

As Introduced

135th General Assembly

Regular Session

2023-2024

S. B. No. 37

Senators Blessing, Ingram

A BILL

To amend sections 2923.01, 2925.02, 2925.03, 1
2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 3
2925.31, 2925.32, 2925.36, 2925.37, 3123.56, 4
3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 5
4509.101, 4509.37, 4509.67, 4510.101, 4510.111, 6
and 4510.17 and to repeal section 4510.32 of the 7
Revised Code to make changes to the laws 8
governing driver's license suspensions for 9
certain drug offenses and failure to pay child 10
support and to the laws governing penalties for 11
failure to provide proof of financial 12
responsibility. 13

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

Section 1. That sections 2923.01, 2925.02, 2925.03, 14
2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2925.13, 2925.14, 15
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 2925.37, 16
3123.56, 3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 17
4509.101, 4509.37, 4509.67, 4510.101, 4510.111, and 4510.17 of 18
the Revised Code be amended to read as follows: 19

Sec. 2923.01. (A) No person, with purpose to commit or to 20
promote or facilitate the commission of aggravated murder, 21
murder, kidnapping, abduction, compelling prostitution, 22
promoting prostitution, trafficking in persons, aggravated 23
arson, arson, aggravated robbery, robbery, aggravated burglary, 24
burglary, trespassing in a habitation when a person is present 25
or likely to be present, engaging in a pattern of corrupt 26
activity, corrupting another with drugs, a felony drug 27
trafficking, manufacturing, processing, or possession offense, 28
theft of drugs, or illegal processing of drug documents, the 29
commission of a felony offense of unauthorized use of a vehicle, 30
illegally transmitting multiple commercial electronic mail 31
messages or unauthorized access of a computer in violation of 32
section 2923.421 of the Revised Code, or the commission of a 33
violation of any provision of Chapter 3734. of the Revised Code, 34
other than section 3734.18 of the Revised Code, that relates to 35
hazardous wastes, shall do either of the following: 36

(1) With another person or persons, plan or aid in 37
planning the commission of any of the specified offenses; 38

(2) Agree with another person or persons that one or more 39
of them will engage in conduct that facilitates the commission 40
of any of the specified offenses. 41

(B) No person shall be convicted of conspiracy unless a 42
substantial overt act in furtherance of the conspiracy is 43
alleged and proved to have been done by the accused or a person 44
with whom the accused conspired, subsequent to the accused's 45
entrance into the conspiracy. For purposes of this section, an 46
overt act is substantial when it is of a character that 47
manifests a purpose on the part of the actor that the object of 48
the conspiracy should be completed. 49

(C) When the offender knows or has reasonable cause to believe that a person with whom the offender conspires also has conspired or is conspiring with another to commit the same offense, the offender is guilty of conspiring with that other person, even though the other person's identity may be unknown to the offender.

(D) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the conspiracy was impossible under the circumstances.

(E) A conspiracy terminates when the offense or offenses that are its objects are committed or when it is abandoned by all conspirators. In the absence of abandonment, it is no defense to a charge under this section that no offense that was the object of the conspiracy was committed.

(F) A person who conspires to commit more than one offense is guilty of only one conspiracy, when the offenses are the object of the same agreement or continuous conspiratorial relationship.

(G) When a person is convicted of committing or attempting to commit a specific offense or of complicity in the commission of or attempt to commit the specific offense, the person shall not be convicted of conspiracy involving the same offense.

(H) (1) No person shall be convicted of conspiracy upon the testimony of a person with whom the defendant conspired, unsupported by other evidence.

(2) If a person with whom the defendant allegedly has conspired testifies against the defendant in a case in which the defendant is charged with conspiracy and if the testimony is supported by other evidence, the court, when it charges the

jury, shall state substantially the following: 79

"The testimony of an accomplice that is supported by other 80
evidence does not become inadmissible because of the 81
accomplice's complicity, moral turpitude, or self-interest, but 82
the admitted or claimed complicity of a witness may affect the 83
witness' credibility and make the witness' testimony subject to 84
grave suspicion, and require that it be weighed with great 85
caution. 86

It is for you, as jurors, in the light of all the facts 87
presented to you from the witness stand, to evaluate such 88
testimony and to determine its quality and worth or its lack of 89
quality and worth." 90

(3) "Conspiracy," as used in division (H) (1) of this 91
section, does not include any conspiracy that results in an 92
attempt to commit an offense or in the commission of an offense. 93

(I) The following are affirmative defenses to a charge of 94
conspiracy: 95

(1) After conspiring to commit an offense, the actor 96
thwarted the success of the conspiracy under circumstances 97
manifesting a complete and voluntary renunciation of the actor's 98
criminal purpose. 99

(2) After conspiring to commit an offense, the actor 100
abandoned the conspiracy prior to the commission of or attempt 101
to commit any offense that was the object of the conspiracy, 102
either by advising all other conspirators of the actor's 103
abandonment, or by informing any law enforcement authority of 104
the existence of the conspiracy and of the actor's participation 105
in the conspiracy. 106

(J) Whoever violates this section is guilty of conspiracy, 107

which is one of the following: 108

(1) A felony of the first degree, when one of the objects 109
of the conspiracy is aggravated murder, murder, or an offense 110
for which the maximum penalty is imprisonment for life; 111

(2) A felony of the next lesser degree than the most 112
serious offense that is the object of the conspiracy, when the 113
most serious offense that is the object of the conspiracy is a 114
felony of the first, second, third, or fourth degree; 115

(3) A felony punishable by a fine of not more than twenty- 116
five thousand dollars or imprisonment for not more than eighteen 117
months, or both, when the offense that is the object of the 118
conspiracy is a violation of any provision of Chapter 3734. of 119
the Revised Code, other than section 3734.18 of the Revised 120
Code, that relates to hazardous wastes; 121

(4) A misdemeanor of the first degree, when the most 122
serious offense that is the object of the conspiracy is a felony 123
of the fifth degree. 124

(K) This section does not define a separate conspiracy 125
offense or penalty where conspiracy is defined as an offense by 126
one or more sections of the Revised Code, other than this 127
section. In such a case, however: 128

(1) With respect to the offense specified as the object of 129
the conspiracy in the other section or sections, division (A) of 130
this section defines the voluntary act or acts and culpable 131
mental state necessary to constitute the conspiracy; 132

(2) Divisions (B) to (I) of this section are incorporated 133
by reference in the conspiracy offense defined by the other 134
section or sections of the Revised Code. 135

(L) (1) In addition to the penalties that otherwise are 136
imposed for conspiracy, a person who is found guilty of 137
conspiracy to engage in a pattern of corrupt activity is subject 138
to divisions (B) (2) and (3) of section 2923.32, division (A) of 139
section 2981.04, and division (D) of section 2981.06 of the 140
Revised Code. 141

(2) If a person is convicted of or pleads guilty to 142
conspiracy and if the most serious offense that is the object of 143
the conspiracy is a felony drug trafficking, manufacturing, 144
processing, or possession offense, in addition to the penalties 145
or sanctions that may be imposed for the conspiracy under 146
division (J) (2) or (4) of this section and Chapter 2929. of the 147
Revised Code, both of the following apply: 148

(a) The provisions of divisions (D) ~~and (F) and (G)~~ of 149
section 2925.03, division (D) of section 2925.04, division (D) 150
of section 2925.05, division (D) of section 2925.06, and 151
division (E) of section 2925.11 of the Revised Code that pertain 152
to mandatory and additional fines, ~~driver's or commercial~~ 153
~~driver's license or permit suspensions,~~ and professionally 154
licensed persons and that would apply under the appropriate 155
provisions of those divisions to a person who is convicted of or 156
pleads guilty to the felony drug trafficking, manufacturing, 157
processing, or possession offense that is the most serious 158
offense that is the basis of the conspiracy shall apply to the 159
person who is convicted of or pleads guilty to the conspiracy as 160
if the person had been convicted of or pleaded guilty to the 161
felony drug trafficking, manufacturing, processing, or 162
possession offense that is the most serious offense that is the 163
basis of the conspiracy. 164

(b) The court that imposes sentence upon the person who is 165

convicted of or pleads guilty to the conspiracy shall comply 166
with the provisions identified as being applicable under 167
division (L) (2) of this section, in addition to any other 168
penalty or sanction that it imposes for the conspiracy under 169
division (J) (2) or (4) of this section and Chapter 2929. of the 170
Revised Code. 171

(M) As used in this section: 172

(1) "Felony drug trafficking, manufacturing, processing, 173
or possession offense" means any of the following that is a 174
felony: 175

(a) A violation of section 2925.03, 2925.04, 2925.05, or 176
2925.06 of the Revised Code; 177

(b) A violation of section 2925.11 of the Revised Code 178
that is not a minor drug possession offense. 179

(2) "Minor drug possession offense" has the same meaning 180
as in section 2925.01 of the Revised Code. 181

Sec. 2925.02. (A) No person shall knowingly do any of the 182
following: 183

(1) By force, threat, or deception, administer to another 184
or induce or cause another to use a controlled substance; 185

(2) By any means, administer or furnish to another or 186
induce or cause another to use a controlled substance with 187
purpose to cause serious physical harm to the other person, or 188
with purpose to cause the other person to become drug dependent; 189

(3) By any means, administer or furnish to another or 190
induce or cause another to use a controlled substance, and 191
thereby cause serious physical harm to the other person, or 192
cause the other person to become drug dependent; 193

(4) By any means, do any of the following:	194
(a) Furnish or administer a controlled substance to a	195
juvenile who is at least two years the offender's junior, when	196
the offender knows the age of the juvenile or is reckless in	197
that regard;	198
(b) Induce or cause a juvenile who is at least two years	199
the offender's junior to use a controlled substance, when the	200
offender knows the age of the juvenile or is reckless in that	201
regard;	202
(c) Induce or cause a juvenile who is at least two years	203
the offender's junior to commit a felony drug abuse offense,	204
when the offender knows the age of the juvenile or is reckless	205
in that regard;	206
(d) Use a juvenile, whether or not the offender knows the	207
age of the juvenile, to perform any surveillance activity that	208
is intended to prevent the detection of the offender or any	209
other person in the commission of a felony drug abuse offense or	210
to prevent the arrest of the offender or any other person for	211
the commission of a felony drug abuse offense.	212
(5) By any means, furnish or administer a controlled	213
substance to a pregnant woman or induce or cause a pregnant	214
woman to use a controlled substance, when the offender knows	215
that the woman is pregnant or is reckless in that regard.	216
(B) Division (A) (1), (3), (4), or (5) of this section does	217
not apply to manufacturers, wholesalers, licensed health	218
professionals authorized to prescribe drugs, pharmacists, owners	219
of pharmacies, and other persons whose conduct is in accordance	220
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	221
4741. of the Revised Code.	222

(C) Whoever violates this section is guilty of corrupting 223
another with drugs. The penalty for the offense shall be 224
determined as follows: 225

(1) If the offense is a violation of division (A) (1), (2), 226
(3), or (4) of this section and the drug involved is any 227
compound, mixture, preparation, or substance included in 228
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 229
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 230
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 231
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 232
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 233
offender shall be punished as follows: 234

(a) Except as otherwise provided in division (C) (1) (b) of 235
this section, corrupting another with drugs committed in those 236
circumstances is a felony of the second degree and, subject to 237
division (E) of this section, the court shall impose as a 238
mandatory prison term a second degree felony mandatory prison 239
term. 240

(b) If the offense was committed in the vicinity of a 241
school, corrupting another with drugs committed in those 242
circumstances is a felony of the first degree, and, subject to 243
division (E) of this section, the court shall impose as a 244
mandatory prison term a first degree felony mandatory prison 245
term. 246

(2) If the offense is a violation of division (A) (1), (2), 247
(3), or (4) of this section and the drug involved is any 248
compound, mixture, preparation, or substance included in 249
schedule III, IV, or V, the offender shall be punished as 250
follows: 251

(a) Except as otherwise provided in division (C) (2) (b) of 252
this section, corrupting another with drugs committed in those 253
circumstances is a felony of the second degree and there is a 254
presumption for a prison term for the offense. 255

(b) If the offense was committed in the vicinity of a 256
school, corrupting another with drugs committed in those 257
circumstances is a felony of the second degree and the court 258
shall impose as a mandatory prison term a second degree felony 259
mandatory prison term. 260

(3) If the offense is a violation of division (A) (1), (2), 261
(3), or (4) of this section and the drug involved is marihuana, 262
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 263
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 264
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 265
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 266
offender shall be punished as follows: 267

(a) Except as otherwise provided in division (C) (3) (b) of 268
this section, corrupting another with drugs committed in those 269
circumstances is a felony of the fourth degree and division (C) 270
of section 2929.13 of the Revised Code applies in determining 271
whether to impose a prison term on the offender. 272

(b) If the offense was committed in the vicinity of a 273
school, corrupting another with drugs committed in those 274
circumstances is a felony of the third degree and division (C) 275
of section 2929.13 of the Revised Code applies in determining 276
whether to impose a prison term on the offender. 277

(4) If the offense is a violation of division (A) (5) of 278
this section and the drug involved is any compound, mixture, 279
preparation, or substance included in schedule I or II, with the 280

exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 281
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 282
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 283
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 284
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 285
felony of the first degree and, subject to division (E) of this 286
section, the court shall impose as a mandatory prison term a 287
first degree felony mandatory prison term. 288

(5) If the offense is a violation of division (A) (5) of 289
this section and the drug involved is any compound, mixture, 290
preparation, or substance included in schedule III, IV, or V, 291
corrupting another with drugs is a felony of the second degree 292
and the court shall impose as a mandatory prison term a second 293
degree felony mandatory prison term. 294

(6) If the offense is a violation of division (A) (5) of 295
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 296
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 297
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 298
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 299
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 300
corrupting another with drugs is a felony of the third degree 301
and division (C) of section 2929.13 of the Revised Code applies 302
in determining whether to impose a prison term on the offender. 303

(D) In addition to any prison term authorized or required 304
by division (C) or (E) of this section and sections 2929.13 and 305
2929.14 of the Revised Code and in addition to any other 306
sanction imposed for the offense under this section or sections 307
2929.11 to 2929.18 of the Revised Code, the court that sentences 308
an offender who is convicted of or pleads guilty to a violation 309
of division (A) of this section, if the violation is a felony of 310

the first degree, may suspend for not more than five years the
offender's driver's or commercial driver's license or permit.
However, if the offender pleaded guilty to or was convicted of a
violation of section 4511.19 of the Revised Code or a
substantially similar municipal ordinance or the law of another
state or the United States arising out of the same set of
circumstances as the first degree felony violation, the court
shall suspend the offender's driver's or commercial driver's
license or permit for not more than five years. The court also
shall do all of the following that are applicable regarding the
offender:

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

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

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

this section. 341

(2) If the offender is a professionally licensed person, 342
in addition to any other sanction imposed for a violation of 343
this section, the court immediately shall comply with section 344
2925.38 of the Revised Code. 345

(E) Notwithstanding the prison term otherwise authorized 346
or required for the offense under division (C) of this section 347
and sections 2929.13 and 2929.14 of the Revised Code, if the 348
violation of division (A) of this section involves the sale, 349
offer to sell, or possession of a schedule I or II controlled 350
substance, with the exception of marihuana, 1-Pentyl-3-(1- 351
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 352
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 353
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 354
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 355
if the court imposing sentence upon the offender finds that the 356
offender as a result of the violation is a major drug offender 357
and is guilty of a specification of the type described in 358
division (A) of section 2941.1410 of the Revised Code, the 359
court, in lieu of the prison term that otherwise is authorized 360
or required, shall impose upon the offender the mandatory prison 361
term specified in division (B) (3) (a) of section 2929.14 of the 362
Revised Code. 363

(F) (1) If the sentencing court suspends the offender's 364
driver's or commercial driver's license or permit under division 365
(D) of this section, the offender, at any time after the 366
expiration of two years from the day on which the offender's 367
sentence was imposed or from the day on which the offender 368
finally was released from a prison term under the sentence, 369
whichever is later, may file a motion with the sentencing court 370

requesting termination of the suspension. Upon the filing of the 371
motion and the court's finding of good cause for the 372
determination, the court may terminate the suspension. 373

(2) Any offender who received a mandatory suspension of 374
the offender's driver's or commercial driver's license or permit 375
under this section prior to September 13, 2016, may file a 376
motion with the sentencing court requesting the termination of 377
the suspension. However, an offender who pleaded guilty to or 378
was convicted of a violation of section 4511.19 of the Revised 379
Code or a substantially similar municipal ordinance or law of 380
another state or the United States that arose out of the same 381
set of circumstances as the violation for which the offender's 382
license or permit was suspended under this section shall not 383
file such a motion. 384

Upon the filing of a motion under division (F) (2) of this 385
section, the sentencing court, in its discretion, may terminate 386
the suspension. 387

Sec. 2925.03. (A) No person shall knowingly do any of the 388
following: 389

(1) Sell or offer to sell a controlled substance or a 390
controlled substance analog; 391

(2) Prepare for shipment, ship, transport, deliver, 392
prepare for distribution, or distribute a controlled substance 393
or a controlled substance analog, when the offender knows or has 394
reasonable cause to believe that the controlled substance or a 395
controlled substance analog is intended for sale or resale by 396
the offender or another person. 397

(B) This section does not apply to any of the following: 398

(1) Manufacturers, licensed health professionals 399

authorized to prescribe drugs, pharmacists, owners of 400
pharmacies, and other persons whose conduct is in accordance 401
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 402
4741. of the Revised Code; 403

(2) If the offense involves an anabolic steroid, any 404
person who is conducting or participating in a research project 405
involving the use of an anabolic steroid if the project has been 406
approved by the United States food and drug administration; 407

(3) Any person who sells, offers for sale, prescribes, 408
dispenses, or administers for livestock or other nonhuman 409
species an anabolic steroid that is expressly intended for 410
administration through implants to livestock or other nonhuman 411
species and approved for that purpose under the "Federal Food, 412
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 413
as amended, and is sold, offered for sale, prescribed, 414
dispensed, or administered for that purpose in accordance with 415
that act. 416

(C) Whoever violates division (A) of this section is 417
guilty of one of the following: 418

(1) If the drug involved in the violation is any compound, 419
mixture, preparation, or substance included in schedule I or 420
schedule II, with the exception of marihuana, cocaine, L.S.D., 421
heroin, any fentanyl-related compound, hashish, and any 422
controlled substance analog, whoever violates division (A) of 423
this section is guilty of aggravated trafficking in drugs. The 424
penalty for the offense shall be determined as follows: 425

(a) Except as otherwise provided in division (C) (1) (b), 426
(c), (d), (e), or (f) of this section, aggravated trafficking in 427
drugs is a felony of the fourth degree, and division (C) of 428

section 2929.13 of the Revised Code applies in determining 429
whether to impose a prison term on the offender. 430

(b) Except as otherwise provided in division (C) (1) (c), 431
(d), (e), or (f) of this section, if the offense was committed 432
in the vicinity of a school, in the vicinity of a juvenile, or 433
in the vicinity of a substance addiction services provider or a 434
recovering addict, aggravated trafficking in drugs is a felony 435
of the third degree, and division (C) of section 2929.13 of the 436
Revised Code applies in determining whether to impose a prison 437
term on the offender. 438

(c) Except as otherwise provided in this division, if the 439
amount of the drug involved equals or exceeds the bulk amount 440
but is less than five times the bulk amount, aggravated 441
trafficking in drugs is a felony of the third degree, and, 442
except as otherwise provided in this division, there is a 443
presumption for a prison term for the offense. If aggravated 444
trafficking in drugs is a felony of the third degree under this 445
division and if the offender two or more times previously has 446
been convicted of or pleaded guilty to a felony drug abuse 447
offense, the court shall impose as a mandatory prison term one 448
of the prison terms prescribed for a felony of the third degree. 449
If the amount of the drug involved is within that range and if 450
the offense was committed in the vicinity of a school, in the 451
vicinity of a juvenile, or in the vicinity of a substance 452
addiction services provider or a recovering addict, aggravated 453
trafficking in drugs is a felony of the second degree, and the 454
court shall impose as a mandatory prison term a second degree 455
felony mandatory prison term. 456

(d) Except as otherwise provided in this division, if the 457
amount of the drug involved equals or exceeds five times the 458

bulk amount but is less than fifty times the bulk amount, 459
aggravated trafficking in drugs is a felony of the second 460
degree, and the court shall impose as a mandatory prison term a 461
second degree felony mandatory prison term. If the amount of the 462
drug involved is within that range and if the offense was 463
committed in the vicinity of a school, in the vicinity of a 464
juvenile, or in the vicinity of a substance addiction services 465
provider or a recovering addict, aggravated trafficking in drugs 466
is a felony of the first degree, and the court shall impose as a 467
mandatory prison term a first degree felony mandatory prison 468
term. 469

(e) If the amount of the drug involved equals or exceeds 470
fifty times the bulk amount but is less than one hundred times 471
the bulk amount and regardless of whether the offense was 472
committed in the vicinity of a school, in the vicinity of a 473
juvenile, or in the vicinity of a substance addiction services 474
provider or a recovering addict, aggravated trafficking in drugs 475
is a felony of the first degree, and the court shall impose as a 476
mandatory prison term a first degree felony mandatory prison 477
term. 478

(f) If the amount of the drug involved equals or exceeds 479
one hundred times the bulk amount and regardless of whether the 480
offense was committed in the vicinity of a school, in the 481
vicinity of a juvenile, or in the vicinity of a substance 482
addiction services provider or a recovering addict, aggravated 483
trafficking in drugs is a felony of the first degree, the 484
offender is a major drug offender, and the court shall impose as 485
a mandatory prison term a maximum first degree felony mandatory 486
prison term. 487

(2) If the drug involved in the violation is any compound, 488

mixture, preparation, or substance included in schedule III, IV, 489
or V, whoever violates division (A) of this section is guilty of 490
trafficking in drugs. The penalty for the offense shall be 491
determined as follows: 492

(a) Except as otherwise provided in division (C) (2) (b), 493
(c), (d), or (e) of this section, trafficking in drugs is a 494
felony of the fifth degree, and division (B) of section 2929.13 495
of the Revised Code applies in determining whether to impose a 496
prison term on the offender. 497

(b) Except as otherwise provided in division (C) (2) (c), 498
(d), or (e) of this section, if the offense was committed in the 499
vicinity of a school or in the vicinity of a juvenile, 500
trafficking in drugs is a felony of the fourth degree, and 501
division (C) of section 2929.13 of the Revised Code applies in 502
determining whether to impose a prison term on the offender. 503

(c) Except as otherwise provided in this division, if the 504
amount of the drug involved equals or exceeds the bulk amount 505
but is less than five times the bulk amount, trafficking in 506
drugs is a felony of the fourth degree, and division (B) of 507
section 2929.13 of the Revised Code applies in determining 508
whether to impose a prison term for the offense. If the amount 509
of the drug involved is within that range and if the offense was 510
committed in the vicinity of a school or in the vicinity of a 511
juvenile, trafficking in drugs is a felony of the third degree, 512
and there is a presumption for a prison term for the offense. 513

(d) Except as otherwise provided in this division, if the 514
amount of the drug involved equals or exceeds five times the 515
bulk amount but is less than fifty times the bulk amount, 516
trafficking in drugs is a felony of the third degree, and there 517
is a presumption for a prison term for the offense. If the 518

amount of the drug involved is within that range and if the 519
offense was committed in the vicinity of a school or in the 520
vicinity of a juvenile, trafficking in drugs is a felony of the 521
second degree, and there is a presumption for a prison term for 522
the offense. 523

(e) Except as otherwise provided in this division, if the 524
amount of the drug involved equals or exceeds fifty times the 525
bulk amount, trafficking in drugs is a felony of the second 526
degree, and the court shall impose as a mandatory prison term a 527
second degree felony mandatory prison term. If the amount of the 528
drug involved equals or exceeds fifty times the bulk amount and 529
if the offense was committed in the vicinity of a school or in 530
the vicinity of a juvenile, trafficking in drugs is a felony of 531
the first degree, and the court shall impose as a mandatory 532
prison term a first degree felony mandatory prison term. 533

(3) If the drug involved in the violation is marihuana or 534
a compound, mixture, preparation, or substance containing 535
marihuana other than hashish, whoever violates division (A) of 536
this section is guilty of trafficking in marihuana. The penalty 537
for the offense shall be determined as follows: 538

(a) Except as otherwise provided in division (C) (3) (b), 539
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 540
marihuana is a felony of the fifth degree, and division (B) of 541
section 2929.13 of the Revised Code applies in determining 542
whether to impose a prison term on the offender. 543

(b) Except as otherwise provided in division (C) (3) (c), 544
(d), (e), (f), (g), or (h) of this section, if the offense was 545
committed in the vicinity of a school or in the vicinity of a 546
juvenile, trafficking in marihuana is a felony of the fourth 547
degree, and division (B) of section 2929.13 of the Revised Code 548

applies in determining whether to impose a prison term on the 549
offender. 550

(c) Except as otherwise provided in this division, if the 551
amount of the drug involved equals or exceeds two hundred grams 552
but is less than one thousand grams, trafficking in marihuana is 553
a felony of the fourth degree, and division (B) of section 554
2929.13 of the Revised Code applies in determining whether to 555
impose a prison term on the offender. If the amount of the drug 556
involved is within that range and if the offense was committed 557
in the vicinity of a school or in the vicinity of a juvenile, 558
trafficking in marihuana is a felony of the third degree, and 559
division (C) of section 2929.13 of the Revised Code applies in 560
determining whether to impose a prison term on the offender. 561

(d) Except as otherwise provided in this division, if the 562
amount of the drug involved equals or exceeds one thousand grams 563
but is less than five thousand grams, trafficking in marihuana 564
is a felony of the third degree, and division (C) of section 565
2929.13 of the Revised Code applies in determining whether to 566
impose a prison term on the offender. If the amount of the drug 567
involved is within that range and if the offense was committed 568
in the vicinity of a school or in the vicinity of a juvenile, 569
trafficking in marihuana is a felony of the second degree, and 570
there is a presumption that a prison term shall be imposed for 571
the offense. 572

(e) Except as otherwise provided in this division, if the 573
amount of the drug involved equals or exceeds five thousand 574
grams but is less than twenty thousand grams, trafficking in 575
marihuana is a felony of the third degree, and there is a 576
presumption that a prison term shall be imposed for the offense. 577
If the amount of the drug involved is within that range and if 578

the offense was committed in the vicinity of a school or in the 579
vicinity of a juvenile, trafficking in marihuana is a felony of 580
the second degree, and there is a presumption that a prison term 581
shall be imposed for the offense. 582

(f) Except as otherwise provided in this division, if the 583
amount of the drug involved equals or exceeds twenty thousand 584
grams but is less than forty thousand grams, trafficking in 585
marihuana is a felony of the second degree, and the court shall 586
impose as a mandatory prison term a second degree felony 587
mandatory prison term of five, six, seven, or eight years. If 588
the amount of the drug involved is within that range and if the 589
offense was committed in the vicinity of a school or in the 590
vicinity of a juvenile, trafficking in marihuana is a felony of 591
the first degree, and the court shall impose as a mandatory 592
prison term a maximum first degree felony mandatory prison term. 593

(g) Except as otherwise provided in this division, if the 594
amount of the drug involved equals or exceeds forty thousand 595
grams, trafficking in marihuana is a felony of the second 596
degree, and the court shall impose as a mandatory prison term a 597
maximum second degree felony mandatory prison term. If the 598
amount of the drug involved equals or exceeds forty thousand 599
grams and if the offense was committed in the vicinity of a 600
school or in the vicinity of a juvenile, trafficking in 601
marihuana is a felony of the first degree, and the court shall 602
impose as a mandatory prison term a maximum first degree felony 603
mandatory prison term. 604

(h) Except as otherwise provided in this division, if the 605
offense involves a gift of twenty grams or less of marihuana, 606
trafficking in marihuana is a minor misdemeanor upon a first 607
offense and a misdemeanor of the third degree upon a subsequent 608

offense. If the offense involves a gift of twenty grams or less 609
of marihuana and if the offense was committed in the vicinity of 610
a school or in the vicinity of a juvenile, trafficking in 611
marihuana is a misdemeanor of the third degree. 612

(4) If the drug involved in the violation is cocaine or a 613
compound, mixture, preparation, or substance containing cocaine, 614
whoever violates division (A) of this section is guilty of 615
trafficking in cocaine. The penalty for the offense shall be 616
determined as follows: 617

(a) Except as otherwise provided in division (C) (4) (b), 618
(c), (d), (e), (f), or (g) of this section, trafficking in 619
cocaine is a felony of the fifth degree, and division (B) of 620
section 2929.13 of the Revised Code applies in determining 621
whether to impose a prison term on the offender. 622

(b) Except as otherwise provided in division (C) (4) (c), 623
(d), (e), (f), or (g) of this section, if the offense was 624
committed in the vicinity of a school, in the vicinity of a 625
juvenile, or in the vicinity of a substance addiction services 626
provider or a recovering addict, trafficking in cocaine is a 627
felony of the fourth degree, and division (C) of section 2929.13 628
of the Revised Code applies in determining whether to impose a 629
prison term on the offender. 630

(c) Except as otherwise provided in this division, if the 631
amount of the drug involved equals or exceeds five grams but is 632
less than ten grams of cocaine, trafficking in cocaine is a 633
felony of the fourth degree, and division (B) of section 2929.13 634
of the Revised Code applies in determining whether to impose a 635
prison term for the offense. If the amount of the drug involved 636
is within that range and if the offense was committed in the 637
vicinity of a school, in the vicinity of a juvenile, or in the 638

vicinity of a substance addiction services provider or a 639
recovering addict, trafficking in cocaine is a felony of the 640
third degree, and there is a presumption for a prison term for 641
the offense. 642

(d) Except as otherwise provided in this division, if the 643
amount of the drug involved equals or exceeds ten grams but is 644
less than twenty grams of cocaine, trafficking in cocaine is a 645
felony of the third degree, and, except as otherwise provided in 646
this division, there is a presumption for a prison term for the 647
offense. If trafficking in cocaine is a felony of the third 648
degree under this division and if the offender two or more times 649
previously has been convicted of or pleaded guilty to a felony 650
drug abuse offense, the court shall impose as a mandatory prison 651
term one of the prison terms prescribed for a felony of the 652
third degree. If the amount of the drug involved is within that 653
range and if the offense was committed in the vicinity of a 654
school, in the vicinity of a juvenile, or in the vicinity of a 655
substance addiction services provider or a recovering addict, 656
trafficking in cocaine is a felony of the second degree, and the 657
court shall impose as a mandatory prison term a second degree 658
felony mandatory prison term. 659

(e) Except as otherwise provided in this division, if the 660
amount of the drug involved equals or exceeds twenty grams but 661
is less than twenty-seven grams of cocaine, trafficking in 662
cocaine is a felony of the second degree, and the court shall 663
impose as a mandatory prison term a second degree felony 664
mandatory prison term. If the amount of the drug involved is 665
within that range and if the offense was committed in the 666
vicinity of a school, in the vicinity of a juvenile, or in the 667
vicinity of a substance addiction services provider or a 668
recovering addict, trafficking in cocaine is a felony of the 669

first degree, and the court shall impose as a mandatory prison 670
term a first degree felony mandatory prison term. 671

(f) If the amount of the drug involved equals or exceeds 672
twenty-seven grams but is less than one hundred grams of cocaine 673
and regardless of whether the offense was committed in the 674
vicinity of a school, in the vicinity of a juvenile, or in the 675
vicinity of a substance addiction services provider or a 676
recovering addict, trafficking in cocaine is a felony of the 677
first degree, and the court shall impose as a mandatory prison 678
term a first degree felony mandatory prison term. 679

(g) If the amount of the drug involved equals or exceeds 680
one hundred grams of cocaine and regardless of whether the 681
offense was committed in the vicinity of a school, in the 682
vicinity of a juvenile, or in the vicinity of a substance 683
addiction services provider or a recovering addict, trafficking 684
in cocaine is a felony of the first degree, the offender is a 685
major drug offender, and the court shall impose as a mandatory 686
prison term a maximum first degree felony mandatory prison term. 687

(5) If the drug involved in the violation is L.S.D. or a 688
compound, mixture, preparation, or substance containing L.S.D., 689
whoever violates division (A) of this section is guilty of 690
trafficking in L.S.D. The penalty for the offense shall be 691
determined as follows: 692

(a) Except as otherwise provided in division (C) (5) (b), 693
(c), (d), (e), (f), or (g) of this section, trafficking in 694
L.S.D. is a felony of the fifth degree, and division (B) of 695
section 2929.13 of the Revised Code applies in determining 696
whether to impose a prison term on the offender. 697

(b) Except as otherwise provided in division (C) (5) (c), 698

(d), (e), (f), or (g) of this section, if the offense was 699
committed in the vicinity of a school, in the vicinity of a 700
juvenile, or in the vicinity of a substance addiction services 701
provider or a recovering addict, trafficking in L.S.D. is a 702
felony of the fourth degree, and division (C) of section 2929.13 703
of the Revised Code applies in determining whether to impose a 704
prison term on the offender. 705

(c) Except as otherwise provided in this division, if the 706
amount of the drug involved equals or exceeds ten unit doses but 707
is less than fifty unit doses of L.S.D. in a solid form or 708
equals or exceeds one gram but is less than five grams of L.S.D. 709
in a liquid concentrate, liquid extract, or liquid distillate 710
form, trafficking in L.S.D. is a felony of the fourth degree, 711
and division (B) of section 2929.13 of the Revised Code applies 712
in determining whether to impose a prison term for the offense. 713
If the amount of the drug involved is within that range and if 714
the offense was committed in the vicinity of a school, in the 715
vicinity of a juvenile, or in the vicinity of a substance 716
addiction services provider or a recovering addict, trafficking 717
in L.S.D. is a felony of the third degree, and there is a 718
presumption for a prison term for the offense. 719

(d) Except as otherwise provided in this division, if the 720
amount of the drug involved equals or exceeds fifty unit doses 721
but is less than two hundred fifty unit doses of L.S.D. in a 722
solid form or equals or exceeds five grams but is less than 723
twenty-five grams of L.S.D. in a liquid concentrate, liquid 724
extract, or liquid distillate form, trafficking in L.S.D. is a 725
felony of the third degree, and, except as otherwise provided in 726
this division, there is a presumption for a prison term for the 727
offense. If trafficking in L.S.D. is a felony of the third 728
degree under this division and if the offender two or more times 729

previously has been convicted of or pleaded guilty to a felony 730
drug abuse offense, the court shall impose as a mandatory prison 731
term one of the prison terms prescribed for a felony of the 732
third degree. If the amount of the drug involved is within that 733
range and if the offense was committed in the vicinity of a 734
school, in the vicinity of a juvenile, or in the vicinity of a 735
substance addiction services provider or a recovering addict, 736
trafficking in L.S.D. is a felony of the second degree, and the 737
court shall impose as a mandatory prison term a second degree 738
felony mandatory prison term. 739

(e) Except as otherwise provided in this division, if the 740
amount of the drug involved equals or exceeds two hundred fifty 741
unit doses but is less than one thousand unit doses of L.S.D. in 742
a solid form or equals or exceeds twenty-five grams but is less 743
than one hundred grams of L.S.D. in a liquid concentrate, liquid 744
extract, or liquid distillate form, trafficking in L.S.D. is a 745
felony of the second degree, and the court shall impose as a 746
mandatory prison term a second degree felony mandatory prison 747
term. If the amount of the drug involved is within that range 748
and if the offense was committed in the vicinity of a school, in 749
the vicinity of a juvenile, or in the vicinity of a substance 750
addiction services provider or a recovering addict, trafficking 751
in L.S.D. is a felony of the first degree, and the court shall 752
impose as a mandatory prison term a first degree felony 753
mandatory prison term. 754

(f) If the amount of the drug involved equals or exceeds 755
one thousand unit doses but is less than five thousand unit 756
doses of L.S.D. in a solid form or equals or exceeds one hundred 757
grams but is less than five hundred grams of L.S.D. in a liquid 758
concentrate, liquid extract, or liquid distillate form and 759
regardless of whether the offense was committed in the vicinity 760

of a school, in the vicinity of a juvenile, or in the vicinity 761
of a substance addiction services provider or a recovering 762
addict, trafficking in L.S.D. is a felony of the first degree, 763
and the court shall impose as a mandatory prison term a first 764
degree felony mandatory prison term. 765

(g) If the amount of the drug involved equals or exceeds 766
five thousand unit doses of L.S.D. in a solid form or equals or 767
exceeds five hundred grams of L.S.D. in a liquid concentrate, 768
liquid extract, or liquid distillate form and regardless of 769
whether the offense was committed in the vicinity of a school, 770
in the vicinity of a juvenile, or in the vicinity of a substance 771
addiction services provider or a recovering addict, trafficking 772
in L.S.D. is a felony of the first degree, the offender is a 773
major drug offender, and the court shall impose as a mandatory 774
prison term a maximum first degree felony mandatory prison term. 775

(6) If the drug involved in the violation is heroin or a 776
compound, mixture, preparation, or substance containing heroin, 777
whoever violates division (A) of this section is guilty of 778
trafficking in heroin. The penalty for the offense shall be 779
determined as follows: 780

(a) Except as otherwise provided in division (C) (6) (b), 781
(c), (d), (e), (f), or (g) of this section, trafficking in 782
heroin is a felony of the fifth degree, and division (B) of 783
section 2929.13 of the Revised Code applies in determining 784
whether to impose a prison term on the offender. 785

(b) Except as otherwise provided in division (C) (6) (c), 786
(d), (e), (f), or (g) of this section, if the offense was 787
committed in the vicinity of a school, in the vicinity of a 788
juvenile, or in the vicinity of a substance addiction services 789
provider or a recovering addict, trafficking in heroin is a 790

felony of the fourth degree, and division (C) of section 2929.13 791
of the Revised Code applies in determining whether to impose a 792
prison term on the offender. 793

(c) Except as otherwise provided in this division, if the 794
amount of the drug involved equals or exceeds ten unit doses but 795
is less than fifty unit doses or equals or exceeds one gram but 796
is less than five grams, trafficking in heroin is a felony of 797
the fourth degree, and division (B) of section 2929.13 of the 798
Revised Code applies in determining whether to impose a prison 799
term for the offense. If the amount of the drug involved is 800
within that range and if the offense was committed in the 801
vicinity of a school, in the vicinity of a juvenile, or in the 802
vicinity of a substance addiction services provider or a 803
recovering addict, trafficking in heroin is a felony of the 804
third degree, and there is a presumption for a prison term for 805
the offense. 806

(d) Except as otherwise provided in this division, if the 807
amount of the drug involved equals or exceeds fifty unit doses 808
but is less than one hundred unit doses or equals or exceeds 809
five grams but is less than ten grams, trafficking in heroin is 810
a felony of the third degree, and there is a presumption for a 811
prison term for the offense. If the amount of the drug involved 812
is within that range and if the offense was committed in the 813
vicinity of a school, in the vicinity of a juvenile, or in the 814
vicinity of a substance addiction services provider or a 815
recovering addict, trafficking in heroin is a felony of the 816
second degree, and there is a presumption for a prison term for 817
the offense. 818

(e) Except as otherwise provided in this division, if the 819
amount of the drug involved equals or exceeds one hundred unit 820

doses but is less than five hundred unit doses or equals or 821
exceeds ten grams but is less than fifty grams, trafficking in 822
heroin is a felony of the second degree, and the court shall 823
impose as a mandatory prison term a second degree felony 824
mandatory prison term. If the amount of the drug involved is 825
within that range and if the offense was committed in the 826
vicinity of a school, in the vicinity of a juvenile, or in the 827
vicinity of a substance addiction services provider or a 828
recovering addict, trafficking in heroin is a felony of the 829
first degree, and the court shall impose as a mandatory prison 830
term a first degree felony mandatory prison term. 831

(f) If the amount of the drug involved equals or exceeds 832
five hundred unit doses but is less than one thousand unit doses 833
or equals or exceeds fifty grams but is less than one hundred 834
grams and regardless of whether the offense was committed in the 835
vicinity of a school, in the vicinity of a juvenile, or in the 836
vicinity of a substance addiction services provider or a 837
recovering addict, trafficking in heroin is a felony of the 838
first degree, and the court shall impose as a mandatory prison 839
term a first degree felony mandatory prison term. 840

(g) If the amount of the drug involved equals or exceeds 841
one thousand unit doses or equals or exceeds one hundred grams 842
and regardless of whether the offense was committed in the 843
vicinity of a school, in the vicinity of a juvenile, or in the 844
vicinity of a substance addiction services provider or a 845
recovering addict, trafficking in heroin is a felony of the 846
first degree, the offender is a major drug offender, and the 847
court shall impose as a mandatory prison term a maximum first 848
degree felony mandatory prison term. 849

(7) If the drug involved in the violation is hashish or a 850

compound, mixture, preparation, or substance containing hashish, 851
whoever violates division (A) of this section is guilty of 852
trafficking in hashish. The penalty for the offense shall be 853
determined as follows: 854

(a) Except as otherwise provided in division (C) (7) (b), 855
(c), (d), (e), (f), or (g) of this section, trafficking in 856
hashish is a felony of the fifth degree, and division (B) of 857
section 2929.13 of the Revised Code applies in determining 858
whether to impose a prison term on the offender. 859

(b) Except as otherwise provided in division (C) (7) (c), 860
(d), (e), (f), or (g) of this section, if the offense was 861
committed in the vicinity of a school, in the vicinity of a 862
juvenile, or in the vicinity of a substance addiction services 863
provider or a recovering addict, trafficking in hashish is a 864
felony of the fourth degree, and division (B) of section 2929.13 865
of the Revised Code applies in determining whether to impose a 866
prison term on the offender. 867

(c) Except as otherwise provided in this division, if the 868
amount of the drug involved equals or exceeds ten grams but is 869
less than fifty grams of hashish in a solid form or equals or 870
exceeds two grams but is less than ten grams of hashish in a 871
liquid concentrate, liquid extract, or liquid distillate form, 872
trafficking in hashish is a felony of the fourth degree, and 873
division (B) of section 2929.13 of the Revised Code applies in 874
determining whether to impose a prison term on the offender. If 875
the amount of the drug involved is within that range and if the 876
offense was committed in the vicinity of a school, in the 877
vicinity of a juvenile, or in the vicinity of a substance 878
addiction services provider or a recovering addict, trafficking 879
in hashish is a felony of the third degree, and division (C) of 880

section 2929.13 of the Revised Code applies in determining 881
whether to impose a prison term on the offender. 882

(d) Except as otherwise provided in this division, if the 883
amount of the drug involved equals or exceeds fifty grams but is 884
less than two hundred fifty grams of hashish in a solid form or 885
equals or exceeds ten grams but is less than fifty grams of 886
hashish in a liquid concentrate, liquid extract, or liquid 887
distillate form, trafficking in hashish is a felony of the third 888
degree, and division (C) of section 2929.13 of the Revised Code 889
applies in determining whether to impose a prison term on the 890
offender. If the amount of the drug involved is within that 891
range and if the offense was committed in the vicinity of a 892
school, in the vicinity of a juvenile, or in the vicinity of a 893
substance addiction services provider or a recovering addict, 894
trafficking in hashish is a felony of the second degree, and 895
there is a presumption that a prison term shall be imposed for 896
the offense. 897

(e) Except as otherwise provided in this division, if the 898
amount of the drug involved equals or exceeds two hundred fifty 899
grams but is less than one thousand grams of hashish in a solid 900
form or equals or exceeds fifty grams but is less than two 901
hundred grams of hashish in a liquid concentrate, liquid 902
extract, or liquid distillate form, trafficking in hashish is a 903
felony of the third degree, and there is a presumption that a 904
prison term shall be imposed for the offense. If the amount of 905
the drug involved is within that range and if the offense was 906
committed in the vicinity of a school, in the vicinity of a 907
juvenile, or in the vicinity of a substance addiction services 908
provider or a recovering addict, trafficking in hashish is a 909
felony of the second degree, and there is a presumption that a 910
prison term shall be imposed for the offense. 911

(f) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds one thousand grams
but is less than two thousand grams of hashish in a solid form
or equals or exceeds two hundred grams but is less than four
hundred grams of hashish in a liquid concentrate, liquid
extract, or liquid distillate form, trafficking in hashish is a
felony of the second degree, and the court shall impose as a
mandatory prison term a second degree felony mandatory prison
term of five, six, seven, or eight years. If the amount of the
drug involved is within that range and if the offense was
committed in the vicinity of a school, in the vicinity of a
juvenile, or in the vicinity of a substance addiction services
provider or a recovering addict, trafficking in hashish is a
felony of the first degree, and the court shall impose as a
mandatory prison term a maximum first degree felony mandatory
prison term.

(g) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds two thousand grams
of hashish in a solid form or equals or exceeds four hundred
grams of hashish in a liquid concentrate, liquid extract, or
liquid distillate form, trafficking in hashish is a felony of
the second degree, and the court shall impose as a mandatory
prison term a maximum second degree felony mandatory prison
term. If the amount of the drug involved equals or exceeds two
thousand grams of hashish in a solid form or equals or exceeds
four hundred grams of hashish in a liquid concentrate, liquid
extract, or liquid distillate form and if the offense was
committed in the vicinity of a school, in the vicinity of a
juvenile, or in the vicinity of a substance addiction services
provider or a recovering addict, trafficking in hashish is a
felony of the first degree, and the court shall impose as a

mandatory prison term a maximum first degree felony mandatory 943
prison term. 944

(8) If the drug involved in the violation is a controlled 945
substance analog or compound, mixture, preparation, or substance 946
that contains a controlled substance analog, whoever violates 947
division (A) of this section is guilty of trafficking in a 948
controlled substance analog. The penalty for the offense shall 949
be determined as follows: 950

(a) Except as otherwise provided in division (C) (8) (b), 951
(c), (d), (e), (f), or (g) of this section, trafficking in a 952
controlled substance analog is a felony of the fifth degree, and 953
division (C) of section 2929.13 of the Revised Code applies in 954
determining whether to impose a prison term on the offender. 955

(b) Except as otherwise provided in division (C) (8) (c), 956
(d), (e), (f), or (g) of this section, if the offense was 957
committed in the vicinity of a school, in the vicinity of a 958
juvenile, or in the vicinity of a substance addiction services 959
provider or a recovering addict, trafficking in a controlled 960
substance analog is a felony of the fourth degree, and division 961
(C) of section 2929.13 of the Revised Code applies in 962
determining whether to impose a prison term on the offender. 963

(c) Except as otherwise provided in this division, if the 964
amount of the drug involved equals or exceeds ten grams but is 965
less than twenty grams, trafficking in a controlled substance 966
analog is a felony of the fourth degree, and division (B) of 967
section 2929.13 of the Revised Code applies in determining 968
whether to impose a prison term for the offense. If the amount 969
of the drug involved is within that range and if the offense was 970
committed in the vicinity of a school, in the vicinity of a 971
juvenile, or in the vicinity of a substance addiction services 972

provider or a recovering addict, trafficking in a controlled 973
substance analog is a felony of the third degree, and there is a 974
presumption for a prison term for the offense. 975

(d) Except as otherwise provided in this division, if the 976
amount of the drug involved equals or exceeds twenty grams but 977
is less than thirty grams, trafficking in a controlled substance 978
analog is a felony of the third degree, and there is a 979
presumption for a prison term for the offense. If the amount of 980
the drug involved is within that range and if the offense was 981
committed in the vicinity of a school, in the vicinity of a 982
juvenile, or in the vicinity of a substance addiction services 983
provider or a recovering addict, trafficking in a controlled 984
substance analog is a felony of the second degree, and there is 985
a presumption for a prison term for the offense. 986

(e) Except as otherwise provided in this division, if the 987
amount of the drug involved equals or exceeds thirty grams but 988
is less than forty grams, trafficking in a controlled substance 989
analog is a felony of the second degree, and the court shall 990
impose as a mandatory prison term a second degree felony 991
mandatory prison term. If the amount of the drug involved is 992
within that range and if the offense was committed in the 993
vicinity of a school, in the vicinity of a juvenile, or in the 994
vicinity of a substance addiction services provider or a 995
recovering addict, trafficking in a controlled substance analog 996
is a felony of the first degree, and the court shall impose as a 997
mandatory prison term a first degree felony mandatory prison 998
term. 999

(f) If the amount of the drug involved equals or exceeds 1000
forty grams but is less than fifty grams and regardless of 1001
whether the offense was committed in the vicinity of a school, 1002

in the vicinity of a juvenile, or in the vicinity of a substance 1003
addiction services provider or a recovering addict, trafficking 1004
in a controlled substance analog is a felony of the first 1005
degree, and the court shall impose as a mandatory prison term a 1006
first degree felony mandatory prison term. 1007

(g) If the amount of the drug involved equals or exceeds 1008
fifty grams and regardless of whether the offense was committed 1009
in the vicinity of a school, in the vicinity of a juvenile, or 1010
in the vicinity of a substance addiction services provider or a 1011
recovering addict, trafficking in a controlled substance analog 1012
is a felony of the first degree, the offender is a major drug 1013
offender, and the court shall impose as a mandatory prison term 1014
a maximum first degree felony mandatory prison term. 1015

(9) If the drug involved in the violation is a fentanyl- 1016
related compound or a compound, mixture, preparation, or 1017
substance containing a fentanyl-related compound and division 1018
(C)(10)(a) of this section does not apply to the drug involved, 1019
whoever violates division (A) of this section is guilty of 1020
trafficking in a fentanyl-related compound. The penalty for the 1021
offense shall be determined as follows: 1022

(a) Except as otherwise provided in division (C)(9)(b), 1023
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1024
a fentanyl-related compound is a felony of the fifth degree, and 1025
division (B) of section 2929.13 of the Revised Code applies in 1026
determining whether to impose a prison term on the offender. 1027

(b) Except as otherwise provided in division (C)(9)(c), 1028
(d), (e), (f), (g), or (h) of this section, if the offense was 1029
committed in the vicinity of a school, in the vicinity of a 1030
juvenile, or in the vicinity of a substance addiction services 1031
provider or a recovering addict, trafficking in a fentanyl- 1032

related compound is a felony of the fourth degree, and division 1033
(C) of section 2929.13 of the Revised Code applies in 1034
determining whether to impose a prison term on the offender. 1035

(c) Except as otherwise provided in this division, if the 1036
amount of the drug involved equals or exceeds ten unit doses but 1037
is less than fifty unit doses or equals or exceeds one gram but 1038
is less than five grams, trafficking in a fentanyl-related 1039
compound is a felony of the fourth degree, and division (B) of 1040
section 2929.13 of the Revised Code applies in determining 1041
whether to impose a prison term for the offense. If the amount 1042
of the drug involved is within that range and if the offense was 1043
committed in the vicinity of a school, in the vicinity of a 1044
juvenile, or in the vicinity of a substance addiction services 1045
provider or a recovering addict, trafficking in a fentanyl- 1046
related compound is a felony of the third degree, and there is a 1047
presumption for a prison term for the offense. 1048

(d) Except as otherwise provided in this division, if the 1049
amount of the drug involved equals or exceeds fifty unit doses 1050
but is less than one hundred unit doses or equals or exceeds 1051
five grams but is less than ten grams, trafficking in a 1052
fentanyl-related compound is a felony of the third degree, and 1053
there is a presumption for a prison term for the offense. If the 1054
amount of the drug involved is within that range and if the 1055
offense was committed in the vicinity of a school, in the 1056
vicinity of a juvenile, or in the vicinity of a substance 1057
addiction services provider or a recovering addict, trafficking 1058
in a fentanyl-related compound is a felony of the second degree, 1059
and there is a presumption for a prison term for the offense. 1060

(e) Except as otherwise provided in this division, if the 1061
amount of the drug involved equals or exceeds one hundred unit 1062

doses but is less than two hundred unit doses or equals or 1063
exceeds ten grams but is less than twenty grams, trafficking in 1064
a fentanyl-related compound is a felony of the second degree, 1065
and the court shall impose as a mandatory prison term one of the 1066
prison terms prescribed for a felony of the second degree. If 1067
the amount of the drug involved is within that range and if the 1068
offense was committed in the vicinity of a school, in the 1069
vicinity of a juvenile, or in the vicinity of a substance 1070
addiction services provider or a recovering addict, trafficking 1071
in a fentanyl-related compound is a felony of the first degree, 1072
and the court shall impose as a mandatory prison term one of the 1073
prison terms prescribed for a felony of the first degree. 1074

(f) If the amount of the drug involved equals or exceeds 1075
two hundred unit doses but is less than five hundred unit doses 1076
or equals or exceeds twenty grams but is less than fifty grams 1077
and regardless of whether the offense was committed in the 1078
vicinity of a school, in the vicinity of a juvenile, or in the 1079
vicinity of a substance addiction services provider or a 1080
recovering addict, trafficking in a fentanyl-related compound is 1081
a felony of the first degree, and the court shall impose as a 1082
mandatory prison term one of the prison terms prescribed for a 1083
felony of the first degree. 1084

(g) If the amount of the drug involved equals or exceeds 1085
five hundred unit doses but is less than one thousand unit doses 1086
or equals or exceeds fifty grams but is less than one hundred 1087
grams and regardless of whether the offense was committed in the 1088
vicinity of a school, in the vicinity of a juvenile, or in the 1089
vicinity of a substance addiction services provider or a 1090
recovering addict, trafficking in a fentanyl-related compound is 1091
a felony of the first degree, and the court shall impose as a 1092
mandatory prison term the maximum prison term prescribed for a 1093

felony of the first degree. 1094

(h) If the amount of the drug involved equals or exceeds 1095
one thousand unit doses or equals or exceeds one hundred grams 1096
and regardless of whether the offense was committed in the 1097
vicinity of a school, in the vicinity of a juvenile, or in the 1098
vicinity of a substance addiction services provider or a 1099
recovering addict, trafficking in a fentanyl-related compound is 1100
a felony of the first degree, the offender is a major drug 1101
offender, and the court shall impose as a mandatory prison term 1102
the maximum prison term prescribed for a felony of the first 1103
degree. 1104

(10) If the drug involved in the violation is a compound, 1105
mixture, preparation, or substance that is a combination of a 1106
fentanyl-related compound and marihuana, one of the following 1107
applies: 1108

(a) Except as otherwise provided in division (C) (10) (b) of 1109
this section, the offender is guilty of trafficking in marihuana 1110
and shall be punished under division (C) (3) of this section. The 1111
offender is not guilty of trafficking in a fentanyl-related 1112
compound and shall not be charged with, convicted of, or 1113
punished under division (C) (9) of this section for trafficking 1114
in a fentanyl-related compound. 1115

(b) If the offender knows or has reason to know that the 1116
compound, mixture, preparation, or substance that is the drug 1117
involved contains a fentanyl-related compound, the offender is 1118
guilty of trafficking in a fentanyl-related compound and shall 1119
be punished under division (C) (9) of this section. 1120

(D) In addition to any prison term authorized or required 1121
by division (C) of this section and sections 2929.13 and 2929.14 1122

of the Revised Code, and in addition to any other sanction 1123
imposed for the offense under this section or sections 2929.11 1124
to 2929.18 of the Revised Code, the court that sentences an 1125
offender who is convicted of or pleads guilty to a violation of 1126
division (A) of this section, if the violation is a felony of 1127
the first degree, may suspend the driver's or commercial 1128
driver's license or permit of the offender in accordance with 1129
division (G) of this section. However, if the offender pleaded 1130
guilty to or was convicted of a violation of section 4511.19 of 1131
the Revised Code or a substantially similar municipal ordinance 1132
or the law of another state or the United States arising out of 1133
the same set of circumstances as the first degree felony 1134
violation, the court shall suspend the offender's driver's or 1135
commercial driver's license or permit in accordance with 1136
division (G) of this section. If applicable, the court also 1137
shall do the following: 1138

(1) If the violation of division (A) of this section is a 1139
felony of the first, second, or third degree, the court shall 1140
impose upon the offender the mandatory fine specified for the 1141
offense under division (B)(1) of section 2929.18 of the Revised 1142
Code unless, as specified in that division, the court determines 1143
that the offender is indigent. Except as otherwise provided in 1144
division (H)(1) of this section, a mandatory fine or any other 1145
fine imposed for a violation of this section is subject to 1146
division (F) of this section. If a person is charged with a 1147
violation of this section that is a felony of the first, second, 1148
or third degree, posts bail, and forfeits the bail, the clerk of 1149
the court shall pay the forfeited bail pursuant to divisions (D) 1150
(1) and (F) of this section, as if the forfeited bail was a fine 1151
imposed for a violation of this section. If any amount of the 1152
forfeited bail remains after that payment and if a fine is 1153

imposed under division (H) (1) of this section, the clerk of the 1154
court shall pay the remaining amount of the forfeited bail 1155
pursuant to divisions (H) (2) and (3) of this section, as if that 1156
remaining amount was a fine imposed under division (H) (1) of 1157
this section. 1158

(2) If the offender is a professionally licensed person, 1159
the court immediately shall comply with section 2925.38 of the 1160
Revised Code. 1161

(E) When a person is charged with the sale of or offer to 1162
sell a bulk amount or a multiple of a bulk amount of a 1163
controlled substance, the jury, or the court trying the accused, 1164
shall determine the amount of the controlled substance involved 1165
at the time of the offense and, if a guilty verdict is returned, 1166
shall return the findings as part of the verdict. In any such 1167
case, it is unnecessary to find and return the exact amount of 1168
the controlled substance involved, and it is sufficient if the 1169
finding and return is to the effect that the amount of the 1170
controlled substance involved is the requisite amount, or that 1171
the amount of the controlled substance involved is less than the 1172
requisite amount. 1173

(F) (1) Notwithstanding any contrary provision of section 1174
3719.21 of the Revised Code and except as provided in division 1175
(H) of this section, the clerk of the court shall pay any 1176
mandatory fine imposed pursuant to division (D) (1) of this 1177
section and any fine other than a mandatory fine that is imposed 1178
for a violation of this section pursuant to division (A) or (B) 1179
(5) of section 2929.18 of the Revised Code to the county, 1180
township, municipal corporation, park district, as created 1181
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1182
state law enforcement agencies in this state that primarily were 1183

responsible for or involved in making the arrest of, and in 1184
prosecuting, the offender. However, the clerk shall not pay a 1185
mandatory fine so imposed to a law enforcement agency unless the 1186
agency has adopted a written internal control policy under 1187
division (F)(2) of this section that addresses the use of the 1188
fine moneys that it receives. Each agency shall use the 1189
mandatory fines so paid to subsidize the agency's law 1190
enforcement efforts that pertain to drug offenses, in accordance 1191
with the written internal control policy adopted by the 1192
recipient agency under division (F)(2) of this section. 1193

(2) Prior to receiving any fine moneys under division (F) 1194
(1) of this section or division (B) of section 2925.42 of the 1195
Revised Code, a law enforcement agency shall adopt a written 1196
internal control policy that addresses the agency's use and 1197
disposition of all fine moneys so received and that provides for 1198
the keeping of detailed financial records of the receipts of 1199
those fine moneys, the general types of expenditures made out of 1200
those fine moneys, and the specific amount of each general type 1201
of expenditure. The policy shall not provide for or permit the 1202
identification of any specific expenditure that is made in an 1203
ongoing investigation. All financial records of the receipts of 1204
those fine moneys, the general types of expenditures made out of 1205
those fine moneys, and the specific amount of each general type 1206
of expenditure by an agency are public records open for 1207
inspection under section 149.43 of the Revised Code. 1208
Additionally, a written internal control policy adopted under 1209
this division is such a public record, and the agency that 1210
adopted it shall comply with it. 1211

(3) As used in division (F) of this section: 1212

(a) "Law enforcement agencies" includes, but is not 1213

limited to, the state board of pharmacy and the office of a 1214
prosecutor. 1215

(b) "Prosecutor" has the same meaning as in section 1216
2935.01 of the Revised Code. 1217

(G) (1) If the sentencing court suspends the offender's 1218
driver's or commercial driver's license or permit under division 1219
(D) of this section or any other provision of this chapter, the 1220
court shall suspend the license, by order, for not more than 1221
five years. If an offender's driver's or commercial driver's 1222
license or permit is suspended pursuant to this division, the 1223
offender, at any time after the expiration of two years from the 1224
day on which the offender's sentence was imposed or from the day 1225
on which the offender finally was released from a prison term 1226
under the sentence, whichever is later, may file a motion with 1227
the sentencing court requesting termination of the suspension; 1228
upon the filing of such a motion and the court's finding of good 1229
cause for the termination, the court may terminate the 1230
suspension. 1231

(2) Any offender who received a mandatory suspension of 1232
the offender's driver's or commercial driver's license or permit 1233
under this section prior to September 13, 2016, may file a 1234
motion with the sentencing court requesting the termination of 1235
the suspension. However, an offender who pleaded guilty to or 1236
was convicted of a violation of section 4511.19 of the Revised 1237
Code or a substantially similar municipal ordinance or law of 1238
another state or the United States that arose out of the same 1239
set of circumstances as the violation for which the offender's 1240
license or permit was suspended under this section shall not 1241
file such a motion. 1242

Upon the filing of a motion under division (G) (2) of this 1243

section, the sentencing court, in its discretion, may terminate 1244
the suspension. 1245

(H) (1) In addition to any prison term authorized or 1246
required by division (C) of this section and sections 2929.13 1247
and 2929.14 of the Revised Code, in addition to any other 1248
penalty or sanction imposed for the offense under this section 1249
or sections 2929.11 to 2929.18 of the Revised Code, and in 1250
addition to the forfeiture of property in connection with the 1251
offense as prescribed in Chapter 2981. of the Revised Code, the 1252
court that sentences an offender who is convicted of or pleads 1253
guilty to a violation of division (A) of this section may impose 1254
upon the offender an additional fine specified for the offense 1255
in division (B) (4) of section 2929.18 of the Revised Code. A 1256
fine imposed under division (H) (1) of this section is not 1257
subject to division (F) of this section and shall be used solely 1258
for the support of one or more eligible community addiction 1259
services providers in accordance with divisions (H) (2) and (3) 1260
of this section. 1261

(2) The court that imposes a fine under division (H) (1) of 1262
this section shall specify in the judgment that imposes the fine 1263
one or more eligible community addiction services providers for 1264
the support of which the fine money is to be used. No community 1265
addiction services provider shall receive or use money paid or 1266
collected in satisfaction of a fine imposed under division (H) 1267
(1) of this section unless the services provider is specified in 1268
the judgment that imposes the fine. No community addiction 1269
services provider shall be specified in the judgment unless the 1270
services provider is an eligible community addiction services 1271
provider and, except as otherwise provided in division (H) (2) of 1272
this section, unless the services provider is located in the 1273
county in which the court that imposes the fine is located or in 1274

a county that is immediately contiguous to the county in which 1275
that court is located. If no eligible community addiction 1276
services provider is located in any of those counties, the 1277
judgment may specify an eligible community addiction services 1278
provider that is located anywhere within this state. 1279

(3) Notwithstanding any contrary provision of section 1280
3719.21 of the Revised Code, the clerk of the court shall pay 1281
any fine imposed under division (H) (1) of this section to the 1282
eligible community addiction services provider specified 1283
pursuant to division (H) (2) of this section in the judgment. The 1284
eligible community addiction services provider that receives the 1285
fine moneys shall use the moneys only for the alcohol and drug 1286
addiction services identified in the application for 1287
certification of services under section 5119.36 of the Revised 1288
Code or in the application for a license under section 5119.37 1289
of the Revised Code filed with the department of mental health 1290
and addiction services by the community addiction services 1291
provider specified in the judgment. 1292

(4) Each community addiction services provider that 1293
receives in a calendar year any fine moneys under division (H) 1294
(3) of this section shall file an annual report covering that 1295
calendar year with the court of common pleas and the board of 1296
county commissioners of the county in which the services 1297
provider is located, with the court of common pleas and the 1298
board of county commissioners of each county from which the 1299
services provider received the moneys if that county is 1300
different from the county in which the services provider is 1301
located, and with the attorney general. The community addiction 1302
services provider shall file the report no later than the first 1303
day of March in the calendar year following the calendar year in 1304
which the services provider received the fine moneys. The report 1305

shall include statistics on the number of persons served by the
community addiction services provider, identify the types of
alcohol and drug addiction services provided to those persons,
and include a specific accounting of the purposes for which the
fine moneys received were used. No information contained in the
report shall identify, or enable a person to determine the
identity of, any person served by the community addiction
services provider. Each report received by a court of common
pleas, a board of county commissioners, or the attorney general
is a public record open for inspection under section 149.43 of
the Revised Code.

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

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

(b) "Eligible community addiction services provider" means
a community addiction services provider, including a community
addiction services provider that operates an opioid treatment
program licensed under section 5119.37 of the Revised Code.

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

(J) It is an affirmative defense to a charge of
trafficking in a controlled substance analog under division (C)
(8) of this section that the person charged with violating that
offense sold or offered to sell, or prepared for shipment,
shipped, transported, delivered, prepared for distribution, or
distributed one of the following items that are excluded from
the meaning of "controlled substance analog" under section
3719.01 of the Revised Code:

(1) A controlled substance; 1335

(2) Any substance for which there is an approved new drug 1336
application; 1337

(3) With respect to a particular person, any substance if 1338
an exemption is in effect for investigational use for that 1339
person pursuant to federal law to the extent that conduct with 1340
respect to that substance is pursuant to that exemption. 1341

Sec. 2925.04. (A) No person shall knowingly cultivate 1342
marihuana or knowingly manufacture or otherwise engage in any 1343
part of the production of a controlled substance. 1344

(B) This section does not apply to any person listed in 1345
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1346
Code to the extent and under the circumstances described in 1347
those divisions. 1348

(C) (1) Whoever commits a violation of division (A) of this 1349
section that involves any drug other than marihuana is guilty of 1350
illegal manufacture of drugs, and whoever commits a violation of 1351
division (A) of this section that involves marihuana is guilty 1352
of illegal cultivation of marihuana. 1353

(2) Except as otherwise provided in this division, if the 1354
drug involved in the violation of division (A) of this section 1355
is any compound, mixture, preparation, or substance included in 1356
schedule I or II, with the exception of methamphetamine or 1357
marihuana, illegal manufacture of drugs is a felony of the 1358
second degree, and, subject to division (E) of this section, the 1359
court shall impose as a mandatory prison term a second degree 1360
felony mandatory prison term. 1361

If the drug involved in the violation is any compound, 1362
mixture, preparation, or substance included in schedule I or II, 1363

with the exception of methamphetamine or marihuana, and if the 1364
offense was committed in the vicinity of a juvenile or in the 1365
vicinity of a school, illegal manufacture of drugs is a felony 1366
of the first degree, and, subject to division (E) of this 1367
section, the court shall impose as a mandatory prison term a 1368
first degree felony mandatory prison term. 1369

(3) If the drug involved in the violation of division (A) 1370
of this section is methamphetamine, the penalty for the 1371
violation shall be determined as follows: 1372

(a) Except as otherwise provided in division (C) (3) (b) of 1373
this section, if the drug involved in the violation is 1374
methamphetamine, illegal manufacture of drugs is a felony of the 1375
second degree, and, subject to division (E) of this section, the 1376
court shall impose a mandatory prison term on the offender 1377
determined in accordance with this division. Except as otherwise 1378
provided in this division, the court shall impose as a mandatory 1379
prison term a second degree felony mandatory prison term that is 1380
not less than three years. If the offender previously has been 1381
convicted of or pleaded guilty to a violation of division (A) of 1382
this section, a violation of division (B) (6) of section 2919.22 1383
of the Revised Code, or a violation of division (A) of section 1384
2925.041 of the Revised Code, the court shall impose as a 1385
mandatory prison term a second degree felony mandatory prison 1386
term that is not less than five years. 1387

(b) If the drug involved in the violation is 1388
methamphetamine and if the offense was committed in the vicinity 1389
of a juvenile, in the vicinity of a school, or on public 1390
premises, illegal manufacture of drugs is a felony of the first 1391
degree, and, subject to division (E) of this section, the court 1392
shall impose a mandatory prison term on the offender determined 1393

in accordance with this division. Except as otherwise provided 1394
in this division, the court shall impose as a mandatory prison 1395
term a first degree felony mandatory prison term that is not 1396
less than four years. If the offender previously has been 1397
convicted of or pleaded guilty to a violation of division (A) of 1398
this section, a violation of division (B) (6) of section 2919.22 1399
of the Revised Code, or a violation of division (A) of section 1400
2925.041 of the Revised Code, the court shall impose as a 1401
mandatory prison term a first degree felony mandatory prison 1402
term that is not less than five years. 1403

(4) If the drug involved in the violation of division (A) 1404
of this section is any compound, mixture, preparation, or 1405
substance included in schedule III, IV, or V, illegal 1406
manufacture of drugs is a felony of the third degree or, if the 1407
offense was committed in the vicinity of a school or in the 1408
vicinity of a juvenile, a felony of the second degree, and there 1409
is a presumption for a prison term for the offense. 1410

(5) If the drug involved in the violation is marihuana, 1411
the penalty for the offense shall be determined as follows: 1412

(a) Except as otherwise provided in division (C) (5) (b), 1413
(c), (d), (e), or (f) of this section, illegal cultivation of 1414
marihuana is a minor misdemeanor or, if the offense was 1415
committed in the vicinity of a school or in the vicinity of a 1416
juvenile, a misdemeanor of the fourth degree. 1417

(b) If the amount of marihuana involved equals or exceeds 1418
one hundred grams but is less than two hundred grams, illegal 1419
cultivation of marihuana is a misdemeanor of the fourth degree 1420
or, if the offense was committed in the vicinity of a school or 1421
in the vicinity of a juvenile, a misdemeanor of the third 1422
degree. 1423

(c) If the amount of marihuana involved equals or exceeds 1424
two hundred grams but is less than one thousand grams, illegal 1425
cultivation of marihuana is a felony of the fifth degree or, if 1426
the offense was committed in the vicinity of a school or in the 1427
vicinity of a juvenile, a felony of the fourth degree, and 1428
division (B) of section 2929.13 of the Revised Code applies in 1429
determining whether to impose a prison term on the offender. 1430

(d) If the amount of marihuana involved equals or exceeds 1431
one thousand grams but is less than five thousand grams, illegal 1432
cultivation of marihuana is a felony of the third degree or, if 1433
the offense was committed in the vicinity of a school or in the 1434
vicinity of a juvenile, a felony of the second degree, and 1435
division (C) of section 2929.13 of the Revised Code applies in 1436
determining whether to impose a prison term on the offender. 1437

(e) If the amount of marihuana involved equals or exceeds 1438
five thousand grams but is less than twenty thousand grams, 1439
illegal cultivation of marihuana is a felony of the third degree 1440
or, if the offense was committed in the vicinity of a school or 1441
in the vicinity of a juvenile, a felony of the second degree, 1442
and there is a presumption for a prison term for the offense. 1443

(f) Except as otherwise provided in this division, if the 1444
amount of marihuana involved equals or exceeds twenty thousand 1445
grams, illegal cultivation of marihuana is a felony of the 1446
second degree, and the court shall impose as a mandatory prison 1447
term a maximum second degree felony mandatory prison term. If 1448
the amount of the drug involved equals or exceeds twenty 1449
thousand grams and if the offense was committed in the vicinity 1450
of a school or in the vicinity of a juvenile, illegal 1451
cultivation of marihuana is a felony of the first degree, and 1452
the court shall impose as a mandatory prison term a maximum 1453

first degree felony mandatory prison term. 1454

(D) In addition to any prison term authorized or required 1455
by division (C) or (E) of this section and sections 2929.13 and 1456
2929.14 of the Revised Code and in addition to any other 1457
sanction imposed for the offense under this section or sections 1458
2929.11 to 2929.18 of the Revised Code, the court that sentences 1459
an offender who is convicted of or pleads guilty to a violation 1460
of division (A) of this section, if the violation is a felony of 1461
the first degree, may suspend the offender's driver's or 1462
commercial driver's license or permit in accordance with 1463
division (G) of section 2925.03 of the Revised Code. However, if 1464
the offender pleaded guilty to or was convicted of a violation 1465
of section 4511.19 of the Revised Code or a substantially 1466
similar municipal ordinance or the law of another state or the 1467
United States arising out of the same set of circumstances as 1468
the first degree felony violation, the court shall suspend the 1469
offender's driver's or commercial driver's license or permit in 1470
accordance with division (G) of section 2925.03 of the Revised 1471
Code. If applicable, the court also shall do the following: 1472

(1) If the violation of division (A) of this section is a 1473
felony of the first, second, or third degree, the court shall 1474
impose upon the offender the mandatory fine specified for the 1475
offense under division (B) (1) of section 2929.18 of the Revised 1476
Code unless, as specified in that division, the court determines 1477
that the offender is indigent. The clerk of the court shall pay 1478
a mandatory fine or other fine imposed for a violation of this 1479
section pursuant to division (A) of section 2929.18 of the 1480
Revised Code in accordance with and subject to the requirements 1481
of division (F) of section 2925.03 of the Revised Code. The 1482
agency that receives the fine shall use the fine as specified in 1483
division (F) of section 2925.03 of the Revised Code. If a person 1484

is charged with a violation of this section that is a felony of 1485
the first, second, or third degree, posts bail, and forfeits the 1486
bail, the clerk shall pay the forfeited bail as if the forfeited 1487
bail were a fine imposed for a violation of this section. 1488

(2) If the offender is a professionally licensed person, 1489
the court immediately shall comply with section 2925.38 of the 1490
Revised Code. 1491

(E) Notwithstanding the prison term otherwise authorized 1492
or required for the offense under division (C) of this section 1493
and sections 2929.13 and 2929.14 of the Revised Code, if the 1494
violation of division (A) of this section involves the sale, 1495
offer to sell, or possession of a schedule I or II controlled 1496
substance, with the exception of marihuana, and if the court 1497
imposing sentence upon the offender finds that the offender as a 1498
result of the violation is a major drug offender and is guilty 1499
of a specification of the type described in division (A) of 1500
section 2941.1410 of the Revised Code, the court, in lieu of the 1501
prison term otherwise authorized or required, shall impose upon 1502
the offender the mandatory prison term specified in division (B) 1503
(3) of section 2929.14 of the Revised Code. 1504

(F) It is an affirmative defense, as provided in section 1505
2901.05 of the Revised Code, to a charge under this section for 1506
a fifth degree felony violation of illegal cultivation of 1507
marihuana that the marihuana that gave rise to the charge is in 1508
an amount, is in a form, is prepared, compounded, or mixed with 1509
substances that are not controlled substances in a manner, or is 1510
possessed or cultivated under any other circumstances that 1511
indicate that the marihuana was solely for personal use. 1512

Notwithstanding any contrary provision of division (F) of 1513
this section, if, in accordance with section 2901.05 of the 1514

Revised Code, a person who is charged with a violation of 1515
illegal cultivation of marihuana that is a felony of the fifth 1516
degree sustains the burden of going forward with evidence of and 1517
establishes by a preponderance of the evidence the affirmative 1518
defense described in this division, the person may be prosecuted 1519
for and may be convicted of or plead guilty to a misdemeanor 1520
violation of illegal cultivation of marihuana. 1521

(G) Arrest or conviction for a minor misdemeanor violation 1522
of this section does not constitute a criminal record and need 1523
not be reported by the person so arrested or convicted in 1524
response to any inquiries about the person's criminal record, 1525
including any inquiries contained in an application for 1526
employment, a license, or any other right or privilege or made 1527
in connection with the person's appearance as a witness. 1528

(H) (1) If the sentencing court suspends the offender's 1529
driver's or commercial driver's license or permit under this 1530
section in accordance with division (G) of section 2925.03 of 1531
the Revised Code, the offender may request termination of, and 1532
the court may terminate, the suspension of the offender in 1533
accordance with that division. 1534

(2) Any offender who received a mandatory suspension of 1535
the offender's driver's or commercial driver's license or permit 1536
under this section prior to September 13, 2016, may file a 1537
motion with the sentencing court requesting the termination of 1538
the suspension. However, an offender who pleaded guilty to or 1539
was convicted of a violation of section 4511.19 of the Revised 1540
Code or a substantially similar municipal ordinance or law of 1541
another state or the United States that arose out of the same 1542
set of circumstances as the violation for which the offender's 1543
license or permit was suspended under this section shall not 1544

file such a motion. 1545

Upon the filing of a motion under division (H) (2) of this 1546
section, the sentencing court, in its discretion, may terminate 1547
the suspension. 1548

Sec. 2925.041. (A) No person shall knowingly assemble or 1549
possess one or more chemicals that may be used to manufacture a 1550
controlled substance in schedule I or II with the intent to 1551
manufacture a controlled substance in schedule I or II in 1552
violation of section 2925.04 of the Revised Code. 1553

(B) In a prosecution under this section, it is not 1554
necessary to allege or prove that the offender assembled or 1555
possessed all chemicals necessary to manufacture a controlled 1556
substance in schedule I or II. The assembly or possession of a 1557
single chemical that may be used in the manufacture of a 1558
controlled substance in schedule I or II, with the intent to 1559
manufacture a controlled substance in either schedule, is 1560
sufficient to violate this section. 1561

(C) Whoever violates this section is guilty of illegal 1562
assembly or possession of chemicals for the manufacture of 1563
drugs. Except as otherwise provided in this division, illegal 1564
assembly or possession of chemicals for the manufacture of drugs 1565
is a felony of the third degree, and, except as otherwise 1566
provided in division (C) (1) or (2) of this section, division (C) 1567
of section 2929.13 of the Revised Code applies in determining 1568
whether to impose a prison term on the offender. If the offense 1569
was committed in the vicinity of a juvenile or in the vicinity 1570
of a school, illegal assembly or possession of chemicals for the 1571
manufacture of drugs is a felony of the second degree, and, 1572
except as otherwise provided in division (C) (1) or (2) of this 1573
section, division (C) of section 2929.13 of the Revised Code 1574

applies in determining whether to impose a prison term on the 1575
offender. If the violation of division (A) of this section is a 1576
felony of the third degree under this division and if the 1577
chemical or chemicals assembled or possessed in violation of 1578
division (A) of this section may be used to manufacture 1579
methamphetamine, there either is a presumption for a prison term 1580
for the offense or the court shall impose a mandatory prison 1581
term on the offender, determined as follows: 1582

(1) Except as otherwise provided in this division, there 1583
is a presumption for a prison term for the offense. If the 1584
offender two or more times previously has been convicted of or 1585
pleaded guilty to a felony drug abuse offense, except as 1586
otherwise provided in this division, the court shall impose as a 1587
mandatory prison term one of the prison terms prescribed for a 1588
felony of the third degree that is not less than two years. If 1589
the offender two or more times previously has been convicted of 1590
or pleaded guilty to a felony drug abuse offense and if at least 1591
one of those previous convictions or guilty pleas was to a 1592
violation of division (A) of this section, a violation of 1593
division (B) (6) of section 2919.22 of the Revised Code, or a 1594
violation of division (A) of section 2925.04 of the Revised 1595
Code, the court shall impose as a mandatory prison term one of 1596
the prison terms prescribed for a felony of the third degree 1597
that is not less than five years. 1598

(2) If the violation of division (A) of this section is a 1599
felony of the second degree under division (C) of this section 1600
and the chemical or chemicals assembled or possessed in 1601
committing the violation may be used to manufacture 1602
methamphetamine, the court shall impose as a mandatory prison 1603
term a second degree felony mandatory prison term that is not 1604
less than three years. If the violation of division (A) of this 1605

section is a felony of the second degree under division (C) of 1606
this section, if the chemical or chemicals assembled or 1607
possessed in committing the violation may be used to manufacture 1608
methamphetamine, and if the offender previously has been 1609
convicted of or pleaded guilty to a violation of division (A) of 1610
this section, a violation of division (B)(6) of section 2919.22 1611
of the Revised Code, or a violation of division (A) of section 1612
2925.04 of the Revised Code, the court shall impose as a 1613
mandatory prison term a second degree felony mandatory prison 1614
term that is not less than five years. 1615

(D) In addition to any prison term authorized by division 1616
(C) of this section and sections 2929.13 and 2929.14 of the 1617
Revised Code and in addition to any other sanction imposed for 1618
the offense under this section or sections 2929.11 to 2929.18 of 1619
the Revised Code, the court that sentences an offender who is 1620
convicted of or pleads guilty to a violation of this section, if 1621
the violation is a felony of the second degree, may suspend the 1622
offender's driver's or commercial driver's license or permit in 1623
accordance with division (G) of section 2925.03 of the Revised 1624
Code. However, if the offender pleaded guilty to or was 1625
convicted of a violation of section 4511.19 of the Revised Code 1626
or a substantially similar municipal ordinance or the law of 1627
another state or the United States arising out of the same set 1628
of circumstances as the second degree felony violation, the 1629
court shall suspend the offender's driver's or commercial 1630
driver's license or permit in accordance with division (G) of 1631
section 2925.03 of the Revised Code. If applicable, the court 1632
also shall do the following: 1633

(1) The court shall impose upon the offender the mandatory 1634
fine specified for the offense under division (B)(1) of section 1635
2929.18 of the Revised Code unless, as specified in that 1636

division, the court determines that the offender is indigent. 1637
The clerk of the court shall pay a mandatory fine or other fine 1638
imposed for a violation of this section under division (A) of 1639
section 2929.18 of the Revised Code in accordance with and 1640
subject to the requirements of division (F) of section 2925.03 1641
of the Revised Code. The agency that receives the fine shall use 1642
the fine as specified in division (F) of section 2925.03 of the 1643
Revised Code. If a person charged with a violation of this 1644
section posts bail and forfeits the bail, the clerk shall pay 1645
the forfeited bail as if the forfeited bail were a fine imposed 1646
for a violation of this section. 1647

(2) If the offender is a professionally licensed person or 1648
a person who has been admitted to the bar by order of the 1649
supreme court in compliance with its prescribed and published 1650
rules, the court shall comply with section 2925.38 of the 1651
Revised Code. 1652

(E) (1) If the sentencing court suspends the offender's 1653
driver's or commercial driver's license or permit under this 1654
section in accordance with division (G) of section 2925.03 of 1655
the Revised Code, the offender may request termination of, and 1656
the court may terminate, the suspension of the offender in 1657
accordance with that division. 1658

(2) Any offender who received a mandatory suspension of 1659
the offender's driver's or commercial driver's license or permit 1660
under this section prior to September 13, 2016, may file a 1661
motion with the sentencing court requesting the termination of 1662
the suspension. However, an offender who pleaded guilty to or 1663
was convicted of a violation of section 4511.19 of the Revised 1664
Code or a substantially similar municipal ordinance or law of 1665
another state or the United States that arose out of the same 1666

set of circumstances as the violation for which the offender's 1667
license or permit was suspended under this section shall not 1668
file such a motion. 1669

Upon the filing of a motion under division (E)(2) of this 1670
section, the sentencing court, in its discretion, may terminate 1671
the suspension. 1672

Sec. 2925.05. (A) No person shall knowingly provide money 1673
or other items of value to another person with the purpose that 1674
the recipient of the money or items of value use them to obtain 1675
any controlled substance for the purpose of violating section 1676
2925.04 of the Revised Code or for the purpose of selling or 1677
offering to sell the controlled substance in the following 1678
amount: 1679

(1) If the drug to be sold or offered for sale is any 1680
compound, mixture, preparation, or substance included in 1681
schedule I or II, with the exception of marihuana, cocaine, 1682
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1683
schedule III, IV, or V, an amount of the drug that equals or 1684
exceeds the bulk amount of the drug; 1685

(2) If the drug to be sold or offered for sale is 1686
marihuana or a compound, mixture, preparation, or substance 1687
other than hashish containing marihuana, an amount of the 1688
marihuana that equals or exceeds two hundred grams; 1689

(3) If the drug to be sold or offered for sale is cocaine 1690
or a compound, mixture, preparation, or substance containing 1691
cocaine, an amount of the cocaine that equals or exceeds five 1692
grams; 1693

(4) If the drug to be sold or offered for sale is L.S.D. 1694
or a compound, mixture, preparation, or substance containing 1695

L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1696
doses if the L.S.D. is in a solid form or equals or exceeds one 1697
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1698
or liquid distillate form; 1699

(5) If the drug to be sold or offered for sale is heroin 1700
or a fentanyl-related compound, or a compound, mixture, 1701
preparation, or substance containing heroin or a fentanyl- 1702
related compound, an amount that equals or exceeds ten unit 1703
doses or equals or exceeds one gram; 1704

(6) If the drug to be sold or offered for sale is hashish 1705
or a compound, mixture, preparation, or substance containing 1706
hashish, an amount of the hashish that equals or exceeds ten 1707
grams if the hashish is in a solid form or equals or exceeds two 1708
grams if the hashish is in a liquid concentrate, liquid extract, 1709
or liquid distillate form. 1710

(B) This section does not apply to any person listed in 1711
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1712
Code to the extent and under the circumstances described in 1713
those divisions. 1714

(C)(1) If the drug involved in the violation is any 1715
compound, mixture, preparation, or substance included in 1716
schedule I or II, with the exception of marihuana, whoever 1717
violates division (A) of this section is guilty of aggravated 1718
funding of drug trafficking, a felony of the first degree, and, 1719
subject to division (E) of this section, the court shall impose 1720
as a mandatory prison term a first degree felony mandatory 1721
prison term. 1722

(2) If the drug involved in the violation is any compound, 1723
mixture, preparation, or substance included in schedule III, IV, 1724

or V, whoever violates division (A) of this section is guilty of 1725
funding of drug trafficking, a felony of the second degree, and 1726
the court shall impose as a mandatory prison term a second 1727
degree felony mandatory prison term. 1728

(3) If the drug involved in the violation is marihuana, 1729
whoever violates division (A) of this section is guilty of 1730
funding of marihuana trafficking, a felony of the third degree, 1731
and, except as otherwise provided in this division, there is a 1732
presumption for a prison term for the offense. If funding of 1733
marihuana trafficking is a felony of the third degree under this 1734
division and if the offender two or more times previously has 1735
been convicted of or pleaded guilty to a felony drug abuse 1736
offense, the court shall impose as a mandatory prison term one 1737
of the prison terms prescribed for a felony of the third degree. 1738

(D) In addition to any prison term authorized or required 1739
by division (C) or (E) of this section and sections 2929.13 and 1740
2929.14 of the Revised Code and in addition to any other 1741
sanction imposed for the offense under this section or sections 1742
2929.11 to 2929.18 of the Revised Code, the court that sentences 1743
an offender who is convicted of or pleads guilty to a violation 1744
of division (A) of this section, if the violation is a felony of 1745
the first degree, may suspend the offender's driver's or 1746
commercial driver's license or permit in accordance with 1747
division (G) of section 2925.03 of the Revised Code. However, if 1748
the offender pleaded guilty to or was convicted of a violation 1749
of section 4511.19 of the Revised Code or a substantially 1750
similar municipal ordinance or the law of another state or the 1751
United States arising out of the same set of circumstances as 1752
the first degree felony violation, the court shall suspend the 1753
offender's driver's or commercial driver's license or permit in 1754
accordance with division (G) of section 2925.03 of the Revised 1755

Code. If applicable, the court also shall do the following: 1756

(1) The court shall impose the mandatory fine specified 1757
for the offense under division (B)(1) of section 2929.18 of the 1758
Revised Code unless, as specified in that division, the court 1759
determines that the offender is indigent. The clerk of the court 1760
shall pay a mandatory fine or other fine imposed for a violation 1761
of this section pursuant to division (A) of section 2929.18 of 1762
the Revised Code in accordance with and subject to the 1763
requirements of division (F) of section 2925.03 of the Revised 1764
Code. The agency that receives the fine shall use the fine in 1765
accordance with division (F) of section 2925.03 of the Revised 1766
Code. If a person is charged with a violation of this section, 1767
posts bail, and forfeits the bail, the forfeited bail shall be 1768
paid as if the forfeited bail were a fine imposed for a 1769
violation of this section. 1770

(2) If the offender is a professionally licensed person, 1771
the court immediately shall comply with section 2925.38 of the 1772
Revised Code. 1773

(E) Notwithstanding the prison term otherwise authorized 1774
or required for the offense under division (C) of this section 1775
and sections 2929.13 and 2929.14 of the Revised Code, if the 1776
violation of division (A) of this section involves the sale, 1777
offer to sell, or possession of a schedule I or II controlled 1778
substance, with the exception of marihuana, one of the following 1779
applies: 1780

(1) If the drug involved in the violation is a fentanyl- 1781
related compound, the offense is a felony of the first degree, 1782
the offender is a major drug offender, and the court shall 1783
impose as a mandatory prison term the maximum prison term 1784
prescribed for a felony of the first degree. 1785

(2) If division (E) (1) of this section does not apply and 1786
the court imposing sentence upon the offender finds that the 1787
offender as a result of the violation is a major drug offender 1788
and is guilty of a specification of the type described in 1789
division (A) of section 2941.1410 of the Revised Code, the 1790
court, in lieu of the prison term otherwise authorized or 1791
required, shall impose upon the offender the mandatory prison 1792
term specified in division (B) (3) of section 2929.14 of the 1793
Revised Code. 1794

(F) (1) If the sentencing court suspends the offender's 1795
driver's or commercial driver's license or permit under this 1796
section in accordance with division (G) of section 2925.03 of 1797
the Revised Code, the offender may request termination of, and 1798
the court may terminate, the suspension in accordance with that 1799
division. 1800

(2) Any offender who received a mandatory suspension of 1801
the offender's driver's or commercial driver's license or permit 1802
under this section prior to September 13, 2016, may file a 1803
motion with the sentencing court requesting the termination of 1804
the suspension. However, an offender who pleaded guilty to or 1805
was convicted of a violation of section 4511.19 of the Revised 1806
Code or a substantially similar municipal ordinance or law of 1807
another state or the United States that arose out of the same 1808
set of circumstances as the violation for which the offender's 1809
license or permit was suspended under this section shall not 1810
file such a motion. 1811

Upon the filing of a motion under division (F) (2) of this 1812
section, the sentencing court, in its discretion, may terminate 1813
the suspension. 1814

Sec. 2925.11. (A) No person shall knowingly obtain, 1815

possess, or use a controlled substance or a controlled substance 1816
analog. 1817

(B) (1) This section does not apply to any of the 1818
following: 1819

(a) Manufacturers, licensed health professionals 1820
authorized to prescribe drugs, pharmacists, owners of 1821
pharmacies, and other persons whose conduct was in accordance 1822
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1823
4741. of the Revised Code; 1824

(b) If the offense involves an anabolic steroid, any 1825
person who is conducting or participating in a research project 1826
involving the use of an anabolic steroid if the project has been 1827
approved by the United States food and drug administration; 1828

(c) Any person who sells, offers for sale, prescribes, 1829
dispenses, or administers for livestock or other nonhuman 1830
species an anabolic steroid that is expressly intended for 1831
administration through implants to livestock or other nonhuman 1832
species and approved for that purpose under the "Federal Food, 1833
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1834
as amended, and is sold, offered for sale, prescribed, 1835
dispensed, or administered for that purpose in accordance with 1836
that act; 1837

(d) Any person who obtained the controlled substance 1838
pursuant to a prescription issued by a licensed health 1839
professional authorized to prescribe drugs if the prescription 1840
was issued for a legitimate medical purpose and not altered, 1841
forged, or obtained through deception or commission of a theft 1842
offense. 1843

As used in division (B) (1) (d) of this section, "deception" 1844

and "theft offense" have the same meanings as in section 2913.01 1845
of the Revised Code. 1846

(2) (a) As used in division (B) (2) of this section: 1847

(i) "Community addiction services provider" has the same 1848
meaning as in section 5119.01 of the Revised Code. 1849

(ii) "Community control sanction" and "drug treatment 1850
program" have the same meanings as in section 2929.01 of the 1851
Revised Code. 1852

(iii) "Health care facility" has the same meaning as in 1853
section 2919.16 of the Revised Code. 1854

(iv) "Minor drug possession offense" means a violation of 1855
this section that is a misdemeanor or a felony of the fifth 1856
degree. 1857

(v) "Post-release control sanction" has the same meaning 1858
as in section 2967.28 of the Revised Code. 1859

(vi) "Peace officer" has the same meaning as in section 1860
2935.01 of the Revised Code. 1861

(vii) "Public agency" has the same meaning as in section 1862
2930.01 of the Revised Code. 1863

(viii) "Qualified individual" means a person who is not on 1864
community control or post-release control and is a person acting 1865
in good faith who seeks or obtains medical assistance for 1866
another person who is experiencing a drug overdose, a person who 1867
experiences a drug overdose and who seeks medical assistance for 1868
that overdose, or a person who is the subject of another person 1869
seeking or obtaining medical assistance for that overdose as 1870
described in division (B) (2) (b) of this section. 1871

(ix) "Seek or obtain medical assistance" includes, but is 1872
not limited to making a 9-1-1 call, contacting in person or by 1873
telephone call an on-duty peace officer, or transporting or 1874
presenting a person to a health care facility. 1875

(b) Subject to division (B) (2) (f) of this section, a 1876
qualified individual shall not be arrested, charged, prosecuted, 1877
convicted, or penalized pursuant to this chapter for a minor 1878
drug possession offense if all of the following apply: 1879

(i) The evidence of the obtaining, possession, or use of 1880
the controlled substance or controlled substance analog that 1881
would be the basis of the offense was obtained as a result of 1882
the qualified individual seeking the medical assistance or 1883
experiencing an overdose and needing medical assistance. 1884

(ii) Subject to division (B) (2) (g) of this section, within 1885
thirty days after seeking or obtaining the medical assistance, 1886
the qualified individual seeks and obtains a screening and 1887
receives a referral for treatment from a community addiction 1888
services provider or a properly credentialed addiction treatment 1889
professional. 1890

(iii) Subject to division (B) (2) (g) of this section, the 1891
qualified individual who obtains a screening and receives a 1892
referral for treatment under division (B) (2) (b) (ii) of this 1893
section, upon the request of any prosecuting attorney, submits 1894
documentation to the prosecuting attorney that verifies that the 1895
qualified individual satisfied the requirements of that 1896
division. The documentation shall be limited to the date and 1897
time of the screening obtained and referral received. 1898

(c) If a person is found to be in violation of any 1899
community control sanction and if the violation is a result of 1900

either of the following, the court shall first consider ordering 1901
the person's participation or continued participation in a drug 1902
treatment program or mitigating the penalty specified in section 1903
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1904
applicable, after which the court has the discretion either to 1905
order the person's participation or continued participation in a 1906
drug treatment program or to impose the penalty with the 1907
mitigating factor specified in any of those applicable sections: 1908

(i) Seeking or obtaining medical assistance in good faith 1909
for another person who is experiencing a drug overdose; 1910

(ii) Experiencing a drug overdose and seeking medical 1911
assistance for that overdose or being the subject of another 1912
person seeking or obtaining medical assistance for that overdose 1913
as described in division (B) (2) (b) of this section. 1914

(d) If a person is found to be in violation of any post- 1915
release control sanction and if the violation is a result of 1916
either of the following, the court or the parole board shall 1917
first consider ordering the person's participation or continued 1918
participation in a drug treatment program or mitigating the 1919
penalty specified in section 2929.141 or 2967.28 of the Revised 1920
Code, whichever is applicable, after which the court or the 1921
parole board has the discretion either to order the person's 1922
participation or continued participation in a drug treatment 1923
program or to impose the penalty with the mitigating factor 1924
specified in either of those applicable sections: 1925

(i) Seeking or obtaining medical assistance in good faith 1926
for another person who is experiencing a drug overdose; 1927

(ii) Experiencing a drug overdose and seeking medical 1928
assistance for that emergency or being the subject of another 1929

person seeking or obtaining medical assistance for that overdose 1930
as described in division (B) (2) (b) of this section. 1931

(e) Nothing in division (B) (2) (b) of this section shall be 1932
construed to do any of the following: 1933

(i) Limit the admissibility of any evidence in connection 1934
with the investigation or prosecution of a crime with regards to 1935
a defendant who does not qualify for the protections of division 1936
(B) (2) (b) of this section or with regards to any crime other 1937
than a minor drug possession offense committed by a person who 1938
qualifies for protection pursuant to division (B) (2) (b) of this 1939
section for a minor drug possession offense; 1940

(ii) Limit any seizure of evidence or contraband otherwise 1941
permitted by law; 1942

(iii) Limit or abridge the authority of a peace officer to 1943
detain or take into custody a person in the course of an 1944
investigation or to effectuate an arrest for any offense except 1945
as provided in that division; 1946

(iv) Limit, modify, or remove any immunity from liability 1947
available pursuant to law in effect prior to September 13, 2016, 1948
to any public agency or to an employee of any public agency. 1949

(f) Division (B) (2) (b) of this section does not apply to 1950
any person who twice previously has been granted an immunity 1951
under division (B) (2) (b) of this section. No person shall be 1952
granted an immunity under division (B) (2) (b) of this section 1953
more than two times. 1954

(g) Nothing in this section shall compel any qualified 1955
individual to disclose protected health information in a way 1956
that conflicts with the requirements of the "Health Insurance 1957
Portability and Accountability Act of 1996," 104 Pub. L. No. 1958

191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1959
regulations promulgated by the United States department of 1960
health and human services to implement the act or the 1961
requirements of 42 C.F.R. Part 2. 1962

(C) Whoever violates division (A) of this section is 1963
guilty of one of the following: 1964

(1) If the drug involved in the violation is a compound, 1965
mixture, preparation, or substance included in schedule I or II, 1966
with the exception of marihuana, cocaine, L.S.D., heroin, any 1967
fentanyl-related compound, hashish, and any controlled substance 1968
analog, whoever violates division (A) of this section is guilty 1969
of aggravated possession of drugs. The penalty for the offense 1970
shall be determined as follows: 1971

(a) Except as otherwise provided in division (C) (1) (b), 1972
(c), (d), or (e) of this section, aggravated possession of drugs 1973
is a felony of the fifth degree, and division (B) of section 1974
2929.13 of the Revised Code applies in determining whether to 1975
impose a prison term on the offender. 1976

(b) If the amount of the drug involved equals or exceeds 1977
the bulk amount but is less than five times the bulk amount, 1978
aggravated possession of drugs is a felony of the third degree, 1979
and there is a presumption for a prison term for the offense. 1980

(c) If the amount of the drug involved equals or exceeds 1981
five times the bulk amount but is less than fifty times the bulk 1982
amount, aggravated possession of drugs is a felony of the second 1983
degree, and the court shall impose as a mandatory prison term a 1984
second degree felony mandatory prison term. 1985

(d) If the amount of the drug involved equals or exceeds 1986
fifty times the bulk amount but is less than one hundred times 1987

the bulk amount, aggravated possession of drugs is a felony of 1988
the first degree, and the court shall impose as a mandatory 1989
prison term a first degree felony mandatory prison term. 1990

(e) If the amount of the drug involved equals or exceeds 1991
one hundred times the bulk amount, aggravated possession of 1992
drugs is a felony of the first degree, the offender is a major 1993
drug offender, and the court shall impose as a mandatory prison 1994
term a maximum first degree felony mandatory prison term. 1995

(2) If the drug involved in the violation is a compound, 1996
mixture, preparation, or substance included in schedule III, IV, 1997
or V, whoever violates division (A) of this section is guilty of 1998
possession of drugs. The penalty for the offense shall be 1999
determined as follows: 2000

(a) Except as otherwise provided in division (C) (2) (b), 2001
(c), or (d) of this section, possession of drugs is a 2002
misdemeanor of the first degree or, if the offender previously 2003
has been convicted of a drug abuse offense, a felony of the 2004
fifth degree. 2005

(b) If the amount of the drug involved equals or exceeds 2006
the bulk amount but is less than five times the bulk amount, 2007
possession of drugs is a felony of the fourth degree, and 2008
division (C) of section 2929.13 of the Revised Code applies in 2009
determining whether to impose a prison term on the offender. 2010

(c) If the amount of the drug involved equals or exceeds 2011
five times the bulk amount but is less than fifty times the bulk 2012
amount, possession of drugs is a felony of the third degree, and 2013
there is a presumption for a prison term for the offense. 2014

(d) If the amount of the drug involved equals or exceeds 2015
fifty times the bulk amount, possession of drugs is a felony of 2016

the second degree, and the court shall impose upon the offender 2017
as a mandatory prison term a second degree felony mandatory 2018
prison term. 2019

(3) If the drug involved in the violation is marihuana or 2020
a compound, mixture, preparation, or substance containing 2021
marihuana other than hashish, whoever violates division (A) of 2022
this section is guilty of possession of marihuana. The penalty 2023
for the offense shall be determined as follows: 2024

(a) Except as otherwise provided in division (C) (3) (b), 2025
(c), (d), (e), (f), or (g) of this section, possession of 2026
marihuana is a minor misdemeanor. 2027

(b) If the amount of the drug involved equals or exceeds 2028
one hundred grams but is less than two hundred grams, possession 2029
of marihuana is a misdemeanor of the fourth degree. 2030

(c) If the amount of the drug involved equals or exceeds 2031
two hundred grams but is less than one thousand grams, 2032
possession of marihuana is a felony of the fifth degree, and 2033
division (B) of section 2929.13 of the Revised Code applies in 2034
determining whether to impose a prison term on the offender. 2035

(d) If the amount of the drug involved equals or exceeds 2036
one thousand grams but is less than five thousand grams, 2037
possession of marihuana is a felony of the third degree, and 2038
division (C) of section 2929.13 of the Revised Code applies in 2039
determining whether to impose a prison term on the offender. 2040

(e) If the amount of the drug involved equals or exceeds 2041
five thousand grams but is less than twenty thousand grams, 2042
possession of marihuana is a felony of the third degree, and 2043
there is a presumption that a prison term shall be imposed for 2044
the offense. 2045

(f) If the amount of the drug involved equals or exceeds 2046
twenty thousand grams but is less than forty thousand grams, 2047
possession of marihuana is a felony of the second degree, and 2048
the court shall impose as a mandatory prison term a second 2049
degree felony mandatory prison term of five, six, seven, or 2050
eight years. 2051

(g) If the amount of the drug involved equals or exceeds 2052
forty thousand grams, possession of marihuana is a felony of the 2053
second degree, and the court shall impose as a mandatory prison 2054
term a maximum second degree felony mandatory prison term. 2055

(4) If the drug involved in the violation is cocaine or a 2056
compound, mixture, preparation, or substance containing cocaine, 2057
whoever violates division (A) of this section is guilty of 2058
possession of cocaine. The penalty for the offense shall be 2059
determined as follows: 2060

(a) Except as otherwise provided in division (C) (4) (b), 2061
(c), (d), (e), or (f) of this section, possession of cocaine is 2062
a felony of the fifth degree, and division (B) of section 2063
2929.13 of the Revised Code applies in determining whether to 2064
impose a prison term on the offender. 2065

(b) If the amount of the drug involved equals or exceeds 2066
five grams but is less than ten grams of cocaine, possession of 2067
cocaine is a felony of the fourth degree, and division (B) of 2068
section 2929.13 of the Revised Code applies in determining 2069
whether to impose a prison term on the offender. 2070

(c) If the amount of the drug involved equals or exceeds 2071
ten grams but is less than twenty grams of cocaine, possession 2072
of cocaine is a felony of the third degree, and, except as 2073
otherwise provided in this division, there is a presumption for 2074

a prison term for the offense. If possession of cocaine is a 2075
felony of the third degree under this division and if the 2076
offender two or more times previously has been convicted of or 2077
pleaded guilty to a felony drug abuse offense, the court shall 2078
impose as a mandatory prison term one of the prison terms 2079
prescribed for a felony of the third degree. 2080

(d) If the amount of the drug involved equals or exceeds 2081
twenty grams but is less than twenty-seven grams of cocaine, 2082
possession of cocaine is a felony of the second degree, and the 2083
court shall impose as a mandatory prison term a second degree 2084
felony mandatory prison term. 2085

(e) If the amount of the drug involved equals or exceeds 2086
twenty-seven grams but is less than one hundred grams of 2087
cocaine, possession of cocaine is a felony of the first degree, 2088
and the court shall impose as a mandatory prison term a first 2089
degree felony mandatory prison term. 2090

(f) If the amount of the drug involved equals or exceeds 2091
one hundred grams of cocaine, possession of cocaine is a felony 2092
of the first degree, the offender is a major drug offender, and 2093
the court shall impose as a mandatory prison term a maximum 2094
first degree felony mandatory prison term. 2095

(5) If the drug involved in the violation is L.S.D., 2096
whoever violates division (A) of this section is guilty of 2097
possession of L.S.D. The penalty for the offense shall be 2098
determined as follows: 2099

(a) Except as otherwise provided in division (C) (5) (b), 2100
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2101
felony of the fifth degree, and division (B) of section 2929.13 2102
of the Revised Code applies in determining whether to impose a 2103

prison term on the offender. 2104

(b) If the amount of L.S.D. involved equals or exceeds ten 2105
unit doses but is less than fifty unit doses of L.S.D. in a 2106
solid form or equals or exceeds one gram but is less than five 2107
grams of L.S.D. in a liquid concentrate, liquid extract, or 2108
liquid distillate form, possession of L.S.D. is a felony of the 2109
fourth degree, and division (C) of section 2929.13 of the 2110
Revised Code applies in determining whether to impose a prison 2111
term on the offender. 2112

(c) If the amount of L.S.D. involved equals or exceeds 2113
fifty unit doses, but is less than two hundred fifty unit doses 2114
of L.S.D. in a solid form or equals or exceeds five grams but is 2115
less than twenty-five grams of L.S.D. in a liquid concentrate, 2116
liquid extract, or liquid distillate form, possession of L.S.D. 2117
is a felony of the third degree, and there is a presumption for 2118
a prison term for the offense. 2119

(d) If the amount of L.S.D. involved equals or exceeds two 2120
hundred fifty unit doses but is less than one thousand unit 2121
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2122
grams but is less than one hundred grams of L.S.D. in a liquid 2123
concentrate, liquid extract, or liquid distillate form, 2124
possession of L.S.D. is a felony of the second degree, and the 2125
court shall impose as a mandatory prison term a second degree 2126
felony mandatory prison term. 2127

(e) If the amount of L.S.D. involved equals or exceeds one 2128
thousand unit doses but is less than five thousand unit doses of 2129
L.S.D. in a solid form or equals or exceeds one hundred grams 2130
but is less than five hundred grams of L.S.D. in a liquid 2131
concentrate, liquid extract, or liquid distillate form, 2132
possession of L.S.D. is a felony of the first degree, and the 2133

court shall impose as a mandatory prison term a first degree 2134
felony mandatory prison term. 2135

(f) If the amount of L.S.D. involved equals or exceeds 2136
five thousand unit doses of L.S.D. in a solid form or equals or 2137
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2138
liquid extract, or liquid distillate form, possession of L.S.D. 2139
is a felony of the first degree, the offender is a major drug 2140
offender, and the court shall impose as a mandatory prison term 2141
a maximum first degree felony mandatory prison term. 2142

(6) If the drug involved in the violation is heroin or a 2143
compound, mixture, preparation, or substance containing heroin, 2144
whoever violates division (A) of this section is guilty of 2145
possession of heroin. The penalty for the offense shall be 2146
determined as follows: 2147

(a) Except as otherwise provided in division (C) (6) (b), 2148
(c), (d), (e), or (f) of this section, possession of heroin is a 2149
felony of the fifth degree, and division (B) of section 2929.13 2150
of the Revised Code applies in determining whether to impose a 2151
prison term on the offender. 2152

(b) If the amount of the drug involved equals or exceeds 2153
ten unit doses but is less than fifty unit doses or equals or 2154
exceeds one gram but is less than five grams, possession of 2155
heroin is a felony of the fourth degree, and division (C) of 2156
section 2929.13 of the Revised Code applies in determining 2157
whether to impose a prison term on the offender. 2158

(c) If the amount of the drug involved equals or exceeds 2159
fifty unit doses but is less than one hundred unit doses or 2160
equals or exceeds five grams but is less than ten grams, 2161
possession of heroin is a felony of the third degree, and there 2162

is a presumption for a prison term for the offense. 2163

(d) If the amount of the drug involved equals or exceeds 2164
one hundred unit doses but is less than five hundred unit doses 2165
or equals or exceeds ten grams but is less than fifty grams, 2166
possession of heroin is a felony of the second degree, and the 2167
court shall impose as a mandatory prison term a second degree 2168
felony mandatory prison term. 2169

(e) If the amount of the drug involved equals or exceeds 2170
five hundred unit doses but is less than one thousand unit doses 2171
or equals or exceeds fifty grams but is less than one hundred 2172
grams, possession of heroin is a felony of the first degree, and 2173
the court shall impose as a mandatory prison term a first degree 2174
felony mandatory prison term. 2175

(f) If the amount of the drug involved equals or exceeds 2176
one thousand unit doses or equals or exceeds one hundred grams, 2177
possession of heroin is a felony of the first degree, the 2178
offender is a major drug offender, and the court shall impose as 2179
a mandatory prison term a maximum first degree felony mandatory 2180
prison term. 2181

(7) If the drug involved in the violation is hashish or a 2182
compound, mixture, preparation, or substance containing hashish, 2183
whoever violates division (A) of this section is guilty of 2184
possession of hashish. The penalty for the offense shall be 2185
determined as follows: 2186

(a) Except as otherwise provided in division (C) (7) (b), 2187
(c), (d), (e), (f), or (g) of this section, possession of 2188
hashish is a minor misdemeanor. 2189

(b) If the amount of the drug involved equals or exceeds 2190
five grams but is less than ten grams of hashish in a solid form 2191

or equals or exceeds one gram but is less than two grams of 2192
hashish in a liquid concentrate, liquid extract, or liquid 2193
distillate form, possession of hashish is a misdemeanor of the 2194
fourth degree. 2195

(c) If the amount of the drug involved equals or exceeds 2196
ten grams but is less than fifty grams of hashish in a solid 2197
form or equals or exceeds two grams but is less than ten grams 2198
of hashish in a liquid concentrate, liquid extract, or liquid 2199
distillate form, possession of hashish is a felony of the fifth 2200
degree, and division (B) of section 2929.13 of the Revised Code 2201
applies in determining whether to impose a prison term on the 2202
offender. 2203

(d) If the amount of the drug involved equals or exceeds 2204
fifty grams but is less than two hundred fifty grams of hashish 2205
in a solid form or equals or exceeds ten grams but is less than 2206
fifty grams of hashish in a liquid concentrate, liquid extract, 2207
or liquid distillate form, possession of hashish is a felony of 2208
the third degree, and division (C) of section 2929.13 of the 2209
Revised Code applies in determining whether to impose a prison 2210
term on the offender. 2211

(e) If the amount of the drug involved equals or exceeds 2212
two hundred fifty grams but is less than one thousand grams of 2213
hashish in a solid form or equals or exceeds fifty grams but is 2214
less than two hundred grams of hashish in a liquid concentrate, 2215
liquid extract, or liquid distillate form, possession of hashish 2216
is a felony of the third degree, and there is a presumption that 2217
a prison term shall be imposed for the offense. 2218

(f) If the amount of the drug involved equals or exceeds 2219
one thousand grams but is less than two thousand grams of 2220
hashish in a solid form or equals or exceeds two hundred grams 2221

but is less than four hundred grams of hashish in a liquid 2222
concentrate, liquid extract, or liquid distillate form, 2223
possession of hashish is a felony of the second degree, and the 2224
court shall impose as a mandatory prison term a second degree 2225
felony mandatory prison term of five, six, seven, or eight 2226
years. 2227

(g) If the amount of the drug involved equals or exceeds 2228
two thousand grams of hashish in a solid form or equals or 2229
exceeds four hundred grams of hashish in a liquid concentrate, 2230
liquid extract, or liquid distillate form, possession of hashish 2231
is a felony of the second degree, and the court shall impose as 2232
a mandatory prison term a maximum second degree felony mandatory 2233
prison term. 2234

(8) If the drug involved is a controlled substance analog 2235
or compound, mixture, preparation, or substance that contains a 2236
controlled substance analog, whoever violates division (A) of 2237
this section is guilty of possession of a controlled substance 2238
analog. The penalty for the offense shall be determined as 2239
follows: 2240

(a) Except as otherwise provided in division (C) (8) (b), 2241
(c), (d), (e), or (f) of this section, possession of a 2242
controlled substance analog is a felony of the fifth degree, and 2243
division (B) of section 2929.13 of the Revised Code applies in 2244
determining whether to impose a prison term on the offender. 2245

(b) If the amount of the drug involved equals or exceeds 2246
ten grams but is less than twenty grams, possession of a 2247
controlled substance analog is a felony of the fourth degree, 2248
and there is a presumption for a prison term for the offense. 2249

(c) If the amount of the drug involved equals or exceeds 2250

twenty grams but is less than thirty grams, possession of a 2251
controlled substance analog is a felony of the third degree, and 2252
there is a presumption for a prison term for the offense. 2253

(d) If the amount of the drug involved equals or exceeds 2254
thirty grams but is less than forty grams, possession of a 2255
controlled substance analog is a felony of the second degree, 2256
and the court shall impose as a mandatory prison term a second 2257
degree felony mandatory prison term. 2258

(e) If the amount of the drug involved equals or exceeds 2259
forty grams but is less than fifty grams, possession of a 2260
controlled substance analog is a felony of the first degree, and 2261
the court shall impose as a mandatory prison term a first degree 2262
felony mandatory prison term. 2263

(f) If the amount of the drug involved equals or exceeds 2264
fifty grams, possession of a controlled substance analog is a 2265
felony of the first degree, the offender is a major drug 2266
offender, and the court shall impose as a mandatory prison term 2267
a maximum first degree felony mandatory prison term. 2268

(9) If the drug involved in the violation is a compound, 2269
mixture, preparation, or substance that is a combination of a 2270
fentanyl-related compound and marihuana, one of the following 2271
applies: 2272

(a) Except as otherwise provided in division (C) (9) (b) of 2273
this section, the offender is guilty of possession of marihuana 2274
and shall be punished as provided in division (C) (3) of this 2275
section. Except as otherwise provided in division (C) (9) (b) of 2276
this section, the offender is not guilty of possession of a 2277
fentanyl-related compound under division (C) (11) of this section 2278
and shall not be charged with, convicted of, or punished under 2279

division (C) (11) of this section for possession of a fentanyl- 2280
related compound. 2281

(b) If the offender knows or has reason to know that the 2282
compound, mixture, preparation, or substance that is the drug 2283
involved contains a fentanyl-related compound, the offender is 2284
guilty of possession of a fentanyl-related compound and shall be 2285
punished under division (C) (11) of this section. 2286

(10) If the drug involved in the violation is a compound, 2287
mixture, preparation, or substance that is a combination of a 2288
fentanyl-related compound and any schedule III, schedule IV, or 2289
schedule V controlled substance that is not a fentanyl-related 2290
compound, one of the following applies: 2291

(a) Except as otherwise provided in division (C) (10) (b) of 2292
this section, the offender is guilty of possession of drugs and 2293
shall be punished as provided in division (C) (2) of this 2294
section. Except as otherwise provided in division (C) (10) (b) of 2295
this section, the offender is not guilty of possession of a 2296
fentanyl-related compound under division (C) (11) of this section 2297
and shall not be charged with, convicted of, or punished under 2298
division (C) (11) of this section for possession of a fentanyl- 2299
related compound. 2300

(b) If the offender knows or has reason to know that the 2301
compound, mixture, preparation, or substance that is the drug 2302
involved contains a fentanyl-related compound, the offender is 2303
guilty of possession of a fentanyl-related compound and shall be 2304
punished under division (C) (11) of this section. 2305

(11) If the drug involved in the violation is a fentanyl- 2306
related compound and neither division (C) (9) (a) nor division (C) 2307
(10) (a) of this section applies to the drug involved, or is a 2308

compound, mixture, preparation, or substance that contains a 2309
fentanyl-related compound or is a combination of a fentanyl- 2310
related compound and any other controlled substance and neither 2311
division (C) (9) (a) nor division (C) (10) (a) of this section 2312
applies to the drug involved, whoever violates division (A) of 2313
this section is guilty of possession of a fentanyl-related 2314
compound. The penalty for the offense shall be determined as 2315
follows: 2316

(a) Except as otherwise provided in division (C) (11) (b), 2317
(c), (d), (e), (f), or (g) of this section, possession of a 2318
fentanyl-related compound is a felony of the fifth degree, and 2319
division (B) of section 2929.13 of the Revised Code applies in 2320
determining whether to impose a prison term on the offender. 2321

(b) If the amount of the drug involved equals or exceeds 2322
ten unit doses but is less than fifty unit doses or equals or 2323
exceeds one gram but is less than five grams, possession of a 2324
fentanyl-related compound is a felony of the fourth degree, and 2325
division (C) of section 2929.13 of the Revised Code applies in 2326
determining whether to impose a prison term on the offender. 2327

(c) If the amount of the drug involved equals or exceeds 2328
fifty unit doses but is less than one hundred unit doses or 2329
equals or exceeds five grams but is less than ten grams, 2330
possession of a fentanyl-related compound is a felony of the 2331
third degree, and there is a presumption for a prison term for 2332
the offense. 2333

(d) If the amount of the drug involved equals or exceeds 2334
one hundred unit doses but is less than two hundred unit doses 2335
or equals or exceeds ten grams but is less than twenty grams, 2336
possession of a fentanyl-related compound is a felony of the 2337
second degree, and the court shall impose as a mandatory prison 2338

term one of the prison terms prescribed for a felony of the 2339
second degree. 2340

(e) If the amount of the drug involved equals or exceeds 2341
two hundred unit doses but is less than five hundred unit doses 2342
or equals or exceeds twenty grams but is less than fifty grams, 2343
possession of a fentanyl-related compound is a felony of the 2344
first degree, and the court shall impose as a mandatory prison 2345
term one of the prison terms prescribed for a felony of the 2346
first degree. 2347

(f) If the amount of the drug involved equals or exceeds 2348
five hundred unit doses but is less than one thousand unit doses 2349
or equals or exceeds fifty grams but is less than one hundred 2350
grams, possession of a fentanyl-related compound is a felony of 2351
the first degree, and the court shall impose as a mandatory 2352
prison term the maximum prison term prescribed for a felony of 2353
the first degree. 2354

(g) If the amount of the drug involved equals or exceeds 2355
one thousand unit doses or equals or exceeds one hundred grams, 2356
possession of a fentanyl-related compound is a felony of the 2357
first degree, the offender is a major drug offender, and the 2358
court shall impose as a mandatory prison term the maximum prison 2359
term prescribed for a felony of the first degree. 2360

(D) Arrest or conviction for a minor misdemeanor violation 2361
of this section does not constitute a criminal record and need 2362
not be reported by the person so arrested or convicted in 2363
response to any inquiries about the person's criminal record, 2364
including any inquiries contained in any application for 2365
employment, license, or other right or privilege, or made in 2366
connection with the person's appearance as a witness. 2367

(E) In addition to any prison term or jail term authorized 2368
or required by division (C) of this section and sections 2369
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2370
Code and in addition to any other sanction that is imposed for 2371
the offense under this section, sections 2929.11 to 2929.18, or 2372
sections 2929.21 to 2929.28 of the Revised Code, the court that 2373
sentences an offender who is convicted of or pleads guilty to a 2374
violation of division (A) of this section, if the violation is a 2375
felony of the first degree, may suspend the offender's driver's 2376
or commercial driver's license or permit for not more than five 2377
years. However, if the offender pleaded guilty to or was 2378
convicted of a violation of section 4511.19 of the Revised Code 2379
or a substantially similar municipal ordinance or the law of 2380
another state or the United States arising out of the same set 2381
of circumstances as the first degree felony violation, the court 2382
shall suspend the offender's driver's or commercial driver's 2383
license or permit for not more than five years. If applicable, 2384
the court also shall do the following: 2385

(1) (a) If the violation is a felony of the first, second, 2386
or third degree, the court shall impose upon the offender the 2387
mandatory fine specified for the offense under division (B) (1) 2388
of section 2929.18 of the Revised Code unless, as specified in 2389
that division, the court determines that the offender is 2390
indigent. 2391

(b) Notwithstanding any contrary provision of section 2392
3719.21 of the Revised Code, the clerk of the court shall pay a 2393
mandatory fine or other fine imposed for a violation of this 2394
section pursuant to division (A) of section 2929.18 of the 2395
Revised Code in accordance with and subject to the requirements 2396
of division (F) of section 2925.03 of the Revised Code. The 2397
agency that receives the fine shall use the fine as specified in 2398

division (F) of section 2925.03 of the Revised Code. 2399

(c) If a person is charged with a violation of this 2400
section that is a felony of the first, second, or third degree, 2401
posts bail, and forfeits the bail, the clerk shall pay the 2402
forfeited bail pursuant to division (E)(1)(b) of this section as 2403
if it were a mandatory fine imposed under division (E)(1)(a) of 2404
this section. 2405

(2) If the offender is a professionally licensed person, 2406
in addition to any other sanction imposed for a violation of 2407
this section, the court immediately shall comply with section 2408
2925.38 of the Revised Code. 2409

(F) It is an affirmative defense, as provided in section 2410
2901.05 of the Revised Code, to a charge of a fourth degree 2411
felony violation under this section that the controlled 2412
substance that gave rise to the charge is in an amount, is in a 2413
form, is prepared, compounded, or mixed with substances that are 2414
not controlled substances in a manner, or is possessed under any 2415
other circumstances, that indicate that the substance was 2416
possessed solely for personal use. Notwithstanding any contrary 2417
provision of this section, if, in accordance with section 2418
2901.05 of the Revised Code, an accused who is charged with a 2419
fourth degree felony violation of division (C)(2), (4), (5), or 2420
(6) of this section sustains the burden of going forward with 2421
evidence of and establishes by a preponderance of the evidence 2422
the affirmative defense described in this division, the accused 2423
may be prosecuted for and may plead guilty to or be convicted of 2424
a misdemeanor violation of division (C)(2) of this section or a 2425
fifth degree felony violation of division (C)(4), (5), or (6) of 2426
this section respectively. 2427

(G) When a person is charged with possessing a bulk amount 2428

or multiple of a bulk amount, division (E) of section 2925.03 of 2429
the Revised Code applies regarding the determination of the 2430
amount of the controlled substance involved at the time of the 2431
offense. 2432

(H) It is an affirmative defense to a charge of possession 2433
of a controlled substance analog under division (C) (8) of this 2434
section that the person charged with violating that offense 2435
obtained, possessed, or used one of the following items that are 2436
excluded from the meaning of "controlled substance analog" under 2437
section 3719.01 of the Revised Code: 2438

(1) A controlled substance; 2439

(2) Any substance for which there is an approved new drug 2440
application; 2441

(3) With respect to a particular person, any substance if 2442
an exemption is in effect for investigational use for that 2443
person pursuant to federal law to the extent that conduct with 2444
respect to that substance is pursuant to that exemption. 2445

(I) Any offender who received a mandatory suspension of 2446
the offender's driver's or commercial driver's license or permit 2447
under this section prior to September 13, 2016, may file a 2448
motion with the sentencing court requesting the termination of 2449
the suspension. However, an offender who pleaded guilty to or 2450
was convicted of a violation of section 4511.19 of the Revised 2451
Code or a substantially similar municipal ordinance or law of 2452
another state or the United States that arose out of the same 2453
set of circumstances as the violation for which the offender's 2454
license or permit was suspended under this section shall not 2455
file such a motion. 2456

Upon the filing of a motion under division (I) of this 2457

section, the sentencing court, in its discretion, may terminate 2458
the suspension. 2459

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2460
possess, or use any instrument, article, or thing the customary 2461
and primary purpose of which is for the administration or use of 2462
a dangerous drug, other than marihuana, when the instrument 2463
involved is a hypodermic or syringe, whether or not of crude or 2464
extemporized manufacture or assembly, and the instrument, 2465
article, or thing involved has been used by the offender to 2466
unlawfully administer or use a dangerous drug, other than 2467
marihuana, or to prepare a dangerous drug, other than marihuana, 2468
for unlawful administration or use. 2469

(B) This section does not apply to manufacturers, licensed 2470
health professionals authorized to prescribe drugs, pharmacists, 2471
owners of pharmacies, and other persons whose conduct was in 2472
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 2473
4731., and 4741. of the Revised Code. 2474

(C) Whoever violates this section is guilty of possessing 2475
drug abuse instruments, a misdemeanor of the second degree. If 2476
the offender previously has been convicted of a drug abuse 2477
offense, a violation of this section is a misdemeanor of the 2478
first degree. 2479

(D) (1) ~~In addition to any other sanction imposed upon an~~ 2480
~~offender for a violation of this section, the court may suspend~~ 2481
~~for not more than five years the offender's driver's or~~ 2482
~~commercial driver's license or permit. However, if the offender~~ 2483
~~pleaded guilty to or was convicted of a violation of section~~ 2484
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2485
~~ordinance or the law of another state or the United States~~ 2486
~~arising out of the same set of circumstances as the violation,~~ 2487

~~the court shall suspend the offender's driver's or commercial~~ 2488
~~driver's license or permit for not more than five years.~~ If the 2489
offender is a professionally licensed person, in addition to any 2490
other sanction imposed for a violation of this section, the 2491
court immediately shall comply with section 2925.38 of the 2492
Revised Code. 2493

(2) Any offender who received a ~~mandatory~~ suspension of 2494
the offender's driver's or commercial driver's license or permit 2495
under this section prior to the ~~effective date of this amendment~~ 2496
effective date of this amendment may file a motion with the 2497
sentencing court requesting the termination of the suspension. 2498
However, an offender who pleaded guilty to or was convicted of a 2499
violation of section 4511.19 of the Revised Code or a 2500
substantially similar municipal ordinance or law of another 2501
state or the United States that arose out of the same set of 2502
circumstances as the violation for which the offender's license 2503
or permit was suspended under this section shall not file such a 2504
motion. 2505

Upon the filing of a motion under division (D) (2) of this 2506
section, the sentencing court, in its discretion, may terminate 2507
the suspension. 2508

Sec. 2925.13. (A) No person who is the owner, operator, or 2509
person in charge of a locomotive, watercraft, aircraft, or other 2510
vehicle, as defined in division (A) of section 4501.01 of the 2511
Revised Code, shall knowingly permit the vehicle to be used for 2512
the commission of a felony drug abuse offense. 2513

(B) No person who is the owner, lessee, or occupant, or 2514
who has custody, control, or supervision, of premises or real 2515
estate, including vacant land, shall knowingly permit the 2516
premises or real estate, including vacant land, to be used for 2517

the commission of a felony drug abuse offense by another person. 2518

(C) (1) Whoever violates this section is guilty of 2519
permitting drug abuse. 2520

(2) Except as provided in division (C) (3) of this section, 2521
permitting drug abuse is a misdemeanor of the first degree. 2522

(3) Permitting drug abuse is a felony of the fifth degree, 2523
and division (C) of section 2929.13 of the Revised Code applies 2524
in determining whether to impose a prison term on the offender, 2525
if either of the following applies: 2526

(a) The felony drug abuse offense in question is a 2527
violation of section 2925.02, 2925.03, or 2925.04 of the Revised 2528
Code. 2529

(b) The felony drug abuse offense in question is a 2530
violation of section 2925.041 of the Revised Code and the 2531
offender had actual knowledge, at the time the offender 2532
permitted the vehicle, premises, or real estate to be used as 2533
described in division (A) or (B) of this section, that the 2534
person who assembled or possessed the chemicals in question in 2535
violation of section 2925.041 of the Revised Code had assembled 2536
or possessed them with the intent to manufacture a controlled 2537
substance in schedule I or II in violation of section 2925.04 of 2538
the Revised Code. 2539

(D) (1) In addition to any prison term authorized or 2540
required by division (C) of this section and sections 2929.13 2541
and 2929.14 of the Revised Code and in addition to any other 2542
sanction imposed for the offense under this section or sections 2543
2929.11 to 2929.18 of the Revised Code, the court that sentences 2544
a person who is convicted of or pleads guilty to a violation of 2545
division (A) of this section, if the violation is a felony of 2546

the fifth degree, may suspend for not more than five years the 2547
offender's driver's or commercial driver's license or permit. 2548
However, if the offender pleaded guilty to or was convicted of a 2549
violation of section 4511.19 of the Revised Code or a 2550
substantially similar municipal ordinance or the law of another 2551
state or the United States arising out of the same set of 2552
circumstances as the fifth degree felony violation, the court 2553
shall suspend the offender's driver's or commercial driver's 2554
license or permit for not more than five years. 2555

If the offender is a professionally licensed person, in 2556
addition to any other sanction imposed for a violation of this 2557
section, the court immediately shall comply with section 2925.38 2558
of the Revised Code. 2559

(2) Any offender who received a mandatory suspension of 2560
the offender's driver's or commercial driver's license or permit 2561
under this section prior to September 13, 2016, may file a 2562
motion with the sentencing court requesting the termination of 2563
the suspension. However, an offender who pleaded guilty to or 2564
was convicted of a violation of section 4511.19 of the Revised 2565
Code or a substantially similar municipal ordinance or law of 2566
another state or the United States that arose out of the same 2567
set of circumstances as the violation for which the offender's 2568
license or permit was suspended under this section shall not 2569
file such a motion. 2570

Upon the filing of a motion under division (D) (2) of this 2571
section, the sentencing court, in its discretion, may terminate 2572
the suspension. 2573

(E) Notwithstanding any contrary provision of section 2574
3719.21 of the Revised Code, the clerk of the court shall pay a 2575
fine imposed for a violation of this section pursuant to 2576

division (A) of section 2929.18 of the Revised Code in 2577
accordance with and subject to the requirements of division (F) 2578
of section 2925.03 of the Revised Code. The agency that receives 2579
the fine shall use the fine as specified in division (F) of 2580
section 2925.03 of the Revised Code. 2581

(F) Any premises or real estate that is permitted to be 2582
used in violation of division (B) of this section constitutes a 2583
nuisance subject to abatement pursuant to Chapter 3767. of the 2584
Revised Code. 2585

Sec. 2925.14. (A) As used in this section, "drug 2586
paraphernalia" means any equipment, product, or material of any 2587
kind that is used by the offender, intended by the offender for 2588
use, or designed for use, in propagating, cultivating, growing, 2589
harvesting, manufacturing, compounding, converting, producing, 2590
processing, preparing, testing, analyzing, packaging, 2591
repackaging, storing, containing, concealing, injecting, 2592
ingesting, inhaling, or otherwise introducing into the human 2593
body, a controlled substance in violation of this chapter. "Drug 2594
paraphernalia" includes, but is not limited to, any of the 2595
following equipment, products, or materials that are used by the 2596
offender, intended by the offender for use, or designed by the 2597
offender for use, in any of the following manners: 2598

(1) A kit for propagating, cultivating, growing, or 2599
harvesting any species of a plant that is a controlled substance 2600
or from which a controlled substance can be derived; 2601

(2) A kit for manufacturing, compounding, converting, 2602
producing, processing, or preparing a controlled substance; 2603

(3) Any object, instrument, or device for manufacturing, 2604
compounding, converting, producing, processing, or preparing 2605

methamphetamine; 2606

(4) An isomerization device for increasing the potency of 2607
any species of a plant that is a controlled substance; 2608

(5) Testing equipment for identifying, or analyzing the 2609
strength, effectiveness, or purity of, a controlled substance; 2610

(6) A scale or balance for weighing or measuring a 2611
controlled substance; 2612

(7) A diluent or adulterant, such as quinine 2613
hydrochloride, mannitol, mannite, dextrose, or lactose, for 2614
cutting a controlled substance; 2615

(8) A separation gin or sifter for removing twigs and 2616
seeds from, or otherwise cleaning or refining, marihuana; 2617

(9) A blender, bowl, container, spoon, or mixing device 2618
for compounding a controlled substance; 2619

(10) A capsule, balloon, envelope, or container for 2620
packaging small quantities of a controlled substance; 2621

(11) A container or device for storing or concealing a 2622
controlled substance; 2623

(12) A hypodermic syringe, needle, or instrument for 2624
parenterally injecting a controlled substance into the human 2625
body; 2626

(13) An object, instrument, or device for ingesting, 2627
inhaling, or otherwise introducing into the human body, 2628
marihuana, cocaine, hashish, or hashish oil, such as a metal, 2629
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 2630
without a screen, permanent screen, hashish head, or punctured 2631
metal bowl; water pipe; carburetion tube or device; smoking or 2632

carburetion mask; roach clip or similar object used to hold 2633
burning material, such as a marihuana cigarette, that has become 2634
too small or too short to be held in the hand; miniature cocaine 2635
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2636
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2637

(B) In determining if any equipment, product, or material 2638
is drug paraphernalia, a court or law enforcement officer shall 2639
consider, in addition to other relevant factors, the following: 2640

(1) Any statement by the owner, or by anyone in control, 2641
of the equipment, product, or material, concerning its use; 2642

(2) The proximity in time or space of the equipment, 2643
product, or material, or of the act relating to the equipment, 2644
product, or material, to a violation of any provision of this 2645
chapter; 2646

(3) The proximity of the equipment, product, or material 2647
to any controlled substance; 2648

(4) The existence of any residue of a controlled substance 2649
on the equipment, product, or material; 2650

(5) Direct or circumstantial evidence of the intent of the 2651
owner, or of anyone in control, of the equipment, product, or 2652
material, to deliver it to any person whom the owner or person 2653
in control of the equipment, product, or material knows intends 2654
to use the object to facilitate a violation of any provision of 2655
this chapter. A finding that the owner, or anyone in control, of 2656
the equipment, product, or material, is not guilty of a 2657
violation of any other provision of this chapter does not 2658
prevent a finding that the equipment, product, or material was 2659
intended or designed by the offender for use as drug 2660
paraphernalia. 2661

(6) Any oral or written instruction provided with the 2662
equipment, product, or material concerning its use; 2663

(7) Any descriptive material accompanying the equipment, 2664
product, or material and explaining or depicting its use; 2665

(8) National or local advertising concerning the use of 2666
the equipment, product, or material; 2667

(9) The manner and circumstances in which the equipment, 2668
product, or material is displayed for sale; 2669

(10) Direct or circumstantial evidence of the ratio of the 2670
sales of the equipment, product, or material to the total sales 2671
of the business enterprise; 2672

(11) The existence and scope of legitimate uses of the 2673
equipment, product, or material in the community; 2674

(12) Expert testimony concerning the use of the equipment, 2675
product, or material. 2676

(C) (1) Subject to division (D) (2) of this section, no 2677
person shall knowingly use, or possess with purpose to use, drug 2678
paraphernalia. 2679

(2) No person shall knowingly sell, or possess or 2680
manufacture with purpose to sell, drug paraphernalia, if the 2681
person knows or reasonably should know that the equipment, 2682
product, or material will be used as drug paraphernalia. 2683

(3) No person shall place an advertisement in any 2684
newspaper, magazine, handbill, or other publication that is 2685
published and printed and circulates primarily within this 2686
state, if the person knows that the purpose of the advertisement 2687
is to promote the illegal sale in this state of the equipment, 2688
product, or material that the offender intended or designed for 2689

use as drug paraphernalia. 2690

(D) (1) This section does not apply to manufacturers, 2691
licensed health professionals authorized to prescribe drugs, 2692
pharmacists, owners of pharmacies, and other persons whose 2693
conduct is in accordance with Chapters 3719., 4715., 4723., 2694
4729., 4730., 4731., and 4741. of the Revised Code. This section 2695
shall not be construed to prohibit the possession or use of a 2696
hypodermic as authorized by section 3719.172 of the Revised 2697
Code. 2698

(2) Division (C) (1) of this section does not apply to a 2699
person's use, or possession with purpose to use, any drug 2700
paraphernalia that is equipment, a product, or material of any 2701
kind that is used by the person, intended by the person for use, 2702
or designed for use in storing, containing, concealing, 2703
injecting, ingesting, inhaling, or otherwise introducing into 2704
the human body marihuana. 2705

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2706
drug paraphernalia that was used, possessed, sold, or 2707
manufactured in a violation of this section shall be seized, 2708
after a conviction for that violation shall be forfeited, and 2709
upon forfeiture shall be disposed of pursuant to division (B) of 2710
section 2981.12 of the Revised Code. 2711

(F) (1) Whoever violates division (C) (1) of this section is 2712
guilty of illegal use or possession of drug paraphernalia, a 2713
misdemeanor of the fourth degree. 2714

(2) Except as provided in division (F) (3) of this section, 2715
whoever violates division (C) (2) of this section is guilty of 2716
dealing in drug paraphernalia, a misdemeanor of the second 2717
degree. 2718

(3) Whoever violates division (C) (2) of this section by 2719
selling drug paraphernalia to a juvenile is guilty of selling 2720
drug paraphernalia to juveniles, a misdemeanor of the first 2721
degree. 2722

(4) Whoever violates division (C) (3) of this section is 2723
guilty of illegal advertising of drug paraphernalia, a 2724
misdemeanor of the second degree. 2725

(G) (1) ~~In addition to any other sanction imposed upon an~~ 2726
~~offender for a violation of this section, the court may suspend~~ 2727
~~for not more than five years the offender's driver's or~~ 2728
~~commercial driver's license or permit. However, if the offender~~ 2729
~~pleaded guilty to or was convicted of a violation of section~~ 2730
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2731
~~ordinance or the law of another state or the United States~~ 2732
~~arising out of the same set of circumstances as the violation,~~ 2733
~~the court shall suspend the offender's driver's or commercial~~ 2734
~~driver's license or permit for not more than five years. If the~~ 2735
offender is a professionally licensed person, in addition to any 2736
other sanction imposed for a violation of this section, the 2737
court immediately shall comply with section 2925.38 of the 2738
Revised Code. 2739

(2) Any offender who received a ~~mandatory~~ suspension of 2740
the offender's driver's or commercial driver's license or permit 2741
under this section prior to the ~~effective date of this~~ 2742
~~amendment~~effective date of this amendment may file a motion with 2743
the sentencing court requesting the termination of the 2744
suspension. However, an offender who pleaded guilty to or was 2745
convicted of a violation of section 4511.19 of the Revised Code 2746
or a substantially similar municipal ordinance or law of another 2747
state or the United States that arose out of the same set of 2748

circumstances as the violation for which the offender's license 2749
or permit was suspended under this section shall not file such a 2750
motion. 2751

Upon the filing of a motion under division (G)(2) of this 2752
section, the sentencing court, in its discretion, may terminate 2753
the suspension. 2754

Sec. 2925.141. (A) As used in this section, "drug 2755
paraphernalia" has the same meaning as in section 2925.14 of the 2756
Revised Code. 2757

(B) In determining if any equipment, product, or material 2758
is drug paraphernalia, a court or law enforcement officer shall 2759
consider, in addition to other relevant factors, all factors 2760
identified in division (B) of section 2925.14 of the Revised 2761
Code. 2762

(C) No person shall knowingly use, or possess with purpose 2763
to use, any drug paraphernalia that is equipment, a product, or 2764
material of any kind that is used by the person, intended by the 2765
person for use, or designed for use in storing, containing, 2766
concealing, injecting, ingesting, inhaling, or otherwise 2767
introducing into the human body marihuana. 2768

(D) This section does not apply to any person identified 2769
in division (D)(1) of section 2925.14 of the Revised Code, and 2770
it shall not be construed to prohibit the possession or use of a 2771
hypodermic as authorized by section 3719.172 of the Revised 2772
Code. 2773

(E) Division (E) of section 2925.14 of the Revised Code 2774
applies with respect to any drug paraphernalia that was used or 2775
possessed in violation of this section. 2776

(F) Whoever violates division (C) of this section is 2777

guilty of illegal use or possession of marihuana drug 2778
paraphernalia, a minor misdemeanor. 2779

(G) (1) ~~In addition to any other sanction imposed upon an~~ 2780
~~offender for a violation of this section, the court may suspend~~ 2781
~~for not more than five years the offender's driver's or~~ 2782
~~commercial driver's license or permit. However, if the offender~~ 2783
~~pleaded guilty to or was convicted of a violation of section~~ 2784
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2785
~~ordinance or the law of another state or the United States~~ 2786
~~arising out of the same set of circumstances as the violation,~~ 2787
~~the court shall suspend the offender's driver's or commercial~~ 2788
~~driver's license or permit for not more than five years. If the~~ 2789
offender is a professionally licensed person, in addition to any 2790
other sanction imposed for a violation of this section, the 2791
court immediately shall comply with section 2925.38 of the 2792
Revised Code. 2793

(2) Any offender who received a ~~mandatory~~ suspension of 2794
the offender's driver's or commercial driver's license or permit 2795
under this section prior to the ~~effective date of this~~ 2796
~~amendment~~effective date of this amendment may file a motion with 2797
the sentencing court requesting the termination of the 2798
suspension. However, an offender who pleaded guilty to or was 2799
convicted of a violation of section 4511.19 of the Revised Code 2800
or a substantially similar municipal ordinance or law of another 2801
state or the United States that arose out of the same set of 2802
circumstances as the violation for which the offender's license 2803
or permit was suspended under this section shall not file such a 2804
motion. 2805

Upon the filing of a motion under division (G) (2) of this 2806
section, the sentencing court, in its discretion, may terminate 2807

the suspension. 2808

Sec. 2925.22. (A) No person, by deception, shall procure 2809
the administration of, a prescription for, or the dispensing of, 2810
a dangerous drug or shall possess an uncompleted preprinted 2811
prescription blank used for writing a prescription for a 2812
dangerous drug. 2813

(B) Whoever violates this section is guilty of deception 2814
to obtain a dangerous drug. The penalty for the offense shall be 2815
determined as follows: 2816

(1) If the person possesses an uncompleted preprinted 2817
prescription blank used for writing a prescription for a 2818
dangerous drug or if the drug involved is a dangerous drug, 2819
except as otherwise provided in division (B) (2) or (3) of this 2820
section, deception to obtain a dangerous drug is a felony of the 2821
fifth degree or, if the offender previously has been convicted 2822
of or pleaded guilty to a drug abuse offense, a felony of the 2823
fourth degree. Division (C) of section 2929.13 of the Revised 2824
Code applies in determining whether to impose a prison term on 2825
the offender pursuant to this division. 2826

(2) If the drug involved is a compound, mixture, 2827
preparation, or substance included in schedule I or II, with the 2828
exception of marihuana, the penalty for deception to obtain 2829
drugs is one of the following: 2830

(a) Except as otherwise provided in division (B) (2) (b), 2831
(c), or (d) of this section, it is a felony of the fourth 2832
degree, and division (C) of section 2929.13 of the Revised Code 2833
applies in determining whether to impose a prison term on the 2834
offender. 2835

(b) If the amount of the drug involved equals or exceeds 2836

the bulk amount but is less than five times the bulk amount, or 2837
if the amount of the drug involved that could be obtained 2838
pursuant to the prescription would equal or exceed the bulk 2839
amount but would be less than five times the bulk amount, it is 2840
a felony of the third degree, and there is a presumption for a 2841
prison term for the offense. 2842

(c) If the amount of the drug involved equals or exceeds 2843
five times the bulk amount but is less than fifty times the bulk 2844
amount, or if the amount of the drug involved that could be 2845
obtained pursuant to the prescription would equal or exceed five 2846
times the bulk amount but would be less than fifty times the 2847
bulk amount, it is a felony of the second degree, and there is a 2848
presumption for a prison term for the offense. 2849

(d) If the amount of the drug involved equals or exceeds 2850
fifty times the bulk amount, or if the amount of the drug 2851
involved that could be obtained pursuant to the prescription 2852
would equal or exceed fifty times the bulk amount, it is a 2853
felony of the first degree, and there is a presumption for a 2854
prison term for the offense. 2855

(3) If the drug involved is a compound, mixture, 2856
preparation, or substance included in schedule III, IV, or V or 2857
is marihuana, the penalty for deception to obtain a dangerous 2858
drug is one of the following: 2859

(a) Except as otherwise provided in division (B) (3) (b), 2860
(c), or (d) of this section, it is a felony of the fifth degree, 2861
and division (C) of section 2929.13 of the Revised Code applies 2862
in determining whether to impose a prison term on the offender. 2863

(b) If the amount of the drug involved equals or exceeds 2864
the bulk amount but is less than five times the bulk amount, or 2865

if the amount of the drug involved that could be obtained 2866
pursuant to the prescription would equal or exceed the bulk 2867
amount but would be less than five times the bulk amount, it is 2868
a felony of the fourth degree, and division (C) of section 2869
2929.13 of the Revised Code applies in determining whether to 2870
impose a prison term on the offender. 2871

(c) If the amount of the drug involved equals or exceeds 2872
five times the bulk amount but is less than fifty times the bulk 2873
amount, or if the amount of the drug involved that could be 2874
obtained pursuant to the prescription would equal or exceed five 2875
times the bulk amount but would be less than fifty times the 2876
bulk amount, it is a felony of the third degree, and there is a 2877
presumption for a prison term for the offense. 2878

(d) If the amount of the drug involved equals or exceeds 2879
fifty times the bulk amount, or if the amount of the drug 2880
involved that could be obtained pursuant to the prescription 2881
would equal or exceed fifty times the bulk amount, it is a 2882
felony of the second degree, and there is a presumption for a 2883
prison term for the offense. 2884

(C) (1) In addition to any prison term authorized or 2885
required by division (B) of this section and sections 2929.13 2886
and 2929.14 of the Revised Code and in addition to any other 2887
sanction imposed for the offense under this section or sections 2888
2929.11 to 2929.18 of the Revised Code, the court that sentences 2889
an offender who is convicted of or pleads guilty to a violation 2890
of division (A) of this section, if the violation is a felony of 2891
the first degree, may suspend for not more than five years the 2892
offender's driver's or commercial driver's license or permit. 2893
However, if the offender pleaded guilty to or was convicted of a 2894
violation of section 4511.19 of the Revised Code or a 2895

substantially similar municipal ordinance or the law of another 2896
state or the United States arising out of the same set of 2897
circumstances as the first degree felony violation, the court 2898
shall suspend the offender's driver's or commercial driver's 2899
license or permit for not more than five years. 2900

If the offender is a professionally licensed person, in 2901
addition to any other sanction imposed for a violation of this 2902
section, the court immediately shall comply with section 2925.38 2903
of the Revised Code. 2904

(2) Any offender who received a mandatory suspension of 2905
the offender's driver's or commercial driver's license or permit 2906
under this section prior to ~~the effective date of this amendment~~ 2907
September 13, 2016, may file a motion with the sentencing court 2908
requesting the termination of the suspension. However, an 2909
offender who pleaded guilty to or was convicted of a violation 2910
of section 4511.19 of the Revised Code or a substantially 2911
similar municipal ordinance or law of another state or the 2912
United States that arose out of the same set of circumstances as 2913
the violation for which the offender's license or permit was 2914
suspended under this section shall not file such a motion. 2915

Upon the filing of a motion under division (C) (2) of this 2916
section, the sentencing court, in its discretion, may terminate 2917
the suspension. 2918

(D) Notwithstanding any contrary provision of section 2919
3719.21 of the Revised Code, the clerk of the court shall pay a 2920
fine imposed for a violation of this section pursuant to 2921
division (A) of section 2929.18 of the Revised Code in 2922
accordance with and subject to the requirements of division (F) 2923
of section 2925.03 of the Revised Code. The agency that receives 2924
the fine shall use the fine as specified in division (F) of 2925

section 2925.03 of the Revised Code. 2926

Sec. 2925.23. (A) No person shall knowingly make a false 2927
statement in any prescription, order, report, or record required 2928
by Chapter 3719. or 4729. of the Revised Code. 2929

(B) No person shall intentionally make, utter, or sell, or 2930
knowingly possess any of the following that is a false or 2931
forged: 2932

(1) Prescription; 2933

(2) Uncompleted preprinted prescription blank used for 2934
writing a prescription; 2935

(3) Official written order; 2936

(4) License for a terminal distributor of dangerous drugs, 2937
as defined in section 4729.01 of the Revised Code; 2938

(5) License for a manufacturer of dangerous drugs, 2939
outsourcing facility, third-party logistics provider, repackager 2940
of dangerous drugs, or wholesale distributor of dangerous drugs, 2941
as defined in section 4729.01 of the Revised Code. 2942

(C) No person, by theft as defined in section 2913.02 of 2943
the Revised Code, shall acquire any of the following: 2944

(1) A prescription; 2945

(2) An uncompleted preprinted prescription blank used for 2946
writing a prescription; 2947

(3) An official written order; 2948

(4) A blank official written order; 2949

(5) A license or blank license for a terminal distributor 2950
of dangerous drugs, as defined in section 4729.01 of the Revised 2951

Code; 2952

(6) A license or blank license for a manufacturer of 2953
dangerous drugs, outsourcing facility, third-party logistics 2954
provider, repackager of dangerous drugs, or wholesale 2955
distributor of dangerous drugs, as defined in section 4729.01 of 2956
the Revised Code. 2957

(D) No person shall knowingly make or affix any false or 2958
forged label to a package or receptacle containing any dangerous 2959
drugs. 2960

(E) Divisions (A) and (D) of this section do not apply to 2961
licensed health professionals authorized to prescribe drugs, 2962
pharmacists, owners of pharmacies, and other persons whose 2963
conduct is in accordance with Chapters 3719., 4715., 4723., 2964
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 2965

(F) Whoever violates this section is guilty of illegal 2966
processing of drug documents. If the offender violates division 2967
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 2968
section, illegal processing of drug documents is a felony of the 2969
fifth degree. If the offender violates division (A), division 2970
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 2971
section, the penalty for illegal processing of drug documents 2972
shall be determined as follows: 2973

(1) If the drug involved is a compound, mixture, 2974
preparation, or substance included in schedule I or II, with the 2975
exception of marihuana, illegal processing of drug documents is 2976
a felony of the fourth degree, and division (C) of section 2977
2929.13 of the Revised Code applies in determining whether to 2978
impose a prison term on the offender. 2979

(2) If the drug involved is a dangerous drug or a 2980

compound, mixture, preparation, or substance included in 2981
schedule III, IV, or V or is marihuana, illegal processing of 2982
drug documents is a felony of the fifth degree, and division (C) 2983
of section 2929.13 of the Revised Code applies in determining 2984
whether to impose a prison term on the offender. 2985

(G) (1) In addition to any prison term authorized or 2986
required by division (F) of this section and sections 2929.13 2987
and 2929.14 of the Revised Code and in addition to any other 2988
sanction imposed for the offense under this section or sections 2989
2929.11 to 2929.18 of the Revised Code, the court that sentences 2990
an offender who is convicted of or pleads guilty to any 2991
violation of divisions (A) to (D) of this section, if the 2992
violation is a felony of the fourth degree, may suspend for not 2993
more than five years the offender's driver's or commercial 2994
driver's license or permit. However, if the offender pleaded 2995
guilty to or was convicted of a violation of section 4511.19 of 2996
the Revised Code or a substantially similar municipal ordinance 2997
or the law of another state or the United States arising out of 2998
the same set of circumstances as the fourth degree felony 2999
violation, the court shall suspend the offender's driver's or 3000
commercial driver's license or permit for not more than five 3001
years. 3002

If the offender is a professionally licensed person, in 3003
addition to any other sanction imposed for a violation of this 3004
section, the court immediately shall comply with section 2925.38 3005
of the Revised Code. 3006

(2) Any offender who received a mandatory suspension of 3007
the offender's driver's or commercial driver's license or permit 3008
under this section prior to September 13, 2016, may file a 3009
motion with the sentencing court requesting the termination of 3010

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

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

(H) Notwithstanding any contrary provision of section
3719.21 of the Revised Code, the clerk of court shall pay a 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.

Sec. 2925.31. (A) Except for lawful research, clinical,
medical, dental, or veterinary purposes, no person, with purpose
to induce intoxication or similar physiological effects, shall
obtain, possess, or use a harmful intoxicant.

(B) Whoever violates this section is guilty of abusing
harmful intoxicants, a misdemeanor of the first degree. If the
offender previously has been convicted of a drug abuse offense,
abusing harmful intoxicants is a felony of the fifth degree.

(C) (1) In addition to any other sanction imposed upon an
offender for a violation of this section, if the violation of
this section is a felony of the fifth degree, the court may

suspend for not more than five years the offender's driver's or 3040
commercial driver's license or permit. However, if the offender 3041
pleaded guilty to or was convicted of a violation of section 3042
4511.19 of the Revised Code or a substantially similar municipal 3043
ordinance or the law of another state or the United States 3044
arising out of the same set of circumstances as the fifth degree 3045
felony violation, the court shall suspend the offender's 3046
driver's or commercial driver's license or permit for not more 3047
than five years. ~~If~~ 3048

If the offender is a professionally licensed person, in 3049
addition to any other sanction imposed for a violation of this 3050
section, the court immediately shall comply with section 2925.38 3051
of the Revised Code. 3052

(2) Any offender who received a mandatory suspension of 3053
the offender's driver's or commercial driver's license or permit 3054
under this section prior to ~~the effective date of this amendment~~ 3055
September 13, 2016, may file a motion with the sentencing court 3056
requesting the termination of the suspension. However, an 3057
offender who pleaded guilty to or was convicted of a violation 3058
of section 4511.19 of the Revised Code or a substantially 3059
similar municipal ordinance or law of another state or the 3060
United States that arose out of the same set of circumstances as 3061
the violation for which the offender's license or permit was 3062
suspended under this section shall not file such a motion. 3063

Upon the filing of a motion under division (C) (2) of this 3064
section, the sentencing court, in its discretion, may terminate 3065
the suspension. 3066

Sec. 2925.32. (A) Divisions (A) (1) and (2) of this section 3067
do not apply to the dispensing or distributing of nitrous oxide. 3068

(1) No person shall knowingly dispense or distribute a 3069
harmful intoxicant to a person age eighteen or older if the 3070
person who dispenses or distributes it knows or has reason to 3071
believe that the harmful intoxicant will be used in violation of 3072
section 2925.31 of the Revised Code. 3073

(2) No person shall knowingly dispense or distribute a 3074
harmful intoxicant to a person under age eighteen if the person 3075
who dispenses or distributes it knows or has reason to believe 3076
that the harmful intoxicant will be used in violation of section 3077
2925.31 of the Revised Code. Division (A) (2) of this section 3078
does not prohibit either of the following: 3079

(a) Dispensing or distributing a harmful intoxicant to a 3080
person under age eighteen if a written order from the juvenile's 3081
parent or guardian is provided to the dispenser or distributor; 3082

(b) Dispensing or distributing gasoline or diesel fuel to 3083
a person under age eighteen if the dispenser or distributor does 3084
not know or have reason to believe the product will be used in 3085
violation of section 2925.31 of the Revised Code. Division (A) 3086
(2) (a) of this section does not require a person to obtain a 3087
written order from the parent or guardian of a person under age 3088
eighteen in order to distribute or dispense gasoline or diesel 3089
fuel to the person. 3090

(B) (1) No person shall knowingly dispense or distribute 3091
nitrous oxide to a person age twenty-one or older if the person 3092
who dispenses or distributes it knows or has reason to believe 3093
the nitrous oxide will be used in violation of section 2925.31 3094
of the Revised Code. 3095

(2) Except for lawful medical, dental, or clinical 3096
purposes, no person shall knowingly dispense or distribute 3097

nitrous oxide to a person under age twenty-one. 3098

(3) No person, at the time a cartridge of nitrous oxide is 3099
sold to another person, shall sell a device that allows the 3100
purchaser to inhale nitrous oxide from cartridges or to hold 3101
nitrous oxide released from cartridges for purposes of 3102
inhalation. The sale of any such device constitutes a rebuttable 3103
presumption that the person knew or had reason to believe that 3104
the purchaser intended to abuse the nitrous oxide. 3105

(4) No person who dispenses or distributes nitrous oxide 3106
in cartridges shall fail to comply with either of the following: 3107

(a) The record-keeping requirements established under 3108
division (F) of this section; 3109

(b) The labeling and transaction identification 3110
requirements established under division (G) of this section. 3111

(C) This section does not apply to products used in 3112
making, fabricating, assembling, transporting, or constructing a 3113
product or structure by manual labor or machinery for sale or 3114
lease to another person, or to the mining, refining, or 3115
processing of natural deposits. 3116

(D) (1) (a) Whoever violates division (A) (1) or (2) or 3117
division (B) (1), (2), or (3) of this section is guilty of 3118
trafficking in harmful intoxicants, a felony of the fifth 3119
degree. If the offender previously has been convicted of a drug 3120
abuse offense, trafficking in harmful intoxicants is a felony of 3121
the fourth degree. ~~In~~ 3122

In addition to any other sanction imposed upon an offender 3123
for trafficking in harmful intoxicants, if the violation is a 3124
felony of the fourth degree, the court may suspend for not more 3125
than five years the offender's driver's or commercial driver's 3126

license or permit. However, if the offender pleaded guilty to or 3127
was convicted of a violation of section 4511.19 of the Revised 3128
Code or a substantially similar municipal ordinance or the law 3129
of another state or the United States arising out of the same 3130
set of circumstances as the fourth degree felony violation, the 3131
court shall suspend the offender's driver's or commercial 3132
driver's license or permit for not more than five years. ~~If~~ 3133

If the offender is a professionally licensed person, in 3134
addition to any other sanction imposed for trafficking in 3135
harmful intoxicants, the court immediately shall comply with 3136
section 2925.38 of the Revised Code. 3137

(b) Any offender who received a mandatory suspension of 3138
the offender's driver's or commercial driver's license or permit 3139
under this section prior to ~~the effective date of this amendment~~ 3140
September 13, 2016, may file a motion with the sentencing court 3141
requesting the termination of the suspension. However, an 3142
offender who pleaded guilty to or was convicted of a violation 3143
of section 4511.19 of the Revised Code or a substantially 3144
similar municipal ordinance or law of another state or the 3145
United States that arose out of the same set of circumstances as 3146
the violation for which the offender's license or permit was 3147
suspended under this section shall not file such a motion. 3148

Upon the filing of a motion under division (D) (1) (b) of 3149
this section, the sentencing court, in its discretion, may 3150
terminate the suspension. 3151

(2) Whoever violates division (B) (4) (a) or (b) of this 3152
section is guilty of improperly dispensing or distributing 3153
nitrous oxide, a misdemeanor of the fourth degree. 3154

(E) It is an affirmative defense to a charge of a 3155

violation of division (A) (2) or (B) (2) of this section that: 3156

(1) An individual exhibited to the defendant or an officer 3157
or employee of the defendant, for purposes of establishing the 3158
individual's age, a driver's license or permit issued by this 3159
state, a commercial driver's license or permit issued by this 3160
state, an identification card issued pursuant to section 4507.50 3161
of the Revised Code, for another document that purports to be a 3162
license, permit, or identification card described in this 3163
division; 3164

(2) The document exhibited appeared to be a genuine, 3165
unaltered document, to pertain to the individual, and to 3166
establish the individual's age; 3167

(3) The defendant or the officer or employee of the 3168
defendant otherwise did not have reasonable cause to believe 3169
that the individual was under the age represented. 3170

(F) Beginning July 1, 2001, a person who dispenses or 3171
distributes nitrous oxide shall record each transaction 3172
involving the dispensing or distributing of the nitrous oxide on 3173
a separate card. The person shall require the purchaser to sign 3174
the card and provide a complete residence address. The person 3175
dispensing or distributing the nitrous oxide shall sign and date 3176
the card. The person shall retain the card recording a 3177
transaction for one year from the date of the transaction. The 3178
person shall maintain the cards at the person's business address 3179
and make them available during normal business hours for 3180
inspection and copying by officers or employees of the state 3181
board of pharmacy or of other law enforcement agencies of this 3182
state or the United States that are authorized to investigate 3183
violations of Chapter 2925., 3719., or 4729. of the Revised Code 3184
or the federal drug abuse control laws. 3185

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

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

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

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

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

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

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

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

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

the Revised Code. 3214

(C) (1) Whoever violates this section is guilty of illegal 3215
dispensing of drug samples. 3216

(2) If the drug involved in the offense is a compound, 3217
mixture, preparation, or substance included in schedule I or II, 3218
with the exception of marihuana, the penalty for the offense 3219
shall be determined as follows: 3220

(a) Except as otherwise provided in division (C) (2) (b) of 3221
this section, illegal dispensing of drug samples is a felony of 3222
the fifth degree, and, subject to division (E) of this section, 3223
division (C) of section 2929.13 of the Revised Code applies in 3224
determining whether to impose a prison term on the offender. 3225

(b) If the offense was committed in the vicinity of a 3226
school or in the vicinity of a juvenile, illegal dispensing of 3227
drug samples is a felony of the fourth degree, and, subject to 3228
division (E) of this section, division (C) of section 2929.13 of 3229
the Revised Code applies in determining whether to impose a 3230
prison term on the offender. 3231

(3) If the drug involved in the offense is a dangerous 3232
drug or a compound, mixture, preparation, or substance included 3233
in schedule III, IV, or V, or is marihuana, the penalty for the 3234
offense shall be determined as follows: 3235

(a) Except as otherwise provided in division (C) (3) (b) of 3236
this section, illegal dispensing of drug samples is a 3237
misdemeanor of the second degree. 3238

(b) If the offense was committed in the vicinity of a 3239
school or in the vicinity of a juvenile, illegal dispensing of 3240
drug samples is a misdemeanor of the first degree. 3241

(D) (1) In addition to any prison term authorized or 3242
required by division (C) or (E) of this section and sections 3243
2929.13 and 2929.14 of the Revised Code and in addition to any 3244
other sanction imposed for the offense under this section or 3245
sections 2929.11 to 2929.18 of the Revised Code, the court that 3246
sentences an offender who is convicted of or pleads guilty to a 3247
violation of division (A) of this section, if the violation is a 3248
felony of the fourth degree, may suspend for not more than five 3249
years the offender's driver's or commercial driver's license or 3250
permit. However, if the offender pleaded guilty to or was 3251
convicted of a violation of section 4511.19 of the Revised Code 3252
or a substantially similar municipal ordinance or the law of 3253
another state or the United States arising out of the same set 3254
of circumstances as the fourth degree felony violation, the 3255
court shall suspend the offender's driver's or commercial 3256
driver's license or permit for not more than five years. 3257

If the offender is a professionally licensed person, in 3258
addition to any other sanction imposed for a violation of this 3259
section, the court immediately shall comply with section 2925.38 3260
of the Revised Code. 3261

(2) Any offender who received a mandatory suspension of 3262
the offender's driver's or commercial driver's license or permit 3263
under this section prior to September 13, 2016, may file a 3264
motion with the sentencing court requesting the termination of 3265
the suspension. However, an offender who pleaded guilty to or 3266
was convicted of a violation of section 4511.19 of the Revised 3267
Code or a substantially similar municipal ordinance or law of 3268
another state or the United States that arose out of the same 3269
set of circumstances as the violation for which the offender's 3270
license or permit was suspended under this section shall not 3271
file such a motion. 3272

Upon the filing of a motion under division (D) (2) of this 3273
section, the sentencing court, in its discretion, may terminate 3274
the suspension. 3275

(E) Notwithstanding the prison term authorized or required 3276
by division (C) of this section and sections 2929.13 and 2929.14 3277
of the Revised Code, if the violation of division (A) of this 3278
section involves the sale, offer to sell, or possession of a 3279
schedule I or II controlled substance, with the exception of 3280
marihuana, and if the court imposing sentence upon the offender 3281
finds that the offender as a result of the violation is a major 3282
drug offender and is guilty of a specification of the type 3283
described in division (A) of section 2941.1410 of the Revised 3284
Code, the court, in lieu of the prison term otherwise authorized 3285
or required, shall impose upon the offender the mandatory prison 3286
term specified in division (B) (3) (a) of section 2929.14 of the 3287
Revised Code. 3288

(F) Notwithstanding any contrary provision of section 3289
3719.21 of the Revised Code, the clerk of the court shall pay a 3290
fine imposed for a violation of this section pursuant to 3291
division (A) of section 2929.18 of the Revised Code in 3292
accordance with and subject to the requirements of division (F) 3293
of section 2925.03 of the Revised Code. The agency that receives 3294
the fine shall use the fine as specified in division (F) of 3295
section 2925.03 of the Revised Code. 3296

Sec. 2925.37. (A) No person shall knowingly possess any 3297
counterfeit controlled substance. 3298

(B) No person shall knowingly make, sell, offer to sell, 3299
or deliver any substance that the person knows is a counterfeit 3300
controlled substance. 3301

(C) No person shall make, possess, sell, offer to sell, or 3302
deliver any punch, die, plate, stone, or other device knowing or 3303
having reason to know that it will be used to print or reproduce 3304
a trademark, trade name, or other identifying mark upon a 3305
counterfeit controlled substance. 3306

(D) No person shall sell, offer to sell, give, or deliver 3307
any counterfeit controlled substance to a juvenile. 3308

(E) No person shall directly or indirectly represent a 3309
counterfeit controlled substance as a controlled substance by 3310
describing its effects as the physical or psychological effects 3311
associated with use of a controlled substance. 3312

(F) No person shall directly or indirectly falsely 3313
represent or advertise a counterfeit controlled substance as a 3314
controlled substance. As used in this division, "advertise" 3315
means engaging in "advertisement," as defined in section 3715.01 3316
of the Revised Code. 3317

(G) Whoever violates division (A) of this section is 3318
guilty of possession of counterfeit controlled substances, a 3319
misdemeanor of the first degree. 3320

(H) Whoever violates division (B) or (C) of this section 3321
is guilty of trafficking in counterfeit controlled substances. 3322
Except as otherwise provided in this division, trafficking in 3323
counterfeit controlled substances is a felony of the fifth 3324
degree, and division (C) of section 2929.13 of the Revised Code 3325
applies in determining whether to impose a prison term on the 3326
offender. If the offense was committed in the vicinity of a 3327
school or in the vicinity of a juvenile, trafficking in 3328
counterfeit controlled substances is a felony of the fourth 3329
degree, and division (C) of section 2929.13 of the Revised Code 3330

applies in determining whether to impose a prison term on the 3331
offender. 3332

(I) Whoever violates division (D) of this section is 3333
guilty of aggravated trafficking in counterfeit controlled 3334
substances. Except as otherwise provided in this division, 3335
aggravated trafficking in counterfeit controlled substances is a 3336
felony of the fourth degree, and division (C) of section 2929.13 3337
of the Revised Code applies in determining whether to impose a 3338
prison term on the offender. 3339

(J) Whoever violates division (E) of this section is 3340
guilty of promoting and encouraging drug abuse. Except as 3341
otherwise provided in this division, promoting and encouraging 3342
drug abuse is a felony of the fifth degree, and division (C) of 3343
section 2929.13 of the Revised Code applies in determining 3344
whether to impose a prison term on the offender. If the offense 3345
was committed in the vicinity of a school or in the vicinity of 3346
a juvenile, promoting and encouraging drug abuse is a felony of 3347
the fourth degree, and division (C) of section 2929.13 of the 3348
Revised Code applies in determining whether to impose a prison 3349
term on the offender. 3350

(K) Whoever violates division (F) of this section is 3351
guilty of fraudulent drug advertising. Except as otherwise 3352
provided in this division, fraudulent drug advertising is a 3353
felony of the fifth degree, and division (C) of section 2929.13 3354
of the Revised Code applies in determining whether to impose a 3355
prison term on the offender. If the offense was committed in the 3356
vicinity of a school or in the vicinity of a juvenile, 3357
fraudulent drug advertising is a felony of the fourth degree, 3358
and division (C) of section 2929.13 of the Revised Code applies 3359
in determining whether to impose a prison term on the offender. 3360

(L) (1) In addition to any prison term authorized or 3361
required by divisions (H) to (K) of this section and sections 3362
2929.13 and 2929.14 of the Revised Code and in addition to any 3363
other sanction imposed for the offense under this section or 3364
sections 2929.11 to 2929.18 of the Revised Code, the court that 3365
sentences an offender who is convicted of or pleads guilty to a 3366
violation of division (B), (C), (D), (E), or (F) of this 3367
section, if the violation is a felony of the fourth degree, may 3368
suspend for not more than five years the offender's driver's or 3369
commercial driver's license or permit. However, if the offender 3370
pleaded guilty to or was convicted of a violation of section 3371
4511.19 of the Revised Code or a substantially similar municipal 3372
ordinance or the law of another state or the United States 3373
arising out of the same set of circumstances as the fourth 3374
degree felony violation, the court shall suspend the offender's 3375
driver's or commercial driver's license or permit for not more 3376
than five years. 3377

If the offender is a professionally licensed person, in 3378
addition to any other sanction imposed for a violation of this 3379
section, the court immediately shall comply with section 2925.38 3380
of the Revised Code. 3381

(2) Any offender who received a mandatory suspension of 3382
the offender's driver's or commercial driver's license or permit 3383
under this section prior to ~~the effective date of this amendment~~ 3384
September 13, 2016 may file a motion with the sentencing court 3385
requesting the termination of the suspension. However, an 3386
offender who pleaded guilty to or was convicted of a violation 3387
of section 4511.19 of the Revised Code or a substantially 3388
similar municipal ordinance or law of another state or the 3389
United States that arose out of the same set of circumstances as 3390
the violation for which the offender's license or permit was 3391

suspended under this section shall not file such a motion. 3392

Upon the filing of a motion under division (L) (2) of this 3393
section, the sentencing court, in its discretion, may terminate 3394
the suspension. 3395

(M) Notwithstanding any contrary provision of section 3396
3719.21 of the Revised Code, the clerk of the court shall pay a 3397
fine imposed for a violation of this section pursuant to 3398
division (A) of section 2929.18 of the Revised Code in 3399
accordance with and subject to the requirements of division (F) 3400
of section 2925.03 of the Revised Code. The agency that receives 3401
the fine shall use the fine as specified in division (F) of 3402
section 2925.03 of the Revised Code. 3403

Sec. 3123.56. A child support enforcement agency that sent 3404
a notice under section 3123.54 of the Revised Code of an 3405
individual's default under a child support order shall send to 3406
the registrar of motor vehicles a notice that the individual is 3407
not in default if it determines that the individual is not in 3408
default or any of the following occurs: 3409

(A) The individual makes full payment to the office of 3410
child support or, pursuant to sections 3125.27 to 3125.30 of the 3411
Revised Code, to the child support enforcement agency of the 3412
arrearage as of the date the payment is made. 3413

(B) If division (A) of this section is not possible, the 3414
individual has presented to the agency sufficient evidence of 3415
current employment or of an account in a financial institution, 3416
the agency has confirmed the individual's employment or the 3417
existence of the account, and an appropriate withholding or 3418
deduction notice described in section 3121.03 of the Revised 3419
Code has been issued to collect current support and any 3420

arrearage due under the child support order that was in default. 3421

(C) If divisions (A) and (B) of this section are not 3422
possible, the individual presents evidence to the agency 3423
sufficient to establish ~~that the~~ either one of the following: 3424

(1) The individual is unable to work due to circumstances 3425
beyond the individual's control. 3426

(2) The imposition of a suspension on the individual's 3427
driver's license or commercial driver's license, motorcycle 3428
operator's license or endorsement, or temporary instruction 3429
permit or commercial driver's temporary instruction permit would 3430
effectively prevent the individual from paying child support or 3431
any arrearage due under the child support order that was in 3432
default. 3433

(D) If divisions (A), (B), and (C) of this section are not 3434
possible, the individual enters into and complies with a written 3435
agreement with the agency that requires the obligor to comply 3436
with either of the following: 3437

(1) A family support program administered or approved by 3438
the agency; 3439

(2) A program to establish compliance with a seek work 3440
order issued pursuant to section ~~3123.03~~ 3121.03 of the Revised 3441
Code. 3442

(E) If divisions (A), (B), (C), and (D) of this section 3443
are not possible, the individual pays the balance of the total 3444
monthly obligation due for the ninety-day period preceding the 3445
date the agency sent the notice described in section 3123.55 of 3446
the Revised Code. 3447

The agency shall send the notice under this section not 3448

later than seven days after it determines the individual is not 3449
in default or that any of the circumstances specified in this 3450
section has occurred. 3451

Sec. 3123.58. (A) On receipt of a notice pursuant to 3452
section 3123.54 of the Revised Code, the registrar of motor 3453
vehicles shall determine whether the individual named in the 3454
notice holds or has applied for a driver's license or commercial 3455
driver's license, motorcycle operator's license or endorsement, 3456
or temporary instruction permit or commercial driver's temporary 3457
instruction permit. If the registrar determines that the 3458
individual holds or has applied for a license, permit, or 3459
endorsement and the individual is the individual named in the 3460
notice and does not receive a notice pursuant to section 3123.56 3461
or 3123.57 of the Revised Code, the registrar immediately shall 3462
provide notice of the determination to each deputy registrar. 3463
The registrar or a deputy registrar may not issue to the 3464
individual a driver's or commercial driver's license, motorcycle 3465
operator's license or endorsement, or temporary instruction 3466
permit or commercial driver's temporary instruction permit and 3467
may not renew for the individual a driver's or commercial 3468
driver's license, motorcycle operator's license or endorsement, 3469
or commercial driver's temporary instruction permit. The 3470
registrar or a deputy registrar also shall impose a class F 3471
suspension of the license, permit, or endorsement held by the 3472
individual under division (B) (6) of section 4510.02 of the 3473
Revised Code. 3474

(B) (1) A court may grant an individual whose license, 3475
permit, or endorsement is suspended under this section limited 3476
driving privileges in accordance with division (B) of section 3477
4510.021 of the Revised Code pursuant to a ~~request made during~~ 3478
~~an action for contempt initiated under section 2705.031 of the~~ 3479

~~Revised Code~~petition by that individual for limited driving 3480
privileges. Prior to granting privileges under this division, 3481
the court shall request the ~~accused individual~~ to provide the 3482
court with a recent noncertified copy of a driver's abstract 3483
from the registrar of motor vehicles ~~and shall request the child-~~ 3484
~~support enforcement agency that issued the notice pursuant to~~ 3485
~~section 3123.54 of the Revised Code relative to the individual~~ 3486
~~to advise the court, either in person through a representative~~ 3487
~~testifying at a hearing or through a written document, the~~ 3488
~~position of the agency relative to the issue of the granting of~~ 3489
~~privileges to the individual. The court, in determining whether~~ 3490
~~to grant the individual privileges under this division, shall~~ 3491
~~take into consideration the position of the agency, but the~~ 3492
~~court is not bound by the position of the agency.~~ 3493

(2) A court that grants limited driving privileges to a 3494
person under division (B) (1) of this section shall deliver to 3495
the person a permit card, in a form to be prescribed by the 3496
court, setting forth the date on which the limited privileges 3497
will become effective, the purposes for which the person may 3498
drive, the times and places at which the person may drive, and 3499
any other conditions imposed upon the person's use of a motor 3500
vehicle. 3501

(3) The court immediately shall notify the registrar, in 3502
writing, of a grant of limited driving privileges under division 3503
(B) (1) of this section. The notification shall specify the date 3504
on which the limited driving privileges will become effective, 3505
the purposes for which the person may drive, and any other 3506
conditions imposed upon the person's use of a motor vehicle. 3507

(C) If a person who has been granted limited driving 3508
privileges under division (B) (1) of this section is convicted 3509

of, pleads guilty to, or is adjudicated in juvenile court of 3510
having committed a violation of Chapter 4510. of the Revised 3511
Code or any similar municipal ordinance during the period of 3512
which the person was granted limited driving privileges, the 3513
person's limited driving privileges shall be suspended 3514
immediately pending a reinstatement hearing. 3515

Sec. 3321.13. (A) Whenever any child of compulsory school 3516
age withdraws from school the teacher of that child shall 3517
ascertain the reason for withdrawal. The fact of the withdrawal 3518
and the reason for it shall be immediately transmitted by the 3519
teacher to the superintendent of the city, local, or exempted 3520
village school district. If the child who has withdrawn from 3521
school has done so because of change of residence, the next 3522
residence shall be ascertained and shall be included in the 3523
notice thus transmitted. The superintendent shall thereupon 3524
forward a card showing the essential facts regarding the child 3525
and stating the place of the child's new residence to the 3526
superintendent of schools of the district to which the child has 3527
moved. 3528

The superintendent of public instruction may prescribe the 3529
forms to be used in the operation of this division. 3530

(B) (1) Upon receipt of information that a child of 3531
compulsory school age has withdrawn from school for a reason 3532
other than because of change of residence and is not enrolled in 3533
and attending in accordance with school policy an approved 3534
program to obtain a diploma or its equivalent, the 3535
superintendent shall notify ~~the registrar of motor vehicles and~~ 3536
the juvenile judge of the county in which the district is 3537
located of the withdrawal and failure to enroll in and attend an 3538
approved program to obtain a diploma or its equivalent. A 3539

notification to ~~the registrar required by this division shall be~~ 3540
~~given in the manner the registrar by rule requires and a~~ 3541
~~notification to~~ the juvenile judge required by this division 3542
shall be given in writing. Each notification shall be given 3543
within two weeks after the withdrawal and failure to enroll in 3544
and attend an approved program or its equivalent. 3545

(2) The board of education of a school district may adopt 3546
a resolution providing that the provisions of division (B) (2) of 3547
this section apply within the district. The provisions of 3548
division (B) (2) of this section do not apply within any school 3549
district, and no superintendent of a school district shall send 3550
a notification of the type described in division (B) (2) of this 3551
section to ~~the registrar of motor vehicles or the juvenile judge~~ 3552
of the county in which the district is located, unless the board 3553
of education of the district has adopted such a resolution. If 3554
the board of education of a school district adopts a resolution 3555
providing that the provisions of division (B) (2) of this section 3556
apply within the district, and if the superintendent of schools 3557
of that district receives information that, during any semester 3558
or term, a child of compulsory school age has been absent 3559
without legitimate excuse from the school the child is supposed 3560
to attend for more than sixty consecutive hours in a single 3561
month or for at least ninety hours in a school year, the 3562
superintendent shall notify the child and the child's parent, 3563
guardian, or custodian, in writing, that the information has 3564
been provided to the superintendent, ~~that as a result of that~~ 3565
~~information the child's temporary instruction permit or driver's~~ 3566
~~license will be suspended or the opportunity to obtain such a~~ 3567
~~permit or license will be denied,~~ and that the child and the 3568
child's parent, guardian, or custodian may appear in person at a 3569
scheduled date, time, and place before the superintendent or a 3570

designee to challenge the information provided to the 3571
superintendent. 3572

The notification to the child and the child's parent, 3573
guardian, or custodian required by division (B)(2) of this 3574
section shall set forth the information received by the 3575
superintendent and shall inform the child and the child's 3576
parent, guardian, or custodian of the scheduled date, time, and 3577
place of the appearance that they may have before the 3578
superintendent or a designee. The date scheduled for the 3579
appearance shall be no earlier than three and no later than five 3580
days after the notification is given, provided that an extension 3581
may be granted upon request of the child or the child's parent, 3582
guardian, or custodian. If an extension is granted, the 3583
superintendent shall schedule a new date, time, and place for 3584
the appearance and shall inform the child and the child's 3585
parent, guardian, or custodian of the new date, time, and place. 3586

If the child and the child's parent, guardian, or 3587
custodian do not appear before the superintendent or a designee 3588
on the scheduled date and at the scheduled time and place, or if 3589
the child and the child's parent, guardian, or custodian appear 3590
before the superintendent or a designee on the scheduled date 3591
and at the scheduled time and place but the superintendent or a 3592
designee determines that the information the superintendent 3593
received indicating that, during the semester or term, the child 3594
had been absent without legitimate excuse from the school the 3595
child was supposed to attend for more than sixty consecutive 3596
hours or for at least ninety total hours, the superintendent 3597
shall notify ~~the registrar of motor vehicles and the juvenile~~ 3598
judge of the county in which the district is located that the 3599
child has been absent for that period of time and that the child 3600
does not have any legitimate excuse for the habitual absence. A 3601

notification to ~~the registrar required by this division shall be~~ 3602
~~given in the manner the registrar by rule requires and a~~ 3603
~~notification to~~ the juvenile judge required by this division 3604
shall be given in writing. Each notification shall be given 3605
within two weeks after the receipt of the information of the 3606
habitual absence from school without legitimate excuse, or, if 3607
the child and the child's parent, guardian, or custodian appear 3608
before the superintendent or a designee to challenge the 3609
information, within two weeks after the appearance. 3610

For purposes of division (B) (2) of this section, a 3611
legitimate excuse for absence from school includes, but is not 3612
limited to, the fact that the child in question has enrolled in 3613
another school or school district in this or another state, the 3614
fact that the child in question was excused from attendance for 3615
any of the reasons specified in section 3321.04 of the Revised 3616
Code, or the fact that the child in question has received an age 3617
and schooling certificate in accordance with section 3331.01 of 3618
the Revised Code. 3619

(3) Whenever a pupil is suspended or expelled from school 3620
pursuant to section 3313.66 of the Revised Code and the reason 3621
for the suspension or expulsion is the use or possession of 3622
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 3623
superintendent of schools of that district may notify ~~the~~ 3624
~~registrar and~~ the juvenile judge of the county in which the 3625
district is located of such suspension or expulsion. Any such 3626
notification of suspension or expulsion shall be given to ~~the~~ 3627
~~registrar, in the manner the registrar by rule requires and~~ 3628
~~shall be given to~~ the juvenile judge in writing. The 3629
notifications shall be given within two weeks after the 3630
suspension or expulsion. 3631

(4) Whenever a pupil is suspended, expelled, removed, or 3632
permanently excluded from a school for misconduct included in a 3633
policy that the board of education of a city, exempted village, 3634
or local school district has adopted under division (A) of 3635
section 3313.661 of the Revised Code, and the misconduct 3636
involves a firearm or a knife or other weapon as defined in that 3637
policy, the superintendent of schools of that district shall 3638
notify ~~the registrar and~~ the juvenile judge of the county in 3639
which the district is located of the suspension, expulsion, 3640
removal, or permanent exclusion. The notification shall be given 3641
to ~~the registrar in the manner the registrar, by rule, requires~~ 3642
~~and shall be given to~~ the juvenile judge in writing. The 3643
notifications shall be given within two weeks after the 3644
suspension, expulsion, removal, or permanent exclusion. 3645

(C) A notification of withdrawal, habitual absence without 3646
legitimate excuse, suspension, or expulsion given to ~~the~~ 3647
~~registrar or~~ a juvenile judge under division (B) (1), (2), (3), 3648
or (4) of this section shall contain the name, address, date of 3649
birth, school, and school district of the child. If the 3650
superintendent finds, after giving a notification of withdrawal, 3651
habitual absence without legitimate excuse, suspension, or 3652
expulsion ~~to the registrar and~~ the juvenile judge under division 3653
(B) (1), (2), (3), or (4) of this section, that the notification 3654
was given in error, the superintendent immediately shall notify 3655
~~the registrar and~~ the juvenile judge of that fact. 3656

Sec. 3321.191. (A) Effective beginning with the 2017-2018 3657
school year, the board of education of each city, exempted 3658
village, local, joint vocational, and cooperative education 3659
school district and the governing board of each educational 3660
service center shall adopt a new or amended policy to guide 3661
employees of the school district or service center in addressing 3662

and ameliorating student absences. In developing the policy, the
appropriate board shall consult with the judge of the juvenile
court of the county or counties in which the district or service
center is located, with the parents, guardians, or other persons
having care of the pupils attending school in the district, and
with appropriate state and local agencies.

(B) The policy developed under division (A) of this
section shall include as an intervention strategy all of the
following actions, if applicable:

(1) Providing a truancy intervention plan for any student
who is excessively absent from school, as described in the first
paragraph of division (C) of this section;

(2) Providing counseling for an habitual truant;

(3) Requesting or requiring a parent, guardian, or other
person having care of an habitual truant to attend parental
involvement programs, including programs adopted under section
3313.472 or 3313.663 of the Revised Code;

(4) Requesting or requiring a parent, guardian, or other
person having care of an habitual truant to attend truancy
prevention mediation programs;

~~(5) Notification of the registrar of motor vehicles under
section 3321.13 of the Revised Code;~~

~~(6) Taking legal action under section 2919.222, 3321.20,~~
or 3321.38 of the Revised Code.

(C) (1) In the event that a child of compulsory school age
is absent with a nonmedical excuse or without legitimate excuse
from the public school the child is supposed to attend for
thirty-eight or more hours in one school month, or sixty-five or

more hours in a school year, the attendance officer of that 3691
school shall notify the child's parent, guardian, or custodian 3692
of the child's absences, in writing, within seven days after the 3693
date after the absence that triggered the notice requirement. At 3694
the time notice is given, the school also may take any 3695
appropriate action as an intervention strategy contained in the 3696
policy developed by the board pursuant to division (A) of this 3697
section. 3698

(2) (a) If the absences of a student surpass the threshold 3699
for an habitual truant as set forth in section 2151.011 of the 3700
Revised Code, the principal or chief administrator of the school 3701
or the superintendent of the school district shall assign the 3702
student to an absence intervention team. Within fourteen school 3703
days after the assignment of a student to an absence 3704
intervention team, the team shall develop an intervention plan 3705
for that student in an effort to reduce or eliminate further 3706
absences. Each intervention plan shall vary based on the 3707
individual needs of the student, but the plan shall state that 3708
the attendance officer shall file a complaint not later than 3709
sixty-one days after the date the plan was implemented, if the 3710
child has refused to participate in, or failed to make 3711
satisfactory progress on, the intervention plan or an 3712
alternative to adjudication under division (C) (2) (b) of section 3713
3321.191 of the Revised Code. Within seven days after the 3714
development of the plan, the school district or school shall 3715
make reasonable efforts to provide the student's parent, 3716
guardian, custodian, guardian ad litem, or temporary custodian 3717
with written notice of the plan. 3718

(b) As part of the absence intervention plan described in 3719
division (C) (2) of this section, the school district or school, 3720
in its discretion, may contact the appropriate juvenile court 3721

and ask to have a student informally enrolled in any alternative 3722
to adjudication described in division (G) of section 2151.27 of 3723
the Revised Code. If the school district or school chooses to 3724
have students informally enrolled in an alternative to 3725
adjudication, the school district or school shall develop a 3726
written policy regarding the use of, and selection process for, 3727
offering alternatives to adjudication to ensure fairness. 3728

(c) The superintendent of each school district, or the 3729
superintendent's designee, shall establish an absence 3730
intervention team for the district to be used by any schools of 3731
the district that do not establish their own absence 3732
intervention team as permitted under division (C)(2)(d) of this 3733
section. Membership of each absence intervention team may vary 3734
based on the needs of each individual student but shall include 3735
a representative from the child's school district or school, 3736
another representative from the child's school district or 3737
school who knows the child, and the child's parent or parent's 3738
designee, or the child's guardian, custodian, guardian ad litem, 3739
or temporary custodian. The team also may include a school 3740
psychologist, counselor, social worker, or representative of a 3741
public or nonprofit agency designed to assist students and their 3742
families in reducing absences. 3743

(d) The principal or chief administrator of each school 3744
may establish an absence intervention team or series of teams to 3745
be used in lieu of the district team established pursuant to 3746
division (C)(2)(c) of this section. Membership of each absence 3747
intervention team may vary based on the needs of each individual 3748
student but shall include a representative from the child's 3749
school district or school, another representative from the 3750
child's school district or school who knows the child, and the 3751
child's parent or parent's designee, or the child's guardian, 3752

custodian, guardian ad litem, or temporary custodian. The team 3753
also may include a school psychologist, counselor, social 3754
worker, or representative of a public or nonprofit agency 3755
designed to assist students and their families in reducing 3756
absences. 3757

(e) A superintendent, as described in division (C) (2) (c) 3758
of this section, or principal or chief administrator, as 3759
described in division (C) (2) (d) of this section, shall select 3760
the members of an absence intervention team within seven school 3761
days of the triggering event described in division (C) (2) (a) of 3762
this section. The superintendent, principal, or chief 3763
administrator, within the same period of seven school days, 3764
shall make at least three meaningful, good faith attempts to 3765
secure the participation of the student's parent, guardian, 3766
custodian, guardian ad litem, or temporary custodian on that 3767
team. If the student's parent responds to any of those attempts, 3768
but is unable to participate for any reason, the representative 3769
of the school district shall inform the parent of the parent's 3770
right to appear by designee. If seven school days elapse and the 3771
student's parent, guardian, custodian, guardian ad litem, or 3772
temporary custodian fails to respond to the attempts to secure 3773
participation, the school district or school shall do both of 3774
the following: 3775

(i) Investigate whether the failure to respond triggers 3776
mandatory reporting to the public children services agency for 3777
the county in which the child resides in the manner described in 3778
section 2151.421 of the Revised Code; 3779

(ii) Instruct the absence intervention team to develop an 3780
intervention plan for the child notwithstanding the absence of 3781
the child's parent, guardian, custodian, guardian ad litem, or 3782

temporary custodian. 3783

(f) In the event that a student becomes habitually truant 3784
within twenty-one school days prior to the last day of 3785
instruction of a school year, the school district or school may, 3786
in its discretion, assign one school official to work with the 3787
child's parent, guardian, custodian, guardian ad litem, or 3788
temporary custodian to develop an absence intervention plan 3789
during the summer. If the school district or school selects this 3790
method, the plan shall be implemented not later than seven days 3791
prior to the first day of instruction of the next school year. 3792
In the alternative, the school district or school may toll the 3793
time periods to accommodate for the summer months and reconvene 3794
the absence intervention process upon the first day of 3795
instruction of the next school year. 3796

(3) For purposes of divisions (C)(2)(c) and (d) of this 3797
section, the state board of education shall develop a format for 3798
parental permission to ensure compliance with the "Family 3799
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 3800
U.S.C. 1232g, as amended, and any regulations promulgated under 3801
that act, and section 3319.321 of the Revised Code. 3802

(D) Each school district or school may consult or partner 3803
with public and nonprofit agencies to provide assistance as 3804
appropriate to students and their families in reducing absences. 3805

(E) Beginning with the 2017-2018 school year, each school 3806
district shall report to the department of education, as soon as 3807
practicable, and in a format and manner determined by the 3808
department, any of the following occurrences: 3809

(1) When a notice required by division (C)(1) of this 3810
section is submitted to a parent, guardian, or custodian; 3811

(2) When a child of compulsory school age has been absent 3812
without legitimate excuse from the public school the child is 3813
supposed to attend for thirty or more consecutive hours, forty- 3814
two or more hours in one school month, or seventy-two or more 3815
hours in a school year; 3816

(3) When a child of compulsory school age who has been 3817
adjudicated an unruly child for being an habitual truant 3818
violates the court order regarding that adjudication; 3819

(4) When an absence intervention plan has been implemented 3820
for a child under this section. 3821

(F) Nothing in this section shall be construed to limit 3822
the duty or authority of a district board of education or 3823
governing body of an educational service center to develop other 3824
policies related to truancy or to limit the duty or authority of 3825
any employee of the school district or service center to respond 3826
to pupil truancy. However, a board shall be subject to the 3827
prohibition against suspending, expelling, or otherwise 3828
preventing a student from attending school for excessive 3829
absences as prescribed by section 3313.668 of the Revised Code. 3830

Sec. 4503.20. (A) As used in this section: 3831

(1) "Dealer engaged in the business of leasing motor 3832
vehicles" means any person engaged in the business of regularly 3833
making available, offering to make available, or arranging for 3834
another person to use a motor vehicle pursuant to a bailment, 3835
lease, or other contractual arrangement. 3836

(2) "Motor vehicle" has the meaning set forth in section 3837
4509.01 of the Revised Code. 3838

(B) An application for the registration of a motor vehicle 3839
shall contain a statement, to be signed by the applicant either 3840

manually or by electronic signature, that does all of the 3841
following: 3842

(1) States that the applicant maintains, or has maintained 3843
on the applicant's behalf, proof of financial responsibility at 3844
the time of application, and will not operate a motor vehicle in 3845
this state, unless the applicant maintains, with respect to that 3846
motor vehicle or the operation of such vehicle, proof of 3847
financial responsibility; 3848

(2) Contains a brief summary of the purposes and operation 3849
of section 4509.101 of the Revised Code, the rights and duties 3850
of the applicant under that section, and the penalties for 3851
violation of that section; 3852

(3) Warns the applicant that the financial responsibility 3853
law does not prevent the possibility that the applicant may be 3854
involved in an accident with an owner or operator of a motor 3855
vehicle who is without proof of financial responsibility. 3856

(C) (1) A person who purchases any motor vehicle from a 3857
licensed motor vehicle dealer who agrees to make application for 3858
registration of the motor vehicle on behalf of the purchaser 3859
shall sign statements that comply with divisions (B) and (F) of 3860
this section. The dealer shall submit the statements to the 3861
deputy registrar where the dealer has agreed to make application 3862
for registration on behalf of the person. 3863

(2) In the case of a person who leases any motor vehicle 3864
from a dealer engaged in the business of leasing motor vehicles 3865
who agrees to make application for registration of the motor 3866
vehicle on behalf of the lessee, the person shall sign a 3867
statement that complies with division (B) of this section, and 3868
the dealer shall do either of the following: 3869

(a) Submit the statement signed by the person to the 3870
deputy registrar where the dealer has agreed to make application 3871
for registration on behalf of the person; 3872

(b) Sign and submit a statement to the deputy registrar 3873
that certifies that a statement has been signed and filed with 3874
the dealer or incorporated into the lease. 3875

The dealer shall submit to the registrar or deputy 3876
registrar to whom the dealer submits the application for 3877
registration a statement signed by the person that complies with 3878
division (F) of this section. 3879

(D) The registrar of motor vehicles shall prescribe the 3880
form of the statements required under divisions (B), (C), and 3881
(F) of this section, and the manner or manners in which the 3882
statements required under divisions (B) and (F) of this section 3883
shall be presented to the applicant. Any statement that is 3884
required under divisions (B), (C), and (F) of this section shall 3885
be designed to enable the applicant to retain a copy of it. 3886

(E) Nothing within this section shall be construed to 3887
excuse a violation of section 4509.101 of the Revised Code. A 3888
motor vehicle dealer who makes application for the registration 3889
of a motor vehicle on behalf of the purchaser or lessee of the 3890
motor vehicle is not liable in damages in any civil action on 3891
account of the act of making such application for registration 3892
or the content of any such application for registration. 3893

(F) In addition to the statements required by divisions 3894
(B) and (C) of this section, a person who makes application for 3895
registration of a motor vehicle shall be furnished with a form 3896
that lists in plain language all the possible penalties to which 3897
a person could be subject for a violation of the financial 3898

responsibility law, including driver's license suspensions~~+~~ and 3899
all fees, including nonvoluntary compliance and reinstatement 3900
fees~~;~~ ~~and vehicle immobilization or impoundment~~. The person 3901
shall read the form and either manually or by electronic 3902
signature sign the form, which shall be submitted along with the 3903
application for registration as provided in this section. The 3904
form shall be retained by the registrar or deputy registrar who 3905
issues the motor vehicle registration or the registrar's or 3906
deputy registrar's successor for a period of two years from the 3907
date of issuance of the registration. 3908

(G) Upon the registration of a motor vehicle, the owner of 3909
the motor vehicle is deemed to have agreed to the production of 3910
proof of financial responsibility by the owner or the operator 3911
of the motor vehicle, upon the request of a peace officer or 3912
state highway patrol trooper made in accordance with division 3913
(D) (2) of section 4509.101 of the Revised Code. 3914

(H) The registrar shall adopt rules governing the renewal 3915
of motor vehicle registrations by electronic means and the 3916
completion and submission of statements that comply with 3917
divisions (B) and (F) of this section. The registrar shall adopt 3918
the rules prescribed by this division in accordance with Chapter 3919
119. of the Revised Code. 3920

Sec. 4507.212. (A) As used in this section, "motor 3921
vehicle" has the same meaning as in section 4509.01 of the 3922
Revised Code. 3923

(B) An application for a driver's, commercial driver's, 3924
restricted, or probationary license, or renewal of such license 3925
shall contain a statement, to be signed by the applicant, that 3926
does all of the following: 3927

(1) States that the applicant maintains, or has maintained 3928
on ~~his~~ the applicant's behalf, proof of financial responsibility 3929
at the time of application, and will not operate a motor vehicle 3930
in this state, unless ~~he~~ the applicant maintains, or has 3931
maintained on ~~his~~ the applicant's behalf, proof of financial 3932
responsibility; 3933

(2) Contains a brief summary of the purposes and operation 3934
of section 4509.101 of the Revised Code, the rights and duties 3935
of the applicant under that section, and the penalties for 3936
violation of that section; 3937

(3) Warns the applicant that the financial responsibility 3938
law does not prevent the possibility that the applicant may be 3939
involved in an accident with an owner or operator of a motor 3940
vehicle who is without proof of financial responsibility. 3941

(C) The registrar of motor vehicles shall prescribe the 3942
form of the statement, and the manner in which the statement 3943
shall be presented to the applicant. The statement shall be 3944
designed to enable the applicant to retain a copy of it. 3945

(D) Nothing within this section shall be construed to 3946
excuse a violation of section 4509.101 of the Revised Code. 3947

(E) At the time a person submits an application for a 3948
driver's, commercial driver's, restricted, or probationary 3949
license, or renewal of such a license, the applicant also shall 3950
be furnished with a form that lists in plain language all the 3951
possible penalties to which the applicant could be subject for a 3952
violation of the financial responsibility law, including 3953
driver's license suspensions, and all fees, including 3954
nonvoluntary compliance and reinstatement fees, ~~and vehicle~~ 3955
~~immobilization or impoundment~~. The applicant shall sign the 3956

form, which shall be submitted along with the application. The 3957
form shall be retained by the registrar or deputy registrar who 3958
issues the license or renewal or ~~his~~ the registrar's or deputy 3959
registrar's successor for a period of two years from the date of 3960
issuance of the license or renewal. The registrar shall 3961
prescribe the manner in which the form shall be presented to the 3962
applicant, and the format of the form, which shall be such that 3963
the applicant can retain a copy of it. 3964

Sec. 4509.101. (A) (1) No person shall operate, or permit 3965
the operation of, a motor vehicle in this state, unless proof of 3966
financial responsibility is maintained continuously throughout 3967
the registration period with respect to that vehicle, or, in the 3968
case of a driver who is not the owner, with respect to that 3969
driver's operation of that vehicle. 3970

(2) Whoever violates division (A) (1) of this section shall 3971
be subject to the following civil penalties: 3972

(a) Subject to divisions (A) (2) (b) and (c) of this 3973
section, a class (F) suspension of the person's driver's 3974
license, commercial driver's license, temporary instruction 3975
permit, probationary license, or nonresident operating privilege 3976
for the period of time specified in division (B) (6) of section 3977
4510.02 of the Revised Code and impoundment of the person's 3978
license. The court may grant limited driving privileges to the 3979
person, but only if the person presents proof of financial 3980
responsibility and is enrolled in a reinstatement fee payment 3981
plan pursuant to section 4510.10 of the Revised Code. 3982

(b) If, within ~~five years~~ one year of the violation, the 3983
person's operating privileges are again suspended and the 3984
person's license again is impounded for a violation of division 3985
(A) (1) of this section, a class C suspension of the person's 3986

driver's license, commercial driver's license, temporary 3987
instruction permit, probationary license, or nonresident 3988
operating privilege for the period of time specified in division 3989
(B) (3) of section 4510.02 of the Revised Code. The court may 3990
grant limited driving privileges to the person only if the 3991
person presents proof of financial responsibility and has 3992
complied with division (A) (5) of this section, and no court may 3993
grant limited driving privileges for the first fifteen days of 3994
the suspension. 3995

(c) If, within ~~five years~~ one year of the violation, the 3996
person's operating privileges are suspended and the person's 3997
license is impounded two or more times for a violation of 3998
division (A) (1) of this section, a class B suspension of the 3999
person's driver's license, commercial driver's license, 4000
temporary instruction permit, probationary license, or 4001
nonresident operating privilege for the period of time specified 4002
in division (B) (2) of section 4510.02 of the Revised Code. The 4003
court may grant limited driving privileges to the person only if 4004
the person presents proof of financial responsibility and has 4005
complied with division (A) (5) of this section, except that no 4006
court may grant limited driving privileges for the first thirty 4007
days of the suspension. 4008

~~(d) In addition to the suspension of an owner's license~~ 4009
~~under division (A) (2) (a), (b), or (c) of this section, the~~ 4010
~~suspension of the rights of the owner to register the motor~~ 4011
~~vehicle and the impoundment of the owner's certificate of~~ 4012
~~registration and license plates until the owner complies with~~ 4013
~~division (A) (5) of this section.~~ 4014

The clerk of court shall waive the cost of filing a 4015
petition for limited driving privileges if, pursuant to section 4016

2323.311 of the Revised Code, the petitioner applies to be 4017
qualified as an indigent litigant and the court approves the 4018
application. 4019

(3) A person to whom this state has issued a certificate 4020
of registration for a motor vehicle or a license to operate a 4021
motor vehicle or who is determined to have operated any motor 4022
vehicle or permitted the operation in this state of a motor 4023
vehicle owned by the person shall be required to verify the 4024
existence of proof of financial responsibility covering the 4025
operation of the motor vehicle or the person's operation of the 4026
motor vehicle under either of the following circumstances: 4027

(a) The person or a motor vehicle owned by the person is 4028
involved in a traffic accident that requires the filing of an 4029
accident report under section 4509.06 of the Revised Code. 4030

(b) The person receives a traffic ticket indicating that 4031
proof of the maintenance of financial responsibility was not 4032
produced upon the request of a peace officer or state highway 4033
patrol trooper made in accordance with division (D) (2) of this 4034
section. 4035

(4) An order of the registrar that suspends ~~and impounds a~~ 4036
~~license or registration, or both,~~ shall state the date on or 4037
before which the person is required to surrender the person's 4038
~~license or certificate of registration and license plates.~~ The 4039
person is deemed to have surrendered the ~~license or certificate~~ 4040
~~of registration and license plates,~~ in compliance with the 4041
order, if the person does either of the following: 4042

(a) On or before the date specified in the order, 4043
personally delivers the ~~license or certificate of registration~~ 4044
~~and license plates,~~ or causes the delivery of the ~~items~~ license, 4045

to the registrar; 4046

(b) Mails the license ~~or certificate of registration and~~ 4047
~~license plates~~ to the registrar in an envelope or container 4048
bearing a postmark showing a date no later than the date 4049
specified in the order. 4050

(5) Except as provided in division (L) of this section, 4051
the registrar shall not restore any operating privileges ~~or~~ 4052
~~registration rights~~ suspended under this section, return any 4053
license, ~~certificate of registration, or license plates~~ 4054
~~impounded surrendered~~ under this section, ~~or reissue license~~ 4055
~~plates under section 4503.232 of the Revised Code, if the~~ 4056
~~registrar destroyed the impounded license plates under that~~ 4057
~~section,~~ or reissue a license under section 4510.52 of the 4058
Revised Code, if the registrar destroyed the suspended license 4059
under that section, unless the rights are not subject to 4060
suspension or revocation under any other law and unless the 4061
person, in addition to complying with all other conditions 4062
required by law for reinstatement of the operating privileges ~~or~~ 4063
~~registration rights~~, complies with all of the following: 4064

(a) Pays to the registrar or an eligible deputy registrar 4065
a financial responsibility reinstatement fee of one hundred 4066
dollars for the first violation of division (A)(1) of this 4067
section, three hundred dollars for a second violation of that 4068
division, and six hundred dollars for a third or subsequent 4069
violation of that division; 4070

(b) If the person has not voluntarily surrendered the 4071
license, ~~certificate, or license plates~~ in compliance with the 4072
order, pays to the registrar or an eligible deputy registrar a 4073
financial responsibility nonvoluntary compliance fee in an 4074
amount, not to exceed fifty dollars, determined by the 4075

registrar; 4076

(c) Files and continuously maintains proof of financial 4077
responsibility under sections 4509.44 to 4509.65 of the Revised 4078
Code; 4079

(d) Pays a deputy registrar a service fee of ten dollars 4080
to compensate the deputy registrar for services performed under 4081
this section. The deputy registrar shall retain eight dollars of 4082
the service fee and shall transmit the reinstatement fee, any 4083
nonvoluntary compliance fee, and two dollars of the service fee 4084
to the registrar in the manner the registrar shall determine. 4085

(B) (1) Every party required to file an accident report 4086
under section 4509.06 of the Revised Code also shall include 4087
with the report a document described in division (G) (1) (a) of 4088
this section or shall present proof of financial responsibility 4089
through use of an electronic wireless communications device as 4090
permitted by division (G) (1) (b) of this section. 4091

If the registrar determines, within forty-five days after 4092
the report is filed, that an operator or owner has violated 4093
division (A) (1) of this section, the registrar shall do all of 4094
the following: 4095

~~(a) Order the impoundment, with respect to the motor 4096
vehicle involved, required under division (A) (2) (d) of this 4097
section, of the certificate of registration and license plates 4098
of any owner who has violated division (A) (1) of this section; 4099~~

~~(b)~~ Order the suspension required under division (A) (2) 4100
(a), (b), or (c) of this section of the license of any operator 4101
or owner who has violated division (A) (1) of this section; 4102

~~(c)~~ (b) Record the name and address of the person whose 4103
certificate of registration and license plates have been 4104

~~impounded or are under an order of impoundment, or whose license~~ 4105
has been suspended or is under an order of suspension~~, the~~ 4106
serial number of the person's license~~, the serial numbers of the~~ 4107
~~person's certificate of registration and license plates,~~ and 4108
the person's social security account number, if assigned, or, 4109
where the motor vehicle that is the subject of the violation is 4110
used for hire or principally in connection with any established 4111
business, the person's federal taxpayer identification number. 4112
The information shall be recorded in such a manner that it 4113
becomes a part of the person's permanent record, and assists the 4114
registrar in monitoring compliance with the orders of suspension 4115
~~or impoundment.~~ 4116

~~(d)~~ (c) Send written notification to every person to whom 4117
the order pertains, at the person's last known address as shown 4118
on the records of the bureau. The person, within ten days after 4119
the date of the mailing of the notification, shall surrender to 4120
the registrar, in a manner set forth in division (A) (4) of this 4121
section, ~~any certificate of registration and registration plates~~ 4122
~~under an order of impoundment, or any license under an order of~~ 4123
suspension. 4124

(2) The registrar shall issue any order under division (B) 4125
(1) of this section without a hearing. Any person adversely 4126
affected by the order, within ten days after the issuance of the 4127
order, may request an administrative hearing before the 4128
registrar, who shall provide the person with an opportunity for 4129
a hearing in accordance with this paragraph. A request for a 4130
hearing does not operate as a suspension of the order. The scope 4131
of the hearing shall be limited to whether the person in fact 4132
demonstrated to the registrar proof of financial responsibility 4133
in accordance with this section. The registrar shall determine 4134
the date, time, and place of any hearing, provided that the 4135

hearing shall be held, and an order issued or findings made, 4136
within thirty days after the registrar receives a request for a 4137
hearing. If requested by the person in writing, the registrar 4138
may designate as the place of hearing the county seat of the 4139
county in which the person resides or a place within fifty miles 4140
of the person's residence. The person shall pay the cost of the 4141
hearing before the registrar, if the registrar's order of 4142
suspension ~~or impoundment~~ is upheld. 4143

(C) Any order of suspension ~~or impoundment~~ issued under 4144
this section or division (B) of section 4509.37 of the Revised 4145
Code may be terminated at any time if the registrar determines 4146
upon a showing of proof of financial responsibility that the 4147
operator or owner of the motor vehicle was in compliance with 4148
division (A)(1) of this section at the time of the traffic 4149
offense, motor vehicle inspection, or accident that resulted in 4150
the order against the person. A determination may be made 4151
without a hearing. This division does not apply unless the 4152
person shows good cause for the person's failure to present 4153
satisfactory proof of financial responsibility to the registrar 4154
prior to the issuance of the order. 4155

(D)(1)(a) For the purpose of enforcing this section, every 4156
peace officer is deemed an agent of the registrar. 4157

(b) Any peace officer who, in the performance of the peace 4158
officer's duties as authorized by law, becomes aware of a person 4159
whose license is under an order of suspension, ~~or whose~~ 4160
~~certificate of registration and license plates are under an~~ 4161
~~order of impoundment,~~ pursuant to this section, may confiscate 4162
the license, ~~certificate of registration, and license plates,~~ 4163
and return ~~them~~ it to the registrar. 4164

(2) A peace officer shall request the owner or operator of 4165

a motor vehicle to produce proof of financial responsibility in 4166
a manner described in division (G) of this section at the time 4167
the peace officer acts to enforce the traffic laws of this state 4168
and during motor vehicle inspections conducted pursuant to 4169
section 4513.02 of the Revised Code. 4170

(3) A peace officer shall indicate on every traffic ticket 4171
whether the person receiving the traffic ticket produced proof 4172
of the maintenance of financial responsibility in response to 4173
the officer's request under division (D) (2) of this section. The 4174
peace officer shall inform every person who receives a traffic 4175
ticket and who has failed to produce proof of the maintenance of 4176
financial responsibility that the person must submit proof to 4177
the traffic violations bureau with any payment of a fine and 4178
costs for the ticketed violation or, if the person is to appear 4179
in court for the violation, the person must submit proof to the 4180
court. 4181

(4) (a) If a person who has failed to produce proof of the 4182
maintenance of financial responsibility appears in court for a 4183
ticketed violation, the court may permit the defendant to 4184
present evidence of proof of financial responsibility to the 4185
court at such time and in such manner as the court determines to 4186
be necessary or appropriate. In a manner prescribed by the 4187
registrar, the clerk of courts shall provide the registrar with 4188
the identity of any person who fails to submit proof of the 4189
maintenance of financial responsibility pursuant to division (D) 4190
(3) of this section. 4191

(b) If a person who has failed to produce proof of the 4192
maintenance of financial responsibility also fails to submit 4193
that proof to the traffic violations bureau with payment of a 4194
fine and costs for the ticketed violation, the traffic 4195

violations bureau, in a manner prescribed by the registrar, 4196
shall notify the registrar of the identity of that person. 4197

(5) (a) Upon receiving notice from a clerk of courts or 4198
traffic violations bureau pursuant to division (D) (4) of this 4199
section, the registrar shall order the suspension of the license 4200
of the person required under division (A) (2) (a), (b), or (c) of 4201
this section ~~and the impoundment of the person's certificate of~~ 4202
~~registration and license plates required under division (A) (2)~~ 4203
~~(d) of this section,~~ effective thirty days after the date of the 4204
mailing of notification. The registrar also shall notify the 4205
person that the person must present the registrar with proof of 4206
financial responsibility in accordance with this section, 4207
surrender to the registrar the person's ~~certificate of~~ 4208
~~registration, license plates, and license,~~ or submit a statement 4209
subject to section 2921.13 of the Revised Code that the person 4210
did not operate or permit the operation of the motor vehicle at 4211
the time of the offense. Notification shall be in writing and 4212
shall be sent to the person at the person's last known address 4213
as shown on the records of the bureau of motor vehicles. The 4214
person, within fifteen days after the date of the mailing of 4215
notification, shall present proof of financial responsibility, 4216
surrender the ~~certificate of registration, license plates, and~~ 4217
license to the registrar in a manner set forth in division (A) 4218
(4) of this section, or submit the statement required under this 4219
section together with other information the person considers 4220
appropriate. 4221

If the registrar does not receive proof or the person does 4222
not surrender the ~~certificate of registration, license plates,~~ 4223
~~and license,~~ in accordance with this division, the registrar 4224
shall permit the order for the suspension of the license of the 4225
person ~~and the impoundment of the person's certificate of~~ 4226

~~registration and license plates~~ to take effect. 4227

(b) In the case of a person who presents, within the 4228
fifteen-day period, proof of financial responsibility, the 4229
registrar shall terminate the order of suspension ~~and the~~ 4230
~~impoundment of the registration and license plates required~~ 4231
~~under division (A) (2) (d) of this section~~ and shall send written 4232
notification to the person, at the person's last known address 4233
as shown on the records of the bureau. 4234

(c) Any person adversely affected by the order of the 4235
registrar under division (D) (5) (a) or (b) of this section, 4236
within ten days after the issuance of the order, may request an 4237
administrative hearing before the registrar, who shall provide 4238
the person with an opportunity for a hearing in accordance with 4239
this paragraph. A request for a hearing does not operate as a 4240
suspension of the order. The scope of the hearing shall be 4241
limited to whether, at the time of the hearing, the person 4242
presents proof of financial responsibility covering the vehicle 4243
and whether the person is eligible for an exemption in 4244
accordance with this section or any rule adopted under it. The 4245
registrar shall determine the date, time, and place of any 4246
hearing; provided, that the hearing shall be held, and an order 4247
issued or findings made, within thirty days after the registrar 4248
receives a request for a hearing. If requested by the person in 4249
writing, the registrar may designate as the place of hearing the 4250
county seat of the county in which the person resides or a place 4251
within fifty miles of the person's residence. Such person shall 4252
pay the cost of the hearing before the registrar, if the 4253
registrar's order of suspension ~~or impoundment~~ under division 4254
(D) (5) (a) or (b) of this section is upheld. 4255

(6) A peace officer may charge an owner or operator of a 4256

motor vehicle with a violation of section 4510.16 of the Revised 4257
Code when the owner or operator fails to show proof of the 4258
maintenance of financial responsibility pursuant to a peace 4259
officer's request under division (D) (2) of this section, if a 4260
check of the owner or operator's driving record indicates that 4261
the owner or operator, at the time of the operation of the motor 4262
vehicle, is required to file and maintain proof of financial 4263
responsibility under section 4509.45 of the Revised Code for a 4264
previous violation of this chapter. 4265

(7) Any forms used by law enforcement agencies in 4266
administering this section shall be prescribed, supplied, and 4267
paid for by the registrar. 4268

(8) No peace officer, law enforcement agency employing a 4269
peace officer, or political subdivision or governmental agency 4270
that employs a peace officer shall be liable in a civil action 4271
for damages or loss to persons arising out of the performance of 4272
any duty required or authorized by this section. 4273

(9) As used in this section, "peace officer" has the 4274
meaning set forth in section 2935.01 of the Revised Code. 4275

(E) All fees, except court costs, fees paid to a deputy 4276
registrar, and those portions of the financial responsibility 4277
reinstatement fees as otherwise specified in this division, 4278
collected under this section shall be paid into the state 4279
treasury to the credit of the public safety - highway purposes 4280
fund established in section 4501.06 of the Revised Code and used 4281
to cover costs incurred by the bureau in the administration of 4282
this section and sections 4503.20, 4507.212, and 4509.81 of the 4283
Revised Code, and by any law enforcement agency employing any 4284
peace officer who returns any license, ~~certificate of~~ 4285
~~registration, and license plates~~ to the registrar pursuant to 4286

division (C) of this section. 4287

Of each financial responsibility reinstatement fee the 4288
registrar collects pursuant to division (A) (5) (a) of this 4289
section or receives from a deputy registrar under division (A) 4290
(5) (d) of this section, the registrar shall deposit twenty-five 4291
dollars of each one-hundred-dollar reinstatement fee, fifty 4292
dollars of each three-hundred-dollar reinstatement fee, and one 4293
hundred dollars of each six-hundred-dollar reinstatement fee 4294
into the state treasury to the credit of the indigent defense 4295
support fund created by section 120.08 of the Revised Code. 4296

(F) Chapter 119. of the Revised Code applies to this 4297
section only to the extent that any provision in that chapter is 4298
not clearly inconsistent with this section. 4299

(G) (1) (a) The registrar, court, traffic violations bureau, 4300
or peace officer may require proof of financial responsibility 4301
to be demonstrated by use of a standard form prescribed by the 4302
registrar. If the use of a standard form is not required, a 4303
person may demonstrate proof of financial responsibility under 4304
this section by presenting to the traffic violations bureau, 4305
court, registrar, or peace officer any of the following 4306
documents or a copy of the documents: 4307

(i) A financial responsibility identification card as 4308
provided in section 4509.103 of the Revised Code; 4309

(ii) A certificate of proof of financial responsibility on 4310
a form provided and approved by the registrar for the filing of 4311
an accident report required to be filed under section 4509.06 of 4312
the Revised Code; 4313

(iii) A policy of liability insurance, a declaration page 4314
of a policy of liability insurance, or liability bond, if the 4315

policy or bond complies with section 4509.20 or sections 4509.49 4316
to 4509.61 of the Revised Code; 4317

(iv) A bond or certification of the issuance of a bond as 4318
provided in section 4509.59 of the Revised Code; 4319

(v) A certificate of deposit of money or securities as 4320
provided in section 4509.62 of the Revised Code; 4321

(vi) A certificate of self-insurance as provided in 4322
section 4509.72 of the Revised Code. 4323

(b) A person also may present proof of financial 4324
responsibility under this section to the traffic violations 4325
bureau, court, registrar, or peace officer through use of an 4326
electronic wireless communications device as specified under 4327
section 4509.103 of the Revised Code. 4328

(2) If a person fails to demonstrate proof of financial 4329
responsibility in a manner described in division (G)(1) of this 4330
section, the person may demonstrate proof of financial 4331
responsibility under this section by any other method that the 4332
court or the bureau, by reason of circumstances in a particular 4333
case, may consider appropriate. 4334

(3) A motor carrier certificated by the interstate 4335
commerce commission or by the public utilities commission may 4336
demonstrate proof of financial responsibility by providing a 4337
statement designating the motor carrier's operating authority 4338
and averring that the insurance coverage required by the 4339
certificating authority is in full force and effect. 4340

(4) (a) A finding by the registrar or court that a person 4341
is covered by proof of financial responsibility in the form of 4342
an insurance policy or surety bond is not binding upon the named 4343
insurer or surety or any of its officers, employees, agents, or 4344

representatives and has no legal effect except for the purpose 4345
of administering this section. 4346

(b) The preparation and delivery of a financial 4347
responsibility identification card or any other document 4348
authorized to be used as proof of financial responsibility and 4349
the generation and delivery of proof of financial responsibility 4350
to an electronic wireless communications device that is 4351
displayed on the device as text or images does not do any of the 4352
following: 4353

(i) Create any liability or estoppel against an insurer or 4354
surety, or any of its officers, employees, agents, or 4355
representatives; 4356

(ii) Constitute an admission of the existence of, or of 4357
any liability or coverage under, any policy or bond; 4358

(iii) Waive any defenses or counterclaims available to an 4359
insurer, surety, agent, employee, or representative in an action 4360
commenced by an insured or third-party claimant upon a cause of 4361
action alleged to have arisen under an insurance policy or 4362
surety bond or by reason of the preparation and delivery of a 4363
document for use as proof of financial responsibility or the 4364
generation and delivery of proof of financial responsibility to 4365
an electronic wireless communications device. 4366

(c) Whenever it is determined by a final judgment in a 4367
judicial proceeding that an insurer or surety, which has been 4368
named on a document or displayed on an electronic wireless 4369
communications device accepted by a court or the registrar as 4370
proof of financial responsibility covering the operation of a 4371
motor vehicle at the time of an accident or offense, is not 4372
liable to pay a judgment for injuries or damages resulting from 4373

such operation, the registrar, notwithstanding any previous 4374
contrary finding, shall forthwith suspend the operating 4375
privileges and registration rights of the person against whom 4376
the judgment was rendered as provided in division (A) (2) of this 4377
section. 4378

(H) In order for any document or display of text or images 4379
on an electronic wireless communications device described in 4380
division (G) (1) of this section to be used for the demonstration 4381
of proof of financial responsibility under this section, the 4382
document or words or images shall state the name of the insured 4383
or obligor, the name of the insurer or surety company, and the 4384
effective and expiration dates of the financial responsibility, 4385
and designate by explicit description or by appropriate 4386
reference all motor vehicles covered which may include a 4387
reference to fleet insurance coverage. 4388

(I) For purposes of this section, "owner" does not include 4389
a licensed motor vehicle leasing dealer as defined in section 4390
4517.01 of the Revised Code, but does include a motor vehicle 4391
renting dealer as defined in section 4549.65 of the Revised 4392
Code. Nothing in this section or in section 4509.51 of the 4393
Revised Code shall be construed to prohibit a motor vehicle 4394
renting dealer from entering into a contractual agreement with a 4395
person whereby the person renting the motor vehicle agrees to be 4396
solely responsible for maintaining proof of financial 4397
responsibility, in accordance with this section, with respect to 4398
the operation, maintenance, or use of the motor vehicle during 4399
the period of the motor vehicle's rental. 4400

(J) The purpose of this section is to require the 4401
maintenance of proof of financial responsibility with respect to 4402
the operation of motor vehicles on the highways of this state, 4403

so as to minimize those situations in which persons are not 4404
compensated for injuries and damages sustained in motor vehicle 4405
accidents. The general assembly finds that this section contains 4406
reasonable civil penalties and procedures for achieving this 4407
purpose. 4408

(K) Nothing in this section shall be construed to be 4409
subject to section 4509.78 of the Revised Code. 4410

(L) (1) The registrar may terminate any suspension imposed 4411
under this section and not require the owner to comply with 4412
divisions (A) (5) (a), (b), and (c) of this section if the 4413
registrar with or without a hearing determines that the owner of 4414
the vehicle has established by clear and convincing evidence 4415
that all of the following apply: 4416

(a) The owner customarily maintains proof of financial 4417
responsibility. 4418

(b) Proof of financial responsibility was not in effect 4419
for the vehicle on the date in question for one of the following 4420
reasons: 4421

(i) The vehicle was inoperable. 4422

(ii) The vehicle is operated only seasonally, and the date 4423
in question was outside the season of operation. 4424

(iii) A person other than the vehicle owner or driver was 4425
at fault for the lapse of proof of financial responsibility 4426
through no fault of the owner or driver. 4427

(iv) The lapse of proof of financial responsibility was 4428
caused by excusable neglect under circumstances that are not 4429
likely to recur and do not suggest a purpose to evade the 4430
requirements of this chapter. 4431

(2) The registrar may grant an owner or driver relief for 4432
a reason specified in division (L)(1)(b)(iii) or (iv) of this 4433
section only if the owner or driver has not previously been 4434
granted relief under division (L)(1)(b)(iii) or (iv) of this 4435
section. 4436

(M) The registrar shall adopt rules in accordance with 4437
Chapter 119. of the Revised Code that are necessary to 4438
administer and enforce this section. The rules shall include 4439
~~procedures for the surrender of license plates upon failure to~~ 4440
~~maintain proof of financial responsibility and provisions~~ 4441
relating to ~~reinstatement of registration rights,~~ acceptable 4442
forms of proof of financial responsibility, the use of an 4443
electronic wireless communications device to present proof of 4444
financial responsibility, and verification of the existence of 4445
financial responsibility during the period of registration. 4446

(N)(1) When a person utilizes an electronic wireless 4447
communications device to present proof of financial 4448
responsibility, only the evidence of financial responsibility 4449
displayed on the device shall be viewed by the registrar, peace 4450
officer, employee or official of the traffic violations bureau, 4451
or the court. No other content of the device shall be viewed for 4452
purposes of obtaining proof of financial responsibility. 4453

(2) When a person provides an electronic wireless 4454
communications device to the registrar, a peace officer, an 4455
employee or official of a traffic violations bureau, or the 4456
court, the person assumes the risk of any resulting damage to 4457
the device unless the registrar, peace officer, employee, or 4458
official, or court personnel purposely, knowingly, or recklessly 4459
commits an action that results in damage to the device. 4460

Sec. 4509.37. (A) The registrar of motor vehicles upon 4461

receipt of a certified copy of a judgment, shall impose a class 4462
F suspension for the period of time specified in division (B) (6) 4463
of section 4510.02 of the Revised Code of the license ~~and~~ 4464
~~registration~~ and any nonresident's operating privilege of any 4465
person against whom such judgment was rendered, except as 4466
provided in sections 4509.01 to 4509.78 of the Revised Code. 4467

Such certified copy of a judgment shall include the last 4468
known address, the social security number, if known, and the 4469
operator's license number, of the judgment debtor. 4470

(B) The registrar shall also impose the civil penalties 4471
specified in division (A) (2) of section 4509.101 of the Revised 4472
Code unless either of the following applies: 4473

(1) The judgment debtor presents proof of financial 4474
responsibility to the registrar proving that the judgment debtor 4475
was covered, at the time of the motor vehicle accident out of 4476
which the cause of action arose, by proof of financial 4477
responsibility in compliance with section 4509.101 of the 4478
Revised Code. 4479

(2) The judgment debtor proves to the registrar that the 4480
judgment debtor's ~~registration and license have~~ has been 4481
previously suspended under section 4509.101 of the Revised Code 4482
by reason of the judgment debtor's failure to prove that the 4483
judgment debtor was covered, at the time of the motor vehicle 4484
accident out of which the cause of action arose, by proof of 4485
financial responsibility. 4486

Sec. 4509.67. (A) The registrar of motor vehicles shall, 4487
upon request, consent to the immediate cancellation of any bond 4488
or certificate of insurance, or shall direct and the treasurer 4489
of state shall return to the person entitled any money or 4490

securities deposited under sections 4509.01 to 4509.78 of the 4491
Revised Code, as proof of financial responsibility, or the 4492
registrar shall waive the requirement of filing proof, in any of 4493
the following events: 4494

(1) At any time after three years from the date such proof 4495
was required when, during the three years preceding the request, 4496
the registrar has not received record of a conviction or bail 4497
forfeiture which would require or permit the suspension or 4498
revocation of the license, ~~registration~~ or nonresident's 4499
operating privilege of the person by or for whom such proof was 4500
furnished ~~and the person's motor vehicle registration has not~~ 4501
~~been suspended for a violation of section 4509.101 of the~~ 4502
~~Revised Code;~~ 4503

(2) In the event of the death of the person on whose 4504
behalf such proof was filed or the permanent incapacity of such 4505
person to operate a motor vehicle; 4506

(3) In the event the person who has given proof surrenders 4507
~~his~~ the person's license ~~and registration~~ to the registrar. 4508

(B) The registrar shall not consent to the cancellation of 4509
any bond or the return of any money or securities if any action 4510
for damages upon a liability covered by such proof is pending, 4511
or any judgment upon any such liability is unsatisfied, or in 4512
the event the person who has filed such bond or deposited such 4513
money or securities has within two years immediately preceding 4514
such request been involved as a driver or owner in any ~~motor~~ 4515
~~vehicle~~ motor vehicle accident resulting in injury to the person 4516
or property of others. An affidavit of the applicant as to the 4517
nonexistence of such facts, or that ~~he~~ the applicant has been 4518
released from all liability, or has been finally adjudicated not 4519
liable, for such injury may be accepted as evidence thereof in 4520

the absence of evidence to the contrary in the records of the 4521
registrar. 4522

(C) Whenever any person whose proof has been canceled or 4523
returned under division (A) (3) of this section applies for a 4524
license ~~or registration~~ within a period of three years from the 4525
date proof was originally required, any such application shall 4526
be refused unless the applicant re-establishes proof of 4527
financial responsibility for the remainder of the three-year 4528
period. 4529

Sec. 4510.101. As used in sections 4510.101 to ~~4510.107~~ 4530
4510.108 of the Revised Code: 4531

(A) "Eligible offense" means an offense under any of the 4532
following Revised Code sections if the offense, an essential 4533
element of the offense, the basis of the charge, or any 4534
underlying offense did not involve alcohol, a drug of abuse, 4535
combination thereof, or a deadly weapon: 2151.354, 2152.19, 4536
2152.21, 2913.02, 4507.20, 4509.101, 4509.17, 4509.24, 4509.40, 4537
4510.037, 4510.05, 4510.06, 4510.15, 4510.22, 4510.23, 4510.31, 4538
~~4510.32~~, 4511.203, 4511.205, 4511.251, 4511.75, 4549.02, 4539
4549.021, and 5743.99. 4540

(B) "Deadly weapon" has the same meaning as in section 4541
2923.11 of the Revised Code. 4542

(C) "Drug of abuse" has the same meaning as in section 4543
4511.181 of the Revised Code. 4544

(D) "Complete amnesty" means a waiver of reinstatement 4545
fees. 4546

(E) "Driver's license or permit" does not include a 4547
commercial driver's license or permit. 4548

(F) "Indigent" means a person who is a participant in any 4549
of the following programs: 4550

(1) The supplemental nutrition assistance program 4551
administered by the department of job and family services 4552
pursuant to section 5101.54 of the Revised Code; 4553

(2) The medicaid program pursuant to Chapter 5163. of the 4554
Revised Code; 4555

(3) The Ohio works first program administered by the 4556
department of job and family services pursuant to section 4557
5107.10 of the Revised Code; 4558

(4) The supplemental security income program pursuant to 4559
20 C.F.R. 416.1100; 4560

(5) The United States department of veterans affairs 4561
pension benefit program pursuant to 38 U.S.C. 1521. 4562

(G) "Permanent driver's license reinstatement fee debt 4563
reduction and amnesty program" or "program" means the program 4564
established in section 4510.102 of the Revised Code and 4565
administered by the director of public safety. 4566

Sec. 4510.111. (A) No person shall operate any motor 4567
vehicle upon a highway or any public or private property used by 4568
the public for purposes of vehicular travel or parking in this 4569
state whose driver's or commercial driver's license has been 4570
suspended pursuant to section 2151.354, ~~2151.87~~, 2935.27, 4571
3123.58, 4301.99, 4510.032, 4510.22, or 4510.33 of the Revised 4572
Code. 4573

(B) Upon the request or motion of the prosecuting 4574
authority, a noncertified copy of the law enforcement automated 4575
data system report or a noncertified copy of a record of the 4576

registrar of motor vehicles that shows the name, date of birth, 4577
and social security number of a person charged with a violation 4578
of division (A) of this section may be admitted into evidence as 4579
prima-facie evidence that the license of the person was under 4580
suspension at the time of the alleged violation of division (A) 4581
of this section. The person charged with a violation of division 4582
(A) of this section may offer evidence to rebut this prima-facie 4583
evidence. 4584

(C) Whoever violates division (A) of this section is 4585
guilty of driving under suspension, and shall be punished as 4586
provided in division (C) (1) or (2) of this section. 4587

(1) Except as otherwise provided in division (C) (2) of 4588
this section, the offense is an unclassified misdemeanor. The 4589
offender shall be sentenced pursuant to sections 2929.21 to 4590
2929.28 of the Revised Code, except that the offender shall not 4591
be sentenced to a jail term; the offender shall not be sentenced 4592
to a community residential sanction pursuant to section 2929.26 4593
of the Revised Code; notwithstanding division (A) (2) (a) of 4594
section 2929.28 of the Revised Code, the offender may be fined 4595
up to one thousand dollars; and, notwithstanding division (A) (3) 4596
of section 2929.27 of the Revised Code, the offender may be 4597
ordered pursuant to division (C) of that section to serve a term 4598
of community service of up to five hundred hours. The failure of 4599
an offender to complete a term of community service imposed by 4600
the court may be punished as indirect criminal contempt under 4601
division (A) of section 2705.02 of the Revised Code that may be 4602
filed in the underlying case. 4603

(2) If, within three years of the offense, the offender 4604
previously was convicted of or pleaded guilty to two or more 4605
violations of division (A) of this section, or any combination 4606

of two or more violations of division (A) of this section or 4607
section 4510.11 or 4510.16 of the Revised Code, or a 4608
substantially equivalent municipal ordinance, the offense is a 4609
misdemeanor of the fourth degree, and the offender shall provide 4610
the court with proof of financial responsibility as defined in 4611
section 4509.01 of the Revised Code. If the offender fails to 4612
provide that proof of financial responsibility, then in addition 4613
to any other penalties provided by law, the court may order 4614
restitution pursuant to section 2929.28 of the Revised Code in 4615
an amount not exceeding five thousand dollars for any economic 4616
loss arising from an accident or collision that was the direct 4617
and proximate result of the offender's operation of the vehicle 4618
before, during, or after committing the offense for which the 4619
offender is sentenced under this section. 4620

Sec. 4510.17. (A) The registrar of motor vehicles shall 4621
impose a class D suspension of the person's driver's license, 4622
commercial driver's license, temporary instruction permit, 4623
probationary license, or nonresident operating privilege for the 4624
period of time specified in division (B)(4) of section 4510.02 4625
of the Revised Code on any person who is a resident of this 4626
state and is convicted of or pleads guilty to a violation of a 4627
statute of any other state or any federal statute that is 4628
substantially similar to section 2925.02, 2925.03, 2925.04, 4629
2925.041, 2925.05, 2925.06, 2925.11, ~~2925.12,~~ 2925.13, ~~2925.14,~~ 4630
~~2925.141,~~ 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 4631
2925.37 of the Revised Code and the person's license, permit, or 4632
privilege is authorized or is required to be suspended had the 4633
offense occurred in this state. Upon receipt of a report from a 4634
court, court clerk, or other official of any other state or from 4635
any federal authority that a resident of this state was 4636
convicted of or pleaded guilty to an offense described in this 4637

division, the registrar shall send a notice by regular first 4638
class mail to the person, at the person's last known address as 4639
shown in the records of the bureau of motor vehicles, informing 4640
the person of the suspension, that the suspension will take 4641
effect twenty-one days from the date of the notice, and that, if 4642
the person wishes to appeal the suspension or denial, the person 4643
must file a notice of appeal within twenty-one days of the date 4644
of the notice requesting a hearing on the matter. If the person 4645
requests a hearing, the registrar shall hold the hearing not 4646
more than forty days after receipt by the registrar of the 4647
notice of appeal. The filing of a notice of appeal does not stay 4648
the operation of the suspension that must be imposed pursuant to 4649
this division. The scope of the hearing shall be limited to 4650
whether the person actually was convicted of or pleaded guilty 4651
to the offense for which the suspension is to be imposed. 4652

The suspension the registrar is required to impose under 4653
this division shall end either on the last day of the class D 4654
suspension period or of the suspension of the person's 4655
nonresident operating privilege imposed by the state or federal 4656
court, whichever is earlier. 4657

The registrar shall subscribe to or otherwise participate 4658
in any information system or register, or enter into reciprocal 4659
and mutual agreements with other states and federal authorities, 4660
in order to facilitate the exchange of information with other 4661
states and the United States government regarding persons who 4662
plead guilty to or are convicted of offenses described in this 4663
division and therefore are subject to the suspension or denial 4664
described in this division. 4665

(B) The registrar shall impose a class D suspension of the 4666
person's driver's license, commercial driver's license, 4667

temporary instruction permit, probationary license, or 4668
nonresident operating privilege for the period of time specified 4669
in division (B) (4) of section 4510.02 of the Revised Code on any 4670
person who is a resident of this state and is convicted of or 4671
pleads guilty to a violation of a statute of any other state or 4672
a municipal ordinance of a municipal corporation located in any 4673
other state that is substantially similar to section 4511.19 of 4674
the Revised Code. Upon receipt of a report from another state 4675
made pursuant to section 4510.61 of the Revised Code indicating 4676
that a resident of this state was convicted of or pleaded guilty 4677
to an offense described in this division, the registrar shall 4678
send a notice by regular first class mail to the person, at the 4679
person's last known address as shown in the records of the 4680
bureau of motor vehicles, informing the person of the 4681
suspension, that the suspension or denial will take effect 4682
twenty-one days from the date of the notice, and that, if the 4683
person wishes to appeal the suspension, the person must file a 4684
notice of appeal within twenty-one days of the date of the 4685
notice requesting a hearing on the matter. If the person 4686
requests a hearing, the registrar shall hold the hearing not 4687
more than forty days after receipt by the registrar of the 4688
notice of appeal. The filing of a notice of appeal does not stay 4689
the operation of the suspension that must be imposed pursuant to 4690
this division. The scope of the hearing shall be limited to 4691
whether the person actually was convicted of or pleaded guilty 4692
to the offense for which the suspension is to be imposed. 4693

The suspension the registrar is required to impose under 4694
this division shall end either on the last day of the class D 4695
suspension period or of the suspension of the person's 4696
nonresident operating privilege imposed by the state or federal 4697
court, whichever is earlier. 4698

(C) The registrar shall impose a class D suspension of the
child's driver's license, commercial driver's license, temporary
instruction permit, or nonresident operating privilege for the
period of time specified in division (B) (4) of section 4510.02
of the Revised Code on any child who is a resident of this state
and is convicted of or pleads guilty to a violation of a statute
of any other state or any federal statute that is substantially
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,
2925.06, 2925.11, ~~2925.12~~, 2925.13, ~~2925.14~~, ~~2925.141~~, 2925.22,
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised
Code and the person's license, permit, or privilege is
authorized or is required to be suspended had the offense
occurred in this state. Upon receipt of a report from a court,
court clerk, or other official of any other state or from any
federal authority that a child who is a resident of this state
was convicted of or pleaded guilty to an offense described in
this division, the registrar shall send a notice by regular
first class mail to the child, at the child's last known address
as shown in the records of the bureau of motor vehicles,
informing the child of the suspension, that the suspension or
denial will take effect twenty-one days from the date of the
notice, and that, if the child wishes to appeal the suspension,
the child must file a notice of appeal within twenty-one days of
the date of the notice requesting a hearing on the matter. If
the child requests a hearing, the registrar shall hold the
hearing not more than forty days after receipt by the registrar
of the notice of appeal. The filing of a notice of appeal does
not stay the operation of the suspension that must be imposed
pursuant to this division. The scope of the hearing shall be
limited to whether the child actually was convicted of or
pleaded guilty to the offense for which the suspension is to be
imposed.

The suspension the registrar is required to impose under 4731
this division shall end either on the last day of the class D 4732
suspension period or of the suspension of the child's 4733
nonresident operating privilege imposed by the state or federal 4734
court, whichever is earlier. If the child is a resident of this 4735
state who is sixteen years of age or older and does not have a 4736
current, valid Ohio driver's or commercial driver's license or 4737
permit, the notice shall inform the child that the child will be 4738
denied issuance of a driver's or commercial driver's license or 4739
permit for six months beginning on the date of the notice. If 4740
the child has not attained the age of sixteen years on the date 4741
of the notice, the notice shall inform the child that the period 4742
of denial of six months shall commence on the date the child 4743
attains the age of sixteen years. 4744

The registrar shall subscribe to or otherwise participate 4745
in any information system or register, or enter into reciprocal 4746
and mutual agreements with other states and federal authorities, 4747
in order to facilitate the exchange of information with other 4748
states and the United States government regarding children who 4749
are residents of this state and plead guilty to or are convicted 4750
of offenses described in this division and therefore are subject 4751
to the suspension or denial described in this division. 4752

(D) The registrar shall impose a class D suspension of the 4753
child's driver's license, commercial driver's license, temporary 4754
instruction permit, probationary license, or nonresident 4755
operating privilege for the period of time specified in division 4756
(B) (4) of section 4510.02 of the Revised Code on any child who 4757
is a resident of this state and is convicted of or pleads guilty 4758
to a violation of a statute of any other state or a municipal 4759
ordinance of a municipal corporation located in any other state 4760
that is substantially similar to section 4511.19 of the Revised 4761

Code. Upon receipt of a report from another state made pursuant 4762
to section 4510.61 of the Revised Code indicating that a child 4763
who is a resident of this state was convicted of or pleaded 4764
guilty to an offense described in this division, the registrar 4765
shall send a notice by regular first class mail to the child, at 4766
the child's last known address as shown in the records of the 4767
bureau of motor vehicles, informing the child of the suspension, 4768
that the suspension will take effect twenty-one days from the 4769
date of the notice, and that, if the child wishes to appeal the 4770
suspension, the child must file a notice of appeal within 4771
twenty-one days of the date of the notice requesting a hearing 4772
on the matter. If the child requests a hearing, the registrar 4773
shall hold the hearing not more than forty days after receipt by 4774
the registrar of the notice of appeal. The filing of a notice of 4775
appeal does not stay the operation of the suspension that must 4776
be imposed pursuant to this division. The scope of the hearing 4777
shall be limited to whether the child actually was convicted of 4778
or pleaded guilty to the offense for which the suspension is to 4779
be imposed. 4780

The suspension the registrar is required to impose under 4781
this division shall end either on the last day of the class D 4782
suspension period or of the suspension of the child's 4783
nonresident operating privilege imposed by the state or federal 4784
court, whichever is earlier. If the child is a resident of this 4785
state who is sixteen years of age or older and does not have a 4786
current, valid Ohio driver's or commercial driver's license or 4787
permit, the notice shall inform the child that the child will be 4788
denied issuance of a driver's or commercial driver's license or 4789
permit for six months beginning on the date of the notice. If 4790
the child has not attained the age of sixteen years on the date 4791
of the notice, the notice shall inform the child that the period 4792

of denial of six months shall commence on the date the child 4793
attains the age of sixteen years. 4794

(E) (1) Any person whose license or permit has been 4795
suspended pursuant to this section may file a petition in the 4796
municipal or county court, or in case the person is under 4797
eighteen years of age, the juvenile court, in whose jurisdiction 4798
the person resides, requesting limited driving privileges and 4799
agreeing to pay the cost of the proceedings. Except as provided 4800
in division (E) (2) or (3) of this section, the judge may grant 4801
the person limited driving privileges during the period during 4802
which the suspension otherwise would be imposed for any of the 4803
purposes set forth in division (A) of section 4510.021 of the 4804
Revised Code. 4805

(2) No judge shall grant limited driving privileges for 4806
employment as a driver of a commercial motor vehicle to any 4807
person who would be disqualified from operating a commercial 4808
motor vehicle under section 4506.16 of the Revised Code if the 4809
violation had occurred in this state. Further, no judge shall 4810
grant limited driving privileges during any of the following 4811
periods of time: 4812

(a) The first fifteen days of a suspension under division 4813
(B) or (D) of this section, if the person has not been convicted 4814
within ten years of the date of the offense giving rise to the 4815
suspension under this section of a violation of any of the 4816
following: 4817

(i) Section 4511.19 of the Revised Code, or a municipal 4818
ordinance relating to operating a vehicle while under the 4819
influence of alcohol, a drug of abuse, or alcohol and a drug of 4820
abuse; 4821

(ii) A municipal ordinance relating to operating a motor 4822
vehicle with a prohibited concentration of alcohol, a controlled 4823
substance, or a metabolite of a controlled substance in the 4824
whole blood, blood serum or plasma, breath, or urine; 4825

(iii) Section 2903.04 of the Revised Code in a case in 4826
which the person was subject to the sanctions described in 4827
division (D) of that section; 4828

(iv) Division (A)(1) of section 2903.06 or division (A)(1) 4829
of section 2903.08 of the Revised Code or a municipal ordinance 4830
that is substantially similar to either of those divisions; 4831

(v) Division (A)(2), (3), or (4) of section 2903.06, 4832
division (A)(2) of section 2903.08, or as it existed prior to 4833
March 23, 2000, section 2903.07 of the Revised Code, or a 4834
municipal ordinance that is substantially similar to any of 4835
those divisions or that former section, in a case in which the 4836
jury or judge found that the person was under the influence of 4837
alcohol, a drug of abuse, or alcohol and a drug of abuse. 4838

(b) The first thirty days of a suspension under division 4839
(B) or (D) of this section, if the person has been convicted one 4840
time within ten years of the date of the offense giving rise to 4841
the suspension under this section of any violation identified in 4842
division (E)(1)(a) of this section. 4843

(c) The first one hundred eighty days of a suspension 4844
under division (B) or (D) of this section, if the person has 4845
been convicted two times within ten years of the date of the 4846
offense giving rise to the suspension under this section of any 4847
violation identified in division (E)(1)(a) of this section. 4848

(3) No limited driving privileges may be granted if the 4849
person has been convicted three or more times within five years 4850

of the date of the offense giving rise to a suspension under 4851
division (B) or (D) of this section of any violation identified 4852
in division (E) (1) (a) of this section. 4853

(4) In accordance with section 4510.022 of the Revised 4854
Code, a person may petition for, and a judge may grant, 4855
unlimited driving privileges with a certified ignition interlock 4856
device during the period of suspension imposed under division 4857
(B) or (D) of this section to a person described in division (E) 4858
(2) (a) of this section. 4859

(5) If a person petitions for limited driving privileges 4860
under division (E) (1) of this section or unlimited driving 4861
privileges with a certified ignition interlock device as 4862
provided in division (E) (4) of this section, the registrar shall 4863
be represented by the county prosecutor of the county in which 4864
the person resides if the petition is filed in a juvenile court 4865
or county court, except that if the person resides within a city 4866
or village that is located within the jurisdiction of the county 4867
in which the petition is filed, the city director of law or 4868
village solicitor of that city or village shall represent the 4869
registrar. If the petition is filed in a municipal court, the 4870
registrar shall be represented as provided in section 1901.34 of 4871
the Revised Code. 4872

(6) (a) In issuing an order granting limited driving 4873
privileges under division (E) (1) of this section, the court may 4874
impose any condition it considers reasonable and necessary to 4875
limit the use of a vehicle by the person. The court shall 4876
deliver to the person a copy of the order setting forth the 4877
time, place, and other conditions limiting the person's use of a 4878
motor vehicle. Unless division (E) (6) (b) of this section 4879
applies, the grant of limited driving privileges shall be 4880

conditioned upon the person's having the order in the person's 4881
possession at all times during which the person is operating a 4882
vehicle. 4883

(b) If, under the order, the court requires the use of an 4884
immobilizing or disabling device as a condition of the grant of 4885
limited or unlimited driving privileges, the person shall 4886
present to the registrar or to a deputy registrar the copy of 4887
the order granting limited driving privileges and a certificate 4888
affirming the installation of an immobilizing or disabling 4889
device that is in a form established by the director of public 4890
safety and is signed by the person who installed the device. 4891
Upon presentation of the order and the certificate to the 4892
registrar or a deputy registrar, the registrar or deputy 4893
registrar shall issue to the offender a restricted license, 4894
unless the offender's driver's or commercial driver's license or 4895
permit is suspended under any other provision of law and limited 4896
driving privileges have not been granted with regard to that 4897
suspension. A restricted license issued under this division 4898
shall be identical to an Ohio driver's license, except that it 4899
shall have printed on its face a statement that the offender is 4900
prohibited from operating any motor vehicle that is not equipped 4901
with an immobilizing or disabling device in violation of the 4902
order. 4903

(7) (a) Unless division (E) (7) (b) applies, a person granted 4904
limited driving privileges who operates a vehicle for other than 4905
limited purposes, in violation of any condition imposed by the 4906
court or without having the order in the person's possession, is 4907
guilty of a violation of section 4510.11 of the Revised Code. 4908

(b) No person who has been granted limited or unlimited 4909
driving privileges under division (E) of this section subject to 4910

an immobilizing or disabling device order shall operate a motor 4911
vehicle prior to obtaining a restricted license. Any person who 4912
violates this prohibition is subject to the penalties prescribed 4913
in section 4510.14 of the Revised Code. 4914

(c) The offenses established under division (E) (7) of this 4915
section are strict liability offenses and section 2901.20 of the 4916
Revised Code does not apply. 4917

(F) The provisions of division (A) (8) of section 4510.13 4918
of the Revised Code apply to a person who has been granted 4919
limited or unlimited driving privileges with a certified 4920
ignition interlock device under this section and who either 4921
commits an ignition interlock device violation as defined under 4922
section 4510.46 of the Revised Code or operates a motor vehicle 4923
that is not equipped with a certified ignition interlock device. 4924

(G) Any person whose license or permit has been suspended 4925
under division (A) or (C) of this section may file a petition in 4926
the municipal or county court, or in case the person is under 4927
eighteen years of age, the juvenile court, in whose jurisdiction 4928
the person resides, requesting the termination of the suspension 4929
and agreeing to pay the cost of the proceedings. If the court, 4930
in its discretion, determines that a termination of the 4931
suspension is appropriate, the court shall issue an order to the 4932
registrar to terminate the suspension. Upon receiving such an 4933
order, the registrar shall reinstate the license. 4934

(H) As used in divisions (C) and (D) of this section: 4935

(1) "Child" means a person who is under the age of 4936
eighteen years, except that any person who violates a statute or 4937
ordinance described in division (C) or (D) of this section prior 4938
to attaining eighteen years of age shall be deemed a "child" 4939

irrespective of the person's age at the time the complaint or 4940
other equivalent document is filed in the other state or a 4941
hearing, trial, or other proceeding is held in the other state 4942
on the complaint or other equivalent document, and irrespective 4943
of the person's age when the period of license suspension or 4944
denial prescribed in division (C) or (D) of this section is 4945
imposed. 4946

(2) "Is convicted of or pleads guilty to" means, as it 4947
relates to a child who is a resident of this state, that in a 4948
proceeding conducted in a state or federal court located in 4949
another state for a violation of a statute or ordinance 4950
described in division (C) or (D) of this section, the result of 4951
the proceeding is any of the following: 4952

(a) Under the laws that govern the proceedings of the 4953
court, the child is adjudicated to be or admits to being a 4954
delinquent child or a juvenile traffic offender for a violation 4955
described in division (C) or (D) of this section that would be a 4956
crime if committed by an adult; 4957

(b) Under the laws that govern the proceedings of the 4958
court, the child is convicted of or pleads guilty to a violation 4959
described in division (C) or (D) of this section; 4960

(c) Under the laws that govern the proceedings of the 4961
court, irrespective of the terminology utilized in those laws, 4962
the result of the court's proceedings is the functional 4963
equivalent of division (H) (2) (a) or (b) of this section. 4964

Section 2. That existing sections 2923.01, 2925.02, 4965
2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2925.13, 4966
2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 4967
2925.37, 3123.56, 3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 4968

4509.101, 4509.37, 4509.67, 4510.101, 4510.111, and 4510.17 of 4969
the Revised Code are hereby repealed. 4970

Section 3. That section 4510.32 of the Revised Code is 4971
hereby repealed. 4972

Section 4. (A) An offender who received a suspension of 4973
the offender's temporary instruction permit or driver's license 4974
or a denial of the opportunity to obtain a permit or license 4975
under section 4510.32 of the Revised Code, as it existed prior 4976
to the effective date of this section, may file a motion with 4977
the juvenile court in whose jurisdiction the offender resides 4978
requesting the termination of the suspension or denial. 4979

(B) Upon the filing of a motion under this section, the 4980
juvenile court, in its discretion, may order the registrar of 4981
motor vehicles to terminate the suspension or terminate the 4982
denial of the opportunity to obtain a permit or license. If so 4983
ordered, the registrar shall do all of the following: 4984

(1) Cancel the record created for the offender regarding 4985
the suspension or denial of the offender's opportunity to obtain 4986
a permit or license; 4987

(2) Terminate the suspension of the offender's permit or 4988
license or the denial of the offender's opportunity to obtain a 4989
permit or license; 4990

(3) Return the driver's license or permit to the offender 4991
or reissue the offender's license or permit under section 4992
4510.52 of the Revised Code, if the registrar destroyed the 4993
suspended license or permit under that section. 4994

Section 5. The General Assembly, applying the principle 4995
stated in division (B) of section 1.52 of the Revised Code that 4996
amendments are to be harmonized if reasonably capable of 4997

simultaneous operation, finds that the following sections, 4998
presented in this act as composites of the sections as amended 4999
by the acts indicated, are the resulting versions of the 5000
sections in effect prior to the effective date of the sections 5001
as presented in this act: 5002

Section 2925.02 of the Revised Code as amended by both 5003
S.B. 1 and S.B. 201 of the 132nd General Assembly. 5004

Section 2925.04 of the Revised Code as amended by both 5005
S.B. 1 and S.B. 201 of the 132nd General Assembly. 5006

Section 2925.05 of the Revised Code as amended by both 5007
S.B. 1 and S.B. 201 of the 132nd General Assembly. 5008

Section 2925.11 of the Revised Code as amended by S.B. 1, 5009
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 5010

Section 4509.101 of the Revised Code as amended by both 5011
H.B. 62 and H.B. 158 of the 133rd General Assembly. 5012

Section 4510.17 of the Revised Code as amended by both 5013
H.B. 388 and S.B. 204 of the 131st General Assembly. 5014