If the amount of 1208  
the drug involved is within that range and if the offense was 1209  
committed in the vicinity of a school or in the vicinity of a 1210  
juvenile, trafficking in a controlled substance analog is a 1211  
felony of the second degree, and there is a presumption for a 1212  
prison term for the offense. 1213

(e) Except as otherwise provided in this division, if the 1214  
amount of the drug involved equals or exceeds thirty grams but 1215  
is less than forty grams, trafficking in a controlled substance 1216

analog is a felony of the second degree, and the court shall 1217  
impose as a mandatory prison term one of the prison terms 1218  
prescribed for a felony of the second degree. If the amount of 1219  
the drug involved is within that range and if the offense was 1220  
committed in the vicinity of a school or in the vicinity of a 1221  
juvenile, trafficking in a controlled substance analog is a 1222  
felony of the first degree, and the court shall impose as a 1223  
mandatory prison term one of the prison terms prescribed for a 1224  
felony of the first degree. 1225

(f) If the amount of the drug involved equals or exceeds 1226  
forty grams but is less than fifty grams and regardless of 1227  
whether the offense was committed in the vicinity of a school or 1228  
in the vicinity of a juvenile, trafficking in a controlled 1229  
substance analog is a felony of the first degree, and the court 1230  
shall impose as a mandatory prison term one of the prison terms 1231  
prescribed for a felony of the first degree. 1232

(g) If the amount of the drug involved equals or exceeds 1233  
fifty grams and regardless of whether the offense was committed 1234  
in the vicinity of a school or in the vicinity of a juvenile, 1235  
trafficking in a controlled substance analog is a felony of the 1236  
first degree, the offender is a major drug offender, and the 1237  
court shall impose as a mandatory prison term the maximum prison 1238  
term prescribed for a felony of the first degree. 1239

(9) If the drug involved in the violation is a fentanyl- 1240  
related compound or a compound, mixture, preparation, or 1241  
substance containing a fentanyl-related compound, whoever 1242  
violates division (A) of this section is guilty of trafficking 1243  
in a fentanyl-related compound. The penalty for the offense 1244  
shall be determined as follows: 1245

(a) Except as otherwise provided in division (C) (9) (b), 1246

(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1247  
a fentanyl-related compound is a felony of the fifth degree, and 1248  
division (B) of section 2929.13 of the Revised Code applies in 1249  
determining whether to impose a prison term on the offender. 1250

(b) Except as otherwise provided in division (C) (9) (c), 1251  
(d), (e), (f), (g), or (h) of this section, if the offense was 1252  
committed in the vicinity of a school or in the vicinity of a 1253  
juvenile, trafficking in a fentanyl-related compound is a felony 1254  
of the fourth degree, and division (C) of section 2929.13 of the 1255  
Revised Code applies in determining whether to impose a prison 1256  
term on the offender. 1257

(c) Except as otherwise provided in this division, if the 1258  
amount of the drug involved equals or exceeds ten unit doses but 1259  
is less than fifty unit doses or equals or exceeds one gram but 1260  
is less than five grams, trafficking in a fentanyl-related 1261  
compound is a felony of the fourth degree, and division (B) of 1262  
section 2929.13 of the Revised Code applies in determining 1263  
whether to impose a prison term for the offense. If the amount 1264  
of the drug involved is within that range and if the offense was 1265  
committed in the vicinity of a school or in the vicinity of a 1266  
juvenile, trafficking in a fentanyl-related compound is a felony 1267  
of the third degree, and there is a presumption for a prison 1268  
term for the offense. 1269

(d) Except as otherwise provided in this division, if the 1270  
amount of the drug involved equals or exceeds fifty unit doses 1271  
but is less than one hundred unit doses or equals or exceeds 1272  
five grams but is less than ten grams, trafficking in a 1273  
fentanyl-related compound is a felony of the third degree, and 1274  
there is a presumption for a prison term for the offense. If the 1275  
amount of the drug involved is within that range and if the 1276

offense was committed in the vicinity of a school or in the 1277  
vicinity of a juvenile, trafficking in a fentanyl-related 1278  
compound is a felony of the second degree, and there is a 1279  
presumption for a prison term for the offense. 1280

(e) Except as otherwise provided in this division, if the 1281  
amount of the drug involved equals or exceeds one hundred unit 1282  
doses but is less than two hundred unit doses or equals or 1283  
exceeds ten grams but is less than twenty grams, trafficking in 1284  
a fentanyl-related compound is a felony of the second degree, 1285  
and the court shall impose as a mandatory prison term one of the 1286  
prison terms prescribed for a felony of the second degree. If 1287  
the amount of the drug involved is within that range and if the 1288  
offense was committed in the vicinity of a school or in the 1289  
vicinity of a juvenile, trafficking in a fentanyl-related 1290  
compound is a felony of the first degree, and the court shall 1291  
impose as a mandatory prison term one of the prison terms 1292  
prescribed for a felony of the first degree. 1293

(f) If the amount of the drug involved equals or exceeds 1294  
two hundred unit doses but is less than five hundred unit doses 1295  
or equals or exceeds twenty grams but is less than fifty grams 1296  
and regardless of whether the offense was committed in the 1297  
vicinity of a school or in the vicinity of a juvenile, 1298  
trafficking in a fentanyl-related compound is a felony of the 1299  
first degree, and the court shall impose as a mandatory prison 1300  
term one of the prison terms prescribed for a felony of the 1301  
first degree. 1302

(g) If the amount of the drug involved equals or exceeds 1303  
five hundred unit doses but is less than one thousand unit doses 1304  
or equals or exceeds fifty grams but is less than one hundred 1305  
grams and regardless of whether the offense was committed in the 1306

vicinity of a school or in the vicinity of a juvenile, 1307  
trafficking in a fentanyl-related compound is a felony of the 1308  
first degree, and the court shall impose as a mandatory prison 1309  
term the maximum prison term prescribed for a felony of the 1310  
first degree. 1311

(h) If the amount of the drug involved equals or exceeds 1312  
one thousand unit doses or equals or exceeds one hundred grams 1313  
and regardless of whether the offense was committed in the 1314  
vicinity of a school or in the vicinity of a juvenile, 1315  
trafficking in a fentanyl-related compound is a felony of the 1316  
first degree, the offender is a major drug offender, and the 1317  
court shall impose as a mandatory prison term the maximum prison 1318  
term prescribed for a felony of the first degree. 1319

(D) In addition to any prison term authorized or required 1320  
by division (C) of this section and sections 2929.13 and 2929.14 1321  
of the Revised Code, and in addition to any other sanction 1322  
imposed for the offense under this section or sections 2929.11 1323  
to 2929.18 of the Revised Code, the court that sentences an 1324  
offender who is convicted of or pleads guilty to a violation of 1325  
division (A) of this section may suspend the driver's or 1326  
commercial driver's license or permit of the offender in 1327  
accordance with division (G) of this section. However, if the 1328  
offender pleaded guilty to or was convicted of a violation of 1329  
section 4511.19 of the Revised Code or a substantially similar 1330  
municipal ordinance or the law of another state or the United 1331  
States arising out of the same set of circumstances as the 1332  
violation, the court shall suspend the offender's driver's or 1333  
commercial driver's license or permit in accordance with 1334  
division (G) of this section. If applicable, the court also 1335  
shall do the following: 1336

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

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

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

finding and return is to the effect that the amount of the 1368  
controlled substance involved is the requisite amount, or that 1369  
the amount of the controlled substance involved is less than the 1370  
requisite amount. 1371

(F) (1) Notwithstanding any contrary provision of section 1372  
3719.21 of the Revised Code and except as provided in division 1373  
(H) of this section, the clerk of the court shall pay any 1374  
mandatory fine imposed pursuant to division (D) (1) of this 1375  
section and any fine other than a mandatory fine that is imposed 1376  
for a violation of this section pursuant to division (A) or (B) 1377  
(5) of section 2929.18 of the Revised Code to the county, 1378  
township, municipal corporation, park district, as created 1379  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1380  
state law enforcement agencies in this state that primarily were 1381  
responsible for or involved in making the arrest of, and in 1382  
prosecuting, the offender. However, the clerk shall not pay a 1383  
mandatory fine so imposed to a law enforcement agency unless the 1384  
agency has adopted a written internal control policy under 1385  
division (F) (2) of this section that addresses the use of the 1386  
fine moneys that it receives. Each agency shall use the 1387  
mandatory fines so paid to subsidize the agency's law 1388  
enforcement efforts that pertain to drug offenses, in accordance 1389  
with the written internal control policy adopted by the 1390  
recipient agency under division (F) (2) of this section. 1391

(2) Prior to receiving any fine moneys under division (F) 1392  
(1) of this section or division (B) of section 2925.42 of the 1393  
Revised Code, a law enforcement agency shall adopt a written 1394  
internal control policy that addresses the agency's use and 1395  
disposition of all fine moneys so received and that provides for 1396  
the keeping of detailed financial records of the receipts of 1397  
those fine moneys, the general types of expenditures made out of 1398



those fine moneys, and the specific amount of each general type 1399  
of expenditure. The policy shall not provide for or permit the 1400  
identification of any specific expenditure that is made in an 1401  
ongoing investigation. All financial records of the receipts of 1402  
those fine moneys, the general types of expenditures made out of 1403  
those fine moneys, and the specific amount of each general type 1404  
of expenditure by an agency are public records open for 1405  
inspection under section 149.43 of the Revised Code. 1406  
Additionally, a written internal control policy adopted under 1407  
this division is such a public record, and the agency that 1408  
adopted it shall comply with it. 1409

(3) As used in division (F) of this section: 1410

(a) "Law enforcement agencies" includes, but is not 1411  
limited to, the state board of pharmacy and the office of a 1412  
prosecutor. 1413

(b) "Prosecutor" has the same meaning as in section 1414  
2935.01 of the Revised Code. 1415

(G) (1) If the sentencing court suspends the offender's 1416  
driver's or commercial driver's license or permit under division 1417  
(D) of this section or any other provision of this chapter, the 1418  
court shall suspend the license, by order, for not more than 1419  
five years. If an offender's driver's or commercial driver's 1420  
license or permit is suspended pursuant to this division, the 1421  
offender, at any time after the expiration of two years from the 1422  
day on which the offender's sentence was imposed or from the day 1423  
on which the offender finally was released from a prison term 1424  
under the sentence, whichever is later, may file a motion with 1425  
the sentencing court requesting termination of the suspension; 1426  
upon the filing of such a motion and the court's finding of good 1427  
cause for the termination, the court may terminate the 1428

suspension. 1429

(2) Any offender who received a mandatory suspension of 1430  
the offender's driver's or commercial driver's license or permit 1431  
under this section prior to ~~the effective date of this amendment~~ 1432  
September 13, 2016, may file a motion with the sentencing court 1433  
requesting the termination of the suspension. However, an 1434  
offender who pleaded guilty to or was convicted of a violation 1435  
of section 4511.19 of the Revised Code or a substantially 1436  
similar municipal ordinance or law of another state or the 1437  
United States that arose out of the same set of circumstances as 1438  
the violation for which the offender's license or permit was 1439  
suspended under this section shall not file such a motion. 1440

Upon the filing of a motion under division (G)(2) of this 1441  
section, the sentencing court, in its discretion, may terminate 1442  
the suspension. 1443

(H)(1) In addition to any prison term authorized or 1444  
required by division (C) of this section and sections 2929.13 1445  
and 2929.14 of the Revised Code, in addition to any other 1446  
penalty or sanction imposed for the offense under this section 1447  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1448  
addition to the forfeiture of property in connection with the 1449  
offense as prescribed in Chapter 2981. of the Revised Code, the 1450  
court that sentences an offender who is convicted of or pleads 1451  
guilty to a violation of division (A) of this section may impose 1452  
upon the offender an additional fine specified for the offense 1453  
in division (B)(4) of section 2929.18 of the Revised Code. A 1454  
fine imposed under division (H)(1) of this section is not 1455  
subject to division (F) of this section and shall be used solely 1456  
for the support of one or more eligible community addiction 1457  
services providers in accordance with divisions (H)(2) and (3) 1458

of this section. 1459

(2) The court that imposes a fine under division (H) (1) of 1460  
this section shall specify in the judgment that imposes the fine 1461  
one or more eligible community addiction services providers for 1462  
the support of which the fine money is to be used. No community 1463  
addiction services provider shall receive or use money paid or 1464  
collected in satisfaction of a fine imposed under division (H) 1465  
(1) of this section unless the services provider is specified in 1466  
the judgment that imposes the fine. No community addiction 1467  
services provider shall be specified in the judgment unless the 1468  
services provider is an eligible community addiction services 1469  
provider and, except as otherwise provided in division (H) (2) of 1470  
this section, unless the services provider is located in the 1471  
county in which the court that imposes the fine is located or in 1472  
a county that is immediately contiguous to the county in which 1473  
that court is located. If no eligible community addiction 1474  
services provider is located in any of those counties, the 1475  
judgment may specify an eligible community addiction services 1476  
provider that is located anywhere within this state. 1477

(3) Notwithstanding any contrary provision of section 1478  
3719.21 of the Revised Code, the clerk of the court shall pay 1479  
any fine imposed under division (H) (1) of this section to the 1480  
eligible community addiction services provider specified 1481  
pursuant to division (H) (2) of this section in the judgment. The 1482  
eligible community addiction services provider that receives the 1483  
fine moneys shall use the moneys only for the alcohol and drug 1484  
addiction services identified in the application for 1485  
certification of services under section 5119.36 of the Revised 1486  
Code or in the application for a license under section 5119.391 1487  
of the Revised Code filed with the department of mental health 1488  
and addiction services by the community addiction services 1489

provider specified in the judgment. 1490

(4) Each community addiction services provider that 1491  
receives in a calendar year any fine moneys under division (H) 1492  
(3) of this section shall file an annual report covering that 1493  
calendar year with the court of common pleas and the board of 1494  
county commissioners of the county in which the services 1495  
provider is located, with the court of common pleas and the 1496  
board of county commissioners of each county from which the 1497  
services provider received the moneys if that county is 1498  
different from the county in which the services provider is 1499  
located, and with the attorney general. The community addiction 1500  
services provider shall file the report no later than the first 1501  
day of March in the calendar year following the calendar year in 1502  
which the services provider received the fine moneys. The report 1503  
shall include statistics on the number of persons served by the 1504  
community addiction services provider, identify the types of 1505  
alcohol and drug addiction services provided to those persons, 1506  
and include a specific accounting of the purposes for which the 1507  
fine moneys received were used. No information contained in the 1508  
report shall identify, or enable a person to determine the 1509  
identity of, any person served by the community addiction 1510  
services provider. Each report received by a court of common 1511  
pleas, a board of county commissioners, or the attorney general 1512  
is a public record open for inspection under section 149.43 of 1513  
the Revised Code. 1514

(5) As used in divisions (H) (1) to (5) of this section: 1515

(a) "Community addiction services provider" and "alcohol 1516  
and drug addiction services" have the same meanings as in 1517  
section 5119.01 of the Revised Code. 1518

(b) "Eligible community addiction services provider" means 1519

a community addiction services provider, as defined in section 1520  
5119.01 of the Revised Code, or a community addiction services 1521  
provider that maintains a methadone treatment program licensed 1522  
under section 5119.391 of the Revised Code. 1523

(I) As used in this section, "drug" includes any substance 1524  
that is represented to be a drug. 1525

(J) It is an affirmative defense to a charge of 1526  
trafficking in a controlled substance analog under division (C) 1527  
(8) of this section that the person charged with violating that 1528  
offense sold or offered to sell, or prepared for shipment, 1529  
shipped, transported, delivered, prepared for distribution, or 1530  
distributed an item described in division (HH) (2) (a), (b), or 1531  
(c) of section 3719.01 of the Revised Code. 1532

**Sec. 2925.04.** (A) No person shall knowingly cultivate 1533  
marihuana or knowingly manufacture or otherwise engage in any 1534  
part of the production of a controlled substance. 1535

(B) This section does not apply to any person listed in 1536  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1537  
Code to the extent and under the circumstances described in 1538  
those divisions. 1539

(C) (1) Whoever commits a violation of division (A) of this 1540  
section that involves any drug other than marihuana is guilty of 1541  
illegal manufacture of drugs, and whoever commits a violation of 1542  
division (A) of this section that involves marihuana is guilty 1543  
of illegal cultivation of marihuana. 1544

(2) Except as otherwise provided in this division, if the 1545  
drug involved in the violation of division (A) of this section 1546  
is any compound, mixture, preparation, or substance included in 1547  
schedule I or II, with the exception of methamphetamine or 1548

marihuana, illegal manufacture of drugs is a felony of the 1549  
second degree, and, subject to division (E) of this section, the 1550  
court shall impose as a mandatory prison term one of the prison 1551  
terms prescribed for a felony of the second degree. 1552

If the drug involved in the violation is any compound, 1553  
mixture, preparation, or substance included in schedule I or II, 1554  
with the exception of methamphetamine or marihuana, and if the 1555  
offense was committed in the vicinity of a juvenile or in the 1556  
vicinity of a school, illegal manufacture of drugs is a felony 1557  
of the first degree, and, subject to division (E) of this 1558  
section, the court shall impose as a mandatory prison term one 1559  
of the prison terms prescribed for a felony of the first degree. 1560

(3) If the drug involved in the violation of division (A) 1561  
of this section is methamphetamine, the penalty for the 1562  
violation shall be determined as follows: 1563

(a) Except as otherwise provided in division (C) (3) (b) of 1564  
this section, if the drug involved in the violation is 1565  
methamphetamine, illegal manufacture of drugs is a felony of the 1566  
second degree, and, subject to division (E) of this section, the 1567  
court shall impose a mandatory prison term on the offender 1568  
determined in accordance with this division. Except as otherwise 1569  
provided in this division, the court shall impose as a mandatory 1570  
prison term one of the prison terms prescribed for a felony of 1571  
the second degree that is not less than three years. If the 1572  
offender previously has been convicted of or pleaded guilty to a 1573  
violation of division (A) of this section, a violation of 1574  
division (B) (6) of section 2919.22 of the Revised Code, or a 1575  
violation of division (A) of section 2925.041 of the Revised 1576  
Code, the court shall impose as a mandatory prison term one of 1577  
the prison terms prescribed for a felony of the second degree 1578

that is not less than five years. 1579

(b) If the drug involved in the violation is 1580  
methamphetamine and if the offense was committed in the vicinity 1581  
of a juvenile, in the vicinity of a school, or on public 1582  
premises, illegal manufacture of drugs is a felony of the first 1583  
degree, and, subject to division (E) of this section, the court 1584  
shall impose a mandatory prison term on the offender determined 1585  
in accordance with this division. Except as otherwise provided 1586  
in this division, the court shall impose as a mandatory prison 1587  
term one of the prison terms prescribed for a felony of the 1588  
first degree that is not less than four years. If the offender 1589  
previously has been convicted of or pleaded guilty to a 1590  
violation of division (A) of this section, a violation of 1591  
division (B) (6) of section 2919.22 of the Revised Code, or a 1592  
violation of division (A) of section 2925.041 of the Revised 1593  
Code, the court shall impose as a mandatory prison term one of 1594  
the prison terms prescribed for a felony of the first degree 1595  
that is not less than five years. 1596

(4) If the drug involved in the violation of division (A) 1597  
of this section is any compound, mixture, preparation, or 1598  
substance included in schedule III, IV, or V, illegal 1599  
manufacture of drugs is a felony of the third degree or, if the 1600  
offense was committed in the vicinity of a school or in the 1601  
vicinity of a juvenile, a felony of the second degree, and there 1602  
is a presumption for a prison term for the offense. 1603

(5) If the drug involved in the violation is marihuana, 1604  
the penalty for the offense shall be determined as follows: 1605

(a) Except as otherwise provided in division (C) (5) (b), 1606  
(c), (d), (e), or (f) of this section, illegal cultivation of 1607  
marihuana is a minor misdemeanor or, if the offense was 1608

committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree. 1609  
1610

(b) If the amount of marihuana involved equals or exceeds one hundred grams but is less than two hundred grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree. 1611  
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(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a felony of the fifth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 1617  
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(d) If the amount of marihuana involved equals or exceeds one thousand grams but is less than five thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 1624  
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(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense. 1631  
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(f) Except as otherwise provided in this division, if the 1637



amount of marihuana involved equals or exceeds twenty thousand 1638  
grams, illegal cultivation of marihuana is a felony of the 1639  
second degree, and the court shall impose as a mandatory prison 1640  
term the maximum prison term prescribed for a felony of the 1641  
second degree. If the amount of the drug involved equals or 1642  
exceeds twenty thousand grams and if the offense was committed 1643  
in the vicinity of a school or in the vicinity of a juvenile, 1644  
illegal cultivation of marihuana is a felony of the first 1645  
degree, and the court shall impose as a mandatory prison term 1646  
the maximum prison term prescribed for a felony of the first 1647  
degree. 1648

(D) In addition to any prison term authorized or required 1649  
by division (C) or (E) of this section and sections 2929.13 and 1650  
2929.14 of the Revised Code and in addition to any other 1651  
sanction imposed for the offense under this section or sections 1652  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1653  
an offender who is convicted of or pleads guilty to a violation 1654  
of division (A) of this section may suspend the offender's 1655  
driver's or commercial driver's license or permit in accordance 1656  
with division (G) of section 2925.03 of the Revised Code. 1657  
However, if the offender pleaded guilty to or was convicted of a 1658  
violation of section 4511.19 of the Revised Code or a 1659  
substantially similar municipal ordinance or the law of another 1660  
state or the United States arising out of the same set of 1661  
circumstances as the violation, the court shall suspend the 1662  
offender's driver's or commercial driver's license or permit in 1663  
accordance with division (G) of section 2925.03 of the Revised 1664  
Code. If applicable, the court also shall do the following: 1665

(1) If the violation of division (A) of this section is a 1666  
felony of the first, second, or third degree, the court shall 1667  
impose upon the offender the mandatory fine specified for the 1668

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

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

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

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

2901.05 of the Revised Code, to a charge under this section for 1699  
a fifth degree felony violation of illegal cultivation of 1700  
marihuana that the marihuana that gave rise to the charge is in 1701  
an amount, is in a form, is prepared, compounded, or mixed with 1702  
substances that are not controlled substances in a manner, or is 1703  
possessed or cultivated under any other circumstances that 1704  
indicate that the marihuana was solely for personal use. 1705

Notwithstanding any contrary provision of division (F) of 1706  
this section, if, in accordance with section 2901.05 of the 1707  
Revised Code, a person who is charged with a violation of 1708  
illegal cultivation of marihuana that is a felony of the fifth 1709  
degree sustains the burden of going forward with evidence of and 1710  
establishes by a preponderance of the evidence the affirmative 1711  
defense described in this division, the person may be prosecuted 1712  
for and may be convicted of or plead guilty to a misdemeanor 1713  
violation of illegal cultivation of marihuana. 1714

(G) Arrest or conviction for a minor misdemeanor violation 1715  
of this section does not constitute a criminal record and need 1716  
not be reported by the person so arrested or convicted in 1717  
response to any inquiries about the person's criminal record, 1718  
including any inquiries contained in an application for 1719  
employment, a license, or any other right or privilege or made 1720  
in connection with the person's appearance as a witness. 1721

(H) (1) If the sentencing court suspends the offender's 1722  
driver's or commercial driver's license or permit under this 1723  
section in accordance with division (G) of section 2925.03 of 1724  
the Revised Code, the offender may request termination of, and 1725  
the court may terminate, the suspension of the offender in 1726  
accordance with that division. 1727

(2) Any offender who received a mandatory suspension of 1728

the offender's driver's or commercial driver's license or permit 1729  
under this section prior to ~~the effective date of this amendment~~ 1730  
September 13, 2016, may file a motion with the sentencing court 1731  
requesting the termination of the suspension. However, an 1732  
offender who pleaded guilty to or was convicted of a violation 1733  
of section 4511.19 of the Revised Code or a substantially 1734  
similar municipal ordinance or law of another state or the 1735  
United States that arose out of the same set of circumstances as 1736  
the violation for which the offender's license or permit was 1737  
suspended under this section shall not file such a motion. 1738

Upon the filing of a motion under division (H) (2) of this 1739  
section, the sentencing court, in its discretion, may terminate 1740  
the suspension. 1741

**Sec. 2925.05.** (A) No person shall knowingly provide money 1742  
or other items of value to another person with the purpose that 1743  
the recipient of the money or items of value use them to obtain 1744  
any controlled substance for the purpose of violating section 1745  
2925.04 of the Revised Code or for the purpose of selling or 1746  
offering to sell the controlled substance in the following 1747  
amount: 1748

(1) If the drug to be sold or offered for sale is any 1749  
compound, mixture, preparation, or substance included in 1750  
schedule I or II, with the exception of marihuana, cocaine, 1751  
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1752  
schedule III, IV, or V, an amount of the drug that equals or 1753  
exceeds the bulk amount of the drug; 1754

(2) If the drug to be sold or offered for sale is 1755  
marihuana or a compound, mixture, preparation, or substance 1756  
other than hashish containing marihuana, an amount of the 1757  
marihuana that equals or exceeds two hundred grams; 1758

(3) If the drug to be sold or offered for sale is cocaine 1759  
or a compound, mixture, preparation, or substance containing 1760  
cocaine, an amount of the cocaine that equals or exceeds five 1761  
grams; 1762

(4) If the drug to be sold or offered for sale is L.S.D. 1763  
or a compound, mixture, preparation, or substance containing 1764  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1765  
doses if the L.S.D. is in a solid form or equals or exceeds one 1766  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1767  
or liquid distillate form; 1768

(5) If the drug to be sold or offered for sale is heroin 1769  
or a fentanyl-related compound, or a compound, mixture, 1770  
preparation, or substance containing heroin or a fentanyl- 1771  
related compound, an amount ~~of the heroin~~ that equals or exceeds 1772  
ten unit doses or equals or exceeds one gram; 1773

(6) If the drug to be sold or offered for sale is hashish 1774  
or a compound, mixture, preparation, or substance containing 1775  
hashish, an amount of the hashish that equals or exceeds ten 1776  
grams if the hashish is in a solid form or equals or exceeds two 1777  
grams if the hashish is in a liquid concentrate, liquid extract, 1778  
or liquid distillate form. 1779

(B) This section does not apply to any person listed in 1780  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1781  
Code to the extent and under the circumstances described in 1782  
those divisions. 1783

(C) (1) If the drug involved in the violation is any 1784  
compound, mixture, preparation, or substance included in 1785  
schedule I or II, with the exception of marihuana, whoever 1786  
violates division (A) of this section is guilty of aggravated 1787

funding of drug trafficking, a felony of the first degree, and, 1788  
subject to division (E) of this section, the court shall impose 1789  
as a mandatory prison term one of the prison terms prescribed 1790  
for a felony of the first degree. 1791

(2) If the drug involved in the violation is any compound, 1792  
mixture, preparation, or substance included in schedule III, IV, 1793  
or V, whoever violates division (A) of this section is guilty of 1794  
funding of drug trafficking, a felony of the second degree, and 1795  
the court shall impose as a mandatory prison term one of the 1796  
prison terms prescribed for a felony of the second degree. 1797

(3) If the drug involved in the violation is marihuana, 1798  
whoever violates division (A) of this section is guilty of 1799  
funding of marihuana trafficking, a felony of the third degree, 1800  
and, except as otherwise provided in this division, there is a 1801  
presumption for a prison term for the offense. If funding of 1802  
marihuana trafficking is a felony of the third degree under this 1803  
division and if the offender two or more times previously has 1804  
been convicted of or pleaded guilty to a felony drug abuse 1805  
offense, the court shall impose as a mandatory prison term one 1806  
of the prison terms prescribed for a felony of the third degree. 1807

(D) In addition to any prison term authorized or required 1808  
by division (C) or (E) of this section and sections 2929.13 and 1809  
2929.14 of the Revised Code and in addition to any other 1810  
sanction imposed for the offense under this section or sections 1811  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1812  
an offender who is convicted of or pleads guilty to a violation 1813  
of division (A) of this section may suspend the offender's 1814  
driver's or commercial driver's license or permit in accordance 1815  
with division (G) of section 2925.03 of the Revised Code. 1816  
However, if the offender pleaded guilty to or was convicted of a 1817

violation of section 4511.19 of the Revised Code or a 1818  
substantially similar municipal ordinance or the law of another 1819  
state or the United States arising out of the same set of 1820  
circumstances as the violation, the court shall suspend the 1821  
offender's driver's or commercial driver's license or permit in 1822  
accordance with division (G) of section 2925.03 of the Revised 1823  
Code. If applicable, the court also shall do the following: 1824

(1) The court shall impose the mandatory fine specified 1825  
for the offense under division (B) (1) of section 2929.18 of the 1826  
Revised Code unless, as specified in that division, the court 1827  
determines that the offender is indigent. The clerk of the court 1828  
shall pay a mandatory fine or other fine imposed for a violation 1829  
of this section pursuant to division (A) of section 2929.18 of 1830  
the Revised Code in accordance with and subject to the 1831  
requirements of division (F) of section 2925.03 of the Revised 1832  
Code. The agency that receives the fine shall use the fine in 1833  
accordance with division (F) of section 2925.03 of the Revised 1834  
Code. If a person is charged with a violation of this section, 1835  
posts bail, and forfeits the bail, the forfeited bail shall be 1836  
paid as if the forfeited bail were a fine imposed for a 1837  
violation of this section. 1838

(2) If the offender is a professionally licensed person, 1839  
the court immediately shall comply with section 2925.38 of the 1840  
Revised Code. 1841

(E) Notwithstanding the prison term otherwise authorized 1842  
or required for the offense under division (C) of this section 1843  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1844  
violation of division (A) of this section involves the sale, 1845  
offer to sell, or possession of a schedule I or II controlled 1846  
substance, with the exception of marihuana, ~~and if one of the~~ 1847

following applies: 1848

(1) If the drug involved in the violation is a fentanyl- 1849  
related compound, the offense is a felony of the first degree, 1850  
the offender is a major drug offender, and the court shall 1851  
impose as a mandatory prison term the maximum prison term 1852  
prescribed for a felony of the first degree. 1853

(2) If division (E)(1) of this section does not apply and 1854  
the court imposing sentence upon the offender finds that the 1855  
offender as a result of the violation is a major drug offender 1856  
and is guilty of a specification of the type described in 1857  
division (A) of section 2941.1410 of the Revised Code, the 1858  
court, in lieu of the prison term otherwise authorized or 1859  
required, shall impose upon the offender the mandatory prison 1860  
term specified in division (B)(3) of section 2929.14 of the 1861  
Revised Code. 1862

(F)(1) If the sentencing court suspends the offender's 1863  
driver's or commercial driver's license or permit under this 1864  
section in accordance with division (G) of section 2925.03 of 1865  
the Revised Code, the offender may request termination of, and 1866  
the court may terminate, the suspension in accordance with that 1867  
division. 1868

(2) Any offender who received a mandatory suspension of 1869  
the offender's driver's or commercial driver's license or permit 1870  
under this section prior to ~~the effective date of this amendment~~ 1871  
September 13, 2016, may file a motion with the sentencing court 1872  
requesting the termination of the suspension. However, an 1873  
offender who pleaded guilty to or was convicted of a violation 1874  
of section 4511.19 of the Revised Code or a substantially 1875  
similar municipal ordinance or law of another state or the 1876  
United States that arose out of the same set of circumstances as 1877



the violation for which the offender's license or permit was 1878  
suspended under this section shall not file such a motion. 1879

Upon the filing of a motion under division (F) (2) of this 1880  
section, the sentencing court, in its discretion, may terminate 1881  
the suspension. 1882

**Sec. 2925.11.** (A) No person shall knowingly obtain, 1883  
possess, or use a controlled substance or a controlled substance 1884  
analog. 1885

(B) (1) This section does not apply to any of the 1886  
following: 1887

(a) Manufacturers, licensed health professionals 1888  
authorized to prescribe drugs, pharmacists, owners of 1889  
pharmacies, and other persons whose conduct was in accordance 1890  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1891  
4741. of the Revised Code; 1892

(b) If the offense involves an anabolic steroid, any 1893  
person who is conducting or participating in a research project 1894  
involving the use of an anabolic steroid if the project has been 1895  
approved by the United States food and drug administration; 1896

(c) Any person who sells, offers for sale, prescribes, 1897  
dispenses, or administers for livestock or other nonhuman 1898  
species an anabolic steroid that is expressly intended for 1899  
administration through implants to livestock or other nonhuman 1900  
species and approved for that purpose under the "Federal Food, 1901  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1902  
as amended, and is sold, offered for sale, prescribed, 1903  
dispensed, or administered for that purpose in accordance with 1904  
that act; 1905

(d) Any person who obtained the controlled substance 1906

pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs. 1907  
1908

(2) (a) As used in division (B) (2) of this section: 1909

(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 1910  
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(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code. 1912  
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(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code. 1915  
1916

(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 1917  
1918  
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(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 1920  
1921

(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 1922  
1923

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 1924  
1925

(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 1926  
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1933

(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

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

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

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

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

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

either of the following, the court shall first consider ordering 1963  
the person's participation or continued participation in a drug 1964  
treatment program or mitigating the penalty specified in section 1965  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1966  
applicable, after which the court has the discretion either to 1967  
order the person's participation or continued participation in a 1968  
drug treatment program or to impose the penalty with the 1969  
mitigating factor specified in any of those applicable sections: 1970

(i) Seeking or obtaining medical assistance in good faith 1971  
for another person who is experiencing a drug overdose; 1972

(ii) Experiencing a drug overdose and seeking medical 1973  
assistance for that overdose or being the subject of another 1974  
person seeking or obtaining medical assistance for that overdose 1975  
as described in division (B) (2) (b) of this section. 1976

(d) If a person is found to be in violation of any post- 1977  
release control sanction and if the violation is a result of 1978  
either of the following, the court or the parole board shall 1979  
first consider ordering the person's participation or continued 1980  
participation in a drug treatment program or mitigating the 1981  
penalty specified in section 2929.141 or 2967.28 of the Revised 1982  
Code, whichever is applicable, after which the court or the 1983  
parole board has the discretion either to order the person's 1984  
participation or continued participation in a drug treatment 1985  
program or to impose the penalty with the mitigating factor 1986  
specified in either of those applicable sections: 1987

(i) Seeking or obtaining medical assistance in good faith 1988  
for another person who is experiencing a drug overdose; 1989

(ii) Experiencing a drug overdose and seeking medical 1990  
assistance for that emergency or being the subject of another 1991

person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	1992 1993
(e) Nothing in division (B) (2) (b) of this section shall be construed to do any of the following:	1994 1995
(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B) (2) (b) of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to division (B) (2) (b) of this section for a minor drug possession offense;	1996 1997 1998 1999 2000 2001 2002
(ii) Limit any seizure of evidence or contraband otherwise permitted by law;	2003 2004
(iii) Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;	2005 2006 2007 2008
(iv) Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to <del>the effective date of this amendment</del> <u>September 13, 2016,</u> to any public agency or to an employee of any public agency.	2009 2010 2011 2012
(f) Division (B) (2) (b) of this section does not apply to any person who twice previously has been granted an immunity under division (B) (2) (b) of this section. No person shall be granted an immunity under division (B) (2) (b) of this section more than two times.	2013 2014 2015 2016 2017
(g) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance	2018 2019 2020

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

(C) Whoever violates division (A) of this section is 2026  
guilty of one of the following: 2027

(1) If the drug involved in the violation is a compound, 2028  
mixture, preparation, or substance included in schedule I or II, 2029  
with the exception of marihuana, cocaine, L.S.D., heroin, any 2030  
fentanyl-related compound, hashish, and any controlled substance 2031  
~~analogs~~ analog, whoever violates division (A) of this section is 2032  
guilty of aggravated possession of drugs. The penalty for the 2033  
offense shall be determined as follows: 2034

(a) Except as otherwise provided in division (C) (1) (b), 2035  
(c), (d), or (e) of this section, aggravated possession of drugs 2036  
is a felony of the fifth degree, and division (B) of section 2037  
2929.13 of the Revised Code applies in determining whether to 2038  
impose a prison term on the offender. 2039

(b) If the amount of the drug involved equals or exceeds 2040  
the bulk amount but is less than five times the bulk amount, 2041  
aggravated possession of drugs is a felony of the third degree, 2042  
and there is a presumption for a prison term for the offense. 2043

(c) If the amount of the drug involved equals or exceeds 2044  
five times the bulk amount but is less than fifty times the bulk 2045  
amount, aggravated possession of drugs is a felony of the second 2046  
degree, and the court shall impose as a mandatory prison term 2047  
one of the prison terms prescribed for a felony of the second 2048  
degree. 2049

(d) If the amount of the drug involved equals or exceeds 2050  
fifty times the bulk amount but is less than one hundred times 2051  
the bulk amount, aggravated possession of drugs is a felony of 2052  
the first degree, and the court shall impose as a mandatory 2053  
prison term one of the prison terms prescribed for a felony of 2054  
the first degree. 2055

(e) If the amount of the drug involved equals or exceeds 2056  
one hundred times the bulk amount, aggravated possession of 2057  
drugs is a felony of the first degree, the offender is a major 2058  
drug offender, and the court shall impose as a mandatory prison 2059  
term the maximum prison term prescribed for a felony of the 2060  
first degree. 2061

(2) If the drug involved in the violation is a compound, 2062  
mixture, preparation, or substance included in schedule III, IV, 2063  
or V, whoever violates division (A) of this section is guilty of 2064  
possession of drugs. The penalty for the offense shall be 2065  
determined as follows: 2066

(a) Except as otherwise provided in division (C) (2) (b), 2067  
(c), or (d) of this section, possession of drugs is a 2068  
misdemeanor of the first degree or, if the offender previously 2069  
has been convicted of a drug abuse offense, a felony of the 2070  
fifth degree. 2071

(b) If the amount of the drug involved equals or exceeds 2072  
the bulk amount but is less than five times the bulk amount, 2073  
possession of drugs is a felony of the fourth degree, and 2074  
division (C) of section 2929.13 of the Revised Code applies in 2075  
determining whether to impose a prison term on the offender. 2076

(c) If the amount of the drug involved equals or exceeds 2077  
five times the bulk amount but is less than fifty times the bulk 2078

amount, possession of drugs is a felony of the third degree, and 2079  
there is a presumption for a prison term for the offense. 2080

(d) If the amount of the drug involved equals or exceeds 2081  
fifty times the bulk amount, possession of drugs is a felony of 2082  
the second degree, and the court shall impose upon the offender 2083  
as a mandatory prison term one of the prison terms prescribed 2084  
for a felony of the second degree. 2085

(3) If the drug involved in the violation is marihuana or 2086  
a compound, mixture, preparation, or substance containing 2087  
marihuana other than hashish, whoever violates division (A) of 2088  
this section is guilty of possession of marihuana. The penalty 2089  
for the offense shall be determined as follows: 2090

(a) Except as otherwise provided in division (C) (3) (b), 2091  
(c), (d), (e), (f), or (g) of this section, possession of 2092  
marihuana is a minor misdemeanor. 2093

(b) If the amount of the drug involved equals or exceeds 2094  
one hundred grams but is less than two hundred grams, possession 2095  
of marihuana is a misdemeanor of the fourth degree. 2096

(c) If the amount of the drug involved equals or exceeds 2097  
two hundred grams but is less than one thousand grams, 2098  
possession of marihuana is a felony of the fifth degree, and 2099  
division (B) of section 2929.13 of the Revised Code applies in 2100  
determining whether to impose a prison term on the offender. 2101

(d) If the amount of the drug involved equals or exceeds 2102  
one thousand grams but is less than five thousand grams, 2103  
possession of marihuana is a felony of the third degree, and 2104  
division (C) of section 2929.13 of the Revised Code applies in 2105  
determining whether to impose a prison term on the offender. 2106

(e) If the amount of the drug involved equals or exceeds 2107



five thousand grams but is less than twenty thousand grams, 2108  
possession of marihuana is a felony of the third degree, and 2109  
there is a presumption that a prison term shall be imposed for 2110  
the offense. 2111

(f) If the amount of the drug involved equals or exceeds 2112  
twenty thousand grams but is less than forty thousand grams, 2113  
possession of marihuana is a felony of the second degree, and 2114  
the court shall impose a mandatory prison term of five, six, 2115  
seven, or eight years. 2116

(g) If the amount of the drug involved equals or exceeds 2117  
forty thousand grams, possession of marihuana is a felony of the 2118  
second degree, and the court shall impose as a mandatory prison 2119  
term the maximum prison term prescribed for a felony of the 2120  
second degree. 2121

(4) If the drug involved in the violation is cocaine or a 2122  
compound, mixture, preparation, or substance containing cocaine, 2123  
whoever violates division (A) of this section is guilty of 2124  
possession of cocaine. The penalty for the offense shall be 2125  
determined as follows: 2126

(a) Except as otherwise provided in division (C) (4) (b), 2127  
(c), (d), (e), or (f) of this section, possession of cocaine is 2128  
a felony of the fifth degree, and division (B) of section 2129  
2929.13 of the Revised Code applies in determining whether to 2130  
impose a prison term on the offender. 2131

(b) If the amount of the drug involved equals or exceeds 2132  
five grams but is less than ten grams of cocaine, possession of 2133  
cocaine is a felony of the fourth degree, and division (B) of 2134  
section 2929.13 of the Revised Code applies in determining 2135  
whether to impose a prison term on the offender. 2136

(c) If the amount of the drug involved equals or exceeds 2137  
ten grams but is less than twenty grams of cocaine, possession 2138  
of cocaine is a felony of the third degree, and, except as 2139  
otherwise provided in this division, there is a presumption for 2140  
a prison term for the offense. If possession of cocaine is a 2141  
felony of the third degree under this division and if the 2142  
offender two or more times previously has been convicted of or 2143  
pleaded guilty to a felony drug abuse offense, the court shall 2144  
impose as a mandatory prison term one of the prison terms 2145  
prescribed for a felony of the third degree. 2146

(d) If the amount of the drug involved equals or exceeds 2147  
twenty grams but is less than twenty-seven grams of cocaine, 2148  
possession of cocaine is a felony of the second degree, and the 2149  
court shall impose as a mandatory prison term one of the prison 2150  
terms prescribed for a felony of the second degree. 2151

(e) If the amount of the drug involved equals or exceeds 2152  
twenty-seven grams but is less than one hundred grams of 2153  
cocaine, possession of cocaine is a felony of the first degree, 2154  
and the court shall impose as a mandatory prison term one of the 2155  
prison terms prescribed for a felony of the first degree. 2156

(f) If the amount of the drug involved equals or exceeds 2157  
one hundred grams of cocaine, possession of cocaine is a felony 2158  
of the first degree, the offender is a major drug offender, and 2159  
the court shall impose as a mandatory prison term the maximum 2160  
prison term prescribed for a felony of the first degree. 2161

(5) If the drug involved in the violation is L.S.D., 2162  
whoever violates division (A) of this section is guilty of 2163  
possession of L.S.D. The penalty for the offense shall be 2164  
determined as follows: 2165

(a) Except as otherwise provided in division (C) (5) (b), 2166  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2167  
felony of the fifth degree, and division (B) of section 2929.13 2168  
of the Revised Code applies in determining whether to impose a 2169  
prison term on the offender. 2170

(b) If the amount of L.S.D. involved equals or exceeds ten 2171  
unit doses but is less than fifty unit doses of L.S.D. in a 2172  
solid form or equals or exceeds one gram but is less than five 2173  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2174  
liquid distillate form, possession of L.S.D. is a felony of the 2175  
fourth degree, and division (C) of section 2929.13 of the 2176  
Revised Code applies in determining whether to impose a prison 2177  
term on the offender. 2178

(c) If the amount of L.S.D. involved equals or exceeds 2179  
fifty unit doses, but is less than two hundred fifty unit doses 2180  
of L.S.D. in a solid form or equals or exceeds five grams but is 2181  
less than twenty-five grams of L.S.D. in a liquid concentrate, 2182  
liquid extract, or liquid distillate form, possession of L.S.D. 2183  
is a felony of the third degree, and there is a presumption for 2184  
a prison term for the offense. 2185

(d) If the amount of L.S.D. involved equals or exceeds two 2186  
hundred fifty unit doses but is less than one thousand unit 2187  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2188  
grams but is less than one hundred grams of L.S.D. in a liquid 2189  
concentrate, liquid extract, or liquid distillate form, 2190  
possession of L.S.D. is a felony of the second degree, and the 2191  
court shall impose as a mandatory prison term one of the prison 2192  
terms prescribed for a felony of the second degree. 2193

(e) If the amount of L.S.D. involved equals or exceeds one 2194  
thousand unit doses but is less than five thousand unit doses of 2195

L.S.D. in a solid form or equals or exceeds one hundred grams 2196  
but is less than five hundred grams of L.S.D. in a liquid 2197  
concentrate, liquid extract, or liquid distillate form, 2198  
possession of L.S.D. is a felony of the first degree, and the 2199  
court shall impose as a mandatory prison term one of the prison 2200  
terms prescribed for a felony of the first degree. 2201

(f) If the amount of L.S.D. involved equals or exceeds 2202  
five thousand unit doses of L.S.D. in a solid form or equals or 2203  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2204  
liquid extract, or liquid distillate form, possession of L.S.D. 2205  
is a felony of the first degree, the offender is a major drug 2206  
offender, and the court shall impose as a mandatory prison term 2207  
the maximum prison term prescribed for a felony of the first 2208  
degree. 2209

(6) If the drug involved in the violation is heroin or a 2210  
compound, mixture, preparation, or substance containing heroin, 2211  
whoever violates division (A) of this section is guilty of 2212  
possession of heroin. The penalty for the offense shall be 2213  
determined as follows: 2214

(a) Except as otherwise provided in division (C) (6) (b), 2215  
(c), (d), (e), or (f) of this section, possession of heroin is a 2216  
felony of the fifth degree, and division (B) of section 2929.13 2217  
of the Revised Code applies in determining whether to impose a 2218  
prison term on the offender. 2219

(b) If the amount of the drug involved equals or exceeds 2220  
ten unit doses but is less than fifty unit doses or equals or 2221  
exceeds one gram but is less than five grams, possession of 2222  
heroin is a felony of the fourth degree, and division (C) of 2223  
section 2929.13 of the Revised Code applies in determining 2224  
whether to impose a prison term on the offender. 2225

(c) If the amount of the drug involved equals or exceeds 2226  
fifty unit doses but is less than one hundred unit doses or 2227  
equals or exceeds five grams but is less than ten grams, 2228  
possession of heroin is a felony of the third degree, and there 2229  
is a presumption for a prison term for the offense. 2230

(d) If the amount of the drug involved equals or exceeds 2231  
one hundred unit doses but is less than five hundred unit doses 2232  
or equals or exceeds ten grams but is less than fifty grams, 2233  
possession of heroin is a felony of the second degree, and the 2234  
court shall impose as a mandatory prison term one of the prison 2235  
terms prescribed for a felony of the second degree. 2236

(e) If the amount of the drug involved equals or exceeds 2237  
five hundred unit doses but is less than one thousand unit doses 2238  
or equals or exceeds fifty grams but is less than one hundred 2239  
grams, possession of heroin is a felony of the first degree, and 2240  
the court shall impose as a mandatory prison term one of the 2241  
prison terms prescribed for a felony of the first degree. 2242

(f) If the amount of the drug involved equals or exceeds 2243  
one thousand unit doses or equals or exceeds one hundred grams, 2244  
possession of heroin is a felony of the first degree, the 2245  
offender is a major drug offender, and the court shall impose as 2246  
a mandatory prison term the maximum prison term prescribed for a 2247  
felony of the first degree. 2248

(7) If the drug involved in the violation is hashish or a 2249  
compound, mixture, preparation, or substance containing hashish, 2250  
whoever violates division (A) of this section is guilty of 2251  
possession of hashish. The penalty for the offense shall be 2252  
determined as follows: 2253

(a) Except as otherwise provided in division (C) (7) (b), 2254

(c), (d), (e), (f), or (g) of this section, possession of 2255  
hashish is a minor misdemeanor. 2256

(b) If the amount of the drug involved equals or exceeds 2257  
five grams but is less than ten grams of hashish in a solid form 2258  
or equals or exceeds one gram but is less than two grams of 2259  
hashish in a liquid concentrate, liquid extract, or liquid 2260  
distillate form, possession of hashish is a misdemeanor of the 2261  
fourth degree. 2262

(c) If the amount of the drug involved equals or exceeds 2263  
ten grams but is less than fifty grams of hashish in a solid 2264  
form or equals or exceeds two grams but is less than ten grams 2265  
of hashish in a liquid concentrate, liquid extract, or liquid 2266  
distillate form, possession of hashish is a felony of the fifth 2267  
degree, and division (B) of section 2929.13 of the Revised Code 2268  
applies in determining whether to impose a prison term on the 2269  
offender. 2270

(d) If the amount of the drug involved equals or exceeds 2271  
fifty grams but is less than two hundred fifty grams of hashish 2272  
in a solid form or equals or exceeds ten grams but is less than 2273  
fifty grams of hashish in a liquid concentrate, liquid extract, 2274  
or liquid distillate form, possession of hashish is a felony of 2275  
the third degree, and division (C) of section 2929.13 of the 2276  
Revised Code applies in determining whether to impose a prison 2277  
term on the offender. 2278

(e) If the amount of the drug involved equals or exceeds 2279  
two hundred fifty grams but is less than one thousand grams of 2280  
hashish in a solid form or equals or exceeds fifty grams but is 2281  
less than two hundred grams of hashish in a liquid concentrate, 2282  
liquid extract, or liquid distillate form, possession of hashish 2283  
is a felony of the third degree, and there is a presumption that 2284

a prison term shall be imposed for the offense. 2285

(f) If the amount of the drug involved equals or exceeds 2286  
one thousand grams but is less than two thousand grams of 2287  
hashish in a solid form or equals or exceeds two hundred grams 2288  
but is less than four hundred grams of hashish in a liquid 2289  
concentrate, liquid extract, or liquid distillate form, 2290  
possession of hashish is a felony of the second degree, and the 2291  
court shall impose a mandatory prison term of five, six, seven, 2292  
or eight years. 2293

(g) If the amount of the drug involved equals or exceeds 2294  
two thousand grams of hashish in a solid form or equals or 2295  
exceeds four hundred grams of hashish in a liquid concentrate, 2296  
liquid extract, or liquid distillate form, possession of hashish 2297  
is a felony of the second degree, and the court shall impose as 2298  
a mandatory prison term the maximum prison term prescribed for a 2299  
felony of the second degree. 2300

(8) If the drug involved is a controlled substance analog 2301  
or compound, mixture, preparation, or substance that contains a 2302  
controlled substance analog, whoever violates division (A) of 2303  
this section is guilty of possession of a controlled substance 2304  
analog. The penalty for the offense shall be determined as 2305  
follows: 2306

(a) Except as otherwise provided in division (C) (8) (b), 2307  
(c), (d), (e), or (f) of this section, possession of a 2308  
controlled substance analog is a felony of the fifth degree, and 2309  
division (B) of section 2929.13 of the Revised Code applies in 2310  
determining whether to impose a prison term on the offender. 2311

(b) If the amount of the drug involved equals or exceeds 2312  
ten grams but is less than twenty grams, possession of a 2313

controlled substance analog is a felony of the fourth degree, 2314  
and there is a presumption for a prison term for the offense. 2315

(c) If the amount of the drug involved equals or exceeds 2316  
twenty grams but is less than thirty grams, possession of a 2317  
controlled substance analog is a felony of the third degree, and 2318  
there is a presumption for a prison term for the offense. 2319

(d) If the amount of the drug involved equals or exceeds 2320  
thirty grams but is less than forty grams, possession of a 2321  
controlled substance analog is a felony of the second degree, 2322  
and the court shall impose as a mandatory prison term one of the 2323  
prison terms prescribed for a felony of the second degree. 2324

(e) If the amount of the drug involved equals or exceeds 2325  
forty grams but is less than fifty grams, possession of a 2326  
controlled substance analog is a felony of the first degree, and 2327  
the court shall impose as a mandatory prison term one of the 2328  
prison terms prescribed for a felony of the first degree. 2329

(f) If the amount of the drug involved equals or exceeds 2330  
fifty grams, possession of a controlled substance analog is a 2331  
felony of the first degree, the offender is a major drug 2332  
offender, and the court shall impose as a mandatory prison term 2333  
the maximum prison term prescribed for a felony of the first 2334  
degree. 2335

(9) If the drug involved in the violation is a fentanyl- 2336  
related compound, or a compound, mixture, preparation, or 2337  
substance containing a fentanyl-related compound, whoever 2338  
violates division (A) of this section is guilty of possession of 2339  
a fentanyl-related compound. The penalty for the offense shall 2340  
be determined as follows: 2341

(a) Except as otherwise provided in division (C) (9) (b), 2342



(c), (d), (e), (f), or (g) of this section, possession of a 2343  
fentanyl-related compound is a felony of the fifth degree, and 2344  
division (B) of section 2929.13 of the Revised Code applies in 2345  
determining whether to impose a prison term on the offender. 2346

(b) If the amount of the drug involved equals or exceeds 2347  
ten unit doses but is less than fifty unit doses or equals or 2348  
exceeds one gram but is less than five grams, possession of a 2349  
fentanyl-related compound is a felony of the fourth degree, and 2350  
division (C) of section 2929.13 of the Revised Code applies in 2351  
determining whether to impose a prison term on the offender. 2352

(c) If the amount of the drug involved equals or exceeds 2353  
fifty unit doses but is less than one hundred unit doses or 2354  
equals or exceeds five grams but is less than ten grams, 2355  
possession of a fentanyl-related compound is a felony of the 2356  
third degree, and there is a presumption for a prison term for 2357  
the offense. 2358

(d) If the amount of the drug involved equals or exceeds 2359  
one hundred unit doses but is less than two hundred unit doses 2360  
or equals or exceeds ten grams but is less than twenty grams, 2361  
possession of a fentanyl-related compound is a felony of the 2362  
second degree, and the court shall impose as a mandatory prison 2363  
term one of the prison terms prescribed for a felony of the 2364  
second degree. 2365

(e) If the amount of the drug involved equals or exceeds 2366  
two hundred unit doses but is less than five hundred unit doses 2367  
or equals or exceeds twenty grams but is less than fifty grams, 2368  
possession of a fentanyl-related compound is a felony of the 2369  
first degree, and the court shall impose as a mandatory prison 2370  
term one of the prison terms prescribed for a felony of the 2371  
first degree. 2372

(f) If the amount of the drug involved equals or exceeds 2373  
five hundred unit doses but is less than one thousand unit doses 2374  
or equals or exceeds fifty grams but is less than one hundred 2375  
grams, possession of a fentanyl-related compound is a felony of 2376  
the first degree, and the court shall impose the mandatory 2377  
maximum prison term. 2378

(g) If the amount of the drug involved equals or exceeds 2379  
one thousand unit doses or equals or exceeds one hundred grams, 2380  
possession of a fentanyl-related compound is a felony of the 2381  
first degree, the offender is a major drug offender, and the 2382  
court shall impose as a mandatory prison term the maximum prison 2383  
term prescribed for a felony of the first degree. 2384

(D) Arrest or conviction for a minor misdemeanor violation 2385  
of this section does not constitute a criminal record and need 2386  
not be reported by the person so arrested or convicted in 2387  
response to any inquiries about the person's criminal record, 2388  
including any inquiries contained in any application for 2389  
employment, license, or other right or privilege, or made in 2390  
connection with the person's appearance as a witness. 2391

(E) In addition to any prison term or jail term authorized 2392  
or required by division (C) of this section and sections 2393  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2394  
Code and in addition to any other sanction that is imposed for 2395  
the offense under this section, sections 2929.11 to 2929.18, or 2396  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2397  
sentences an offender who is convicted of or pleads guilty to a 2398  
violation of division (A) of this section may suspend the 2399  
offender's driver's or commercial driver's license or permit for 2400  
not more than five years. However, if the offender pleaded 2401  
guilty to or was convicted of a violation of section 4511.19 of 2402

the Revised Code or a substantially similar municipal ordinance 2403  
or the law of another state or the United States arising out of 2404  
the same set of circumstances as the violation, the court shall 2405  
suspend the offender's driver's or commercial driver's license 2406  
or permit for not more than five years. If applicable, the court 2407  
also shall do the following: 2408

(1) (a) If the violation is a felony of the first, second, 2409  
or third degree, the court shall impose upon the offender the 2410  
mandatory fine specified for the offense under division (B) (1) 2411  
of section 2929.18 of the Revised Code unless, as specified in 2412  
that division, the court determines that the offender is 2413  
indigent. 2414

(b) Notwithstanding any contrary provision of section 2415  
3719.21 of the Revised Code, the clerk of the court shall pay a 2416  
mandatory fine or other fine imposed for a violation of this 2417  
section pursuant to division (A) of section 2929.18 of the 2418  
Revised Code in accordance with and subject to the requirements 2419  
of division (F) of section 2925.03 of the Revised Code. The 2420  
agency that receives the fine shall use the fine as specified in 2421  
division (F) of section 2925.03 of the Revised Code. 2422

(c) If a person is charged with a violation of this 2423  
section that is a felony of the first, second, or third degree, 2424  
posts bail, and forfeits the bail, the clerk shall pay the 2425  
forfeited bail pursuant to division (E) (1) (b) of this section as 2426  
if it were a mandatory fine imposed under division (E) (1) (a) of 2427  
this section. 2428

(2) If the offender is a professionally licensed person, 2429  
in addition to any other sanction imposed for a violation of 2430  
this section, the court immediately shall comply with section 2431  
2925.38 of the Revised Code. 2432

(F) It is an affirmative defense, as provided in section 2433  
2901.05 of the Revised Code, to a charge of a fourth degree 2434  
felony violation under this section that the controlled 2435  
substance that gave rise to the charge is in an amount, is in a 2436  
form, is prepared, compounded, or mixed with substances that are 2437  
not controlled substances in a manner, or is possessed under any 2438  
other circumstances, that indicate that the substance was 2439  
possessed solely for personal use. Notwithstanding any contrary 2440  
provision of this section, if, in accordance with section 2441  
2901.05 of the Revised Code, an accused who is charged with a 2442  
fourth degree felony violation of division (C) (2), (4), (5), or 2443  
(6) of this section sustains the burden of going forward with 2444  
evidence of and establishes by a preponderance of the evidence 2445  
the affirmative defense described in this division, the accused 2446  
may be prosecuted for and may plead guilty to or be convicted of 2447  
a misdemeanor violation of division (C) (2) of this section or a 2448  
fifth degree felony violation of division (C) (4), (5), or (6) of 2449  
this section respectively. 2450

(G) When a person is charged with possessing a bulk amount 2451  
or multiple of a bulk amount, division (E) of section 2925.03 of 2452  
the Revised Code applies regarding the determination of the 2453  
amount of the controlled substance involved at the time of the 2454  
offense. 2455

(H) It is an affirmative defense to a charge of possession 2456  
of a controlled substance analog under division (C) (8) of this 2457  
section that the person charged with violating that offense 2458  
obtained, possessed, or used an item described in division (HH) 2459  
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 2460

(I) Any offender who received a mandatory suspension of 2461  
the offender's driver's or commercial driver's license or permit 2462

under this section prior to ~~the effective date of this amendment~~ 2463  
September 13, 2016, may file a motion with the sentencing court 2464  
requesting the termination of the suspension. However, an 2465  
offender who pleaded guilty to or was convicted of a violation 2466  
of section 4511.19 of the Revised Code or a substantially 2467  
similar municipal ordinance or law of another state or the 2468  
United States that arose out of the same set of circumstances as 2469  
the violation for which the offender's license or permit was 2470  
suspended under this section shall not file such a motion. 2471

Upon the filing of a motion under division (I) of this 2472  
section, the sentencing court, in its discretion, may terminate 2473  
the suspension. 2474

**Sec. 2925.13.** (A) No person who is the owner, operator, or 2475  
person in charge of a locomotive, watercraft, aircraft, or other 2476  
vehicle, as defined in division (A) of section 4501.01 of the 2477  
Revised Code, shall knowingly permit the vehicle to be used for 2478  
the commission of a felony drug abuse offense. 2479

(B) No person who is the owner, lessee, or occupant, or 2480  
who has custody, control, or supervision, of premises or real 2481  
estate, including vacant land, shall knowingly permit the 2482  
premises or real estate, including vacant land, to be used for 2483  
the commission of a felony drug abuse offense by another person. 2484

(C) (1) Whoever violates this section is guilty of 2485  
permitting drug abuse. 2486

(2) Except as provided in division (C) (3) of this section, 2487  
permitting drug abuse is a misdemeanor of the first degree. 2488

(3) Permitting drug abuse is a felony of the fifth degree, 2489  
and division (C) of section 2929.13 of the Revised Code applies 2490  
in determining whether to impose a prison term on the offender, 2491

if ~~the~~ either of the following applies: 2492

(a) The felony drug abuse offense in question is a 2493  
violation of section 2925.02 ~~or~~, 2925.03, or 2925.04 of the 2494  
Revised Code. 2495

(b) The felony drug abuse offense in question is a 2496  
violation of section 2925.041 of the Revised Code and the 2497  
offender had actual knowledge, at the time the offender 2498  
permitted the vehicle, premises, or real estate to be used as 2499  
described in division (A) or (B) of this section, that the 2500  
person who assembled or possessed the chemicals in question in 2501  
violation of section 2925.041 of the Revised Code had assembled 2502  
or possessed them with the intent to manufacture a controlled 2503  
substance in schedule I or II in violation of section 2925.04 of 2504  
the Revised Code. 2505

(D) (1) In addition to any prison term authorized or 2506  
required by division (C) of this section and sections 2929.13 2507  
and 2929.14 of the Revised Code and in addition to any other 2508  
sanction imposed for the offense under this section or sections 2509  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2510  
a person who is convicted of or pleads guilty to a violation of 2511  
division (A) of this section may suspend for not more than five 2512  
years the offender's driver's or commercial driver's license or 2513  
permit. However, if the offender pleaded guilty to or was 2514  
convicted of a violation of section 4511.19 of the Revised Code 2515  
or a substantially similar municipal ordinance or the law of 2516  
another state or the United States arising out of the same set 2517  
of circumstances as the violation, the court shall suspend the 2518  
offender's driver's or commercial driver's license or permit for 2519  
not more than five years. 2520

If the offender is a professionally licensed person, in 2521

addition to any other sanction imposed for a violation of this 2522  
section, the court immediately shall comply with section 2925.38 2523  
of the Revised Code. 2524

(2) Any offender who received a mandatory suspension of 2525  
the offender's driver's or commercial driver's license or permit 2526  
under this section prior to ~~the effective date of this amendment~~ 2527  
September 13, 2016, may file a motion with the sentencing court 2528  
requesting the termination of the suspension. However, an 2529  
offender who pleaded guilty to or was convicted of a violation 2530  
of section 4511.19 of the Revised Code or a substantially 2531  
similar municipal ordinance or law of another state or the 2532  
United States that arose out of the same set of circumstances as 2533  
the violation for which the offender's license or permit was 2534  
suspended under this section shall not file such a motion. 2535

Upon the filing of a motion under division (D) (2) of this 2536  
section, the sentencing court, in its discretion, may terminate 2537  
the suspension. 2538

(E) Notwithstanding any contrary provision of section 2539  
3719.21 of the Revised Code, the clerk of the court shall pay a 2540  
fine imposed for a violation of this section pursuant to 2541  
division (A) of section 2929.18 of the Revised Code in 2542  
accordance with and subject to the requirements of division (F) 2543  
of section 2925.03 of the Revised Code. The agency that receives 2544  
the fine shall use the fine as specified in division (F) of 2545  
section 2925.03 of the Revised Code. 2546

(F) Any premises or real estate that is permitted to be 2547  
used in violation of division (B) of this section constitutes a 2548  
nuisance subject to abatement pursuant to Chapter 3767. of the 2549  
Revised Code. 2550

**Sec. 2925.36.** (A) No person shall knowingly furnish 2551  
another a sample drug. 2552

(B) Division (A) of this section does not apply to 2553  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2554  
licensed health professionals authorized to prescribe drugs, and 2555  
other persons whose conduct is in accordance with Chapters 2556  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2557  
the Revised Code. 2558

(C) (1) Whoever violates this section is guilty of illegal 2559  
dispensing of drug samples. 2560

(2) If the drug involved in the offense is a compound, 2561  
mixture, preparation, or substance included in schedule I or II, 2562  
with the exception of marihuana, the penalty for the offense 2563  
shall be determined as follows: 2564

(a) Except as otherwise provided in division (C) (2) (b) of 2565  
this section, illegal dispensing of drug samples is a felony of 2566  
the fifth degree, and, subject to division (E) of this section, 2567  
division (C) of section 2929.13 of the Revised Code applies in 2568  
determining whether to impose a prison term on the offender. 2569

(b) If the offense was committed in the vicinity of a 2570  
school or in the vicinity of a juvenile, illegal dispensing of 2571  
drug samples is a felony of the fourth degree, and, subject to 2572  
division (E) of this section, division (C) of section 2929.13 of 2573  
the Revised Code applies in determining whether to impose a 2574  
prison term on the offender. 2575

(3) If the drug involved in the offense is a dangerous 2576  
drug or a compound, mixture, preparation, or substance included 2577  
in schedule III, IV, or V, or is marihuana, the penalty for the 2578  
offense shall be determined as follows: 2579



(a) Except as otherwise provided in division (C) (3) (b) of 2580  
this section, illegal dispensing of drug samples is a 2581  
misdemeanor of the second degree. 2582

(b) If the offense was committed in the vicinity of a 2583  
school or in the vicinity of a juvenile, illegal dispensing of 2584  
drug samples is a misdemeanor of the first degree. 2585

(D) (1) In addition to any prison term authorized or 2586  
required by division (C) or (E) of this section and sections 2587  
2929.13 and 2929.14 of the Revised Code and in addition to any 2588  
other sanction imposed for the offense under this section or 2589  
sections 2929.11 to 2929.18 of the Revised Code, the court that 2590  
sentences an offender who is convicted of or pleads guilty to a 2591  
violation of division (A) of this section may suspend for not 2592  
more than five years the offender's driver's or commercial 2593  
driver's license or permit. However, if the offender pleaded 2594  
guilty to or was convicted of a violation of section 4511.19 of 2595  
the Revised Code or a substantially similar municipal ordinance 2596  
or the law of another state or the United States arising out of 2597  
the same set of circumstances as the violation, the court shall 2598  
suspend the offender's driver's or commercial driver's license 2599  
or permit for not more than five years. 2600

If the offender is a professionally licensed person, in 2601  
addition to any other sanction imposed for a violation of this 2602  
section, the court immediately shall comply with section 2925.38 2603  
of the Revised Code. 2604

(2) Any offender who received a mandatory suspension of 2605  
the offender's driver's or commercial driver's license or permit 2606  
under this section prior to ~~the effective date of this amendment~~ 2607  
September 13, 2016, may file a motion with the sentencing court 2608  
requesting the termination of the suspension. However, an 2609

offender who pleaded guilty to or was convicted of a violation 2610  
of section 4511.19 of the Revised Code or a substantially 2611  
similar municipal ordinance or law of another state or the 2612  
United States that arose out of the same set of circumstances as 2613  
the violation for which the offender's license or permit was 2614  
suspended under this section shall not file such a motion. 2615

Upon the filing of a motion under division (D) (2) of this 2616  
section, the sentencing court, in its discretion, may terminate 2617  
the suspension. 2618

(E) Notwithstanding the prison term authorized or required 2619  
by division (C) of this section and sections 2929.13 and 2929.14 2620  
of the Revised Code, if the violation of division (A) of this 2621  
section involves the sale, offer to sell, or possession of a 2622  
schedule I or II controlled substance, with the exception of 2623  
marihuana, and if the court imposing sentence upon the offender 2624  
finds that the offender as a result of the violation is a major 2625  
drug offender and is guilty of a specification of the type 2626  
described in division (A) of section 2941.1410 of the Revised 2627  
Code, the court, in lieu of the prison term otherwise authorized 2628  
or required, shall impose upon the offender the mandatory prison 2629  
term specified in division (B) (3) (a) of section 2929.14 of the 2630  
Revised Code. 2631

(F) Notwithstanding any contrary provision of section 2632  
3719.21 of the Revised Code, the clerk of the court shall pay a 2633  
fine imposed for a violation of this section pursuant to 2634  
division (A) of section 2929.18 of the Revised Code in 2635  
accordance with and subject to the requirements of division (F) 2636  
of section 2925.03 of the Revised Code. The agency that receives 2637  
the fine shall use the fine as specified in division (F) of 2638  
section 2925.03 of the Revised Code. 2639

<b>Sec. 2929.01.</b> As used in this chapter:	2640
(A) (1) "Alternative residential facility" means, subject to division (A) (2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:	2641 2642 2643 2644
(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.	2645 2646 2647
(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.	2648 2649 2650 2651 2652 2653
(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.	2654 2655 2656
(B) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.	2657 2658 2659 2660 2661 2662 2663
(C) "Cocaine," " <u>fentanyl-related compound</u> ," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.	2664 2665 2666
(D) "Community-based correctional facility" means a community-based correctional facility and program or district	2667 2668

community-based correctional facility and program developed 2669  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2670

(E) "Community control sanction" means a sanction that is 2671  
not a prison term and that is described in section 2929.15, 2672  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2673  
that is not a jail term and that is described in section 2674  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2675  
control sanction" includes probation if the sentence involved 2676  
was imposed for a felony that was committed prior to July 1, 2677  
1996, or if the sentence involved was imposed for a misdemeanor 2678  
that was committed prior to January 1, 2004. 2679

(F) "Controlled substance," "marihuana," "schedule I," and 2680  
"schedule II" have the same meanings as in section 3719.01 of 2681  
the Revised Code. 2682

(G) "Curfew" means a requirement that an offender during a 2683  
specified period of time be at a designated place. 2684

(H) "Day reporting" means a sanction pursuant to which an 2685  
offender is required each day to report to and leave a center or 2686  
other approved reporting location at specified times in order to 2687  
participate in work, education or training, treatment, and other 2688  
approved programs at the center or outside the center. 2689

(I) "Deadly weapon" has the same meaning as in section 2690  
2923.11 of the Revised Code. 2691

(J) "Drug and alcohol use monitoring" means a program 2692  
under which an offender agrees to submit to random chemical 2693  
analysis of the offender's blood, breath, or urine to determine 2694  
whether the offender has ingested any alcohol or other drugs. 2695

(K) "Drug treatment program" means any program under which 2696  
a person undergoes assessment and treatment designed to reduce 2697

or completely eliminate the person's physical or emotional 2698  
reliance upon alcohol, another drug, or alcohol and another drug 2699  
and under which the person may be required to receive assessment 2700  
and treatment on an outpatient basis or may be required to 2701  
reside at a facility other than the person's home or residence 2702  
while undergoing assessment and treatment. 2703

(L) "Economic loss" means any economic detriment suffered 2704  
by a victim as a direct and proximate result of the commission 2705  
of an offense and includes any loss of income due to lost time 2706  
at work because of any injury caused to the victim, and any 2707  
property loss, medical cost, or funeral expense incurred as a 2708  
result of the commission of the offense. "Economic loss" does 2709  
not include non-economic loss or any punitive or exemplary 2710  
damages. 2711

(M) "Education or training" includes study at, or in 2712  
conjunction with a program offered by, a university, college, or 2713  
technical college or vocational study and also includes the 2714  
completion of primary school, secondary school, and literacy 2715  
curricula or their equivalent. 2716

(N) "Firearm" has the same meaning as in section 2923.11 2717  
of the Revised Code. 2718

(O) "Halfway house" means a facility licensed by the 2719  
division of parole and community services of the department of 2720  
rehabilitation and correction pursuant to section 2967.14 of the 2721  
Revised Code as a suitable facility for the care and treatment 2722  
of adult offenders. 2723

(P) "House arrest" means a period of confinement of an 2724  
offender that is in the offender's home or in other premises 2725  
specified by the sentencing court or by the parole board 2726

pursuant to section 2967.28 of the Revised Code and during which 2727  
all of the following apply: 2728

(1) The offender is required to remain in the offender's 2729  
home or other specified premises for the specified period of 2730  
confinement, except for periods of time during which the 2731  
offender is at the offender's place of employment or at other 2732  
premises as authorized by the sentencing court or by the parole 2733  
board. 2734

(2) The offender is required to report periodically to a 2735  
person designated by the court or parole board. 2736

(3) The offender is subject to any other restrictions and 2737  
requirements that may be imposed by the sentencing court or by 2738  
the parole board. 2739

(Q) "Intensive probation supervision" means a requirement 2740  
that an offender maintain frequent contact with a person 2741  
appointed by the court, or by the parole board pursuant to 2742  
section 2967.28 of the Revised Code, to supervise the offender 2743  
while the offender is seeking or maintaining necessary 2744  
employment and participating in training, education, and 2745  
treatment programs as required in the court's or parole board's 2746  
order. "Intensive probation supervision" includes intensive 2747  
parole supervision and intensive post-release control 2748  
supervision. 2749

(R) "Jail" means a jail, workhouse, minimum security jail, 2750  
or other residential facility used for the confinement of 2751  
alleged or convicted offenders that is operated by a political 2752  
subdivision or a combination of political subdivisions of this 2753  
state. 2754

(S) "Jail term" means the term in a jail that a sentencing 2755

court imposes or is authorized to impose pursuant to section 2756  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2757  
provision of the Revised Code that authorizes a term in a jail 2758  
for a misdemeanor conviction. 2759

(T) "Mandatory jail term" means the term in a jail that a 2760  
sentencing court is required to impose pursuant to division (G) 2761  
of section 1547.99 of the Revised Code, division (E) of section 2762  
2903.06 or division (D) of section 2903.08 of the Revised Code, 2763  
division (E) or (G) of section 2929.24 of the Revised Code, 2764  
division (B) of section 4510.14 of the Revised Code, or division 2765  
(G) of section 4511.19 of the Revised Code or pursuant to any 2766  
other provision of the Revised Code that requires a term in a 2767  
jail for a misdemeanor conviction. 2768

(U) "Delinquent child" has the same meaning as in section 2769  
2152.02 of the Revised Code. 2770

(V) "License violation report" means a report that is made 2771  
by a sentencing court, or by the parole board pursuant to 2772  
section 2967.28 of the Revised Code, to the regulatory or 2773  
licensing board or agency that issued an offender a professional 2774  
license or a license or permit to do business in this state and 2775  
that specifies that the offender has been convicted of or 2776  
pleaded guilty to an offense that may violate the conditions 2777  
under which the offender's professional license or license or 2778  
permit to do business in this state was granted or an offense 2779  
for which the offender's professional license or license or 2780  
permit to do business in this state may be revoked or suspended. 2781

(W) "Major drug offender" means an offender who is 2782  
convicted of or pleads guilty to the possession of, sale of, or 2783  
offer to sell any drug, compound, mixture, preparation, or 2784  
substance that consists of or contains at least one thousand 2785

grams of hashish; at least one hundred grams of cocaine; at 2786  
least one thousand unit doses or one hundred grams of heroin; at 2787  
least five thousand unit doses of L.S.D. or five hundred grams 2788  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2789  
distillate form; at least fifty grams of a controlled substance 2790  
analog; at least one thousand unit doses or one hundred grams of 2791  
a fentanyl-related compound; or at least one hundred times the 2792  
amount of any other schedule I or II controlled substance other 2793  
than marihuana that is necessary to commit a felony of the third 2794  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2795  
of the Revised Code that is based on the possession of, sale of, 2796  
or offer to sell the controlled substance. 2797

(X) "Mandatory prison term" means any of the following: 2798

(1) Subject to division (X) (2) of this section, the term 2799  
in prison that must be imposed for the offenses or circumstances 2800  
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 2801  
section 2929.13 and division (B) of section 2929.14 of the 2802  
Revised Code. Except as provided in sections 2925.02, 2925.03, 2803  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2804  
maximum or another specific term is required under section 2805  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2806  
described in this division may be any prison term authorized for 2807  
the level of offense. 2808

(2) The term of sixty or one hundred twenty days in prison 2809  
that a sentencing court is required to impose for a third or 2810  
fourth degree felony OVI offense pursuant to division (G) (2) of 2811  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2812  
of the Revised Code or the term of one, two, three, four, or 2813  
five years in prison that a sentencing court is required to 2814  
impose pursuant to division (G) (2) of section 2929.13 of the 2815



Revised Code.	2816
(3) The term in prison imposed pursuant to division (A) of section 2971.03 of the Revised Code for the offenses and in the circumstances described in division (F)(11) of section 2929.13 of the Revised Code or pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and that term as modified or terminated pursuant to section 2971.05 of the Revised Code.	2817 2818 2819 2820 2821 2822 2823
(Y) "Monitored time" means a period of time during which an offender continues to be under the control of the sentencing court or parole board, subject to no conditions other than leading a law-abiding life.	2824 2825 2826 2827
(Z) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.	2828 2829
(AA) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.	2830 2831 2832 2833 2834
(BB) "Prison term" includes either of the following sanctions for an offender:	2835 2836
(1) A stated prison term;	2837
(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.143, 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	2838 2839 2840
(CC) "Repeat violent offender" means a person about whom both of the following apply:	2841 2842
(1) The person is being sentenced for committing or for	2843

complicity in committing any of the following: 2844

(a) Aggravated murder, murder, any felony of the first or 2845  
second degree that is an offense of violence, or an attempt to 2846  
commit any of these offenses if the attempt is a felony of the 2847  
first or second degree; 2848

(b) An offense under an existing or former law of this 2849  
state, another state, or the United States that is or was 2850  
substantially equivalent to an offense described in division 2851  
(CC) (1) (a) of this section. 2852

(2) The person previously was convicted of or pleaded 2853  
guilty to an offense described in division (CC) (1) (a) or (b) of 2854  
this section. 2855

(DD) "Sanction" means any penalty imposed upon an offender 2856  
who is convicted of or pleads guilty to an offense, as 2857  
punishment for the offense. "Sanction" includes any sanction 2858  
imposed pursuant to any provision of sections 2929.14 to 2929.18 2859  
or 2929.24 to 2929.28 of the Revised Code. 2860

(EE) "Sentence" means the sanction or combination of 2861  
sanctions imposed by the sentencing court on an offender who is 2862  
convicted of or pleads guilty to an offense. 2863

(FF) "Stated prison term" means the prison term, mandatory 2864  
prison term, or combination of all prison terms and mandatory 2865  
prison terms imposed by the sentencing court pursuant to section 2866  
2929.14, 2929.142, or 2971.03 of the Revised Code or under 2867  
section 2919.25 of the Revised Code. "Stated prison term" 2868  
includes any credit received by the offender for time spent in 2869  
jail awaiting trial, sentencing, or transfer to prison for the 2870  
offense and any time spent under house arrest or house arrest 2871  
with electronic monitoring imposed after earning credits 2872

pursuant to section 2967.193 of the Revised Code. If an offender 2873  
is serving a prison term as a risk reduction sentence under 2874  
sections 2929.143 and 5120.036 of the Revised Code, "stated 2875  
prison term" includes any period of time by which the prison 2876  
term imposed upon the offender is shortened by the offender's 2877  
successful completion of all assessment and treatment or 2878  
programming pursuant to those sections. 2879

(GG) "Victim-offender mediation" means a reconciliation or 2880  
mediation program that involves an offender and the victim of 2881  
the offense committed by the offender and that includes a 2882  
meeting in which the offender and the victim may discuss the 2883  
offense, discuss restitution, and consider other sanctions for 2884  
the offense. 2885

(HH) "Fourth degree felony OVI offense" means a violation 2886  
of division (A) of section 4511.19 of the Revised Code that, 2887  
under division (G) of that section, is a felony of the fourth 2888  
degree. 2889

(II) "Mandatory term of local incarceration" means the 2890  
term of sixty or one hundred twenty days in a jail, a community- 2891  
based correctional facility, a halfway house, or an alternative 2892  
residential facility that a sentencing court may impose upon a 2893  
person who is convicted of or pleads guilty to a fourth degree 2894  
felony OVI offense pursuant to division (G)(1) of section 2895  
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 2896  
section 4511.19 of the Revised Code. 2897

(JJ) "Designated homicide, assault, or kidnapping 2898  
offense," "violent sex offense," "sexual motivation 2899  
specification," "sexually violent offense," "sexually violent 2900  
predator," and "sexually violent predator specification" have 2901  
the same meanings as in section 2971.01 of the Revised Code. 2902

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

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

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

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

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

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

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

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

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

(TT) "Electronic monitoring" means monitoring through the

use of an electronic monitoring device. 2931

(UU) "Electronic monitoring device" means any of the 2932  
following: 2933

(1) Any device that can be operated by electrical or 2934  
battery power and that conforms with all of the following: 2935

(a) The device has a transmitter that can be attached to a 2936  
person, that will transmit a specified signal to a receiver of 2937  
the type described in division (UU) (1) (b) of this section if the 2938  
transmitter is removed from the person, turned off, or altered 2939  
in any manner without prior court approval in relation to 2940  
electronic monitoring or without prior approval of the 2941  
department of rehabilitation and correction in relation to the 2942  
use of an electronic monitoring device for an inmate on 2943  
transitional control or otherwise is tampered with, that can 2944  
transmit continuously and periodically a signal to that receiver 2945  
when the person is within a specified distance from the 2946  
receiver, and that can transmit an appropriate signal to that 2947  
receiver if the person to whom it is attached travels a 2948  
specified distance from that receiver. 2949

(b) The device has a receiver that can receive 2950  
continuously the signals transmitted by a transmitter of the 2951  
type described in division (UU) (1) (a) of this section, can 2952  
transmit continuously those signals by a wireless or landline 2953  
telephone connection to a central monitoring computer of the 2954  
type described in division (UU) (1) (c) of this section, and can 2955  
transmit continuously an appropriate signal to that central 2956  
monitoring computer if the device has been turned off or altered 2957  
without prior court approval or otherwise tampered with. The 2958  
device is designed specifically for use in electronic 2959  
monitoring, is not a converted wireless phone or another 2960

tracking device that is clearly not designed for electronic 2961  
monitoring, and provides a means of text-based or voice 2962  
communication with the person. 2963

(c) The device has a central monitoring computer that can 2964  
receive continuously the signals transmitted by a wireless or 2965  
landline telephone connection by a receiver of the type 2966  
described in division (UU) (1) (b) of this section and can monitor 2967  
continuously the person to whom an electronic monitoring device 2968  
of the type described in division (UU) (1) (a) of this section is 2969  
attached. 2970

(2) Any device that is not a device of the type described 2971  
in division (UU) (1) of this section and that conforms with all 2972  
of the following: 2973

(a) The device includes a transmitter and receiver that 2974  
can monitor and determine the location of a subject person at 2975  
any time, or at a designated point in time, through the use of a 2976  
central monitoring computer or through other electronic means. 2977

(b) The device includes a transmitter and receiver that 2978  
can determine at any time, or at a designated point in time, 2979  
through the use of a central monitoring computer or other 2980  
electronic means the fact that the transmitter is turned off or 2981  
altered in any manner without prior approval of the court in 2982  
relation to the electronic monitoring or without prior approval 2983  
of the department of rehabilitation and correction in relation 2984  
to the use of an electronic monitoring device for an inmate on 2985  
transitional control or otherwise is tampered with. 2986

(3) Any type of technology that can adequately track or 2987  
determine the location of a subject person at any time and that 2988  
is approved by the director of rehabilitation and correction, 2989

including, but not limited to, any satellite technology, voice 2990  
tracking system, or retinal scanning system that is so approved. 2991

(VV) "Non-economic loss" means nonpecuniary harm suffered 2992  
by a victim of an offense as a result of or related to the 2993  
commission of the offense, including, but not limited to, pain 2994  
and suffering; loss of society, consortium, companionship, care, 2995  
assistance, attention, protection, advice, guidance, counsel, 2996  
instruction, training, or education; mental anguish; and any 2997  
other intangible loss. 2998

(WW) "Prosecutor" has the same meaning as in section 2999  
2935.01 of the Revised Code. 3000

(XX) "Continuous alcohol monitoring" means the ability to 3001  
automatically test and periodically transmit alcohol consumption 3002  
levels and tamper attempts at least every hour, regardless of 3003  
the location of the person who is being monitored. 3004

(YY) A person is "adjudicated a sexually violent predator" 3005  
if the person is convicted of or pleads guilty to a violent sex 3006  
offense and also is convicted of or pleads guilty to a sexually 3007  
violent predator specification that was included in the 3008  
indictment, count in the indictment, or information charging 3009  
that violent sex offense or if the person is convicted of or 3010  
pleads guilty to a designated homicide, assault, or kidnapping 3011  
offense and also is convicted of or pleads guilty to both a 3012  
sexual motivation specification and a sexually violent predator 3013  
specification that were included in the indictment, count in the 3014  
indictment, or information charging that designated homicide, 3015  
assault, or kidnapping offense. 3016

(ZZ) An offense is "committed in proximity to a school" if 3017  
the offender commits the offense in a school safety zone or 3018

within five hundred feet of any school building or the 3019  
boundaries of any school premises, regardless of whether the 3020  
offender knows the offense is being committed in a school safety 3021  
zone or within five hundred feet of any school building or the 3022  
boundaries of any school premises. 3023

(AAA) "Human trafficking" means a scheme or plan to which 3024  
all of the following apply: 3025

(1) Its object is one or more of the following: 3026

(a) To subject a victim or victims to involuntary 3027  
servitude, as defined in section 2905.31 of the Revised Code or 3028  
to compel a victim or victims to engage in sexual activity for 3029  
hire, to engage in a performance that is obscene, sexually 3030  
oriented, or nudity oriented, or to be a model or participant in 3031  
the production of material that is obscene, sexually oriented, 3032  
or nudity oriented; 3033

(b) To facilitate, encourage, or recruit a victim who is 3034  
less than sixteen years of age or is a person with a 3035  
developmental disability, or victims who are less than sixteen 3036  
years of age or are persons with developmental disabilities, for 3037  
any purpose listed in divisions (A) (2) (a) to (c) of section 3038  
2905.32 of the Revised Code; 3039

(c) To facilitate, encourage, or recruit a victim who is 3040  
sixteen or seventeen years of age, or victims who are sixteen or 3041  
seventeen years of age, for any purpose listed in divisions (A) 3042  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 3043  
circumstances described in division (A) (5), (6), (7), (8), (9), 3044  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 3045  
apply with respect to the person engaging in the conduct and the 3046  
victim or victims. 3047



(2) It involves at least two felony offenses, whether or 3048  
not there has been a prior conviction for any of the felony 3049  
offenses, to which all of the following apply: 3050

(a) Each of the felony offenses is a violation of section 3051  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 3052  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 3053  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 3054  
is a violation of a law of any state other than this state that 3055  
is substantially similar to any of the sections or divisions of 3056  
the Revised Code identified in this division. 3057

(b) At least one of the felony offenses was committed in 3058  
this state. 3059

(c) The felony offenses are related to the same scheme or 3060  
plan and are not isolated instances. 3061

(BBB) "Material," "nudity," "obscene," "performance," and 3062  
"sexual activity" have the same meanings as in section 2907.01 3063  
of the Revised Code. 3064

(CCC) "Material that is obscene, sexually oriented, or 3065  
nudity oriented" means any material that is obscene, that shows 3066  
a person participating or engaging in sexual activity, 3067  
masturbation, or bestiality, or that shows a person in a state 3068  
of nudity. 3069

(DDD) "Performance that is obscene, sexually oriented, or 3070  
nudity oriented" means any performance that is obscene, that 3071  
shows a person participating or engaging in sexual activity, 3072  
masturbation, or bestiality, or that shows a person in a state 3073  
of nudity. 3074

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 3075  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3076

(E), (G), (H), (J), or (K) of this section or in division (D) (6) 3077  
of section 2919.25 of the Revised Code and except in relation to 3078  
an offense for which a sentence of death or life imprisonment is 3079  
to be imposed, if the court imposing a sentence upon an offender 3080  
for a felony elects or is required to impose a prison term on 3081  
the offender pursuant to this chapter, the court shall impose a 3082  
definite prison term that shall be one of the following: 3083

(1) For a felony of the first degree, the prison term 3084  
shall be three, four, five, six, seven, eight, nine, ten, or 3085  
eleven years. 3086

(2) For a felony of the second degree, the prison term 3087  
shall be two, three, four, five, six, seven, or eight years. 3088

(3) (a) For a felony of the third degree that is a 3089  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 3090  
2907.05 of the Revised Code or that is a violation of section 3091  
2911.02 or 2911.12 of the Revised Code if the offender 3092  
previously has been convicted of or pleaded guilty in two or 3093  
more separate proceedings to two or more violations of section 3094  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 3095  
prison term shall be twelve, eighteen, twenty-four, thirty, 3096  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 3097

(b) For a felony of the third degree that is not an 3098  
offense for which division (A) (3) (a) of this section applies, 3099  
the prison term shall be nine, twelve, eighteen, twenty-four, 3100  
thirty, or thirty-six months. 3101

(4) For a felony of the fourth degree, the prison term 3102  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3103  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3104

(5) For a felony of the fifth degree, the prison term 3105

shall be six, seven, eight, nine, ten, eleven, or twelve months. 3106

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3107  
section, if an offender who is convicted of or pleads guilty to 3108  
a felony also is convicted of or pleads guilty to a 3109  
specification of the type described in section 2941.141, 3110  
2941.144, or 2941.145 of the Revised Code, the court shall 3111  
impose on the offender one of the following prison terms: 3112

(i) A prison term of six years if the specification is of 3113  
the type described in division (A) of section 2941.144 of the 3114  
Revised Code that charges the offender with having a firearm 3115  
that is an automatic firearm or that was equipped with a firearm 3116  
muffler or suppressor on or about the offender's person or under 3117  
the offender's control while committing the offense; 3118

(ii) A prison term of three years if the specification is 3119  
of the type described in division (A) of section 2941.145 of the 3120  
Revised Code that charges the offender with having a firearm on 3121  
or about the offender's person or under the offender's control 3122  
while committing the offense and displaying the firearm, 3123  
brandishing the firearm, indicating that the offender possessed 3124  
the firearm, or using it to facilitate the offense; 3125

(iii) A prison term of one year if the specification is of 3126  
the type described in division (A) of section 2941.141 of the 3127  
Revised Code that charges the offender with having a firearm on 3128  
or about the offender's person or under the offender's control 3129  
while committing the offense; 3130

(iv) A prison term of nine years if the specification is 3131  
of the type described in division (D) of section 2941.144 of the 3132  
Revised Code that charges the offender with having a firearm 3133  
that is an automatic firearm or that was equipped with a firearm 3134

muffler or suppressor on or about the offender's person or under 3135  
the offender's control while committing the offense and 3136  
specifies that the offender previously has been convicted of or 3137  
pleaded guilty to a specification of the type described in 3138  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3139  
the Revised Code; 3140

(v) A prison term of fifty-four months if the 3141  
specification is of the type described in division (D) of 3142  
section 2941.145 of the Revised Code that charges the offender 3143  
with having a firearm on or about the offender's person or under 3144  
the offender's control while committing the offense and 3145  
displaying the firearm, brandishing the firearm, indicating that 3146  
the offender possessed the firearm, or using the firearm to 3147  
facilitate the offense and that the offender previously has been 3148  
convicted of or pleaded guilty to a specification of the type 3149  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3150  
2941.1412 of the Revised Code; 3151

(vi) A prison term of eighteen months if the specification 3152  
is of the type described in division (D) of section 2941.141 of 3153  
the Revised Code that charges the offender with having a firearm 3154  
on or about the offender's person or under the offender's 3155  
control while committing the offense and that the offender 3156  
previously has been convicted of or pleaded guilty to a 3157  
specification of the type described in section 2941.141, 3158  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3159

(b) If a court imposes a prison term on an offender under 3160  
division (B) (1) (a) of this section, the prison term shall not be 3161  
reduced pursuant to section 2967.19, section 2929.20, section 3162  
2967.193, or any other provision of Chapter 2967. or Chapter 3163  
5120. of the Revised Code. Except as provided in division (B) (1) 3164

(g) of this section, a court shall not impose more than one 3165  
prison term on an offender under division (B) (1) (a) of this 3166  
section for felonies committed as part of the same act or 3167  
transaction. 3168

(c) (i) Except as provided in division (B) (1) (e) of this 3169  
section, if an offender who is convicted of or pleads guilty to 3170  
a violation of section 2923.161 of the Revised Code or to a 3171  
felony that includes, as an essential element, purposely or 3172  
knowingly causing or attempting to cause the death of or 3173  
physical harm to another, also is convicted of or pleads guilty 3174  
to a specification of the type described in division (A) of 3175  
section 2941.146 of the Revised Code that charges the offender 3176  
with committing the offense by discharging a firearm from a 3177  
motor vehicle other than a manufactured home, the court, after 3178  
imposing a prison term on the offender for the violation of 3179  
section 2923.161 of the Revised Code or for the other felony 3180  
offense under division (A), (B) (2), or (B) (3) of this section, 3181  
shall impose an additional prison term of five years upon the 3182  
offender that shall not be reduced pursuant to section 2929.20, 3183  
section 2967.19, section 2967.193, or any other provision of 3184  
Chapter 2967. or Chapter 5120. of the Revised Code. 3185

(ii) Except as provided in division (B) (1) (e) of this 3186  
section, if an offender who is convicted of or pleads guilty to 3187  
a violation of section 2923.161 of the Revised Code or to a 3188  
felony that includes, as an essential element, purposely or 3189  
knowingly causing or attempting to cause the death of or 3190  
physical harm to another, also is convicted of or pleads guilty 3191  
to a specification of the type described in division (C) of 3192  
section 2941.146 of the Revised Code that charges the offender 3193  
with committing the offense by discharging a firearm from a 3194  
motor vehicle other than a manufactured home and that the 3195

offender previously has been convicted of or pleaded guilty to a 3196  
specification of the type described in section 2941.141, 3197  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3198  
the court, after imposing a prison term on the offender for the 3199  
violation of section 2923.161 of the Revised Code or for the 3200  
other felony offense under division (A), (B) (2), or (3) of this 3201  
section, shall impose an additional prison term of ninety months 3202  
upon the offender that shall not be reduced pursuant to section 3203  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3204  
2967. or Chapter 5120. of the Revised Code. 3205

(iii) A court shall not impose more than one additional 3206  
prison term on an offender under division (B) (1) (c) of this 3207  
section for felonies committed as part of the same act or 3208  
transaction. If a court imposes an additional prison term on an 3209  
offender under division (B) (1) (c) of this section relative to an 3210  
offense, the court also shall impose a prison term under 3211  
division (B) (1) (a) of this section relative to the same offense, 3212  
provided the criteria specified in that division for imposing an 3213  
additional prison term are satisfied relative to the offender 3214  
and the offense. 3215

(d) If an offender who is convicted of or pleads guilty to 3216  
an offense of violence that is a felony also is convicted of or 3217  
pleads guilty to a specification of the type described in 3218  
section 2941.1411 of the Revised Code that charges the offender 3219  
with wearing or carrying body armor while committing the felony 3220  
offense of violence, the court shall impose on the offender a 3221  
prison term of two years. The prison term so imposed, subject to 3222  
divisions (C) to (I) of section 2967.19 of the Revised Code, 3223  
shall not be reduced pursuant to section 2929.20, section 3224  
2967.19, section 2967.193, or any other provision of Chapter 3225  
2967. or Chapter 5120. of the Revised Code. A court shall not 3226

impose more than one prison term on an offender under division 3227  
(B) (1) (d) of this section for felonies committed as part of the 3228  
same act or transaction. If a court imposes an additional prison 3229  
term under division (B) (1) (a) or (c) of this section, the court 3230  
is not precluded from imposing an additional prison term under 3231  
division (B) (1) (d) of this section. 3232

(e) The court shall not impose any of the prison terms 3233  
described in division (B) (1) (a) of this section or any of the 3234  
additional prison terms described in division (B) (1) (c) of this 3235  
section upon an offender for a violation of section 2923.12 or 3236  
2923.123 of the Revised Code. The court shall not impose any of 3237  
the prison terms described in division (B) (1) (a) or (b) of this 3238  
section upon an offender for a violation of section 2923.122 3239  
that involves a deadly weapon that is a firearm other than a 3240  
dangerous ordnance, section 2923.16, or section 2923.121 of the 3241  
Revised Code. The court shall not impose any of the prison terms 3242  
described in division (B) (1) (a) of this section or any of the 3243  
additional prison terms described in division (B) (1) (c) of this 3244  
section upon an offender for a violation of section 2923.13 of 3245  
the Revised Code unless all of the following apply: 3246

(i) The offender previously has been convicted of 3247  
aggravated murder, murder, or any felony of the first or second 3248  
degree. 3249

(ii) Less than five years have passed since the offender 3250  
was released from prison or post-release control, whichever is 3251  
later, for the prior offense. 3252

(f) (i) If an offender is convicted of or pleads guilty to 3253  
a felony that includes, as an essential element, causing or 3254  
attempting to cause the death of or physical harm to another and 3255  
also is convicted of or pleads guilty to a specification of the 3256

type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

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

(iii) If an offender is convicted of or pleads guilty to



two or more felonies that include, as an essential element, 3288  
causing or attempting to cause the death or physical harm to 3289  
another and also is convicted of or pleads guilty to a 3290  
specification of the type described under division (B) (1) (f) of 3291  
this section in connection with two or more of the felonies of 3292  
which the offender is convicted or to which the offender pleads 3293  
guilty, the sentencing court shall impose on the offender the 3294  
prison term specified under division (B) (1) (f) of this section 3295  
for each of two of the specifications of which the offender is 3296  
convicted or to which the offender pleads guilty and, in its 3297  
discretion, also may impose on the offender the prison term 3298  
specified under that division for any or all of the remaining 3299  
specifications. If a court imposes an additional prison term on 3300  
an offender under division (B) (1) (f) of this section relative to 3301  
an offense, the court shall not impose a prison term under 3302  
division (B) (1) (a) or (c) of this section relative to the same 3303  
offense. 3304

(g) If an offender is convicted of or pleads guilty to two 3305  
or more felonies, if one or more of those felonies are 3306  
aggravated murder, murder, attempted aggravated murder, 3307  
attempted murder, aggravated robbery, felonious assault, or 3308  
rape, and if the offender is convicted of or pleads guilty to a 3309  
specification of the type described under division (B) (1) (a) of 3310  
this section in connection with two or more of the felonies, the 3311  
sentencing court shall impose on the offender the prison term 3312  
specified under division (B) (1) (a) of this section for each of 3313  
the two most serious specifications of which the offender is 3314  
convicted or to which the offender pleads guilty and, in its 3315  
discretion, also may impose on the offender the prison term 3316  
specified under that division for any or all of the remaining 3317  
specifications. 3318

(2) (a) If division (B) (2) (b) of this section does not 3319  
apply, the court may impose on an offender, in addition to the 3320  
longest prison term authorized or required for the offense, an 3321  
additional definite prison term of one, two, three, four, five, 3322  
six, seven, eight, nine, or ten years if all of the following 3323  
criteria are met: 3324

(i) The offender is convicted of or pleads guilty to a 3325  
specification of the type described in section 2941.149 of the 3326  
Revised Code that the offender is a repeat violent offender. 3327

(ii) The offense of which the offender currently is 3328  
convicted or to which the offender currently pleads guilty is 3329  
aggravated murder and the court does not impose a sentence of 3330  
death or life imprisonment without parole, murder, terrorism and 3331  
the court does not impose a sentence of life imprisonment 3332  
without parole, any felony of the first degree that is an 3333  
offense of violence and the court does not impose a sentence of 3334  
life imprisonment without parole, or any felony of the second 3335  
degree that is an offense of violence and the trier of fact 3336  
finds that the offense involved an attempt to cause or a threat 3337  
to cause serious physical harm to a person or resulted in 3338  
serious physical harm to a person. 3339

(iii) The court imposes the longest prison term for the 3340  
offense that is not life imprisonment without parole. 3341

(iv) The court finds that the prison terms imposed 3342  
pursuant to division (B) (2) (a) (iii) of this section and, if 3343  
applicable, division (B) (1) or (3) of this section are 3344  
inadequate to punish the offender and protect the public from 3345  
future crime, because the applicable factors under section 3346  
2929.12 of the Revised Code indicating a greater likelihood of 3347  
recidivism outweigh the applicable factors under that section 3348

indicating a lesser likelihood of recidivism. 3349

(v) The court finds that the prison terms imposed pursuant 3350  
to division (B) (2) (a) (iii) of this section and, if applicable, 3351  
division (B) (1) or (3) of this section are demeaning to the 3352  
seriousness of the offense, because one or more of the factors 3353  
under section 2929.12 of the Revised Code indicating that the 3354  
offender's conduct is more serious than conduct normally 3355  
constituting the offense are present, and they outweigh the 3356  
applicable factors under that section indicating that the 3357  
offender's conduct is less serious than conduct normally 3358  
constituting the offense. 3359

(b) The court shall impose on an offender the longest 3360  
prison term authorized or required for the offense and shall 3361  
impose on the offender an additional definite prison term of 3362  
one, two, three, four, five, six, seven, eight, nine, or ten 3363  
years if all of the following criteria are met: 3364

(i) The offender is convicted of or pleads guilty to a 3365  
specification of the type described in section 2941.149 of the 3366  
Revised Code that the offender is a repeat violent offender. 3367

(ii) The offender within the preceding twenty years has 3368  
been convicted of or pleaded guilty to three or more offenses 3369  
described in division (CC) (1) of section 2929.01 of the Revised 3370  
Code, including all offenses described in that division of which 3371  
the offender is convicted or to which the offender pleads guilty 3372  
in the current prosecution and all offenses described in that 3373  
division of which the offender previously has been convicted or 3374  
to which the offender previously pleaded guilty, whether 3375  
prosecuted together or separately. 3376

(iii) The offense or offenses of which the offender 3377

currently is convicted or to which the offender currently pleads 3378  
guilty is aggravated murder and the court does not impose a 3379  
sentence of death or life imprisonment without parole, murder, 3380  
terrorism and the court does not impose a sentence of life 3381  
imprisonment without parole, any felony of the first degree that 3382  
is an offense of violence and the court does not impose a 3383  
sentence of life imprisonment without parole, or any felony of 3384  
the second degree that is an offense of violence and the trier 3385  
of fact finds that the offense involved an attempt to cause or a 3386  
threat to cause serious physical harm to a person or resulted in 3387  
serious physical harm to a person. 3388

(c) For purposes of division (B) (2) (b) of this section, 3389  
two or more offenses committed at the same time or as part of 3390  
the same act or event shall be considered one offense, and that 3391  
one offense shall be the offense with the greatest penalty. 3392

(d) A sentence imposed under division (B) (2) (a) or (b) of 3393  
this section shall not be reduced pursuant to section 2929.20, 3394  
section 2967.19, or section 2967.193, or any other provision of 3395  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3396  
shall serve an additional prison term imposed under this section 3397  
consecutively to and prior to the prison term imposed for the 3398  
underlying offense. 3399

(e) When imposing a sentence pursuant to division (B) (2) 3400  
(a) or (b) of this section, the court shall state its findings 3401  
explaining the imposed sentence. 3402

(3) Except when an offender commits a violation of section 3403  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3404  
for the violation is life imprisonment or commits a violation of 3405  
section 2903.02 of the Revised Code, if the offender commits a 3406  
violation of section 2925.03 or 2925.11 of the Revised Code and 3407

that section classifies the offender as a major drug offender, 3408  
if the offender commits a violation of section 2925.05 of the 3409  
Revised Code and division (E)(1) of that section classifies the 3410  
offender as a major drug offender, if the offender commits a 3411  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3412  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3413  
division (C) or (D) of section 3719.172, division (C) of section 3414  
4729.51, or division (J) of section 4729.54 of the Revised Code 3415  
that includes the sale, offer to sell, or possession of a 3416  
schedule I or II controlled substance, with the exception of 3417  
marihuana, and the court imposing sentence upon the offender 3418  
finds that the offender is guilty of a specification of the type 3419  
described in division (A) of section 2941.1410 of the Revised 3420  
Code charging that the offender is a major drug offender, if the 3421  
court imposing sentence upon an offender for a felony finds that 3422  
the offender is guilty of corrupt activity with the most serious 3423  
offense in the pattern of corrupt activity being a felony of the 3424  
first degree, or if the offender is guilty of an attempted 3425  
violation of section 2907.02 of the Revised Code and, had the 3426  
offender completed the violation of section 2907.02 of the 3427  
Revised Code that was attempted, the offender would have been 3428  
subject to a sentence of life imprisonment or life imprisonment 3429  
without parole for the violation of section 2907.02 of the 3430  
Revised Code, the court shall impose upon the offender for the 3431  
felony violation a mandatory prison term of the maximum prison 3432  
term prescribed for a felony of the first degree that, subject 3433  
to divisions (C) to (I) of section 2967.19 of the Revised Code, 3434  
cannot be reduced pursuant to section 2929.20, section 2967.19, 3435  
or any other provision of Chapter 2967. or 5120. of the Revised 3436  
Code. 3437

(4) If the offender is being sentenced for a third or 3438

fourth degree felony OVI offense under division (G) (2) of 3439  
section 2929.13 of the Revised Code, the sentencing court shall 3440  
impose upon the offender a mandatory prison term in accordance 3441  
with that division. In addition to the mandatory prison term, if 3442  
the offender is being sentenced for a fourth degree felony OVI 3443  
offense, the court, notwithstanding division (A) (4) of this 3444  
section, may sentence the offender to a definite prison term of 3445  
not less than six months and not more than thirty months, and if 3446  
the offender is being sentenced for a third degree felony OVI 3447  
offense, the sentencing court may sentence the offender to an 3448  
additional prison term of any duration specified in division (A) 3449  
(3) of this section. In either case, the additional prison term 3450  
imposed shall be reduced by the sixty or one hundred twenty days 3451  
imposed upon the offender as the mandatory prison term. The 3452  
total of the additional prison term imposed under division (B) 3453  
(4) of this section plus the sixty or one hundred twenty days 3454  
imposed as the mandatory prison term shall equal a definite term 3455  
in the range of six months to thirty months for a fourth degree 3456  
felony OVI offense and shall equal one of the authorized prison 3457  
terms specified in division (A) (3) of this section for a third 3458  
degree felony OVI offense. If the court imposes an additional 3459  
prison term under division (B) (4) of this section, the offender 3460  
shall serve the additional prison term after the offender has 3461  
served the mandatory prison term required for the offense. In 3462  
addition to the mandatory prison term or mandatory and 3463  
additional prison term imposed as described in division (B) (4) 3464  
of this section, the court also may sentence the offender to a 3465  
community control sanction under section 2929.16 or 2929.17 of 3466  
the Revised Code, but the offender shall serve all of the prison 3467  
terms so imposed prior to serving the community control 3468  
sanction. 3469

If the offender is being sentenced for a fourth degree 3470  
felony OVI offense under division (G) (1) of section 2929.13 of 3471  
the Revised Code and the court imposes a mandatory term of local 3472  
incarceration, the court may impose a prison term as described 3473  
in division (A) (1) of that section. 3474

(5) If an offender is convicted of or pleads guilty to a 3475  
violation of division (A) (1) or (2) of section 2903.06 of the 3476  
Revised Code and also is convicted of or pleads guilty to a 3477  
specification of the type described in section 2941.1414 of the 3478  
Revised Code that charges that the victim of the offense is a 3479  
peace officer, as defined in section 2935.01 of the Revised 3480  
Code, or an investigator of the bureau of criminal 3481  
identification and investigation, as defined in section 2903.11 3482  
of the Revised Code, the court shall impose on the offender a 3483  
prison term of five years. If a court imposes a prison term on 3484  
an offender under division (B) (5) of this section, the prison 3485  
term, subject to divisions (C) to (I) of section 2967.19 of the 3486  
Revised Code, shall not be reduced pursuant to section 2929.20, 3487  
section 2967.19, section 2967.193, or any other provision of 3488  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3489  
shall not impose more than one prison term on an offender under 3490  
division (B) (5) of this section for felonies committed as part 3491  
of the same act. 3492

(6) If an offender is convicted of or pleads guilty to a 3493  
violation of division (A) (1) or (2) of section 2903.06 of the 3494  
Revised Code and also is convicted of or pleads guilty to a 3495  
specification of the type described in section 2941.1415 of the 3496  
Revised Code that charges that the offender previously has been 3497  
convicted of or pleaded guilty to three or more violations of 3498  
division (A) or (B) of section 4511.19 of the Revised Code or an 3499  
equivalent offense, as defined in section 2941.1415 of the 3500

Revised Code, or three or more violations of any combination of 3501  
those divisions and offenses, the court shall impose on the 3502  
offender a prison term of three years. If a court imposes a 3503  
prison term on an offender under division (B) (6) of this 3504  
section, the prison term, subject to divisions (C) to (I) of 3505  
section 2967.19 of the Revised Code, shall not be reduced 3506  
pursuant to section 2929.20, section 2967.19, section 2967.193, 3507  
or any other provision of Chapter 2967. or Chapter 5120. of the 3508  
Revised Code. A court shall not impose more than one prison term 3509  
on an offender under division (B) (6) of this section for 3510  
felonies committed as part of the same act. 3511

(7) (a) If an offender is convicted of or pleads guilty to 3512  
a felony violation of section 2905.01, 2905.02, 2907.21, 3513  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 3514  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 3515  
the Revised Code and also is convicted of or pleads guilty to a 3516  
specification of the type described in section 2941.1422 of the 3517  
Revised Code that charges that the offender knowingly committed 3518  
the offense in furtherance of human trafficking, the court shall 3519  
impose on the offender a mandatory prison term that is one of 3520  
the following: 3521

(i) If the offense is a felony of the first degree, a 3522  
definite prison term of not less than five years and not greater 3523  
than ten years; 3524

(ii) If the offense is a felony of the second or third 3525  
degree, a definite prison term of not less than three years and 3526  
not greater than the maximum prison term allowed for the offense 3527  
by division (A) of section 2929.14 of the Revised Code; 3528

(iii) If the offense is a felony of the fourth or fifth 3529  
degree, a definite prison term that is the maximum prison term 3530



allowed for the offense by division (A) of section 2929.14 of 3531  
the Revised Code. 3532

(b) Subject to divisions (C) to (I) of section 2967.19 of 3533  
the Revised Code, the prison term imposed under division (B) (7) 3534  
(a) of this section shall not be reduced pursuant to section 3535  
2929.20, section 2967.19, section 2967.193, or any other 3536  
provision of Chapter 2967. of the Revised Code. A court shall 3537  
not impose more than one prison term on an offender under 3538  
division (B) (7) (a) of this section for felonies committed as 3539  
part of the same act, scheme, or plan. 3540

(8) If an offender is convicted of or pleads guilty to a 3541  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3542  
Revised Code and also is convicted of or pleads guilty to a 3543  
specification of the type described in section 2941.1423 of the 3544  
Revised Code that charges that the victim of the violation was a 3545  
woman whom the offender knew was pregnant at the time of the 3546  
violation, notwithstanding the range of prison terms prescribed 3547  
in division (A) of this section for felonies of the same degree 3548  
as the violation, the court shall impose on the offender a 3549  
mandatory prison term that is either a definite prison term of 3550  
six months or one of the prison terms prescribed in section 3551  
2929.14 of the Revised Code for felonies of the same degree as 3552  
the violation. 3553

(9) If an offender is convicted of or pleads guilty to a 3554  
felony violation of section 2925.03, 2925.05, or 2925.11 of the 3555  
Revised Code, if the drug involved in the violation is a 3556  
fentanyl-related compound or a compound, mixture, preparation, 3557  
or substance containing a fentanyl-related compound, and if the 3558  
offender also is convicted of or pleads guilty to a 3559  
specification of the type described in division (B) of section 3560

2941.1410 of the Revised Code that charges that the offender is 3561  
a major drug offender, in addition to any other penalty imposed 3562  
for the violation, the court shall impose on the offender a 3563  
mandatory prison term of three, four, five, six, seven, or eight 3564  
years. If a court imposes a prison term on an offender under 3565  
division (B) (9) of this section, the prison term, subject to 3566  
divisions (C) to (I) of section 2967.19 of the Revised Code, 3567  
shall not be reduced pursuant to section 2929.20, 2967.19, or 3568  
2967.193, or any other provision of Chapter 2967. or 5120. of 3569  
the Revised Code. A court shall not impose more than one prison 3570  
term on an offender under division (B) (9) of this section for 3571  
felonies committed as part of the same act. 3572

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3573  
if a mandatory prison term is imposed upon an offender pursuant 3574  
to division (B) (1) (a) of this section for having a firearm on or 3575  
about the offender's person or under the offender's control 3576  
while committing a felony, if a mandatory prison term is imposed 3577  
upon an offender pursuant to division (B) (1) (c) of this section 3578  
for committing a felony specified in that division by 3579  
discharging a firearm from a motor vehicle, or if both types of 3580  
mandatory prison terms are imposed, the offender shall serve any 3581  
mandatory prison term imposed under either division 3582  
consecutively to any other mandatory prison term imposed under 3583  
either division or under division (B) (1) (d) of this section, 3584  
consecutively to and prior to any prison term imposed for the 3585  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3586  
this section or any other section of the Revised Code, and 3587  
consecutively to any other prison term or mandatory prison term 3588  
previously or subsequently imposed upon the offender. 3589

(b) If a mandatory prison term is imposed upon an offender 3590  
pursuant to division (B) (1) (d) of this section for wearing or 3591

carrying body armor while committing an offense of violence that 3592  
is a felony, the offender shall serve the mandatory term so 3593  
imposed consecutively to any other mandatory prison term imposed 3594  
under that division or under division (B) (1) (a) or (c) of this 3595  
section, consecutively to and prior to any prison term imposed 3596  
for the underlying felony under division (A), (B) (2), or (B) (3) 3597  
of this section or any other section of the Revised Code, and 3598  
consecutively to any other prison term or mandatory prison term 3599  
previously or subsequently imposed upon the offender. 3600

(c) If a mandatory prison term is imposed upon an offender 3601  
pursuant to division (B) (1) (f) of this section, the offender 3602  
shall serve the mandatory prison term so imposed consecutively 3603  
to and prior to any prison term imposed for the underlying 3604  
felony under division (A), (B) (2), or (B) (3) of this section or 3605  
any other section of the Revised Code, and consecutively to any 3606  
other prison term or mandatory prison term previously or 3607  
subsequently imposed upon the offender. 3608

(d) If a mandatory prison term is imposed upon an offender 3609  
pursuant to division (B) (7) or (8) of this section, the offender 3610  
shall serve the mandatory prison term so imposed consecutively 3611  
to any other mandatory prison term imposed under that division 3612  
or under any other provision of law and consecutively to any 3613  
other prison term or mandatory prison term previously or 3614  
subsequently imposed upon the offender. 3615

(e) If a mandatory prison term is imposed upon an offender 3616  
pursuant to division (B) (9) of this section, the offender shall 3617  
serve the mandatory prison term consecutively to any other 3618  
mandatory prison term imposed under that division, consecutively 3619  
to and prior to any prison term imposed for the underlying 3620  
felony, and consecutively to any other prison term or mandatory 3621

prison term previously or subsequently imposed upon the 3622  
offender. 3623

(2) If an offender who is an inmate in a jail, prison, or 3624  
other residential detention facility violates section 2917.02, 3625  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3626  
(2) of section 2921.34 of the Revised Code, if an offender who 3627  
is under detention at a detention facility commits a felony 3628  
violation of section 2923.131 of the Revised Code, or if an 3629  
offender who is an inmate in a jail, prison, or other 3630  
residential detention facility or is under detention at a 3631  
detention facility commits another felony while the offender is 3632  
an escapee in violation of division (A) (1) or (2) of section 3633  
2921.34 of the Revised Code, any prison term imposed upon the 3634  
offender for one of those violations shall be served by the 3635  
offender consecutively to the prison term or term of 3636  
imprisonment the offender was serving when the offender 3637  
committed that offense and to any other prison term previously 3638  
or subsequently imposed upon the offender. 3639

(3) If a prison term is imposed for a violation of 3640  
division (B) of section 2911.01 of the Revised Code, a violation 3641  
of division (A) of section 2913.02 of the Revised Code in which 3642  
the stolen property is a firearm or dangerous ordnance, or a 3643  
felony violation of division (B) of section 2921.331 of the 3644  
Revised Code, the offender shall serve that prison term 3645  
consecutively to any other prison term or mandatory prison term 3646  
previously or subsequently imposed upon the offender. 3647

(4) If multiple prison terms are imposed on an offender 3648  
for convictions of multiple offenses, the court may require the 3649  
offender to serve the prison terms consecutively if the court 3650  
finds that the consecutive service is necessary to protect the 3651

public from future crime or to punish the offender and that 3652  
consecutive sentences are not disproportionate to the 3653  
seriousness of the offender's conduct and to the danger the 3654  
offender poses to the public, and if the court also finds any of 3655  
the following: 3656

(a) The offender committed one or more of the multiple 3657  
offenses while the offender was awaiting trial or sentencing, 3658  
was under a sanction imposed pursuant to section 2929.16, 3659  
2929.17, or 2929.18 of the Revised Code, or was under post- 3660  
release control for a prior offense. 3661

(b) At least two of the multiple offenses were committed 3662  
as part of one or more courses of conduct, and the harm caused 3663  
by two or more of the multiple offenses so committed was so 3664  
great or unusual that no single prison term for any of the 3665  
offenses committed as part of any of the courses of conduct 3666  
adequately reflects the seriousness of the offender's conduct. 3667

(c) The offender's history of criminal conduct 3668  
demonstrates that consecutive sentences are necessary to protect 3669  
the public from future crime by the offender. 3670

(5) If a mandatory prison term is imposed upon an offender 3671  
pursuant to division (B) (5) or (6) of this section, the offender 3672  
shall serve the mandatory prison term consecutively to and prior 3673  
to any prison term imposed for the underlying violation of 3674  
division (A) (1) or (2) of section 2903.06 of the Revised Code 3675  
pursuant to division (A) of this section or section 2929.142 of 3676  
the Revised Code. If a mandatory prison term is imposed upon an 3677  
offender pursuant to division (B) (5) of this section, and if a 3678  
mandatory prison term also is imposed upon the offender pursuant 3679  
to division (B) (6) of this section in relation to the same 3680  
violation, the offender shall serve the mandatory prison term 3681

imposed pursuant to division (B) (5) of this section 3682  
consecutively to and prior to the mandatory prison term imposed 3683  
pursuant to division (B) (6) of this section and consecutively to 3684  
and prior to any prison term imposed for the underlying 3685  
violation of division (A) (1) or (2) of section 2903.06 of the 3686  
Revised Code pursuant to division (A) of this section or section 3687  
2929.142 of the Revised Code. 3688

(6) Any prison term imposed for a violation of section 3689  
2903.04 of the Revised Code that is based on a violation of 3690  
section 2925.03, 2925.05, or 2925.11 of the Revised Code shall 3691  
run consecutively to any prison term imposed for the violation 3692  
of section 2925.03, 2925.05, or 2925.11 of the Revised Code. 3693

(7) When consecutive prison terms are imposed pursuant to 3694  
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 3695  
(1) or (2) of this section, the term to be served is the 3696  
aggregate of all of the terms so imposed. 3697

(D) (1) If a court imposes a prison term for a felony of 3698  
the first degree, for a felony of the second degree, for a 3699  
felony sex offense, or for a felony of the third degree that is 3700  
not a felony sex offense and in the commission of which the 3701  
offender caused or threatened to cause physical harm to a 3702  
person, it shall include in the sentence a requirement that the 3703  
offender be subject to a period of post-release control after 3704  
the offender's release from imprisonment, in accordance with 3705  
that division. If a court imposes a sentence including a prison 3706  
term of a type described in this division on or after July 11, 3707  
2006, the failure of a court to include a post-release control 3708  
requirement in the sentence pursuant to this division does not 3709  
negate, limit, or otherwise affect the mandatory period of post- 3710  
release control that is required for the offender under division 3711

(B) of section 2967.28 of the Revised Code. Section 2929.191 of 3712  
the Revised Code applies if, prior to July 11, 2006, a court 3713  
imposed a sentence including a prison term of a type described 3714  
in this division and failed to include in the sentence pursuant 3715  
to this division a statement regarding post-release control. 3716

(2) If a court imposes a prison term for a felony of the 3717  
third, fourth, or fifth degree that is not subject to division 3718  
(D) (1) of this section, it shall include in the sentence a 3719  
requirement that the offender be subject to a period of post- 3720  
release control after the offender's release from imprisonment, 3721  
in accordance with that division, if the parole board determines 3722  
that a period of post-release control is necessary. Section 3723  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3724  
a court imposed a sentence including a prison term of a type 3725  
described in this division and failed to include in the sentence 3726  
pursuant to this division a statement regarding post-release 3727  
control. 3728

(E) The court shall impose sentence upon the offender in 3729  
accordance with section 2971.03 of the Revised Code, and Chapter 3730  
2971. of the Revised Code applies regarding the prison term or 3731  
term of life imprisonment without parole imposed upon the 3732  
offender and the service of that term of imprisonment if any of 3733  
the following apply: 3734

(1) A person is convicted of or pleads guilty to a violent 3735  
sex offense or a designated homicide, assault, or kidnapping 3736  
offense, and, in relation to that offense, the offender is 3737  
adjudicated a sexually violent predator. 3738

(2) A person is convicted of or pleads guilty to a 3739  
violation of division (A) (1) (b) of section 2907.02 of the 3740  
Revised Code committed on or after January 2, 2007, and either 3741

the court does not impose a sentence of life without parole when 3742  
authorized pursuant to division (B) of section 2907.02 of the 3743  
Revised Code, or division (B) of section 2907.02 of the Revised 3744  
Code provides that the court shall not sentence the offender 3745  
pursuant to section 2971.03 of the Revised Code. 3746

(3) A person is convicted of or pleads guilty to attempted 3747  
rape committed on or after January 2, 2007, and a specification 3748  
of the type described in section 2941.1418, 2941.1419, or 3749  
2941.1420 of the Revised Code. 3750

(4) A person is convicted of or pleads guilty to a 3751  
violation of section 2905.01 of the Revised Code committed on or 3752  
after January 1, 2008, and that section requires the court to 3753  
sentence the offender pursuant to section 2971.03 of the Revised 3754  
Code. 3755

(5) A person is convicted of or pleads guilty to 3756  
aggravated murder committed on or after January 1, 2008, and 3757  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3758  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3759  
(d) of section 2929.03, or division (A) or (B) of section 3760  
2929.06 of the Revised Code requires the court to sentence the 3761  
offender pursuant to division (B) (3) of section 2971.03 of the 3762  
Revised Code. 3763

(6) A person is convicted of or pleads guilty to murder 3764  
committed on or after January 1, 2008, and division (B) (2) of 3765  
section 2929.02 of the Revised Code requires the court to 3766  
sentence the offender pursuant to section 2971.03 of the Revised 3767  
Code. 3768

(F) If a person who has been convicted of or pleaded 3769  
guilty to a felony is sentenced to a prison term or term of 3770



imprisonment under this section, sections 2929.02 to 2929.06 of 3771  
the Revised Code, section 2929.142 of the Revised Code, section 3772  
2971.03 of the Revised Code, or any other provision of law, 3773  
section 5120.163 of the Revised Code applies regarding the 3774  
person while the person is confined in a state correctional 3775  
institution. 3776

(G) If an offender who is convicted of or pleads guilty to 3777  
a felony that is an offense of violence also is convicted of or 3778  
pleads guilty to a specification of the type described in 3779  
section 2941.142 of the Revised Code that charges the offender 3780  
with having committed the felony while participating in a 3781  
criminal gang, the court shall impose upon the offender an 3782  
additional prison term of one, two, or three years. 3783

(H) (1) If an offender who is convicted of or pleads guilty 3784  
to aggravated murder, murder, or a felony of the first, second, 3785  
or third degree that is an offense of violence also is convicted 3786  
of or pleads guilty to a specification of the type described in 3787  
section 2941.143 of the Revised Code that charges the offender 3788  
with having committed the offense in a school safety zone or 3789  
towards a person in a school safety zone, the court shall impose 3790  
upon the offender an additional prison term of two years. The 3791  
offender shall serve the additional two years consecutively to 3792  
and prior to the prison term imposed for the underlying offense. 3793

(2) (a) If an offender is convicted of or pleads guilty to 3794  
a felony violation of section 2907.22, 2907.24, 2907.241, or 3795  
2907.25 of the Revised Code and to a specification of the type 3796  
described in section 2941.1421 of the Revised Code and if the 3797  
court imposes a prison term on the offender for the felony 3798  
violation, the court may impose upon the offender an additional 3799  
prison term as follows: 3800

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

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

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

inapplicable. The offender shall pay all costs associated with a 3832  
sanction imposed under this division, including the cost of the 3833  
use of the monitoring device. 3834

(I) At the time of sentencing, the court may recommend the 3835  
offender for placement in a program of shock incarceration under 3836  
section 5120.031 of the Revised Code or for placement in an 3837  
intensive program prison under section 5120.032 of the Revised 3838  
Code, disapprove placement of the offender in a program of shock 3839  
incarceration or an intensive program prison of that nature, or 3840  
make no recommendation on placement of the offender. In no case 3841  
shall the department of rehabilitation and correction place the 3842  
offender in a program or prison of that nature unless the 3843  
department determines as specified in section 5120.031 or 3844  
5120.032 of the Revised Code, whichever is applicable, that the 3845  
offender is eligible for the placement. 3846

If the court disapproves placement of the offender in a 3847  
program or prison of that nature, the department of 3848  
rehabilitation and correction shall not place the offender in 3849  
any program of shock incarceration or intensive program prison. 3850

If the court recommends placement of the offender in a 3851  
program of shock incarceration or in an intensive program 3852  
prison, and if the offender is subsequently placed in the 3853  
recommended program or prison, the department shall notify the 3854  
court of the placement and shall include with the notice a brief 3855  
description of the placement. 3856

If the court recommends placement of the offender in a 3857  
program of shock incarceration or in an intensive program prison 3858  
and the department does not subsequently place the offender in 3859  
the recommended program or prison, the department shall send a 3860  
notice to the court indicating why the offender was not placed 3861

in the recommended program or prison. 3862

If the court does not make a recommendation under this 3863  
division with respect to an offender and if the department 3864  
determines as specified in section 5120.031 or 5120.032 of the 3865  
Revised Code, whichever is applicable, that the offender is 3866  
eligible for placement in a program or prison of that nature, 3867  
the department shall screen the offender and determine if there 3868  
is an available program of shock incarceration or an intensive 3869  
program prison for which the offender is suited. If there is an 3870  
available program of shock incarceration or an intensive program 3871  
prison for which the offender is suited, the department shall 3872  
notify the court of the proposed placement of the offender as 3873  
specified in section 5120.031 or 5120.032 of the Revised Code 3874  
and shall include with the notice a brief description of the 3875  
placement. The court shall have ten days from receipt of the 3876  
notice to disapprove the placement. 3877

(J) If a person is convicted of or pleads guilty to 3878  
aggravated vehicular homicide in violation of division (A) (1) of 3879  
section 2903.06 of the Revised Code and division (B) (2) (c) of 3880  
that section applies, the person shall be sentenced pursuant to 3881  
section 2929.142 of the Revised Code. 3882

(K) (1) The court shall impose an additional mandatory 3883  
prison term of two, three, four, five, six, seven, eight, nine, 3884  
ten, or eleven years on an offender who is convicted of or 3885  
pleads guilty to a violent felony offense if the offender also 3886  
is convicted of or pleads guilty to a specification of the type 3887  
described in section 2941.1424 of the Revised Code that charges 3888  
that the offender is a violent career criminal and had a firearm 3889  
on or about the offender's person or under the offender's 3890  
control while committing the presently charged violent felony 3891

offense and displayed or brandished the firearm, indicated that 3892  
the offender possessed a firearm, or used the firearm to 3893  
facilitate the offense. The offender shall serve the prison term 3894  
imposed under this division consecutively to and prior to the 3895  
prison term imposed for the underlying offense. The prison term 3896  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 3897  
any other provision of Chapter 2967. or 5120. of the Revised 3898  
Code. A court may not impose more than one sentence under 3899  
division (B) (2) (a) of this section and this division for acts 3900  
committed as part of the same act or transaction. 3901

(2) As used in division (K) (1) of this section, "violent 3902  
career criminal" and "violent felony offense" have the same 3903  
meanings as in section 2923.132 of the Revised Code. 3904

**Sec. 2941.1410.** (A) Except as provided in sections 2925.03 3905  
and 2925.11 and division (E) (1) of section 2925.05 of the 3906  
Revised Code, the determination by a court that an offender is a 3907  
major drug offender is precluded unless the indictment, count in 3908  
the indictment, or information charging the offender specifies 3909  
that the offender is a major drug offender. The specification 3910  
shall be stated at the end of the body of the indictment, count, 3911  
or information, and shall be stated in substantially the 3912  
following form: 3913

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3914  
Grand Jurors (or insert the person's or prosecuting attorney's 3915  
name when appropriate) further find and specify that (set forth 3916  
that the offender is a major drug offender)." 3917

(B) Imposition of a three, four, five, six, seven, or 3918  
eight-year mandatory prison term upon an offender under division 3919  
(B) (9) of section 2929.14 of the Revised Code, pursuant to 3920  
determination by a court that an offender is a major drug 3921

offender, is precluded unless the indictment, count in the 3922  
indictment, or information charging the offender with the 3923  
violation of section 2925.03, 2925.05, or 2925.11 of the Revised 3924  
Code specifies that the offender is a major drug offender and 3925  
that the drug involved in the violation is a fentanyl-related 3926  
compound or a compound, mixture, preparation, or substance 3927  
containing a fentanyl-related compound. The specification shall 3928  
be stated at the end of the body of the indictment, count, or 3929  
information, and shall be stated in substantially the following 3930  
form: 3931

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3932  
Grand Jurors (or insert the person's or prosecuting attorney's 3933  
name when appropriate) further find and specify that (set forth 3934  
that the offender is a major drug offender and the drug involved 3935  
in the violation is a fentanyl-related compound or a compound, 3936  
mixture, preparation, or substance containing a fentanyl-related 3937  
compound)." 3938

(C) The court shall determine the issue of whether an 3939  
offender is a major drug offender. 3940

~~(C)~~ (D) As used in this section, "major drug offender" has 3941  
the same meaning as in section 2929.01 of the Revised Code. 3942

**Sec. 3719.41.** Controlled substance schedules I, II, III, 3943  
IV, and V are hereby established, which schedules include the 3944  
following, subject to amendment pursuant to section 3719.43 or 3945  
3719.44 of the Revised Code. 3946

SCHEDULE I 3947

(A) Narcotics-opiates 3948

Any of the following opiates, including their isomers, 3949  
esters, ethers, salts, and salts of isomers, esters, and ethers, 3950

unless specifically excepted under federal drug abuse control	3951
laws, whenever the existence of these isomers, esters, ethers,	3952
and salts is possible within the specific chemical designation:	3953
(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-	3954
phenethyl)-4-piperidinyl]-N-phenylacetamide);	3955
(2) Acetylmethadol;	3956
(3) Allylprodine;	3957
(4) Alphacetylmethadol (except levo-alphacetylmethadol,	3958
also known as levo-alpha-acetylmethadol, levomethadyl acetate,	3959
or LAAM);	3960
(5) Alphameprodine;	3961
(6) Alphamethadol;	3962
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	3963
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-	3964
phenylethyl)-4-(N-propanilido) piperidine);	3965
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	3966
thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	3967
(9) Benzethidine;	3968
(10) Betacetylmethadol;	3969
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	3970
piperidinyl]-N- phenylpropanamide);	3971
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	3972
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	3973
phenylpropanamide);	3974
(13) Betameprodine;	3975
(14) Betamethadol;	3976

(15) Betaprodine;	3977
(16) Clonitazene;	3978
(17) Dextromoramide;	3979
(18) Diampromide;	3980
(19) Diethylthiambutene;	3981
(20) Difenoxin;	3982
(21) Dimenoxadol;	3983
(22) Dimepheptanol;	3984
(23) Dimethylthiambutene;	3985
(24) Dioxaphetyl butyrate;	3986
(25) Dipipanone;	3987
(26) Ethylmethylthiambutene;	3988
(27) Etonitazene;	3989
(28) Etoxeridine;	3990
(29) Furethidine;	3991
(30) Hydroxypethidine;	3992
(31) Ketobemidone;	3993
(32) Levomoramide;	3994
(33) Levophenacymorphan;	3995
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	3996
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);	3998
	3999



(36) Morpheridine;	4000
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	4001
(38) Noracymethadol;	4002
(39) Norlevorphanol;	4003
(40) Normethadone;	4004
(41) Norpipanone;	4005
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	4006 4007
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	4008
(44) Phenadoxone;	4009
(45) Phenampromide;	4010
(46) Phenomorphan;	4011
(47) Phenoperidine;	4012
(48) Piritramide;	4013
(49) Proheptazine;	4014
(50) Properidine;	4015
(51) Propiram;	4016
(52) Racemoramide;	4017
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	4018 4019
(54) Tilidine;	4020
(55) Trimeperidine.	4021
<u>(56) Except as otherwise provided in this section, any</u>	4022

compound that meets all of the following fentanyl pharmacophore 4023  
requirements to bind at the mu receptor, as identified by a 4024  
report from an established forensic laboratory: 4025

(a) A chemical scaffold consisting of both of the 4026  
following: 4027

(i) A five, six, or seven member ring structure containing 4028  
a nitrogen, whether or not further substituted; 4029

(ii) An attached nitrogen to the ring, whether or not that 4030  
nitrogen is enclosed in a ring structure, including an attached 4031  
aromatic ring or other lipophilic group to that nitrogen; 4032

(b) A polar functional group attached to the chemical 4033  
scaffold, including but not limited to, a hydroxyl, ketone, 4034  
amide, or ester; 4035

(c) An alkyl or aryl substitution off the ring nitrogen of 4036  
the chemical scaffold; and 4037

(d) The compound has not been approved for medical use by 4038  
the United States food and drug administration. 4039

(B) Narcotics-opium derivatives 4040

Any of the following opium derivatives, including their 4041  
salts, isomers, and salts of isomers, unless specifically 4042  
excepted under federal drug abuse control laws, whenever the 4043  
existence of these salts, isomers, and salts of isomers is 4044  
possible within the specific chemical designation: 4045

(1) Acetorphine; 4046

(2) Acetyldihydrocodeine; 4047

(3) Benzylmorphine; 4048

(4) Codeine methylbromide; 4049

(5) Codeine-n-oxide;	4050
(6) Cyprenorphine;	4051
(7) Desomorphine;	4052
(8) Dihydromorphine;	4053
(9) Drotebanol;	4054
(10) Etorphine (except hydrochloride salt);	4055
(11) Heroin;	4056
(12) Hydromorphanol;	4057
(13) Methyldesorphine;	4058
(14) Methyldihydromorphine;	4059
(15) Morphine methylbromide;	4060
(16) Morphine methylsulfonate;	4061
(17) Morphine-n-oxide;	4062
(18) Myrophine;	4063
(19) Nicocodeine;	4064
(20) Nicomorphine;	4065
(21) Normorphine;	4066
(22) Pholcodine;	4067
(23) Thebacon.	4068
(C) Hallucinogens	4069
Any material, compound, mixture, or preparation that	4070
contains any quantity of the following hallucinogenic	4071
substances, including their salts, isomers, and salts of	4072

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

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

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

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

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

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

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

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

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

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

(10) 3,4-methylenedioxyamphetamine (MDMA);	4100
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	4101 4102 4103
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	4104 4105 4106
(13) 3,4,5-trimethoxy amphetamine;	4107
(14) Bufotenine (some trade or other names: 3-(beta- dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5- indolol; N, N-dimethylserotonin; 5-hydroxy-N, N- dimethyltryptamine; mappine);	4108 4109 4110 4111
(15) Diethyltryptamine (some trade or other names: N, N- diethyltryptamine; DET);	4112 4113
(16) Dimethyltryptamine (some trade or other names: DMT);	4114
(17) Ibogaine (some trade or other names: 7-ethyl- 6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H- pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	4115 4116 4117
(18) Lysergic acid diethylamide;	4118
(19) Marihuana;	4119
(20) Mescaline;	4120
(21) Parahexyl (some trade or other names: 3-hexyl-1- hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H- dibenzo[b,d]pyran; synhexyl);	4121 4122 4123
(22) Peyote (meaning all parts of the plant presently classified botanically as "Lophophora williamsii Lemaire," whether growing or not, the seeds of that plant, any extract	4124 4125 4126

from any part of that plant, and every compound, manufacture,	4127
salts, derivative, mixture, or preparation of that plant, its	4128
seeds, or its extracts);	4129
(23) N-ethyl-3-piperidyl benzilate;	4130
(24) N-methyl-3-piperidyl benzilate;	4131
(25) Psilocybin;	4132
(26) Psilocyn;	4133
(27) Tetrahydrocannabinols (synthetic equivalents of the	4134
substances contained in the plant, or in the resinous	4135
extractives of Cannabis, sp. and/or synthetic substances,	4136
derivatives, and their isomers with similar chemical structure	4137
and pharmacological activity such as the following: delta-1-cis	4138
or trans tetrahydrocannabinol, and their optical isomers; delta-	4139
6-cis or trans tetrahydrocannabinol, and their optical isomers;	4140
delta-3,4-cis or trans tetrahydrocannabinol, and its optical	4141
isomers. (Since nomenclature of these substances is not	4142
internationally standardized, compounds of these structures,	4143
regardless of numerical designation of atomic positions, are	4144
covered.);	4145
(28) Ethylamine analog of phencyclidine (some trade or	4146
other names: N-ethyl-1-phenylcyclohexylamine; (1-	4147
phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	4148
cyclohexamine; PCE);	4149
(29) Pyrrolidine analog of phencyclidine (some trade or	4150
other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	4151
(30) Thiophene analog of phencyclidine (some trade or	4152
other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl	4153
analog of phencyclidine; TPCP; TCP);	4154

(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	4155
(32) Hashish;	4156
(33) Salvia divinorum;	4157
(34) Salvinorin A;	4158
(35) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);	4159 4160
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	4161
(37) N-adamantyl-1-pentylindole-3-carboxamide;	4162
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	4163
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (methoxetamine);	4164 4165
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	4166
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	4167 4168
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	4169 4170
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	4171 4172
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3-tetramethylcyclopropyl)methanone (A-796,260);	4173 4174
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-adamantoyl)indole (AM1248);	4175 4176
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	4177
(47) 5-(2-aminopropyl)benzofuran (5-APB);	4178

(48) 6-(2-aminopropyl)benzofuran (6-APB);	4179
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	4180
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	4181
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	4182
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	4183
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	4184
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	4185
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	4186
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);	4187 4188
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);	4189 4190
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	4191
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	4192
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);	4193 4194
(61) 4-methoxymethamphetamine (PMMA);	4195
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	4196
(63) 5-iodo-2-aminoindane (5-IAI);	4197
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe);	4198 4199
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	4200 4201
(66) Desoxypipradrol (2-benzhydrylpiperidine);	4202



(67) Synthetic cannabinoids - unless specifically excepted 4203  
or unless listed in another schedule, any material, compound, 4204  
mixture, or preparation that contains any quantity of a 4205  
synthetic cannabinoid found to be in any of the following 4206  
chemical groups or any of those groups which contain any 4207  
synthetic cannabinoid salts, isomers, or salts of isomers, 4208  
whenever the existence of such salts, isomers, or salts of 4209  
isomers is possible within the specific chemical groups: 4210

(a) Naphthoylindoles: any compound containing a 3-(1- 4211  
naphthoyl)indole structure with or without substitution at the 4212  
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4213  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4214  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4215  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4216  
or 2-(4-morpholinyl)ethyl group, whether or not further 4217  
substituted on the indole ring to any extent or whether or not 4218  
substituted on the naphthyl group to any extent. 4219  
Naphthoylindoles include, but are not limited to, 1-[2-(4- 4220  
morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- 4221  
fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- 4222  
naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole 4223  
(JWH-073). 4224

(b) Naphthylmethylindoles: any compound containing a 1H- 4225  
indol-3-yl-(1-naphthyl)methane structure with or without 4226  
substitution at the nitrogen atom of the indole ring by an 4227  
alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 4228  
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 4229  
2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 4230  
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 4231  
not further substituted on the indole ring to any extent or 4232  
whether or not substituted on the naphthyl group to any extent. 4233

Naphthylmethylindoles include, but are not limited to, (1- 4234  
penty lindol-3-yl) (1-naphthyl)methane (JWH-175). 4235

(c) Naphthoylpyrroles: any compound containing a 3-(1- 4236  
naphthoyl)pyrrole structure with or without substitution at the 4237  
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 4238  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4239  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4240  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4241  
or 2-(4-morpholinyl)ethyl group, whether or not further 4242  
substituted on the pyrrole ring to any extent or whether or not 4243  
substituted on the naphthyl group to any extent. 4244  
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2- 4245  
phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 4246

(d) Naphthylmethylindenenes: any compound containing a 4247  
naphthylmethylideneindene structure with or without substitution 4248  
at the 3-position of the indene ring by an alkyl, haloalkyl, 4249  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4250  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4251  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4252  
or 2-(4-morpholinyl)ethyl group, whether or not further 4253  
substituted on the indene group to any extent or whether or not 4254  
substituted on the naphthyl group to any extent. 4255  
Naphthylmethylindenenes include, but are not limited to, (1-[(3- 4256  
penty l)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 4257

(e) Phenylacetylindoles: any compound containing a 3- 4258  
phenylacetylindole structure with or without substitution at the 4259  
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4260  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4261  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4262  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4263

or 2-(4-morpholinyl)ethyl group, whether or not further 4264  
substituted on the indole ring to any extent or whether or not 4265  
substituted on the phenyl group to any extent. 4266

Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 4267  
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 4268  
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 4269  
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 4270

(f) Cyclohexylphenols: any compound containing a 2-(3- 4271  
hydroxycyclohexyl)phenol structure with or without substitution 4272  
at the 5-position of the phenolic ring by an alkyl, haloalkyl, 4273  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4274  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4275  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4276  
or 2-(4-morpholinyl)ethyl group, whether or not further 4277  
substituted on the cyclohexyl group to any extent. 4278

Cyclohexylphenols include, but are not limited to, 5-(1,1- 4279  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 4280  
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 4281  
[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 4282  
cannabicyclohexanol; CP-47,497 C8 homologue). 4283

(g) Benzoylindoles: any compound containing a 3-(1- 4284  
benzoyl)indole structure with or without substitution at the 4285  
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4286  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4287  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4288  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 4289  
or 2-(4-morpholinyl)ethyl group, whether or not further 4290  
substituted on the indole ring to any extent or whether or not 4291  
substituted on the phenyl group to any extent. Benzoylindoles 4292  
include, but are not limited to, 1-pentyl-3-(4- 4293  
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 4294

methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098).	4295
(D) Depressants	4296
Any material, compound, mixture, or preparation that	4297
contains any quantity of the following substances having a	4298
depressant effect on the central nervous system, including their	4299
salts, isomers, and salts of isomers, unless specifically	4300
excepted under federal drug abuse control laws, whenever the	4301
existence of these salts, isomers, and salts of isomers is	4302
possible within the specific chemical designation:	4303
(1) Mecloqualone;	4304
(2) Methaqualone.	4305
(E) Stimulants	4306
Unless specifically excepted or unless listed in another	4307
schedule, any material, compound, mixture, or preparation that	4308
contains any quantity of the following substances having a	4309
stimulant effect on the central nervous system, including their	4310
salts, isomers, and salts of isomers:	4311
(1) Aminorex (some other names: aminoxaphen; 2-amino-5-	4312
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine);	4313
(2) Fenethylline;	4314
(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4-	4315
methyl-5-phenyl-2-oxazolamine);	4316
(4) N-ethylamphetamine;	4317
(5) N,N-dimethylamphetamine (also known as N,N-alpha-	4318
trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);	4319
(6) N-methyl-1-(thiophen-2-yl) propan-2-amine	4320
(Methiopropamine);	4321

(7) Substituted cathinones - any compound except bupropion 4322  
or compounds listed under a different schedule, structurally 4323  
derived from 2-aminopropan-1-one by substitution at the 1- 4324  
position with either phenyl, naphthyl, or thiophene ring 4325  
systems, whether or not the compound is further modified in any 4326  
of the following ways: 4327

(a) By substitution in the ring system to any extent with 4328  
alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide 4329  
substituents, whether or not further substituted in the ring 4330  
system by one or more other univalent substituents; 4331

(b) By substitution at the 3-position with an acyclic 4332  
alkyl substituent; 4333

(c) By substitution at the 2-amino nitrogen atom with 4334  
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 4335

(d) By inclusion of the 2-amino nitrogen atom in a cyclic 4336  
structure. 4337

Examples of substituted cathinones include, but are not 4338  
limited to, methyldone (3,4-methylenedioxy-methcathinone), MDPV 4339  
(3,4-methylenedioxy-pyrovalerone), mephedrone (4- 4340  
methyldone), 4-methoxymethcathinone, 4- 4341  
fluoromethcathinone, 3-fluoromethcathinone, Pentadone (2- 4342  
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3- 4343  
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1- 4344  
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1- 4345  
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1- 4346  
phenyl-1-propanone), and methcathinone (2-(methylamino)- 4347  
propylphenone). 4348

SCHEDULE II 4349

(A) Narcotics-opium and opium derivatives 4350

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

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

- (a) Raw opium;
- (b) Opium extracts;
- (c) Opium fluid extracts;
- (d) Powdered opium;
- (e) Granulated opium;
- (f) Tincture of opium;
- (g) Codeine;
- (h) Ethylmorphine;
- (i) Etorphine hydrochloride;
- (j) Hydrocodone;
- (k) Hydromorphone;
- (l) Metopon;
- (m) Morphine;
- (n) Oxycodone;

(o) Oxymorphone;	4376
(p) Thebaine.	4377
(2) Any salt, compound, derivative, or preparation thereof	4378
that is chemically equivalent to or identical with any of the	4379
substances referred to in division (A) (1) of this schedule,	4380
except that these substances shall not include the isoquinoline	4381
alkaloids of opium;	4382
(3) Opium poppy and poppy straw;	4383
(4) Coca leaves and any salt, compound, derivative, or	4384
preparation of coca leaves (including cocaine and ecgonine,	4385
their salts, isomers, and derivatives, and salts of those	4386
isomers and derivatives), and any salt, compound, derivative, or	4387
preparation thereof that is chemically equivalent to or	4388
identical with any of these substances, except that the	4389
substances shall not include decocainized coca leaves or	4390
extraction of coca leaves, which extractions do not contain	4391
cocaine or ecgonine;	4392
(5) Concentrate of poppy straw (the crude extract of poppy	4393
straw in either liquid, solid, or powder form that contains the	4394
phenanthrene alkaloids of the opium poppy).	4395
(B) Narcotics-opiates	4396
Unless specifically excepted under federal drug abuse	4397
control laws or unless listed in another schedule, any of the	4398
following opiates, including their isomers, esters, ethers,	4399
salts, and salts of isomers, esters, and ethers, whenever the	4400
existence of these isomers, esters, ethers, and salts is	4401
possible within the specific chemical designation, but excluding	4402
dextrorphan and levopropoxyphene:	4403

(1) Alfentanil;	4404
(2) Alphaprodine;	4405
(3) Anileridine;	4406
(4) Bezitramide;	4407
(5) Bulk dextropropoxyphene (non-dosage forms);	4408
(6) Carfentanil;	4409
(7) Dihydrocodeine;	4410
(8) Diphenoxylate;	4411
(9) Fentanyl;	4412
(10) Isomethadone;	4413
(11) Levo-alpha-acetylmethadol (some other names: levo- alpha-acetylmethadol; levomethadyl acetate; LAAM);	4414 4415
(12) Levomethorphan;	4416
(13) Levorphanol;	4417
(14) Metazocine;	4418
(15) Methadone;	4419
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4- diphenyl butane;	4420 4421
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1- diphenylpropane-carboxylic acid;	4422 4423
(18) Pethidine (meperidine);	4424
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4- phenylpiperidine;	4425 4426
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-	4427



carboxylate;	4428
(21) Pethidine-intermediate-C, 1-methyl-4-	4429
phenylpiperidine-4-carboxylic acid;	4430
(22) Phenazocine;	4431
(23) Piminodine;	4432
(24) Racemethorphan;	4433
(25) Racemorphan;	4434
(26) Remifentanil;	4435
(27) Sufentanil.	4436
(C) Stimulants	4437
Unless specifically excepted under federal drug abuse	4438
control laws or unless listed in another schedule, any material,	4439
compound, mixture, or preparation that contains any quantity of	4440
the following substances having a stimulant effect on the	4441
central nervous system:	4442
(1) Amphetamine, its salts, its optical isomers, and salts	4443
of its optical isomers;	4444
(2) Methamphetamine, its salts, its isomers, and salts of	4445
its isomers;	4446
(3) Methylphenidate;	4447
(4) Phenmetrazine and its salts;	4448
<u>(5) Lisdexamfetamine, its salts, isomers, and salts of its</u>	4449
<u>isomers.</u>	4450
(D) Depressants	4451
Unless specifically excepted under federal drug abuse	4452

control laws or unless listed in another schedule, any material,	4453
compound, mixture, or preparation that contains any quantity of	4454
the following substances having a depressant effect on the	4455
central nervous system, including their salts, isomers, and	4456
salts of isomers, whenever the existence of these salts,	4457
isomers, and salts of isomers is possible within the specific	4458
chemical designation:	4459
(1) Amobarbital;	4460
(2) Gamma-hydroxy-butyrate;	4461
(3) Glutethimide;	4462
(4) Pentobarbital;	4463
(5) Phencyclidine (some trade or other names: 1-(1-	4464
phenylcyclohexyl)piperidine; PCP);	4465
(6) Secobarbital;	4466
(7) 1-aminophenylcyclohexane and all N-mono-substituted	4467
and/or all N-N-disubstituted analogs including, but not limited	4468
to, the following:	4469
(a) 1-phenylcyclohexylamine;	4470
(b) (1-phenylcyclohexyl) methylamine;	4471
(c) (1-phenylcyclohexyl) dimethylamine;	4472
(d) (1-phenylcyclohexyl) methylethylamine;	4473
(e) (1-phenylcyclohexyl) isopropylamine;	4474
(f) 1-(1-phenylcyclohexyl) morpholine.	4475
(E) Hallucinogenic substances	4476
(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-	4477

dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one). 4478  
4479

(F) Immediate precursors 4480

Unless specifically excepted under federal drug abuse 4481  
control laws or unless listed in another schedule, any material, 4482  
compound, mixture, or preparation that contains any quantity of 4483  
the following substances: 4484

(1) Immediate precursor to amphetamine and 4485  
methamphetamine: 4486

(a) Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone); 4487  
4488

(2) Immediate precursors to phencyclidine (PCP): 4489

(a) 1-phenylcyclohexylamine; 4490

(b) 1-piperidinocyclohexanecarbonitrile (PCC). 4491

SCHEDULE III 4492

(A) Stimulants 4493

Unless specifically excepted under federal drug abuse 4494  
control laws or unless listed in another schedule, any material, 4495  
compound, mixture, or preparation that contains any quantity of 4496  
the following substances having a stimulant effect on the 4497  
central nervous system, including their salts, their optical 4498  
isomers, position isomers, or geometric isomers, and salts of 4499  
these isomers, whenever the existence of these salts, isomers, 4500  
and salts of isomers is possible within the specific chemical 4501  
designation: 4502

(1) All stimulant compounds, mixtures, and preparations 4503  
included in schedule III pursuant to the federal drug abuse 4504

control laws and regulations adopted under those laws;	4505
(2) Benzphetamine;	4506
(3) Chlorphentermine;	4507
(4) Clortermine;	4508
(5) Phendimetrazine.	4509
(B) Depressants	4510
Unless specifically excepted under federal drug abuse	4511
control laws or unless listed in another schedule, any material,	4512
compound, mixture, or preparation that contains any quantity of	4513
the following substances having a depressant effect on the	4514
central nervous system:	4515
(1) Any compound, mixture, or preparation containing	4516
amobarbital, secobarbital, pentobarbital, or any salt of any of	4517
these drugs, and one or more other active medicinal ingredients	4518
that are not listed in any schedule;	4519
(2) Any suppository dosage form containing amobarbital,	4520
secobarbital, pentobarbital, or any salt of any of these drugs	4521
and approved by the food and drug administration for marketing	4522
only as a suppository;	4523
(3) Any substance that contains any quantity of a	4524
derivative of barbituric acid or any salt of a derivative of	4525
barbituric acid;	4526
(4) Chlorhexadol;	4527
(5) Ketamine, its salts, isomers, and salts of isomers	4528
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-	4529
(methylamino)-cyclohexanone);	4530
(6) Lysergic acid;	4531

(7) Lysergic acid amide;	4532
(8) Methyprylon;	4533
(9) Sulfondiethylmethane;	4534
(10) Sulfonethylmethane;	4535
(11) Sulfonmethane;	4536
(12) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine-zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)- one; flupyrazapon).	4537 4538 4539 4540 4541 4542 4543
(C) Narcotic antidotes	4544
(1) Nalorphine.	4545
(D) Narcotics-narcotic preparations	4546
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	4547 4548 4549 4550 4551 4552
(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;	4553 4554 4555
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic	4556 4557 4558

amounts; 4559

(3) Not more than 300 milligrams of dihydrocodeinone per 4560  
100 milliliters or not more than 15 milligrams per dosage unit, 4561  
with a fourfold or greater quantity of an isoquinoline alkaloid 4562  
of opium; 4563

(4) Not more than 300 milligrams of dihydrocodeinone per 4564  
100 milliliters or not more than 15 milligrams per dosage unit, 4565  
with one or more active, nonnarcotic ingredients in recognized 4566  
therapeutic amounts; 4567

(5) Not more than 1.8 grams of dihydrocodeine per 100 4568  
milliliters or not more than 90 milligrams per dosage unit, with 4569  
one or more active, nonnarcotic ingredients in recognized 4570  
therapeutic amounts; 4571

(6) Not more than 300 milligrams of ethylmorphine per 100 4572  
milliliters or not more than 15 milligrams per dosage unit, with 4573  
one or more active, nonnarcotic ingredients in recognized 4574  
therapeutic amounts; 4575

(7) Not more than 500 milligrams of opium per 100 4576  
milliliters or per 100 grams or not more than 25 milligrams per 4577  
dosage unit, with one or more active, nonnarcotic ingredients in 4578  
recognized therapeutic amounts; 4579

(8) Not more than 50 milligrams of morphine per 100 4580  
milliliters or per 100 grams, with one or more active, 4581  
nonnarcotic ingredients in recognized therapeutic amounts. 4582

(E) Anabolic steroids 4583

Unless specifically excepted under federal drug abuse 4584  
control laws or unless listed in another schedule, any material, 4585  
compound, mixture, or preparation that contains any quantity of 4586

the following substances, including their salts, esters, 4587  
isomers, and salts of esters and isomers, whenever the existence 4588  
of these salts, esters, and isomers is possible within the 4589  
specific chemical designation: 4590

(1) Anabolic steroids. Except as otherwise provided in 4591  
division (E)(1) of schedule III, "anabolic steroids" means any 4592  
drug or hormonal substance that is chemically and 4593  
pharmacologically related to testosterone (other than estrogens, 4594  
progestins, and corticosteroids) and that promotes muscle 4595  
growth. "Anabolic steroids" does not include an anabolic steroid 4596  
that is expressly intended for administration through implants 4597  
to cattle or other nonhuman species and that has been approved 4598  
by the United States secretary of health and human services for 4599  
that administration, unless a person prescribes, dispenses, or 4600  
distributes this type of anabolic steroid for human use. 4601  
"Anabolic steroid" includes, but is not limited to, the 4602  
following: 4603

- (a) Boldenone; 4604
- (b) Chlorotestosterone (4-chlortestosterone); 4605
- (c) Clostebol; 4606
- (d) Dehydrochlormethyltestosterone; 4607
- (e) Dihydrotestosterone (4-dihydrotestosterone); 4608
- (f) Drostanolone; 4609
- (g) Ethylestrenol; 4610
- (h) Fluoxymesterone; 4611
- (i) Formebolone (formebolone); 4612
- (j) Mesterolone; 4613

(k) Methandienone;	4614
(l) Methandranone;	4615
(m) Methandriol;	4616
(n) Methandrostenolone;	4617
(o) Methenolone;	4618
(p) Methyltestosterone;	4619
(q) Mibolerone;	4620
(r) Nandrolone;	4621
(s) Norethandrolone;	4622
(t) Oxandrolone;	4623
(u) Oxymesterone;	4624
(v) Oxymetholone;	4625
(w) Stanolone;	4626
(x) Stanozolol;	4627
(y) Testolactone;	4628
(z) Testosterone;	4629
(aa) Trenbolone;	4630
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E) (1) of schedule III if the salt, ester, or isomer promotes muscle growth.	4631 4632 4633 4634
(F) Hallucinogenic substances	4635
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug	4636 4637



administration approved drug product (some other names for 4638  
dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl- 4639  
3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)- 4640  
tetrahydrocannabinol). 4641

SCHEDULE IV 4642

(A) Narcotic drugs 4643

Unless specifically excepted by federal drug abuse control 4644  
laws or unless listed in another schedule, any material, 4645  
compound, mixture, or preparation that contains any of the 4646  
following narcotic drugs, or their salts calculated as the free 4647  
anhydrous base or alkaloid, in limited quantities as set forth 4648  
below: 4649

(1) Not more than one milligram of difenoxin and not less 4650  
than 25 micrograms of atropine sulfate per dosage unit; 4651

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2- 4652  
diphenyl-3-methyl-2- propionoxybutane) [final dosage forms]. 4653

(B) Depressants 4654

Unless specifically excepted under federal drug abuse 4655  
control laws or unless listed in another schedule, any material, 4656  
compound, mixture, or preparation that contains any quantity of 4657  
the following substances, including their salts, isomers, and 4658  
salts of isomers, whenever the existence of these salts, 4659  
isomers, and salts of isomers is possible within the specific 4660  
chemical designation: 4661

(1) Alprazolam; 4662

(2) Barbital; 4663

(3) Bromazepam; 4664

(4) Camazepam;	4665
(5) Chloral betaine;	4666
(6) Chloral hydrate;	4667
(7) Chlordiazepoxide;	4668
(8) Clobazam;	4669
(9) Clonazepam;	4670
(10) Clorazepate;	4671
(11) Clotiazepam;	4672
(12) Cloxazolam;	4673
(13) Delorazepam;	4674
(14) Diazepam;	4675
(15) Estazolam;	4676
(16) Ethchlorvynol;	4677
(17) Ethinamate;	4678
(18) Ethyl loflazepate;	4679
(19) Fludiazepam;	4680
(20) Flunitrazepam;	4681
(21) Flurazepam;	4682
(22) Halazepam;	4683
(23) Haloxazolam;	4684
(24) Ketazolam;	4685
(25) Loprazolam;	4686

(26) Lorazepam;	4687
(27) Lormetazepam;	4688
(28) Mebutamate;	4689
(29) Medazepam;	4690
(30) Meprobamate;	4691
(31) Methohexital;	4692
(32) Methylphenobarbital (mephobarbital);	4693
(33) Midazolam;	4694
(34) Nimetazepam;	4695
(35) Nitrazepam;	4696
(36) Nordiazepam;	4697
(37) Oxazepam;	4698
(38) Oxazolam;	4699
(39) Paraldehyde;	4700
(40) Petrichloral;	4701
(41) Phenobarbital;	4702
(42) Pinazepam;	4703
(43) Prazepam;	4704
(44) Quazepam;	4705
(45) Temazepam;	4706
(46) Tetrazepam;	4707
(47) Triazolam;	4708

(48) Zaleplon;	4709
(49) Zolpidem.	4710
(C) Fenfluramine	4711
Any material, compound, mixture, or preparation that	4712
contains any quantity of the following substances, including	4713
their salts, their optical isomers, position isomers, or	4714
geometric isomers, and salts of these isomers, whenever the	4715
existence of these salts, isomers, and salts of isomers is	4716
possible within the specific chemical designation:	4717
(1) Fenfluramine.	4718
(D) Stimulants	4719
Unless specifically excepted under federal drug abuse	4720
control laws or unless listed in another schedule, any material,	4721
compound, mixture, or preparation that contains any quantity of	4722
the following substances having a stimulant effect on the	4723
central nervous system, including their salts, their optical	4724
isomers, position isomers, or geometric isomers, and salts of	4725
these isomers, whenever the existence of these salts, isomers,	4726
and salts of isomers is possible within the specific chemical	4727
designation:	4728
(1) Cathine ((+)-norpseudoephedrine);	4729
(2) Diethylpropion;	4730
(3) Fencamfamin;	4731
(4) Fenproporex;	4732
(5) Mazindol;	4733
(6) Mefenorex;	4734

(7) Modafinil;	4735
(8) Pemoline (including organometallic complexes and chelates thereof);	4736 4737
(9) Phentermine;	4738
(10) Pipradrol;	4739
(11) Sibutramine;	4740
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	4741
(E) Other substances	4742
Unless specifically excepted under federal drug abuse	4743
control laws or unless listed in another schedule, any material,	4744
compound, mixture, or preparation that contains any quantity of	4745
the following substances, including their salts:	4746
(1) Pentazocine;	4747
(2) Butorphanol (including its optical isomers).	4748
SCHEDULE V	4749
(A) Narcotic drugs	4750
Unless specifically excepted under federal drug abuse	4751
control laws or unless listed in another schedule, any material,	4752
compound, mixture, or preparation that contains any of the	4753
following narcotic drugs, and their salts, as set forth below:	4754
(1) Buprenorphine.	4755
(B) Narcotics-narcotic preparations	4756
Narcotic drugs containing non-narcotic active medicinal	4757
ingredients. Any compound, mixture, or preparation that contains	4758
any of the following narcotic drugs, or their salts calculated	4759

as the free anhydrous base or alkaloid, in limited quantities as 4760  
set forth below, and that includes one or more nonnarcotic 4761  
active medicinal ingredients in sufficient proportion to confer 4762  
upon the compound, mixture, or preparation valuable medicinal 4763  
qualities other than those possessed by narcotic drugs alone: 4764

(1) Not more than 200 milligrams of codeine per 100 4765  
milliliters or per 100 grams; 4766

(2) Not more than 100 milligrams of dihydrocodeine per 100 4767  
milliliters or per 100 grams; 4768

(3) Not more than 100 milligrams of ethylmorphine per 100 4769  
milliliters or per 100 grams; 4770

(4) Not more than 2.5 milligrams of diphenoxylate and not 4771  
less than 25 micrograms of atropine sulfate per dosage unit; 4772

(5) Not more than 100 milligrams of opium per 100 4773  
milliliters or per 100 grams; 4774

(6) Not more than 0.5 milligram of difenoxin and not less 4775  
than 25 micrograms of atropine sulfate per dosage unit. 4776

(C) Stimulants 4777

Unless specifically exempted or excluded under federal 4778  
drug abuse control laws or unless listed in another schedule, 4779  
any material, compound, mixture, or preparation that contains 4780  
any quantity of the following substances having a stimulant 4781  
effect on the central nervous system, including their salts, 4782  
isomers, and salts of isomers: 4783

(1) Ephedrine, except as provided in division (K) of 4784  
section 3719.44 of the Revised Code; 4785

(2) Pyrovalerone. 4786

**Sec. 3719.99.** (A) Whoever violates section 3719.16 or 4787  
3719.161 of the Revised Code is guilty of a felony of the fifth 4788  
degree. If the offender previously has been convicted of a 4789  
violation of section 3719.16 or 3719.161 of the Revised Code or 4790  
a drug abuse offense, a violation of section 3719.16 or 3719.161 4791  
of the Revised Code is a felony of the fourth degree. If the 4792  
violation involves the sale, offer to sell, or possession of a 4793  
schedule I or II controlled substance, with the exception of 4794  
marihuana, and if the offender, as a result of the violation, is 4795  
a major drug offender, division (D) of this section applies. 4796

(B) Whoever violates division (C) or (D) of section 4797  
3719.172 of the Revised Code is guilty of a felony of the fifth 4798  
degree. If the offender previously has been convicted of a 4799  
violation of division (C) or (D) of section 3719.172 of the 4800  
Revised Code or a drug abuse offense, a violation of division 4801  
(C) or (D) of section 3719.172 of the Revised Code is a felony 4802  
of the fourth degree. If the violation involves the sale, offer 4803  
to sell, or possession of a schedule I or II controlled 4804  
substance, with the exception of marihuana, and if the offender, 4805  
as a result of the violation, is a major drug offender, division 4806  
(D) of this section applies. 4807

(C) Whoever violates section 3719.07 or 3719.08 of the 4808  
Revised Code is guilty of a misdemeanor of the first degree. If 4809  
the offender previously has been convicted of a violation of 4810  
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 4811  
offense, a violation of section 3719.07 or 3719.08 of the 4812  
Revised Code is a felony of the fifth degree. If the violation 4813  
involves the sale, offer to sell, or possession of a schedule I 4814  
or II controlled substance, with the exception of marihuana, and 4815  
if the offender, as a result of the violation, is a major drug 4816  
offender, division (D) of this section applies. 4817

(D) (1) If an offender is convicted of or pleads guilty to 4818  
a felony violation of section 3719.07, 3719.08, 3719.16, or 4819  
3719.161 or of division (C) or (D) of section 3719.172 of the 4820  
Revised Code, if the violation involves the sale, offer to sell, 4821  
or possession of a schedule I or II controlled substance, with 4822  
the exception of marihuana, and if the court imposing sentence 4823  
upon the offender finds that the offender as a result of the 4824  
violation is a major drug offender and is guilty of a 4825  
specification of the type described in division (A) of section 4826  
2941.1410 of the Revised Code, the court, in lieu of the prison 4827  
term authorized or required by division (A), (B), or (C) of this 4828  
section and sections 2929.13 and 2929.14 of the Revised Code and 4829  
in addition to any other sanction imposed for the offense under 4830  
sections 2929.11 to 2929.18 of the Revised Code, shall impose 4831  
upon the offender, in accordance with division (B) (3) (a) of 4832  
section 2929.14 of the Revised Code, the mandatory prison term 4833  
specified in that division and may impose an additional prison 4834  
term under division (B) (3) (b) of that section. 4835

(2) Notwithstanding any contrary provision of section 4836  
3719.21 of the Revised Code, the clerk of the court shall pay 4837  
any fine imposed for a felony violation of section 3719.07, 4838  
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 4839  
section 3719.172 of the Revised Code pursuant to division (A) of 4840  
section 2929.18 of the Revised Code in accordance with and 4841  
subject to the requirements of division (F) of section 2925.03 4842  
of the Revised Code. The agency that receives the fine shall use 4843  
the fine as specified in division (F) of section 2925.03 of the 4844  
Revised Code. 4845

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 4846  
3719.31 or division (B) of section 3719.172 of the Revised Code 4847  
is guilty of a misdemeanor of the third degree. If the offender 4848



previously has been convicted of a violation of section 3719.05, 4849  
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 4850  
of the Revised Code or a drug abuse offense, a violation of 4851  
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 4852  
section 3719.172 of the Revised Code is a misdemeanor of the 4853  
first degree. 4854

(F) Whoever violates section 3719.30 of the Revised Code 4855  
is guilty of a misdemeanor of the fourth degree. If the offender 4856  
previously has been convicted of a violation of section 3719.30 4857  
of the Revised Code or a drug abuse offense, a violation of 4858  
section 3719.30 of the Revised Code is a misdemeanor of the 4859  
third degree. 4860

(G) Whoever violates section 3719.32 or 3719.33 of the 4861  
Revised Code is guilty of a minor misdemeanor. 4862

(H) Whoever violates division (K) (2) (b) of section 3719.44 4863  
of the Revised Code is guilty of a felony of the fifth degree. 4864

(I) Whoever violates division (K) (2) (c) of section 3719.44 4865  
of the Revised Code is guilty of a misdemeanor of the second 4866  
degree. 4867

(J) As used in this section, "major drug offender" has the 4868  
same meaning as in section 2929.01 of the Revised Code. 4869

**Sec. 4729.99.** (A) Whoever violates section 4729.16, 4870  
division (A) or (B) of section 4729.38, or section 4729.57 of 4871  
the Revised Code is guilty of a minor misdemeanor. Each day's 4872  
violation constitutes a separate offense. 4873

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 4874  
of the Revised Code is guilty of a misdemeanor of the third 4875  
degree. Each day's violation constitutes a separate offense. If 4876  
the offender previously has been convicted of or pleaded guilty 4877

to a violation of this chapter, that person is guilty of a 4878  
misdemeanor of the second degree. 4879

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 4880  
of the Revised Code is guilty of a misdemeanor. 4881

(D) Whoever violates division (A), (B), (D), or (E) of 4882  
section 4729.51 of the Revised Code is guilty of a misdemeanor 4883  
of the first degree. 4884

(E) (1) Whoever violates section 4729.37, division (C) (2) 4885  
of section 4729.51, division (J) of section 4729.54, or section 4886  
4729.61 of the Revised Code is guilty of a felony of the fifth 4887  
degree. If the offender previously has been convicted of or 4888  
pleaded guilty to a violation of this chapter or a violation of 4889  
Chapter 2925. or 3719. of the Revised Code, that person is 4890  
guilty of a felony of the fourth degree. 4891

(2) If an offender is convicted of or pleads guilty to a 4892  
violation of section 4729.37, division (C) of section 4729.51, 4893  
division (J) of section 4729.54, or section 4729.61 of the 4894  
Revised Code, if the violation involves the sale, offer to sell, 4895  
or possession of a schedule I or II controlled substance, with 4896  
the exception of marihuana, and if the court imposing sentence 4897  
upon the offender finds that the offender as a result of the 4898  
violation is a major drug offender, as defined in section 4899  
2929.01 of the Revised Code, and is guilty of a specification of 4900  
the type described in division (A) of section 2941.1410 of the 4901  
Revised Code, the court, in lieu of the prison term authorized 4902  
or required by division (E) (1) of this section and sections 4903  
2929.13 and 2929.14 of the Revised Code and in addition to any 4904  
other sanction imposed for the offense under sections 2929.11 to 4905  
2929.18 of the Revised Code, shall impose upon the offender, in 4906  
accordance with division (B) (3) of section 2929.14 of the 4907

Revised Code, the mandatory prison term specified in that 4908  
division. 4909

(3) Notwithstanding any contrary provision of section 4910  
3719.21 of the Revised Code, the clerk of court shall pay any 4911  
fine imposed for a violation of section 4729.37, division (C) of 4912  
section 4729.51, division (J) of section 4729.54, or section 4913  
4729.61 of the Revised Code pursuant to division (A) of section 4914  
2929.18 of the Revised Code in accordance with and subject to 4915  
the requirements of division (F) of section 2925.03 of the 4916  
Revised Code. The agency that receives the fine shall use the 4917  
fine as specified in division (F) of section 2925.03 of the 4918  
Revised Code. 4919

(F) Whoever violates section 4729.531 of the Revised Code 4920  
or any rule adopted thereunder or section 4729.532 of the 4921  
Revised Code is guilty of a misdemeanor of the first degree. 4922

(G) Whoever violates division (C) (1) of section 4729.51 of 4923  
the Revised Code is guilty of a felony of the fourth degree. If 4924  
the offender has previously been convicted of or pleaded guilty 4925  
to a violation of this chapter, or of a violation of Chapter 4926  
2925. or 3719. of the Revised Code, that person is guilty of a 4927  
felony of the third degree. 4928

(H) Whoever violates division (C) (3) of section 4729.51 of 4929  
the Revised Code is guilty of a misdemeanor of the first degree. 4930  
If the offender has previously been convicted of or pleaded 4931  
guilty to a violation of this chapter, or of a violation of 4932  
Chapter 2925. or 3719. of the Revised Code, that person is 4933  
guilty of a felony of the fifth degree. 4934

(I) (1) Whoever violates division (B) of section 4729.42 of 4935  
the Revised Code is guilty of unauthorized pharmacy-related drug 4936

conduct. Except as otherwise provided in this section, 4937  
unauthorized pharmacy-related drug conduct is a misdemeanor of 4938  
the second degree. If the offender previously has been convicted 4939  
of or pleaded guilty to a violation of division (B), (C), (D), 4940  
or (E) of that section, unauthorized pharmacy-related drug 4941  
conduct is a misdemeanor of the first degree on a second offense 4942  
and a felony of the fifth degree on a third or subsequent 4943  
offense. 4944

(2) Whoever violates division (C) or (D) of section 4945  
4729.42 of the Revised Code is guilty of permitting unauthorized 4946  
pharmacy-related drug conduct. Except as otherwise provided in 4947  
this section, permitting unauthorized pharmacy-related drug 4948  
conduct is a misdemeanor of the second degree. If the offender 4949  
previously has been convicted of or pleaded guilty to a 4950  
violation of division (B), (C), (D), or (E) of that section, 4951  
permitting unauthorized pharmacy-related drug conduct is a 4952  
misdemeanor of the first degree on a second offense and a felony 4953  
of the fifth degree on a third or subsequent offense. 4954

(3) Whoever violates division (E) of section 4729.42 of 4955  
the Revised Code is guilty of the offense of falsification under 4956  
section 2921.13 of the Revised Code. In addition to any other 4957  
sanction imposed for the violation, the offender is forever 4958  
disqualified from engaging in any activity specified in division 4959  
(B) (1), (2), or (3) of section 4729.42 of the Revised Code and 4960  
from performing any function as a health care professional or 4961  
health care worker. As used in this division, "health care 4962  
professional" and "health care worker" have the same meanings as 4963  
in section 2305.234 of the Revised Code. 4964

(4) Notwithstanding any contrary provision of section 4965  
3719.21 of the Revised Code or any other provision of law that 4966

governs the distribution of fines, the clerk of the court shall 4967  
pay any fine imposed pursuant to division (I) (1), (2), or (3) of 4968  
this section to the state board of pharmacy if the board has 4969  
adopted a written internal control policy under division (F) (2) 4970  
of section 2925.03 of the Revised Code that addresses fine 4971  
moneys that it receives under Chapter 2925. of the Revised Code 4972  
and if the policy also addresses fine moneys paid under this 4973  
division. The state board of pharmacy shall use the fines so 4974  
paid in accordance with the written internal control policy to 4975  
subsidize the board's law enforcement efforts that pertain to 4976  
drug offenses. 4977

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

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

(3) Whoever violates division (A) (3) of section 4729.86 of 4990  
the Revised Code is guilty of a felony of the fifth degree. If 4991  
the offender has previously been convicted of or pleaded guilty 4992  
to a violation of division (A) (1), (2), or (3) of section 4993  
4729.86 of the Revised Code, that person is guilty of a felony 4994  
of the fourth degree. 4995

(K) A person who violates division (C) of section 4729.552 4996

of the Revised Code is guilty of a misdemeanor of the first 4997  
degree. If the person previously has been convicted of or 4998  
pleaded guilty to a violation of division (C) of section 4999  
4729.552 of the Revised Code, that person is guilty of a felony 5000  
of the fifth degree. 5001

**Section 2.** That existing sections 2925.01, 2925.02, 5002  
2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 5003  
2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised 5004  
Code are hereby repealed. 5005

**Section 3.** Section 2925.03 of the Revised Code is 5006  
presented in this act as a composite of the section as amended 5007  
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 5008  
131st General Assembly. The General Assembly, applying the 5009  
principle stated in division (B) of section 1.52 of the Revised 5010  
Code that amendments are to be harmonized if reasonably capable 5011  
of simultaneous operation, finds that the composite is the 5012  
resulting version of the section in effect prior to the 5013  
effective date of the section as presented in this act. 5014

Section 2925.11 of the Revised Code is presented in this 5015  
act as a composite of the section as amended by Sub. H.B. 110, 5016  
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 5017  
The General Assembly, applying the principle stated in division 5018  
(B) of section 1.52 of the Revised Code that amendments are to 5019  
be harmonized if reasonably capable of simultaneous operation, 5020  
finds that the composite is the resulting version of the section 5021  
in effect prior to the effective date of the section as 5022  
presented in this act. 5023

Section 2929.01 of the Revised Code is presented in this 5024  
act as a composite of the section as amended by both Sub. H.B. 5025  
158 and H.B. 171 of the 131st General Assembly. The General 5026

Assembly, applying the principle stated in division (B) of 5027  
section 1.52 of the Revised Code that amendments are to be 5028  
harmonized if reasonably capable of simultaneous operation, 5029  
finds that the composite is the resulting version of the section 5030  
in effect prior to the effective date of the section as 5031  
presented in this act. 5032