

As Introduced

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H. B. No. 296

Representative Gavarone

**Cosponsors: Representatives Wiggam, Riedel, Lipps, Smith, R., Ryan, Sprague,
Schuring, Butler, Cupp, Arndt, Carfagna, Kick, LaTourette, Patton**

A BILL

To amend sections 2925.01, 2925.02, 2925.03, 1
2925.04, 2925.041, 2925.36, and 2925.37 of the 2
Revised Code to enhance penalties for certain 3
drug offenses committed in the vicinity of a 4
community addiction services provider. 5

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

Section 1. That sections 2925.01, 2925.02, 2925.03, 6
2925.04, 2925.041, 2925.36, and 2925.37 of the Revised Code be 7
amended to read as follows: 8

Sec. 2925.01. As used in this chapter: 9

(A) "Administer," "controlled substance," "controlled 10
substance analog," "dispense," "distribute," "hypodermic," 11
"manufacturer," "official written order," "person," 12
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 13
"schedule III," "schedule IV," "schedule V," and "wholesaler" 14
have the same meanings as in section 3719.01 of the Revised 15
Code. 16

(B) "Drug dependent person" and "drug of abuse" have the 17

same meanings as in section 3719.011 of the Revised Code. 18

(C) "Drug," "dangerous drug," "licensed health 19
professional authorized to prescribe drugs," and "prescription" 20
have the same meanings as in section 4729.01 of the Revised 21
Code. 22

(D) "Bulk amount" of a controlled substance means any of 23
the following: 24

(1) For any compound, mixture, preparation, or substance 25
included in schedule I, schedule II, or schedule III, with the 26
exception of controlled substance analogs, marihuana, cocaine, 27
L.S.D., heroin, and hashish and except as provided in division 28
(D) (2) or (5) of this section, whichever of the following is 29
applicable: 30

(a) An amount equal to or exceeding ten grams or twenty- 31
five unit doses of a compound, mixture, preparation, or 32
substance that is or contains any amount of a schedule I opiate 33
or opium derivative; 34

(b) An amount equal to or exceeding ten grams of a 35
compound, mixture, preparation, or substance that is or contains 36
any amount of raw or gum opium; 37

(c) An amount equal to or exceeding thirty grams or ten 38
unit doses of a compound, mixture, preparation, or substance 39
that is or contains any amount of a schedule I hallucinogen 40
other than tetrahydrocannabinol or lysergic acid amide, or a 41
schedule I stimulant or depressant; 42

(d) An amount equal to or exceeding twenty grams or five 43
times the maximum daily dose in the usual dose range specified 44
in a standard pharmaceutical reference manual of a compound, 45
mixture, preparation, or substance that is or contains any 46

amount of a schedule II opiate or opium derivative; 47

(e) An amount equal to or exceeding five grams or ten unit 48
doses of a compound, mixture, preparation, or substance that is 49
or contains any amount of phencyclidine; 50

(f) An amount equal to or exceeding one hundred twenty 51
grams or thirty times the maximum daily dose in the usual dose 52
range specified in a standard pharmaceutical reference manual of 53
a compound, mixture, preparation, or substance that is or 54
contains any amount of a schedule II stimulant that is in a 55
final dosage form manufactured by a person authorized by the 56
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 57
U.S.C.A. 301, as amended, and the federal drug abuse control 58
laws, as defined in section 3719.01 of the Revised Code, that is 59
or contains any amount of a schedule II depressant substance or 60
a schedule II hallucinogenic substance; 61

(g) An amount equal to or exceeding three grams of a 62
compound, mixture, preparation, or substance that is or contains 63
any amount of a schedule II stimulant, or any of its salts or 64
isomers, that is not in a final dosage form manufactured by a 65
person authorized by the Federal Food, Drug, and Cosmetic Act 66
and the federal drug abuse control laws. 67

(2) An amount equal to or exceeding one hundred twenty 68
grams or thirty times the maximum daily dose in the usual dose 69
range specified in a standard pharmaceutical reference manual of 70
a compound, mixture, preparation, or substance that is or 71
contains any amount of a schedule III or IV substance other than 72
an anabolic steroid or a schedule III opiate or opium 73
derivative; 74

(3) An amount equal to or exceeding twenty grams or five 75

times the maximum daily dose in the usual dose range specified 76
in a standard pharmaceutical reference manual of a compound, 77
mixture, preparation, or substance that is or contains any 78
amount of a schedule III opiate or opium derivative; 79

(4) An amount equal to or exceeding two hundred fifty 80
milliliters or two hundred fifty grams of a compound, mixture, 81
preparation, or substance that is or contains any amount of a 82
schedule V substance; 83

(5) An amount equal to or exceeding two hundred solid 84
dosage units, sixteen grams, or sixteen milliliters of a 85
compound, mixture, preparation, or substance that is or contains 86
any amount of a schedule III anabolic steroid. 87

(E) "Unit dose" means an amount or unit of a compound, 88
mixture, or preparation containing a controlled substance that 89
is separately identifiable and in a form that indicates that it 90
is the amount or unit by which the controlled substance is 91
separately administered to or taken by an individual. 92

(F) "Cultivate" includes planting, watering, fertilizing, 93
or tilling. 94

(G) "Drug abuse offense" means any of the following: 95

(1) A violation of division (A) of section 2913.02 that 96
constitutes theft of drugs, or a violation of section 2925.02, 97
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 98
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 99
or 2925.37 of the Revised Code; 100

(2) A violation of an existing or former law of this or 101
any other state or of the United States that is substantially 102
equivalent to any section listed in division (G) (1) of this 103
section; 104

(3) An offense under an existing or former law of this or 105
any other state, or of the United States, of which planting, 106
cultivating, harvesting, processing, making, manufacturing, 107
producing, shipping, transporting, delivering, acquiring, 108
possessing, storing, distributing, dispensing, selling, inducing 109
another to use, administering to another, using, or otherwise 110
dealing with a controlled substance is an element; 111

(4) A conspiracy to commit, attempt to commit, or 112
complicity in committing or attempting to commit any offense 113
under division (G) (1), (2), or (3) of this section. 114

(H) "Felony drug abuse offense" means any drug abuse 115
offense that would constitute a felony under the laws of this 116
state, any other state, or the United States. 117

(I) "Harmful intoxicant" does not include beer or 118
intoxicating liquor but means any of the following: 119

(1) Any compound, mixture, preparation, or substance the 120
gas, fumes, or vapor of which when inhaled can induce 121
intoxication, excitement, giddiness, irrational behavior, 122
depression, stupefaction, paralysis, unconsciousness, 123
asphyxiation, or other harmful physiological effects, and 124
includes, but is not limited to, any of the following: 125

(a) Any volatile organic solvent, plastic cement, model 126
cement, fingernail polish remover, lacquer thinner, cleaning 127
fluid, gasoline, or other preparation containing a volatile 128
organic solvent; 129

(b) Any aerosol propellant; 130

(c) Any fluorocarbon refrigerant; 131

(d) Any anesthetic gas. 132

(2) Gamma Butyrolactone;	133
(3) 1,4 Butanediol.	134
(J) "Manufacture" means to plant, cultivate, harvest,	135
process, make, prepare, or otherwise engage in any part of the	136
production of a drug, by propagation, extraction, chemical	137
synthesis, or compounding, or any combination of the same, and	138
includes packaging, repackaging, labeling, and other activities	139
incident to production.	140
(K) "Possess" or "possession" means having control over a	141
thing or substance, but may not be inferred solely from mere	142
access to the thing or substance through ownership or occupation	143
of the premises upon which the thing or substance is found.	144
(L) "Sample drug" means a drug or pharmaceutical	145
preparation that would be hazardous to health or safety if used	146
without the supervision of a licensed health professional	147
authorized to prescribe drugs, or a drug of abuse, and that, at	148
one time, had been placed in a container plainly marked as a	149
sample by a manufacturer.	150
(M) "Standard pharmaceutical reference manual" means the	151
current edition, with cumulative changes if any, of references	152
that are approved by the state board of pharmacy.	153
(N) "Juvenile" means a person under eighteen years of age.	154
(O) "Counterfeit controlled substance" means any of the	155
following:	156
(1) Any drug that bears, or whose container or label	157
bears, a trademark, trade name, or other identifying mark used	158
without authorization of the owner of rights to that trademark,	159
trade name, or identifying mark;	160

(2) Any unmarked or unlabeled substance that is 161
represented to be a controlled substance manufactured, 162
processed, packed, or distributed by a person other than the 163
person that manufactured, processed, packed, or distributed it; 164

(3) Any substance that is represented to be a controlled 165
substance but is not a controlled substance or is a different 166
controlled substance; 167

(4) Any substance other than a controlled substance that a 168
reasonable person would believe to be a controlled substance 169
because of its similarity in shape, size, and color, or its 170
markings, labeling, packaging, distribution, or the price for 171
which it is sold or offered for sale. 172

(P) An offense is "committed in the vicinity of a school" 173
if the offender commits the offense on school premises, in a 174
school building, or within one thousand feet of the boundaries 175
of any school premises, regardless of whether the offender knows 176
the offense is being committed on school premises, in a school 177
building, or within one thousand feet of the boundaries of any 178
school premises. 179

(Q) "School" means any school operated by a board of 180
education, any community school established under Chapter 3314. 181
of the Revised Code, or any nonpublic school for which the state 182
board of education prescribes minimum standards under section 183
3301.07 of the Revised Code, whether or not any instruction, 184
extracurricular activities, or training provided by the school 185
is being conducted at the time a criminal offense is committed. 186

(R) "School premises" means either of the following: 187

(1) The parcel of real property on which any school is 188
situated, whether or not any instruction, extracurricular 189

activities, or training provided by the school is being 190
conducted on the premises at the time a criminal offense is 191
committed; 192

(2) Any other parcel of real property that is owned or 193
leased by a board of education of a school, the governing 194
authority of a community school established under Chapter 3314. 195
of the Revised Code, or the governing body of a nonpublic school 196
for which the state board of education prescribes minimum 197
standards under section 3301.07 of the Revised Code and on which 198
some of the instruction, extracurricular activities, or training 199
of the school is conducted, whether or not any instruction, 200
extracurricular activities, or training provided by the school 201
is being conducted on the parcel of real property at the time a 202
criminal offense is committed. 203

(S) "School building" means any building in which any of 204
the instruction, extracurricular activities, or training 205
provided by a school is conducted, whether or not any 206
instruction, extracurricular activities, or training provided by 207
the school is being conducted in the school building at the time 208
a criminal offense is committed. 209

(T) "Disciplinary counsel" means the disciplinary counsel 210
appointed by the board of commissioners on grievances and 211
discipline of the supreme court under the Rules for the 212
Government of the Bar of Ohio. 213

(U) "Certified grievance committee" means a duly 214
constituted and organized committee of the Ohio state bar 215
association or of one or more local bar associations of the 216
state of Ohio that complies with the criteria set forth in Rule 217
V, section 6 of the Rules for the Government of the Bar of Ohio. 218

(V) "Professional license" means any license, permit, 219
certificate, registration, qualification, admission, temporary 220
license, temporary permit, temporary certificate, or temporary 221
registration that is described in divisions (W) (1) to (36) of 222
this section and that qualifies a person as a professionally 223
licensed person. 224

(W) "Professionally licensed person" means any of the 225
following: 226

(1) A person who has obtained a license as a manufacturer 227
of controlled substances or a wholesaler of controlled 228
substances under Chapter 3719. of the Revised Code; 229

(2) A person who has received a certificate or temporary 230
certificate as a certified public accountant or who has 231
registered as a public accountant under Chapter 4701. of the 232
Revised Code and who holds an Ohio permit issued under that 233
chapter; 234

(3) A person who holds a certificate of qualification to 235
practice architecture issued or renewed and registered under 236
Chapter 4703. of the Revised Code; 237

(4) A person who is registered as a landscape architect 238
under Chapter 4703. of the Revised Code or who holds a permit as 239
a landscape architect issued under that chapter; 240

(5) A person licensed under Chapter 4707. of the Revised 241
Code; 242

(6) A person who has been issued a certificate of 243
registration as a registered barber under Chapter 4709. of the 244
Revised Code; 245

(7) A person licensed and regulated to engage in the 246

business of a debt pooling company by a legislative authority, 247
under authority of Chapter 4710. of the Revised Code; 248

(8) A person who has been issued a cosmetologist's 249
license, hair designer's license, manicurist's license, 250
esthetician's license, natural hair stylist's license, advanced 251
cosmetologist's license, advanced hair designer's license, 252
advanced manicurist's license, advanced esthetician's license, 253
advanced natural hair stylist's license, cosmetology 254
instructor's license, hair design instructor's license, 255
manicurist instructor's license, esthetics instructor's license, 256
natural hair style instructor's license, independent 257
contractor's license, or tanning facility permit under Chapter 258
4713. of the Revised Code; 259

(9) A person who has been issued a license to practice 260
dentistry, a general anesthesia permit, a conscious intravenous 261
sedation permit, a limited resident's license, a limited 262
teaching license, a dental hygienist's license, or a dental 263
hygienist's teacher's certificate under Chapter 4715. of the 264
Revised Code; 265

(10) A person who has been issued an embalmer's license, a 266
funeral director's license, a funeral home license, or a 267
crematory license, or who has been registered for an embalmer's 268
or funeral director's apprenticeship under Chapter 4717. of the 269
Revised Code; 270

(11) A person who has been licensed as a registered nurse 271
or practical nurse, or who has been issued a certificate for the 272
practice of nurse-midwifery under Chapter 4723. of the Revised 273
Code; 274

(12) A person who has been licensed to practice optometry 275

or to engage in optical dispensing under Chapter 4725. of the	276
Revised Code;	277
(13) A person licensed to act as a pawnbroker under	278
Chapter 4727. of the Revised Code;	279
(14) A person licensed to act as a precious metals dealer	280
under Chapter 4728. of the Revised Code;	281
(15) A person licensed as a pharmacist, a pharmacy intern,	282
a wholesale distributor of dangerous drugs, or a terminal	283
distributor of dangerous drugs under Chapter 4729. of the	284
Revised Code;	285
(16) A person who is authorized to practice as a physician	286
assistant under Chapter 4730. of the Revised Code;	287
(17) A person who has been issued a certificate to	288
practice medicine and surgery, osteopathic medicine and surgery,	289
a limited branch of medicine, or podiatry under Chapter 4731. of	290
the Revised Code;	291
(18) A person licensed as a psychologist or school	292
psychologist under Chapter 4732. of the Revised Code;	293
(19) A person registered to practice the profession of	294
engineering or surveying under Chapter 4733. of the Revised	295
Code;	296
(20) A person who has been issued a license to practice	297
chiropractic under Chapter 4734. of the Revised Code;	298
(21) A person licensed to act as a real estate broker or	299
real estate salesperson under Chapter 4735. of the Revised Code;	300
(22) A person registered as a registered sanitarian under	301
Chapter 4736. of the Revised Code;	302

(23) A person licensed to operate or maintain a junkyard	303
under Chapter 4737. of the Revised Code;	304
(24) A person who has been issued a motor vehicle salvage	305
dealer's license under Chapter 4738. of the Revised Code;	306
(25) A person who has been licensed to act as a steam	307
engineer under Chapter 4739. of the Revised Code;	308
(26) A person who has been issued a license or temporary	309
permit to practice veterinary medicine or any of its branches,	310
or who is registered as a graduate animal technician under	311
Chapter 4741. of the Revised Code;	312
(27) A person who has been issued a hearing aid dealer's	313
or fitter's license or trainee permit under Chapter 4747. of the	314
Revised Code;	315
(28) A person who has been issued a class A, class B, or	316
class C license or who has been registered as an investigator or	317
security guard employee under Chapter 4749. of the Revised Code;	318
(29) A person licensed and registered to practice as a	319
nursing home administrator under Chapter 4751. of the Revised	320
Code;	321
(30) A person licensed to practice as a speech-language	322
pathologist or audiologist under Chapter 4753. of the Revised	323
Code;	324
(31) A person issued a license as an occupational	325
therapist or physical therapist under Chapter 4755. of the	326
Revised Code;	327
(32) A person who is licensed as a licensed professional	328
clinical counselor, licensed professional counselor, social	329
worker, independent social worker, independent marriage and	330

family therapist, or marriage and family therapist, or 331
registered as a social work assistant under Chapter 4757. of the 332
Revised Code; 333

(33) A person issued a license to practice dietetics under 334
Chapter 4759. of the Revised Code; 335

(34) A person who has been issued a license or limited 336
permit to practice respiratory therapy under Chapter 4761. of 337
the Revised Code; 338

(35) A person who has been issued a real estate appraiser 339
certificate under Chapter 4763. of the Revised Code; 340

(36) A person who has been admitted to the bar by order of 341
the supreme court in compliance with its prescribed and 342
published rules. 343

(X) "Cocaine" means any of the following: 344

(1) A cocaine salt, isomer, or derivative, a salt of a 345
cocaine isomer or derivative, or the base form of cocaine; 346

(2) Coca leaves or a salt, compound, derivative, or 347
preparation of coca leaves, including ecgonine, a salt, isomer, 348
or derivative of ecgonine, or a salt of an isomer or derivative 349
of ecgonine; 350

(3) A salt, compound, derivative, or preparation of a 351
substance identified in division (X)(1) or (2) of this section 352
that is chemically equivalent to or identical with any of those 353
substances, except that the substances shall not include 354
decocainized coca leaves or extraction of coca leaves if the 355
extractions do not contain cocaine or ecgonine. 356

(Y) "L.S.D." means lysergic acid diethylamide. 357

(Z) "Hashish" means the resin or a preparation of the 358
resin contained in marihuana, whether in solid form or in a 359
liquid concentrate, liquid extract, or liquid distillate form. 360

(AA) "Marihuana" has the same meaning as in section 361
3719.01 of the Revised Code, except that it does not include 362
hashish. 363

(BB) An offense is "committed in the vicinity of a 364
juvenile" if the offender commits the offense within one hundred 365
feet of a juvenile or within the view of a juvenile, regardless 366
of whether the offender knows the age of the juvenile, whether 367
the offender knows the offense is being committed within one 368
hundred feet of or within view of the juvenile, or whether the 369
juvenile actually views the commission of the offense. 370

(CC) "Presumption for a prison term" or "presumption that 371
a prison term shall be imposed" means a presumption, as 372
described in division (D) of section 2929.13 of the Revised 373
Code, that a prison term is a necessary sanction for a felony in 374
order to comply with the purposes and principles of sentencing 375
under section 2929.11 of the Revised Code. 376

(DD) "Major drug offender" has the same meaning as in 377
section 2929.01 of the Revised Code. 378

(EE) "Minor drug possession offense" means either of the 379
following: 380

(1) A violation of section 2925.11 of the Revised Code as 381
it existed prior to July 1, 1996; 382

(2) A violation of section 2925.11 of the Revised Code as 383
it exists on and after July 1, 1996, that is a misdemeanor or a 384
felony of the fifth degree. 385

(FF) "Mandatory prison term" has the same meaning as in 386
section 2929.01 of the Revised Code. 387

(GG) "Adulterate" means to cause a drug to be adulterated 388
as described in section 3715.63 of the Revised Code. 389

(HH) "Public premises" means any hotel, restaurant, 390
tavern, store, arena, hall, or other place of public 391
accommodation, business, amusement, or resort. 392

(II) "Methamphetamine" means methamphetamine, any salt, 393
isomer, or salt of an isomer of methamphetamine, or any 394
compound, mixture, preparation, or substance containing 395
methamphetamine or any salt, isomer, or salt of an isomer of 396
methamphetamine. 397

(JJ) "Lawful prescription" means a prescription that is 398
issued for a legitimate medical purpose by a licensed health 399
professional authorized to prescribe drugs, that is not altered 400
or forged, and that was not obtained by means of deception or by 401
the commission of any theft offense. 402

(KK) "Deception" and "theft offense" have the same 403
meanings as in section 2913.01 of the Revised Code. 404

(LL) An offense is "committed in the vicinity of a 405
community addiction services provider" if the offender commits 406
the offense on the premises of a community addiction services 407
provider, including a facility licensed to provide methadone 408
treatment under section 5119.391 of the Revised Code, or within 409
one thousand feet of a community addiction services provider, 410
regardless of whether the offender knows the offense is being 411
committed within that vicinity. 412

(MM) "Community addiction services provider" has the same 413
meaning as in section 5119.01 of the Revised Code. 414

Sec. 2925.02. (A) No person shall knowingly do any of the 415
following: 416

(1) By force, threat, or deception, administer to another 417
or induce or cause another to use a controlled substance; 418

(2) By any means, administer or furnish to another or 419
induce or cause another to use a controlled substance with 420
purpose to cause serious physical harm to the other person, or 421
with purpose to cause the other person to become drug dependent; 422

(3) By any means, administer or furnish to another or 423
induce or cause another to use a controlled substance, and 424
thereby cause serious physical harm to the other person, or 425
cause the other person to become drug dependent; 426

(4) By any means, do any of the following: 427

(a) Furnish or administer a controlled substance to a 428
juvenile who is at least two years the offender's junior, when 429
the offender knows the age of the juvenile or is reckless in 430
that regard; 431

(b) Induce or cause a juvenile who is at least two years 432
the offender's junior to use a controlled substance, when the 433
offender knows the age of the juvenile or is reckless in that 434
regard; 435

(c) Induce or cause a juvenile who is at least two years 436
the offender's junior to commit a felony drug abuse offense, 437
when the offender knows the age of the juvenile or is reckless 438
in that regard; 439

(d) Use a juvenile, whether or not the offender knows the 440
age of the juvenile, to perform any surveillance activity that 441
is intended to prevent the detection of the offender or any 442

other person in the commission of a felony drug abuse offense or 443
to prevent the arrest of the offender or any other person for 444
the commission of a felony drug abuse offense. 445

(5) By any means, furnish or administer a controlled 446
substance to a pregnant woman or induce or cause a pregnant 447
woman to use a controlled substance, when the offender knows 448
that the woman is pregnant or is reckless in that regard. 449

(B) Division (A) (1), (3), (4), or (5) of this section does 450
not apply to manufacturers, wholesalers, licensed health 451
professionals authorized to prescribe drugs, pharmacists, owners 452
of pharmacies, and other persons whose conduct is in accordance 453
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 454
4741. of the Revised Code. 455

(C) Whoever violates this section is guilty of corrupting 456
another with drugs. The penalty for the offense shall be 457
determined as follows: 458

(1) If the offense is a violation of division (A) (1), (2), 459
(3), or (4) of this section and the drug involved is any 460
compound, mixture, preparation, or substance included in 461
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 462
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 463
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 464
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 465
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 466
offender shall be punished as follows: 467

(a) Except as otherwise provided in division (C) (1) (b) of 468
this section, corrupting another with drugs committed in those 469
circumstances is a felony of the second degree and, subject to 470
division (E) of this section, the court shall impose as a 471

mandatory prison term one of the prison terms prescribed for a 472
felony of the second degree. 473

(b) If the offense was committed in the vicinity of a 474
school or in the vicinity of a community addiction services 475
provider, corrupting another with drugs committed in those 476
circumstances is a felony of the first degree, and, subject to 477
division (E) of this section, the court shall impose as a 478
mandatory prison term one of the prison terms prescribed for a 479
felony of the first degree. 480

(2) If the offense is a violation of division (A) (1), (2), 481
(3), or (4) of this section and the drug involved is any 482
compound, mixture, preparation, or substance included in 483
schedule III, IV, or V, the offender shall be punished as 484
follows: 485

(a) Except as otherwise provided in division (C) (2) (b) of 486
this section, corrupting another with drugs committed in those 487
circumstances is a felony of the second degree and there is a 488
presumption for a prison term for the offense. 489

(b) If the offense was committed in the vicinity of a 490
school or in the vicinity of a community addiction services 491
provider, corrupting another with drugs committed in those 492
circumstances is a felony of the second degree and the court 493
shall impose as a mandatory prison term one of the prison terms 494
prescribed for a felony of the second degree. 495

(3) If the offense is a violation of division (A) (1), (2), 496
(3), or (4) of this section and the drug involved is marihuana, 497
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 498
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 499
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 500

(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the
offender shall be punished as follows:

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

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

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

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

(6) If the offense is a violation of division (A) (5) of 531
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 532
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 533
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 534
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 535
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 536
corrupting another with drugs is a felony of the third degree 537
and division (C) of section 2929.13 of the Revised Code applies 538
in determining whether to impose a prison term on the offender. 539

(D) In addition to any prison term authorized or required 540
by division (C) or (E) of this section and sections 2929.13 and 541
2929.14 of the Revised Code and in addition to any other 542
sanction imposed for the offense under this section or sections 543
2929.11 to 2929.18 of the Revised Code, the court that sentences 544
an offender who is convicted of or pleads guilty to a violation 545
of division (A) of this section may suspend for not more than 546
five years the offender's driver's or commercial driver's 547
license or permit. However, if the offender pleaded guilty to or 548
was convicted of a violation of section 4511.19 of the Revised 549
Code or a substantially similar municipal ordinance or the law 550
of another state or the United States arising out of the same 551
set of circumstances as the violation, the court shall suspend 552
the offender's driver's or commercial driver's license or permit 553
for not more than five years. The court also shall do all of the 554
following that are applicable regarding the offender: 555

(1) (a) If the violation is a felony of the first, second, 556
or third degree, the court shall impose upon the offender the 557
mandatory fine specified for the offense under division (B) (1) 558
of section 2929.18 of the Revised Code unless, as specified in 559
that division, the court determines that the offender is 560
indigent. 561

(b) Notwithstanding any contrary provision of section 562
3719.21 of the Revised Code, any mandatory fine imposed pursuant 563
to division (D) (1) (a) of this section and any fine imposed for a 564
violation of this section pursuant to division (A) of section 565
2929.18 of the Revised Code shall be paid by the clerk of the 566
court in accordance with and subject to the requirements of, and 567
shall be used as specified in, division (F) of section 2925.03 568
of the Revised Code. 569

(c) If a person is charged with any violation of this 570
section that is a felony of the first, second, or third degree, 571
posts bail, and forfeits the bail, the forfeited bail shall be 572
paid by the clerk of the court pursuant to division (D) (1) (b) of 573
this section as if it were a fine imposed for a violation of 574
this section. 575

(2) If the offender is a professionally licensed person, 576
in addition to any other sanction imposed for a violation of 577
this section, the court immediately shall comply with section 578
2925.38 of the Revised Code. 579

(E) Notwithstanding the prison term otherwise authorized 580
or required for the offense under division (C) of this section 581
and sections 2929.13 and 2929.14 of the Revised Code, if the 582
violation of division (A) of this section involves the sale, 583
offer to sell, or possession of a schedule I or II controlled 584
substance, with the exception of marihuana, 1-Pentyl-3-(1- 585
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 586
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 587
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 588
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 589
if the court imposing sentence upon the offender finds that the 590
offender as a result of the violation is a major drug offender 591

and is guilty of a specification of the type described in 592
section 2941.1410 of the Revised Code, the court, in lieu of the 593
prison term that otherwise is authorized or required, shall 594
impose upon the offender the mandatory prison term specified in 595
division (B) (3) (a) of section 2929.14 of the Revised Code. 596

(F) (1) If the sentencing court suspends the offender's 597
driver's or commercial driver's license or permit under division 598
(D) of this section, the offender, at any time after the 599
expiration of two years from the day on which the offender's 600
sentence was imposed or from the day on which the offender 601
finally was released from a prison term under the sentence, 602
whichever is later, may file a motion with the sentencing court 603
requesting termination of the suspension. Upon the filing of the 604
motion and the court's finding of good cause for the 605
determination, the court may terminate the suspension. 606

(2) Any offender who received a mandatory suspension of 607
the offender's driver's or commercial driver's license or permit 608
under this section prior to ~~the effective date of this amendment~~ 609
September 13, 2016, may file a motion with the sentencing court 610
requesting the termination of the suspension. However, an 611
offender who pleaded guilty to or was convicted of a violation 612
of section 4511.19 of the Revised Code or a substantially 613
similar municipal ordinance or law of another state or the 614
United States that arose out of the same set of circumstances as 615
the violation for which the offender's license or permit was 616
suspended under this section shall not file such a motion. 617

Upon the filing of a motion under division (F) (2) of this 618
section, the sentencing court, in its discretion, may terminate 619
the suspension. 620

Sec. 2925.03. (A) No person shall knowingly do any of the 621

following: 622

(1) Sell or offer to sell a controlled substance or a 623
controlled substance analog; 624

(2) Prepare for shipment, ship, transport, deliver, 625
prepare for distribution, or distribute a controlled substance 626
or a controlled substance analog, when the offender knows or has 627
reasonable cause to believe that the controlled substance or a 628
controlled substance analog is intended for sale or resale by 629
the offender or another person. 630

(B) This section does not apply to any of the following: 631

(1) Manufacturers, licensed health professionals 632
authorized to prescribe drugs, pharmacists, owners of 633
pharmacies, and other persons whose conduct is in accordance 634
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 635
4741. of the Revised Code; 636

(2) If the offense involves an anabolic steroid, any 637
person who is conducting or participating in a research project 638
involving the use of an anabolic steroid if the project has been 639
approved by the United States food and drug administration; 640

(3) Any person who sells, offers for sale, prescribes, 641
dispenses, or administers for livestock or other nonhuman 642
species an anabolic steroid that is expressly intended for 643
administration through implants to livestock or other nonhuman 644
species and approved for that purpose under the "Federal Food, 645
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 646
as amended, and is sold, offered for sale, prescribed, 647
dispensed, or administered for that purpose in accordance with 648
that act. 649

(C) Whoever violates division (A) of this section is 650

guilty of one of the following:

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

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

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

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

of the prison terms prescribed for a felony of the third degree. 681
If the amount of the drug involved is within that range and if 682
the offense was committed in the vicinity of a school~~or~~, in 683
the vicinity of a juvenile, or in the vicinity of a community 684
addiction services provider, aggravated trafficking in drugs is 685
a felony of the second degree, and the court shall impose as a 686
mandatory prison term one of the prison terms prescribed for a 687
felony of the second degree. 688

(d) Except as otherwise provided in this division, if the 689
amount of the drug involved equals or exceeds five times the 690
bulk amount but is less than fifty times the bulk amount, 691
aggravated trafficking in drugs is a felony of the second 692
degree, and the court shall impose as a mandatory prison term 693
one of the prison terms prescribed for a felony of the second 694
degree. If the amount of the drug involved is within that range 695
and if the offense was committed in the vicinity of a school~~or~~ 696
~~, in the vicinity of a juvenile,~~ or in the vicinity of a 697
community addiction services provider, aggravated trafficking in 698
drugs is a felony of the first degree, and the court shall 699
impose as a mandatory prison term one of the prison terms 700
prescribed for a felony of the first degree. 701

(e) If the amount of the drug involved equals or exceeds 702
fifty times the bulk amount but is less than one hundred times 703
the bulk amount and regardless of whether the offense was 704
committed in the vicinity of a school~~or~~, in the vicinity of a 705
juvenile, or in the vicinity of a community addiction services 706
provider, aggravated trafficking in drugs is a felony of the 707
first degree, and the court shall impose as a mandatory prison 708
term one of the prison terms prescribed for a felony of the 709
first degree. 710

(f) If the amount of the drug involved equals or exceeds 711
one hundred times the bulk amount and regardless of whether the 712
offense was committed in the vicinity of a school ~~or~~, in the 713
vicinity of a juvenile, or in the vicinity of a community 714
addiction services provider, aggravated trafficking in drugs is 715
a felony of the first degree, the offender is a major drug 716
offender, and the court shall impose as a mandatory prison term 717
the maximum prison term prescribed for a felony of the first 718
degree. 719

(2) If the drug involved in the violation is any compound, 720
mixture, preparation, or substance included in schedule III, IV, 721
or V, whoever violates division (A) of this section is guilty of 722
trafficking in drugs. The penalty for the offense shall be 723
determined as follows: 724

(a) Except as otherwise provided in division (C) (2) (b), 725
(c), (d), or (e) of this section, trafficking in drugs is a 726
felony of the fifth degree, and division (B) of section 2929.13 727
of the Revised Code applies in determining whether to impose a 728
prison term on the offender. 729

(b) Except as otherwise provided in division (C) (2) (c), 730
(d), or (e) of this section, if the offense was committed in the 731
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 732
the vicinity of a community addiction services provider, 733
trafficking in drugs is a felony of the fourth degree, and 734
division (C) of section 2929.13 of the Revised Code applies in 735
determining whether to impose a prison term on the offender. 736

(c) Except as otherwise provided in this division, if the 737
amount of the drug involved equals or exceeds the bulk amount 738
but is less than five times the bulk amount, trafficking in 739
drugs is a felony of the fourth degree, and division (B) of 740

section 2929.13 of the Revised Code applies in determining 741
whether to impose a prison term for the offense. If the amount 742
of the drug involved is within that range and if the offense was 743
committed in the vicinity of a school ~~or~~, in the vicinity of a 744
juvenile, or in the vicinity of a community addiction services 745
provider, trafficking in drugs is a felony of the third degree, 746
and there is a presumption for a prison term for the offense. 747

(d) Except as otherwise provided in this division, if the 748
amount of the drug involved equals or exceeds five times the 749
bulk amount but is less than fifty times the bulk amount, 750
trafficking in drugs is a felony of the third degree, and there 751
is a presumption for a prison term for the offense. If the 752
amount of the drug involved is within that range and if the 753
offense was committed in the vicinity of a school ~~or~~, in the 754
vicinity of a juvenile, or in the vicinity of a community 755
addiction services provider, trafficking in drugs is a felony of 756
the second degree, and there is a presumption for a prison term 757
for the offense. 758

(e) Except as otherwise provided in this division, if the 759
amount of the drug involved equals or exceeds fifty times the 760
bulk amount, trafficking in drugs is a felony of the second 761
degree, and the court shall impose as a mandatory prison term 762
one of the prison terms prescribed for a felony of the second 763
degree. If the amount of the drug involved equals or exceeds 764
fifty times the bulk amount and if the offense was committed in 765
the vicinity of a school ~~or~~, in the vicinity of a juvenile, or 766
in the vicinity of a community addiction services provider, 767
trafficking in drugs is a felony of the first degree, and the 768
court shall impose as a mandatory prison term one of the prison 769
terms prescribed for a felony of the first degree. 770

(3) If the drug involved in the violation is marihuana or 771
a compound, mixture, preparation, or substance containing 772
marihuana other than hashish, whoever violates division (A) of 773
this section is guilty of trafficking in marihuana. The penalty 774
for the offense shall be determined as follows: 775

(a) Except as otherwise provided in division (C) (3) (b), 776
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 777
marihuana is a felony of the fifth degree, and division (B) of 778
section 2929.13 of the Revised Code applies in determining 779
whether to impose a prison term on the offender. 780

(b) Except as otherwise provided in division (C) (3) (c), 781
(d), (e), (f), (g), or (h) of this section, if the offense was 782
committed in the vicinity of a school~~or~~, in the vicinity of a 783
juvenile, or in the vicinity of a community addiction services 784
provider, trafficking in marihuana is a felony of the fourth 785
degree, and division (B) of section 2929.13 of the Revised Code 786
applies in determining whether to impose a prison term on the 787
offender. 788

(c) Except as otherwise provided in this division, if the 789
amount of the drug involved equals or exceeds two hundred grams 790
but is less than one thousand grams, trafficking in marihuana is 791
a felony of the fourth degree, and division (B) of section 792
2929.13 of the Revised Code applies in determining whether to 793
impose a prison term on the offender. If the amount of the drug 794
involved is within that range and if the offense was committed 795
in the vicinity of a school~~or~~, in the vicinity of a juvenile, 796
or in the vicinity of a community addiction services provider, 797
trafficking in marihuana is a felony of the third degree, and 798
division (C) of section 2929.13 of the Revised Code applies in 799
determining whether to impose a prison term on the offender. 800

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

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

(f) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds twenty thousand
grams but is less than forty thousand grams, trafficking in
marihuana is a felony of the second degree, and the court shall
impose a 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~~or~~
, in the vicinity of a juvenile, or in the vicinity of a

community addiction services provider, trafficking in marihuana 832
is a felony of the first degree, and the court shall impose as a 833
mandatory prison term the maximum prison term prescribed for a 834
felony of the first degree. 835

(g) Except as otherwise provided in this division, if the 836
amount of the drug involved equals or exceeds forty thousand 837
grams, trafficking in marihuana is a felony of the second 838
degree, and the court shall impose as a mandatory prison term 839
the maximum prison term prescribed for a felony of the second 840
degree. If the amount of the drug involved equals or exceeds 841
forty thousand grams and if the offense was committed in the 842
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 843
the vicinity of a community addiction services provider, 844
trafficking in marihuana is a felony of the first degree, and 845
the court shall impose as a mandatory prison term the maximum 846
prison term prescribed for a felony of the first degree. 847

(h) Except as otherwise provided in this division, if the 848
offense involves a gift of twenty grams or less of marihuana, 849
trafficking in marihuana is a minor misdemeanor upon a first 850
offense and a misdemeanor of the third degree upon a subsequent 851
offense. If the offense involves a gift of twenty grams or less 852
of marihuana and if the offense was committed in the vicinity of 853
a school~~or,~~ in the vicinity of a juvenile, or in the vicinity 854
of a community addiction services provider, trafficking in 855
marihuana is a misdemeanor of the third degree. 856

(4) If the drug involved in the violation is cocaine or a 857
compound, mixture, preparation, or substance containing cocaine, 858
whoever violates division (A) of this section is guilty of 859
trafficking in cocaine. The penalty for the offense shall be 860
determined as follows: 861

(a) Except as otherwise provided in division (C) (4) (b), 862
(c), (d), (e), (f), or (g) of this section, trafficking in 863
cocaine is a felony of the fifth degree, and division (B) of 864
section 2929.13 of the Revised Code applies in determining 865
whether to impose a prison term on the offender. 866

(b) Except as otherwise provided in division (C) (4) (c), 867
(d), (e), (f), or (g) of this section, if the offense was 868
committed in the vicinity of a school ~~or~~, in the vicinity of a 869
juvenile, or in the vicinity of a community addiction services 870
provider, trafficking in cocaine is a felony of the fourth 871
degree, and division (C) of section 2929.13 of the Revised Code 872
applies in determining whether to impose a prison term on the 873
offender. 874

(c) Except as otherwise provided in this division, if the 875
amount of the drug involved equals or exceeds five grams but is 876
less than ten grams of cocaine, trafficking in cocaine is a 877
felony of the fourth degree, and division (B) of section 2929.13 878
of the Revised Code applies in determining whether to impose a 879
prison term for the offense. If the amount of the drug involved 880
is within that range and if the offense was committed in the 881
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 882
the vicinity of a community addiction services provider, 883
trafficking in cocaine is a felony of the third degree, and 884
there is a presumption for a prison term for the offense. 885

(d) Except as otherwise provided in this division, if the 886
amount of the drug involved equals or exceeds ten grams but is 887
less than twenty grams of cocaine, trafficking in cocaine is a 888
felony of the third degree, and, except as otherwise provided in 889
this division, there is a presumption for a prison term for the 890
offense. If trafficking in cocaine is a felony of the third 891

degree under this division and if the offender two or more times 892
previously has been convicted of or pleaded guilty to a felony 893
drug abuse offense, the court shall impose as a mandatory prison 894
term one of the prison terms prescribed for a felony of the 895
third degree. If the amount of the drug involved is within that 896
range and if the offense was committed in the vicinity of a 897
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 898
a community addiction services provider, trafficking in cocaine 899
is a felony of the second degree, and the court shall impose as 900
a mandatory prison term one of the prison terms prescribed for a 901
felony of the second degree. 902

(e) Except as otherwise provided in this division, if the 903
amount of the drug involved equals or exceeds twenty grams but 904
is less than twenty-seven grams of cocaine, trafficking in 905
cocaine is a felony of the second degree, and the court shall 906
impose as a mandatory prison term one of the prison terms 907
prescribed for a felony of the second degree. If the amount of 908
the drug involved is within that range and if the offense was 909
committed in the vicinity of a school ~~or~~, in the vicinity of a 910
juvenile, or in the vicinity of a community addiction services 911
provider, trafficking in cocaine is a felony of the first 912
degree, and the court shall impose as a mandatory prison term 913
one of the prison terms prescribed for a felony of the first 914
degree. 915

(f) If the amount of the drug involved equals or exceeds 916
twenty-seven grams but is less than one hundred grams of cocaine 917
and regardless of whether the offense was committed in the 918
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 919
the vicinity of a community addiction services provider, 920
trafficking in cocaine is a felony of the first degree, and the 921
court shall impose as a mandatory prison term one of the prison 922

terms prescribed for a felony of the first degree. 923

(g) If the amount of the drug involved equals or exceeds 924
one hundred grams of cocaine and regardless of whether the 925
offense was committed in the vicinity of a school~~or~~, in the 926
vicinity of a juvenile, or in the vicinity of a community 927
addiction services provider, trafficking in cocaine is a felony 928
of the first degree, the offender is a major drug offender, and 929
the court shall impose as a mandatory prison term the maximum 930
prison term prescribed for a felony of the first degree. 931

(5) If the drug involved in the violation is L.S.D. or a 932
compound, mixture, preparation, or substance containing L.S.D., 933
whoever violates division (A) of this section is guilty of 934
trafficking in L.S.D. The penalty for the offense shall be 935
determined as follows: 936

(a) Except as otherwise provided in division (C) (5) (b), 937
(c), (d), (e), (f), or (g) of this section, trafficking in 938
L.S.D. is a felony of the fifth degree, and division (B) of 939
section 2929.13 of the Revised Code applies in determining 940
whether to impose a prison term on the offender. 941

(b) Except as otherwise provided in division (C) (5) (c), 942
(d), (e), (f), or (g) of this section, if the offense was 943
committed in the vicinity of a school~~or~~, in the vicinity of a 944
juvenile, or in the vicinity of a community addiction services 945
provider, trafficking in L.S.D. is a felony of the fourth 946
degree, and division (C) of section 2929.13 of the Revised Code 947
applies in determining whether to impose a prison term on the 948
offender. 949

(c) Except as otherwise provided in this division, if the 950
amount of the drug involved equals or exceeds ten unit doses but 951

is less than fifty unit doses of L.S.D. in a solid form or 952
equals or exceeds one gram but is less than five grams of L.S.D. 953
in a liquid concentrate, liquid extract, or liquid distillate 954
form, trafficking in L.S.D. is a felony of the fourth degree, 955
and division (B) of section 2929.13 of the Revised Code applies 956
in determining whether to impose a prison term for the offense. 957
If the amount of the drug involved is within that range and if 958
the offense was committed in the vicinity of a school ~~or~~, in 959
the vicinity of a juvenile, or in the vicinity of a community 960
addiction services provider, trafficking in L.S.D. is a felony 961
of the third degree, and there is a presumption for a prison 962
term for the offense. 963

(d) Except as otherwise provided in this division, if the 964
amount of the drug involved equals or exceeds fifty unit doses 965
but is less than two hundred fifty unit doses of L.S.D. in a 966
solid form or equals or exceeds five grams but is less than 967
twenty-five grams of L.S.D. in a liquid concentrate, liquid 968
extract, or liquid distillate form, trafficking in L.S.D. is a 969
felony of the third degree, and, except as otherwise provided in 970
this division, there is a presumption for a prison term for the 971
offense. If trafficking in L.S.D. is a felony of the third 972
degree under this division and if the offender two or more times 973
previously has been convicted of or pleaded guilty to a felony 974
drug abuse offense, the court shall impose as a mandatory prison 975
term one of the prison terms prescribed for a felony of the 976
third degree. If the amount of the drug involved is within that 977
range and if the offense was committed in the vicinity of a 978
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 979
a community addiction services provider, trafficking in L.S.D. 980
is a felony of the second degree, and the court shall impose as 981
a mandatory prison term one of the prison terms prescribed for a 982

felony of the second degree. 983

(e) Except as otherwise provided in this division, if the 984
amount of the drug involved equals or exceeds two hundred fifty 985
unit doses but is less than one thousand unit doses of L.S.D. in 986
a solid form or equals or exceeds twenty-five grams but is less 987
than one hundred grams of L.S.D. in a liquid concentrate, liquid 988
extract, or liquid distillate form, trafficking in L.S.D. is a 989
felony of the second degree, and the court shall impose as a 990
mandatory prison term one of the prison terms prescribed for a 991
felony of the second degree. If the amount of the drug involved 992
is within that range and if the offense was committed in the 993
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 994
the vicinity of a community addiction services provider, 995
trafficking in L.S.D. is a felony of the first degree, and the 996
court shall impose as a mandatory prison term one of the prison 997
terms prescribed for a felony of the first degree. 998

(f) If the amount of the drug involved equals or exceeds 999
one thousand unit doses but is less than five thousand unit 1000
doses of L.S.D. in a solid form or equals or exceeds one hundred 1001
grams but is less than five hundred grams of L.S.D. in a liquid 1002
concentrate, liquid extract, or liquid distillate form and 1003
regardless of whether the offense was committed in the vicinity 1004
of a school~~or,~~ in the vicinity of a juvenile, or in the 1005
vicinity of a community addiction services provider, trafficking 1006
in L.S.D. is a felony of the first degree, and the court shall 1007
impose as a mandatory prison term one of the prison terms 1008
prescribed for a felony of the first degree. 1009

(g) If the amount of the drug involved equals or exceeds 1010
five thousand unit doses of L.S.D. in a solid form or equals or 1011
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1012

liquid extract, or liquid distillate form and regardless of 1013
whether the offense was committed in the vicinity of a school~~or~~ 1014
, in the vicinity of a juvenile, or in the vicinity of a 1015
community addiction services provider, trafficking in L.S.D. is 1016
a felony of the first degree, the offender is a major drug 1017
offender, and the court shall impose as a mandatory prison term 1018
the maximum prison term prescribed for a felony of the first 1019
degree. 1020

(6) If the drug involved in the violation is heroin or a 1021
compound, mixture, preparation, or substance containing heroin, 1022
whoever violates division (A) of this section is guilty of 1023
trafficking in heroin. The penalty for the offense shall be 1024
determined as follows: 1025

(a) Except as otherwise provided in division (C) (6) (b), 1026
(c), (d), (e), (f), or (g) of this section, trafficking in 1027
heroin is a felony of the fifth degree, and division (B) of 1028
section 2929.13 of the Revised Code applies in determining 1029
whether to impose a prison term on the offender. 1030

(b) Except as otherwise provided in division (C) (6) (c), 1031
(d), (e), (f), or (g) of this section, if the offense was 1032
committed in the vicinity of a school~~or~~, in the vicinity of a 1033
juvenile, or in the vicinity of a community addiction services 1034
provider, trafficking in heroin is a felony of the fourth 1035
degree, and division (C) of section 2929.13 of the Revised Code 1036
applies in determining whether to impose a prison term on the 1037
offender. 1038

(c) Except as otherwise provided in this division, if the 1039
amount of the drug involved equals or exceeds ten unit doses but 1040
is less than fifty unit doses or equals or exceeds one gram but 1041
is less than five grams, trafficking in heroin is a felony of 1042

the fourth degree, and division (B) of section 2929.13 of the
Revised Code applies in determining whether to impose a prison
term for the offense. If the amount of the drug involved is
within that range and if the offense was committed in the
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in
the vicinity of a community addiction services provider,
trafficking in heroin is a felony of the third degree, and there
is a presumption for a prison term for the offense.

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

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

prison terms prescribed for a felony of the first degree. 1074

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

(g) If the amount of the drug involved equals or exceeds 1084
one thousand unit doses or equals or exceeds one hundred grams 1085
and regardless of whether the offense was committed in the 1086
vicinity of a school~~or~~, in the vicinity of a juvenile, or in 1087
the vicinity of a community addiction services provider, 1088
trafficking in heroin is a felony of the first degree, the 1089
offender is a major drug offender, and the court shall impose as 1090
a mandatory prison term the maximum prison term prescribed for a 1091
felony of the first degree. 1092

(7) If the drug involved in the violation is hashish or a 1093
compound, mixture, preparation, or substance containing hashish, 1094
whoever violates division (A) of this section is guilty of 1095
trafficking in hashish. The penalty for the offense shall be 1096
determined as follows: 1097

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

(b) Except as otherwise provided in division (C) (7) (c), 1103
(d), (e), (f), or (g) of this section, if the offense was 1104
committed in the vicinity of a school~~or~~, in the vicinity of a 1105
juvenile, or in the vicinity of a community addiction services 1106
provider, trafficking in hashish is a felony of the fourth 1107
degree, and division (B) of section 2929.13 of the Revised Code 1108
applies in determining whether to impose a prison term on the 1109
offender. 1110

(c) Except as otherwise provided in this division, if the 1111
amount of the drug involved equals or exceeds ten grams but is 1112
less than fifty grams of hashish in a solid form or equals or 1113
exceeds two grams but is less than ten grams of hashish in a 1114
liquid concentrate, liquid extract, or liquid distillate form, 1115
trafficking in hashish is a felony of the fourth degree, and 1116
division (B) of section 2929.13 of the Revised Code applies in 1117
determining whether to impose a prison term on the offender. If 1118
the amount of the drug involved is within that range and if the 1119
offense was committed in the vicinity of a school~~or~~, in the 1120
vicinity of a juvenile, or in the vicinity of a community 1121
addiction services provider, trafficking in hashish is a felony 1122
of the third degree, and division (C) of section 2929.13 of the 1123
Revised Code applies in determining whether to impose a prison 1124
term on the offender. 1125

(d) Except as otherwise provided in this division, if the 1126
amount of the drug involved equals or exceeds fifty grams but is 1127
less than two hundred fifty grams of hashish in a solid form or 1128
equals or exceeds ten grams but is less than fifty grams of 1129
hashish in a liquid concentrate, liquid extract, or liquid 1130
distillate form, trafficking in hashish is a felony of the third 1131
degree, and division (C) of section 2929.13 of the Revised Code 1132
applies in determining whether to impose a prison term on the 1133

offender. If the amount of the drug involved is within that 1134
range and if the offense was committed in the vicinity of a 1135
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 1136
a community addiction services provider, trafficking in hashish 1137
is a felony of the second degree, and there is a presumption 1138
that a prison term shall be imposed for the offense. 1139

(e) Except as otherwise provided in this division, if the 1140
amount of the drug involved equals or exceeds two hundred fifty 1141
grams but is less than one thousand grams of hashish in a solid 1142
form or equals or exceeds fifty grams but is less than two 1143
hundred grams of hashish in a liquid concentrate, liquid 1144
extract, or liquid distillate form, trafficking in hashish is a 1145
felony of the third degree, and there is a presumption that a 1146
prison term shall be imposed for the offense. If the amount of 1147
the drug involved is within that range and if the offense was 1148
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1149
juvenile, or in the vicinity of a community addiction services 1150
provider, trafficking in hashish is a felony of the second 1151
degree, and there is a presumption that a prison term shall be 1152
imposed for the offense. 1153

(f) Except as otherwise provided in this division, if the 1154
amount of the drug involved equals or exceeds one thousand grams 1155
but is less than two thousand grams of hashish in a solid form 1156
or equals or exceeds two hundred grams but is less than four 1157
hundred grams of hashish in a liquid concentrate, liquid 1158
extract, or liquid distillate form, trafficking in hashish is a 1159
felony of the second degree, and the court shall impose a 1160
mandatory prison term of five, six, seven, or eight years. If 1161
the amount of the drug involved is within that range and if the 1162
offense was committed in the vicinity of a school ~~or,~~ in the 1163
vicinity of a juvenile, or in the vicinity of a community 1164

addiction services provider, trafficking in hashish is a felony 1165
of the first degree, and the court shall impose as a mandatory 1166
prison term the maximum prison term prescribed for a felony of 1167
the first degree. 1168

(g) Except as otherwise provided in this division, if the 1169
amount of the drug involved equals or exceeds two thousand grams 1170
of hashish in a solid form or equals or exceeds four hundred 1171
grams of hashish in a liquid concentrate, liquid extract, or 1172
liquid distillate form, trafficking in hashish is a felony of 1173
the second degree, and the court shall impose as a mandatory 1174
prison term the maximum prison term prescribed for a felony of 1175
the second degree. If the amount of the drug involved equals or 1176
exceeds two thousand grams of hashish in a solid form or equals 1177
or exceeds four hundred grams of hashish in a liquid 1178
concentrate, liquid extract, or liquid distillate form and if 1179
the offense was committed in the vicinity of a school ~~or,~~ in 1180
the vicinity of a juvenile, or in the vicinity of a community 1181
addiction services provider, trafficking in hashish is a felony 1182
of the first degree, and the court shall impose as a mandatory 1183
prison term the maximum prison term prescribed for a felony of 1184
the first degree. 1185

(8) If the drug involved in the violation is a controlled 1186
substance analog or compound, mixture, preparation, or substance 1187
that contains a controlled substance analog, whoever violates 1188
division (A) of this section is guilty of trafficking in a 1189
controlled substance analog. The penalty for the offense shall 1190
be determined as follows: 1191

(a) Except as otherwise provided in division (C) (8) (b), 1192
(c), (d), (e), (f), or (g) of this section, trafficking in a 1193
controlled substance analog is a felony of the fifth degree, and 1194

division (C) of section 2929.13 of the Revised Code applies in 1195
determining whether to impose a prison term on the offender. 1196

(b) Except as otherwise provided in division (C) (8) (c), 1197
(d), (e), (f), or (g) of this section, if the offense was 1198
committed in the vicinity of a school~~or~~, in the vicinity of a 1199
juvenile, or in the vicinity of a community addiction services 1200
provider, trafficking in a controlled substance analog is a 1201
felony of the fourth degree, and division (C) of section 2929.13 1202
of the Revised Code applies in determining whether to impose a 1203
prison term on the offender. 1204

(c) Except as otherwise provided in this division, if the 1205
amount of the drug involved equals or exceeds ten grams but is 1206
less than twenty grams, trafficking in a controlled substance 1207
analog is a felony of the fourth degree, and division (B) of 1208
section 2929.13 of the Revised Code applies in determining 1209
whether to impose a prison term for the offense. If the amount 1210
of the drug involved is within that range and if the offense was 1211
committed in the vicinity of a school~~or~~, in the vicinity of a 1212
juvenile, or in the vicinity of a community addiction services 1213
provider, trafficking in a controlled substance analog is a 1214
felony of the third degree, and there is a presumption for a 1215
prison term for the offense. 1216

(d) Except as otherwise provided in this division, if the 1217
amount of the drug involved equals or exceeds twenty grams but 1218
is less than thirty grams, trafficking in a controlled substance 1219
analog is a felony of the third degree, and there is a 1220
presumption for a prison term for the offense. If the amount of 1221
the drug involved is within that range and if the offense was 1222
committed in the vicinity of a school~~or~~, in the vicinity of a 1223
juvenile, or in the vicinity of a community addiction services 1224

provider, trafficking in a controlled substance analog is a 1225
felony of the second degree, and there is a presumption for a 1226
prison term for the offense. 1227

(e) Except as otherwise provided in this division, if the 1228
amount of the drug involved equals or exceeds thirty grams but 1229
is less than forty grams, trafficking in a controlled substance 1230
analog is a felony of the second degree, and the court shall 1231
impose as a mandatory prison term one of the prison terms 1232
prescribed for a felony of the second degree. If the amount of 1233
the drug involved is within that range and if the offense was 1234
committed in the vicinity of a school~~or,~~ in the vicinity of a 1235
juvenile, or in the vicinity of a community addiction services 1236
provider, trafficking in a controlled substance analog is a 1237
felony of the first degree, and the court shall impose as a 1238
mandatory prison term one of the prison terms prescribed for a 1239
felony of the first degree. 1240

(f) If the amount of the drug involved equals or exceeds 1241
forty grams but is less than fifty grams and regardless of 1242
whether the offense was committed in the vicinity of a school~~or~~ 1243
~~,~~ in the vicinity of a juvenile, or in the vicinity of a 1244
community addiction services provider, trafficking in a 1245
controlled substance analog is a felony of the first degree, and 1246
the court shall impose as a mandatory prison term one of the 1247
prison terms prescribed for a felony of the first degree. 1248

(g) If the amount of the drug involved equals or exceeds 1249
fifty grams and regardless of whether the offense was committed 1250
in the vicinity of a school~~or,~~ in the vicinity of a juvenile, 1251
or in the vicinity of a community addiction services provider, 1252
trafficking in a controlled substance analog is a felony of the 1253
first degree, the offender is a major drug offender, and the 1254

court shall impose as a mandatory prison term the maximum prison 1255
term prescribed for a felony of the first degree. 1256

(D) In addition to any prison term authorized or required 1257
by division (C) of this section and sections 2929.13 and 2929.14 1258
of the Revised Code, and in addition to any other sanction 1259
imposed for the offense under this section or sections 2929.11 1260
to 2929.18 of the Revised Code, the court that sentences an 1261
offender who is convicted of or pleads guilty to a violation of 1262
division (A) of this section may suspend the driver's or 1263
commercial driver's license or permit of the offender in 1264
accordance with division (G) of this section. However, if the 1265
offender pleaded guilty to or was convicted of a violation of 1266
section 4511.19 of the Revised Code or a substantially similar 1267
municipal ordinance or the law of another state or the United 1268
States arising out of the same set of circumstances as the 1269
violation, the court shall suspend the offender's driver's or 1270
commercial driver's license or permit in accordance with 1271
division (G) of this section. If applicable, the court also 1272
shall do the following: 1273

(1) If the violation of division (A) of this section is a 1274
felony of the first, second, or third degree, the court shall 1275
impose upon the offender the mandatory fine specified for the 1276
offense under division (B)(1) of section 2929.18 of the Revised 1277
Code unless, as specified in that division, the court determines 1278
that the offender is indigent. Except as otherwise provided in 1279
division (H)(1) of this section, a mandatory fine or any other 1280
fine imposed for a violation of this section is subject to 1281
division (F) of this section. If a person is charged with a 1282
violation of this section that is a felony of the first, second, 1283
or third degree, posts bail, and forfeits the bail, the clerk of 1284
the court shall pay the forfeited bail pursuant to divisions (D) 1285

(1) and (F) of this section, as if the forfeited bail was a fine 1286
imposed for a violation of this section. If any amount of the 1287
forfeited bail remains after that payment and if a fine is 1288
imposed under division (H) (1) of this section, the clerk of the 1289
court shall pay the remaining amount of the forfeited bail 1290
pursuant to divisions (H) (2) and (3) of this section, as if that 1291
remaining amount was a fine imposed under division (H) (1) of 1292
this section. 1293

(2) If the offender is a professionally licensed person, 1294
the court immediately shall comply with section 2925.38 of the 1295
Revised Code. 1296

(E) When a person is charged with the sale of or offer to 1297
sell a bulk amount or a multiple of a bulk amount of a 1298
controlled substance, the jury, or the court trying the accused, 1299
shall determine the amount of the controlled substance involved 1300
at the time of the offense and, if a guilty verdict is returned, 1301
shall return the findings as part of the verdict. In any such 1302
case, it is unnecessary to find and return the exact amount of 1303
the controlled substance involved, and it is sufficient if the 1304
finding and return is to the effect that the amount of the 1305
controlled substance involved is the requisite amount, or that 1306
the amount of the controlled substance involved is less than the 1307
requisite amount. 1308

(F) (1) Notwithstanding any contrary provision of section 1309
3719.21 of the Revised Code and except as provided in division 1310
(H) of this section, the clerk of the court shall pay any 1311
mandatory fine imposed pursuant to division (D) (1) of this 1312
section and any fine other than a mandatory fine that is imposed 1313
for a violation of this section pursuant to division (A) or (B) 1314
(5) of section 2929.18 of the Revised Code to the county, 1315

township, municipal corporation, park district, as created 1316
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1317
state law enforcement agencies in this state that primarily were 1318
responsible for or involved in making the arrest of, and in 1319
prosecuting, the offender. However, the clerk shall not pay a 1320
mandatory fine so imposed to a law enforcement agency unless the 1321
agency has adopted a written internal control policy under 1322
division (F) (2) of this section that addresses the use of the 1323
fine moneys that it receives. Each agency shall use the 1324
mandatory fines so paid to subsidize the agency's law 1325
enforcement efforts that pertain to drug offenses, in accordance 1326
with the written internal control policy adopted by the 1327
recipient agency under division (F) (2) of this section. 1328

(2) Prior to receiving any fine moneys under division (F) 1329
(1) of this section or division (B) of section 2925.42 of the 1330
Revised Code, a law enforcement agency shall adopt a written 1331
internal control policy that addresses the agency's use and 1332
disposition of all fine moneys so received and that provides for 1333
the keeping of detailed financial records of the receipts of 1334
those fine moneys, the general types of expenditures made out of 1335
those fine moneys, and the specific amount of each general type 1336
of expenditure. The policy shall not provide for or permit the 1337
identification of any specific expenditure that is made in an 1338
ongoing investigation. All financial records of the receipts of 1339
those fine moneys, the general types of expenditures made out of 1340
those fine moneys, and the specific amount of each general type 1341
of expenditure by an agency are public records open for 1342
inspection under section 149.43 of the Revised Code. 1343
Additionally, a written internal control policy adopted under 1344
this division is such a public record, and the agency that 1345
adopted it shall comply with it. 1346

(3) As used in division (F) of this section: 1347

(a) "Law enforcement agencies" includes, but is not 1348
limited to, the state board of pharmacy and the office of a 1349
prosecutor. 1350

(b) "Prosecutor" has the same meaning as in section 1351
2935.01 of the Revised Code. 1352

(G) (1) If the sentencing court suspends the offender's 1353
driver's or commercial driver's license or permit under division 1354
(D) of this section or any other provision of this chapter, the 1355
court shall suspend the license, by order, for not more than 1356
five years. If an offender's driver's or commercial driver's 1357
license or permit is suspended pursuant to this division, the 1358
offender, at any time after the expiration of two years from the 1359
day on which the offender's sentence was imposed or from the day 1360
on which the offender finally was released from a prison term 1361
under the sentence, whichever is later, may file a motion with 1362
the sentencing court requesting termination of the suspension; 1363
upon the filing of such a motion and the court's finding of good 1364
cause for the termination, the court may terminate the 1365
suspension. 1366

(2) Any offender who received a mandatory suspension of 1367
the offender's driver's or commercial driver's license or permit 1368
under this section prior to ~~the effective date of this amendment~~ 1369
September 13, 2016, may file a motion with the sentencing court 1370
requesting the termination of the suspension. However, an 1371
offender who pleaded guilty to or was convicted of a violation 1372
of section 4511.19 of the Revised Code or a substantially 1373
similar municipal ordinance or law of another state or the 1374
United States that arose out of the same set of circumstances as 1375
the violation for which the offender's license or permit was 1376

suspended under this section shall not file such a motion. 1377

Upon the filing of a motion under division (G) (2) of this 1378
section, the sentencing court, in its discretion, may terminate 1379
the suspension. 1380

(H) (1) In addition to any prison term authorized or 1381
required by division (C) of this section and sections 2929.13 1382
and 2929.14 of the Revised Code, in addition to any other 1383
penalty or sanction imposed for the offense under this section 1384
or sections 2929.11 to 2929.18 of the Revised Code, and in 1385
addition to the forfeiture of property in connection with the 1386
offense as prescribed in Chapter 2981. of the Revised Code, the 1387
court that sentences an offender who is convicted of or pleads 1388
guilty to a violation of division (A) of this section may impose 1389
upon the offender an additional fine specified for the offense 1390
in division (B) (4) of section 2929.18 of the Revised Code. A 1391
fine imposed under division (H) (1) of this section is not 1392
subject to division (F) of this section and shall be used solely 1393
for the support of one or more eligible community addiction 1394
services providers in accordance with divisions (H) (2) and (3) 1395
of this section. 1396

(2) The court that imposes a fine under division (H) (1) of 1397
this section shall specify in the judgment that imposes the fine 1398
one or more eligible community addiction services providers for 1399
the support of which the fine money is to be used. No community 1400
addiction services provider shall receive or use money paid or 1401
collected in satisfaction of a fine imposed under division (H) 1402
(1) of this section unless the services provider is specified in 1403
the judgment that imposes the fine. No community addiction 1404
services provider shall be specified in the judgment unless the 1405
services provider is an eligible community addiction services 1406

provider and, except as otherwise provided in division (H) (2) of 1407
this section, unless the services provider is located in the 1408
county in which the court that imposes the fine is located or in 1409
a county that is immediately contiguous to the county in which 1410
that court is located. If no eligible community addiction 1411
services provider is located in any of those counties, the 1412
judgment may specify an eligible community addiction services 1413
provider that is located anywhere within this state. 1414

(3) Notwithstanding any contrary provision of section 1415
3719.21 of the Revised Code, the clerk of the court shall pay 1416
any fine imposed under division (H) (1) of this section to the 1417
eligible community addiction services provider specified 1418
pursuant to division (H) (2) of this section in the judgment. The 1419
eligible community addiction services provider that receives the 1420
fine moneys shall use the moneys only for the alcohol and drug 1421
addiction services identified in the application for 1422
certification of services under section 5119.36 of the Revised 1423
Code or in the application for a license under section 5119.391 1424
of the Revised Code filed with the department of mental health 1425
and addiction services by the community addiction services 1426
provider specified in the judgment. 1427

(4) Each community addiction services provider that 1428
receives in a calendar year any fine moneys under division (H) 1429
(3) of this section shall file an annual report covering that 1430
calendar year with the court of common pleas and the board of 1431
county commissioners of the county in which the services 1432
provider is located, with the court of common pleas and the 1433
board of county commissioners of each county from which the 1434
services provider received the moneys if that county is 1435
different from the county in which the services provider is 1436
located, and with the attorney general. The community addiction 1437

services provider shall file the report no later than the first 1438
day of March in the calendar year following the calendar year in 1439
which the services provider received the fine moneys. The report 1440
shall include statistics on the number of persons served by the 1441
community addiction services provider, identify the types of 1442
alcohol and drug addiction services provided to those persons, 1443
and include a specific accounting of the purposes for which the 1444
fine moneys received were used. No information contained in the 1445
report shall identify, or enable a person to determine the 1446
identity of, any person served by the community addiction 1447
services provider. Each report received by a court of common 1448
pleas, a board of county commissioners, or the attorney general 1449
is a public record open for inspection under section 149.43 of 1450
the Revised Code. 1451

(5) As used in divisions (H) (1) to (5) of this section: 1452

(a) "Community addiction services provider" and "alcohol 1453
and drug addiction services" have the same meanings as in 1454
section 5119.01 of the Revised Code. 1455

(b) "Eligible community addiction services provider" means 1456
a community addiction services provider, as defined in section 1457
5119.01 of the Revised Code, or a community addiction services 1458
provider that maintains a methadone treatment program licensed 1459
under section 5119.391 of the Revised Code. 1460

(I) As used in this section, "drug" includes any substance 1461
that is represented to be a drug. 1462

(J) It is an affirmative defense to a charge of 1463
trafficking in a controlled substance analog under division (C) 1464
(8) of this section that the person charged with violating that 1465
offense sold or offered to sell, or prepared for shipment, 1466

shipped, transported, delivered, prepared for distribution, or 1467
distributed an item described in division (HH) (2) (a), (b), or 1468
(c) of section 3719.01 of the Revised Code. 1469

Sec. 2925.04. (A) No person shall knowingly cultivate 1470
marihuana or knowingly manufacture or otherwise engage in any 1471
part of the production of a controlled substance. 1472

(B) This section does not apply to any person listed in 1473
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1474
Code to the extent and under the circumstances described in 1475
those divisions. 1476

(C) (1) Whoever commits a violation of division (A) of this 1477
section that involves any drug other than marihuana is guilty of 1478
illegal manufacture of drugs, and whoever commits a violation of 1479
division (A) of this section that involves marihuana is guilty 1480
of illegal cultivation of marihuana. 1481

(2) Except as otherwise provided in this division, if the 1482
drug involved in the violation of division (A) of this section 1483
is any compound, mixture, preparation, or substance included in 1484
schedule I or II, with the exception of methamphetamine or 1485
marihuana, illegal manufacture of drugs is a felony of the 1486
second degree, and, subject to division (E) of this section, the 1487
court shall impose as a mandatory prison term one of the prison 1488
terms prescribed for a felony of the second degree. 1489

If the drug involved in the violation is any compound, 1490
mixture, preparation, or substance included in schedule I or II, 1491
with the exception of methamphetamine or marihuana, and if the 1492
offense was committed in the vicinity of a juvenile ~~or~~, in the 1493
vicinity of a school, or in the vicinity of a community 1494
addiction services provider, illegal manufacture of drugs is a 1495

felony of the first degree, and, subject to division (E) of this 1496
section, the court shall impose as a mandatory prison term one 1497
of the prison terms prescribed for a felony of the first degree. 1498

(3) If the drug involved in the violation of division (A) 1499
of this section is methamphetamine, the penalty for the 1500
violation shall be determined as follows: 1501

(a) Except as otherwise provided in division (C) (3) (b) of 1502
this section, if the drug involved in the violation is 1503
methamphetamine, illegal manufacture of drugs is a felony of the 1504
second degree, and, subject to division (E) of this section, the 1505
court shall impose a mandatory prison term on the offender 1506
determined in accordance with this division. Except as otherwise 1507
provided in this division, the court shall impose as a mandatory 1508
prison term one of the prison terms prescribed for a felony of 1509
the second degree that is not less than three years. If the 1510
offender previously has been convicted of or pleaded guilty to a 1511
violation of division (A) of this section, a violation of 1512
division (B) (6) of section 2919.22 of the Revised Code, or a 1513
violation of division (A) of section 2925.041 of the Revised 1514
Code, the court shall impose as a mandatory prison term one of 1515
the prison terms prescribed for a felony of the second degree 1516
that is not less than five years. 1517

(b) If the drug involved in the violation is 1518
methamphetamine and if the offense was committed in the vicinity 1519
of a juvenile, in the vicinity of a school, ~~or on public~~ 1520
premises, or in the vicinity of a community addiction services 1521
provider, illegal manufacture of drugs is a felony of the first 1522
degree, and, subject to division (E) of this section, the court 1523
shall impose a mandatory prison term on the offender determined 1524
in accordance with this division. Except as otherwise provided 1525

in this division, the court shall impose as a mandatory prison 1526
term one of the prison terms prescribed for a felony of the 1527
first degree that is not less than four years. If the offender 1528
previously has been convicted of or pleaded guilty to a 1529
violation of division (A) of this section, a violation of 1530
division (B) (6) of section 2919.22 of the Revised Code, or a 1531
violation of division (A) of section 2925.041 of the Revised 1532
Code, the court shall impose as a mandatory prison term one of 1533
the prison terms prescribed for a felony of the first degree 1534
that is not less than five years. 1535

(4) If the drug involved in the violation of division (A) 1536
of this section is any compound, mixture, preparation, or 1537
substance included in schedule III, IV, or V, illegal 1538
manufacture of drugs is a felony of the third degree or, if the 1539
offense was committed in the vicinity of a school~~or,~~ in the 1540
vicinity of a juvenile, or in the vicinity of a community 1541
addiction services provider, a felony of the second degree, and 1542
there is a presumption for a prison term for the offense. 1543

(5) If the drug involved in the violation is marihuana, 1544
the penalty for the offense shall be determined as follows: 1545

(a) Except as otherwise provided in division (C) (5) (b), 1546
(c), (d), (e), or (f) of this section, illegal cultivation of 1547
marihuana is a minor misdemeanor or, if the offense was 1548
committed in the vicinity of a school~~or,~~ in the vicinity of a 1549
juvenile, or in the vicinity of a community addiction services 1550
provider, a misdemeanor of the fourth degree. 1551

(b) If the amount of marihuana involved equals or exceeds 1552
one hundred grams but is less than two hundred grams, illegal 1553
cultivation of marihuana is a misdemeanor of the fourth degree 1554
or, if the offense was committed in the vicinity of a school~~or~~ 1555

, in the vicinity of a juvenile, or in the vicinity of a 1556
community addiction services provider, a misdemeanor of the 1557
third degree. 1558

(c) If the amount of marihuana involved equals or exceeds 1559
two hundred grams but is less than one thousand grams, illegal 1560
cultivation of marihuana is a felony of the fifth degree or, if 1561
the offense was committed in the vicinity of a school ~~or~~, in 1562
the vicinity of a juvenile, or in the vicinity of a community 1563
addiction services provider, a felony of the fourth degree, and 1564
division (B) of section 2929.13 of the Revised Code applies in 1565
determining whether to impose a prison term on the offender. 1566

(d) If the amount of marihuana involved equals or exceeds 1567
one thousand grams but is less than five thousand grams, illegal 1568
cultivation of marihuana is a felony of the third degree or, if 1569
the offense was committed in the vicinity of a school ~~or~~, in 1570
the vicinity of a juvenile, or in the vicinity of a community 1571
addiction services provider, a felony of the second degree, and 1572
division (C) of section 2929.13 of the Revised Code applies in 1573
determining whether to impose a prison term on the offender. 1574

(e) If the amount of marihuana involved equals or exceeds 1575
five thousand grams but is less than twenty thousand grams, 1576
illegal cultivation of marihuana is a felony of the third degree 1577
or, if the offense was committed in the vicinity of a school ~~or~~ 1578
, in the vicinity of a juvenile, or in the vicinity of a 1579
community addiction services provider, a felony of the second 1580
degree, and there is a presumption for a prison term for the 1581
offense. 1582

(f) Except as otherwise provided in this division, if the 1583
amount of marihuana involved equals or exceeds twenty thousand 1584
grams, illegal cultivation of marihuana is a felony of the 1585

second degree, and the court shall impose as a mandatory prison 1586
term the maximum prison term prescribed for a felony of the 1587
second degree. If the amount of the drug involved equals or 1588
exceeds twenty thousand grams and if the offense was committed 1589
in the vicinity of a school~~or~~, in the vicinity of a juvenile, 1590
or in the vicinity of a community addiction services provider, 1591
illegal cultivation of marihuana is a felony of the first 1592
degree, and the court shall impose as a mandatory prison term 1593
the maximum prison term prescribed for a felony of the first 1594
degree. 1595

(D) In addition to any prison term authorized or required 1596
by division (C) or (E) of this section and sections 2929.13 and 1597
2929.14 of the Revised Code and in addition to any other 1598
sanction imposed for the offense under this section or sections 1599
2929.11 to 2929.18 of the Revised Code, the court that sentences 1600
an offender who is convicted of or pleads guilty to a violation 1601
of division (A) of this section may suspend the offender's 1602
driver's or commercial driver's license or permit in accordance 1603
with division (G) of section 2925.03 of the Revised Code. 1604
However, if the offender pleaded guilty to or was convicted of a 1605
violation of section 4511.19 of the Revised Code or a 1606
substantially similar municipal ordinance or the law of another 1607
state or the United States arising out of the same set of 1608
circumstances as the violation, the court shall suspend the 1609
offender's driver's or commercial driver's license or permit in 1610
accordance with division (G) of section 2925.03 of the Revised 1611
Code. If applicable, the court also shall do the following: 1612

(1) If the violation of division (A) of this section is a 1613
felony of the first, second, or third degree, the court shall 1614
impose upon the offender the mandatory fine specified for the 1615
offense under division (B) (1) of section 2929.18 of the Revised 1616

Code unless, as specified in that division, the court determines 1617
that the offender is indigent. The clerk of the court shall pay 1618
a mandatory fine or other fine imposed for a violation of this 1619
section pursuant to division (A) of section 2929.18 of the 1620
Revised Code in accordance with and subject to the requirements 1621
of division (F) of section 2925.03 of the Revised Code. The 1622
agency that receives the fine shall use the fine as specified in 1623
division (F) of section 2925.03 of the Revised Code. If a person 1624
is charged with a violation of this section that is a felony of 1625
the first, second, or third degree, posts bail, and forfeits the 1626
bail, the clerk shall pay the forfeited bail as if the forfeited 1627
bail were a fine imposed for a violation of this section. 1628

(2) If the offender is a professionally licensed person, 1629
the court immediately shall comply with section 2925.38 of the 1630
Revised Code. 1631

(E) Notwithstanding the prison term otherwise authorized 1632
or required for the offense under division (C) of this section 1633
and sections 2929.13 and 2929.14 of the Revised Code, if the 1634
violation of division (A) of this section involves the sale, 1635
offer to sell, or possession of a schedule I or II controlled 1636
substance, with the exception of marihuana, and if the court 1637
imposing sentence upon the offender finds that the offender as a 1638
result of the violation is a major drug offender and is guilty 1639
of a specification of the type described in section 2941.1410 of 1640
the Revised Code, the court, in lieu of the prison term 1641
otherwise authorized or required, shall impose upon the offender 1642
the mandatory prison term specified in division (B) (3) of 1643
section 2929.14 of the Revised Code. 1644

(F) It is an affirmative defense, as provided in section 1645
2901.05 of the Revised Code, to a charge under this section for 1646

a fifth degree felony violation of illegal cultivation of 1647
marihuana that the marihuana that gave rise to the charge is in 1648
an amount, is in a form, is prepared, compounded, or mixed with 1649
substances that are not controlled substances in a manner, or is 1650
possessed or cultivated under any other circumstances that 1651
indicate that the marihuana was solely for personal use. 1652

Notwithstanding any contrary provision of division (F) of 1653
this section, if, in accordance with section 2901.05 of the 1654
Revised Code, a person who is charged with a violation of 1655
illegal cultivation of marihuana that is a felony of the fifth 1656
degree sustains the burden of going forward with evidence of and 1657
establishes by a preponderance of the evidence the affirmative 1658
defense described in this division, the person may be prosecuted 1659
for and may be convicted of or plead guilty to a misdemeanor 1660
violation of illegal cultivation of marihuana. 1661

(G) Arrest or conviction for a minor misdemeanor violation 1662
of this section does not constitute a criminal record and need 1663
not be reported by the person so arrested or convicted in 1664
response to any inquiries about the person's criminal record, 1665
including any inquiries contained in an application for 1666
employment, a license, or any other right or privilege or made 1667
in connection with the person's appearance as a witness. 1668

(H) (1) If the sentencing court suspends the offender's 1669
driver's or commercial driver's license or permit under this 1670
section in accordance with division (G) of section 2925.03 of 1671
the Revised Code, the offender may request termination of, and 1672
the court may terminate, the suspension of the offender in 1673
accordance with that division. 1674

(2) Any offender who received a mandatory suspension of 1675
the offender's driver's or commercial driver's license or permit 1676

under this section prior to ~~the effective date of this amendment~~ 1677
September 13, 2016, may file a motion with the sentencing court 1678
requesting the termination of the suspension. However, an 1679
offender who pleaded guilty to or was convicted of a violation 1680
of section 4511.19 of the Revised Code or a substantially 1681
similar municipal ordinance or law of another state or the 1682
United States that arose out of the same set of circumstances as 1683
the violation for which the offender's license or permit was 1684
suspended under this section shall not file such a motion. 1685

Upon the filing of a motion under division (H) (2) of this 1686
section, the sentencing court, in its discretion, may terminate 1687
the suspension. 1688

Sec. 2925.041. (A) No person shall knowingly assemble or 1689
possess one or more chemicals that may be used to manufacture a 1690
controlled substance in schedule I or II with the intent to 1691
manufacture a controlled substance in schedule I or II in 1692
violation of section 2925.04 of the Revised Code. 1693

(B) In a prosecution under this section, it is not 1694
necessary to allege or prove that the offender assembled or 1695
possessed all chemicals necessary to manufacture a controlled 1696
substance in schedule I or II. The assembly or possession of a 1697
single chemical that may be used in the manufacture of a 1698
controlled substance in schedule I or II, with the intent to 1699
manufacture a controlled substance in either schedule, is 1700
sufficient to violate this section. 1701

(C) Whoever violates this section is guilty of illegal 1702
assembly or possession of chemicals for the manufacture of 1703
drugs. Except as otherwise provided in this division, illegal 1704
assembly or possession of chemicals for the manufacture of drugs 1705
is a felony of the third degree, and, except as otherwise 1706

provided in division (C) (1) or (2) of this section, division (C) 1707
of section 2929.13 of the Revised Code applies in determining 1708
whether to impose a prison term on the offender. If the offense 1709
was committed in the vicinity of a juvenile ~~or~~, in the vicinity 1710
of a school, or in the vicinity of a community addiction 1711
services provider, illegal assembly or possession of chemicals 1712
for the manufacture of drugs is a felony of the second degree, 1713
and, except as otherwise provided in division (C) (1) or (2) of 1714
this section, division (C) of section 2929.13 of the Revised 1715
Code applies in determining whether to impose a prison term on 1716
the offender. If the violation of division (A) of this section 1717
is a felony of the third degree under this division and if the 1718
chemical or chemicals assembled or possessed in violation of 1719
division (A) of this section may be used to manufacture 1720
methamphetamine, there either is a presumption for a prison term 1721
for the offense or the court shall impose a mandatory prison 1722
term on the offender, determined as follows: 1723

(1) Except as otherwise provided in this division, there 1724
is a presumption for a prison term for the offense. If the 1725
offender two or more times previously has been convicted of or 1726
pleaded guilty to a felony drug abuse offense, except as 1727
otherwise provided in this division, the court shall impose as a 1728
mandatory prison term one of the prison terms prescribed for a 1729
felony of the third degree that is not less than two years. If 1730
the offender two or more times previously has been convicted of 1731
or pleaded guilty to a felony drug abuse offense and if at least 1732
one of those previous convictions or guilty pleas was to a 1733
violation of division (A) of this section, a violation of 1734
division (B) (6) of section 2919.22 of the Revised Code, or a 1735
violation of division (A) of section 2925.04 of the Revised 1736
Code, the court shall impose as a mandatory prison term one of 1737

the prison terms prescribed for a felony of the third degree 1738
that is not less than five years. 1739

(2) If the violation of division (A) of this section is a 1740
felony of the second degree under division (C) of this section 1741
and the chemical or chemicals assembled or possessed in 1742
committing the violation may be used to manufacture 1743
methamphetamine, the court shall impose as a mandatory prison 1744
term one of the prison terms prescribed for a felony of the 1745
second degree that is not less than three years. If the 1746
violation of division (A) of this section is a felony of the 1747
second degree under division (C) of this section, if the 1748
chemical or chemicals assembled or possessed in committing the 1749
violation may be used to manufacture methamphetamine, and if the 1750
offender previously has been convicted of or pleaded guilty to a 1751
violation of division (A) of this section, a violation of 1752
division (B) (6) of section 2919.22 of the Revised Code, or a 1753
violation of division (A) of section 2925.04 of the Revised 1754
Code, the court shall impose as a mandatory prison term one of 1755
the prison terms prescribed for a felony of the second degree 1756
that is not less than five years. 1757

(D) In addition to any prison term authorized by division 1758
(C) of this section and sections 2929.13 and 2929.14 of the 1759
Revised Code and in addition to any other sanction imposed for 1760
the offense under this section or sections 2929.11 to 2929.18 of 1761
the Revised Code, the court that sentences an offender who is 1762
convicted of or pleads guilty to a violation of this section may 1763
suspend the offender's driver's or commercial driver's license 1764
or permit in accordance with division (G) of section 2925.03 of 1765
the Revised Code. However, if the offender pleaded guilty to or 1766
was convicted of a violation of section 4511.19 of the Revised 1767
Code or a substantially similar municipal ordinance or the law 1768

of another state or the United States arising out of the same 1769
set of circumstances as the violation, the court shall suspend 1770
the offender's driver's or commercial driver's license or permit 1771
in accordance with division (G) of section 2925.03 of the 1772
Revised Code. If applicable, the court also shall do the 1773
following: 1774

(1) The court shall impose upon the offender the mandatory 1775
fine specified for the offense under division (B) (1) of section 1776
2929.18 of the Revised Code unless, as specified in that 1777
division, the court determines that the offender is indigent. 1778
The clerk of the court shall pay a mandatory fine or other fine 1779
imposed for a violation of this section under division (A) of 1780
section 2929.18 of the Revised Code in accordance with and 1781
subject to the requirements of division (F) of section 2925.03 1782
of the Revised Code. The agency that receives the fine shall use 1783
the fine as specified in division (F) of section 2925.03 of the 1784
Revised Code. If a person charged with a violation of this 1785
section posts bail and forfeits the bail, the clerk shall pay 1786
the forfeited bail as if the forfeited bail were a fine imposed 1787
for a violation of this section. 1788

(2) If the offender is a professionally licensed person or 1789
a person who has been admitted to the bar by order of the 1790
supreme court in compliance with its prescribed and published 1791
rules, the court shall comply with section 2925.38 of the 1792
Revised Code. 1793

(E) (1) If the sentencing court suspends the offender's 1794
driver's or commercial driver's license or permit under this 1795
section in accordance with division (G) of section 2925.03 of 1796
the Revised Code, the offender may request termination of, and 1797
the court may terminate, the suspension of the offender in 1798

accordance with that division. 1799

(2) Any offender who received a mandatory suspension of 1800
the offender's driver's or commercial driver's license or permit 1801
under this section prior to ~~the effective date of this amendment~~ 1802
September 13, 2016, may file a motion with the sentencing court 1803
requesting the termination of the suspension. However, an 1804
offender who pleaded guilty to or was convicted of a violation 1805
of section 4511.19 of the Revised Code or a substantially 1806
similar municipal ordinance or law of another state or the 1807
United States that arose out of the same set of circumstances as 1808
the violation for which the offender's license or permit was 1809
suspended under this section shall not file such a motion. 1810

Upon the filing of a motion under division (E)(2) of this 1811
section, the sentencing court, in its discretion, may terminate 1812
the suspension. 1813

Sec. 2925.36. (A) No person shall knowingly furnish 1814
another a sample drug. 1815

(B) Division (A) of this section does not apply to 1816
manufacturers, wholesalers, pharmacists, owners of pharmacies, 1817
licensed health professionals authorized to prescribe drugs, and 1818
other persons whose conduct is in accordance with Chapters 1819
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 1820
the Revised Code. 1821

(C)(1) Whoever violates this section is guilty of illegal 1822
dispensing of drug samples. 1823

(2) If the drug involved in the offense is a compound, 1824
mixture, preparation, or substance included in schedule I or II, 1825
with the exception of marihuana, the penalty for the offense 1826
shall be determined as follows: 1827

(a) Except as otherwise provided in division (C) (2) (b) of 1828
this section, illegal dispensing of drug samples is a felony of 1829
the fifth degree, and, subject to division (E) of this section, 1830
division (C) of section 2929.13 of the Revised Code applies in 1831
determining whether to impose a prison term on the offender. 1832

(b) If the offense was committed in the vicinity of a 1833
~~school or~~, in the vicinity of a juvenile, or in the vicinity of 1834
a community addiction services provider, illegal dispensing of 1835
drug samples is a felony of the fourth degree, and, subject to 1836
division (E) of this section, division (C) of section 2929.13 of 1837
the Revised Code applies in determining whether to impose a 1838
prison term on the offender. 1839

(3) If the drug involved in the offense is a dangerous 1840
drug or a compound, mixture, preparation, or substance included 1841
in schedule III, IV, or V, or is marihuana, the penalty for the 1842
offense shall be determined as follows: 1843

(a) Except as otherwise provided in division (C) (3) (b) of 1844
this section, illegal dispensing of drug samples is a 1845
misdemeanor of the second degree. 1846

(b) If the offense was committed in the vicinity of a 1847
~~school or~~, in the vicinity of a juvenile, or in the vicinity of 1848
a community addiction services provider, illegal dispensing of 1849
drug samples is a misdemeanor of the first degree. 1850

(D) (1) In addition to any prison term authorized or 1851
required by division (C) or (E) of this section and sections 1852
2929.13 and 2929.14 of the Revised Code and in addition to any 1853
other sanction imposed for the offense under this section or 1854
sections 2929.11 to 2929.18 of the Revised Code, the court that 1855
sentences an offender who is convicted of or pleads guilty to a 1856

violation of division (A) of this section may suspend for not 1857
more than five years the offender's driver's or commercial 1858
driver's license or permit. However, if the offender pleaded 1859
guilty to or was convicted of a violation of section 4511.19 of 1860
the Revised Code or a substantially similar municipal ordinance 1861
or the law of another state or the United States arising out of 1862
the same set of circumstances as the violation, the court shall 1863
suspend the offender's driver's or commercial driver's license 1864
or permit for not more than five years. 1865

If the offender is a professionally licensed person, in 1866
addition to any other sanction imposed for a violation of this 1867
section, the court immediately shall comply with section 2925.38 1868
of the Revised Code. 1869

(2) Any offender who received a mandatory suspension of 1870
the offender's driver's or commercial driver's license or permit 1871
under this section prior to ~~the effective date of this amendment~~ 1872
September 13, 2016, may file a motion with the sentencing court 1873
requesting the termination of the suspension. However, an 1874
offender who pleaded guilty to or was convicted of a violation 1875
of section 4511.19 of the Revised Code or a substantially 1876
similar municipal ordinance or law of another state or the 1877
United States that arose out of the same set of circumstances as 1878
the violation for which the offender's license or permit was 1879
suspended under this section shall not file such a motion. 1880

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

(E) Notwithstanding the prison term authorized or required 1884
by division (C) of this section and sections 2929.13 and 2929.14 1885
of the Revised Code, if the violation of division (A) of this 1886

section involves the sale, offer to sell, or possession of a 1887
schedule I or II controlled substance, with the exception of 1888
marihuana, and if the court imposing sentence upon the offender 1889
finds that the offender as a result of the violation is a major 1890
drug offender and is guilty of a specification of the type 1891
described in section 2941.1410 of the Revised Code, the court, 1892
in lieu of the prison term otherwise authorized or required, 1893
shall impose upon the offender the mandatory prison term 1894
specified in division (B) (3) (a) of section 2929.14 of the 1895
Revised Code. 1896

(F) Notwithstanding any contrary provision of section 1897
3719.21 of the Revised Code, the clerk of the court shall pay a 1898
fine imposed for a violation of this section pursuant to 1899
division (A) of section 2929.18 of the Revised Code in 1900
accordance with and subject to the requirements of division (F) 1901
of section 2925.03 of the Revised Code. The agency that receives 1902
the fine shall use the fine as specified in division (F) of 1903
section 2925.03 of the Revised Code. 1904

Sec. 2925.37. (A) No person shall knowingly possess any 1905
counterfeit controlled substance. 1906

(B) No person shall knowingly make, sell, offer to sell, 1907
or deliver any substance that the person knows is a counterfeit 1908
controlled substance. 1909

(C) No person shall make, possess, sell, offer to sell, or 1910
deliver any punch, die, plate, stone, or other device knowing or 1911
having reason to know that it will be used to print or reproduce 1912
a trademark, trade name, or other identifying mark upon a 1913
counterfeit controlled substance. 1914

(D) No person shall sell, offer to sell, give, or deliver 1915

any counterfeit controlled substance to a juvenile. 1916

(E) No person shall directly or indirectly represent a 1917
counterfeit controlled substance as a controlled substance by 1918
describing its effects as the physical or psychological effects 1919
associated with use of a controlled substance. 1920

(F) No person shall directly or indirectly falsely 1921
represent or advertise a counterfeit controlled substance as a 1922
controlled substance. As used in this division, "advertise" 1923
means engaging in "advertisement," as defined in section 3715.01 1924
of the Revised Code. 1925

(G) Whoever violates division (A) of this section is 1926
guilty of possession of counterfeit controlled substances, a 1927
misdemeanor of the first degree. 1928

(H) Whoever violates division (B) or (C) of this section 1929
is guilty of trafficking in counterfeit controlled substances. 1930
Except as otherwise provided in this division, trafficking in 1931
counterfeit controlled substances is a felony of the fifth 1932
degree, and division (C) of section 2929.13 of the Revised Code 1933
applies in determining whether to impose a prison term on the 1934
offender. If the offense was committed in the vicinity of a 1935
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 1936
a community addiction services provider, trafficking in 1937
counterfeit controlled substances is a felony of the fourth 1938
degree, and division (C) of section 2929.13 of the Revised Code 1939
applies in determining whether to impose a prison term on the 1940
offender. 1941

(I) Whoever violates division (D) of this section is 1942
guilty of aggravated trafficking in counterfeit controlled 1943
substances. Except as otherwise provided in this division, 1944

aggravated trafficking in counterfeit controlled substances is a 1945
felony of the fourth degree, and division (C) of section 2929.13 1946
of the Revised Code applies in determining whether to impose a 1947
prison term on the offender. 1948

(J) Whoever violates division (E) of this section is 1949
guilty of promoting and encouraging drug abuse. Except as 1950
otherwise provided in this division, promoting and encouraging 1951
drug abuse is a felony of the fifth degree, and division (C) of 1952
section 2929.13 of the Revised Code applies in determining 1953
whether to impose a prison term on the offender. If the offense 1954
was committed in the vicinity of a school ~~or~~, in the vicinity 1955
of a juvenile, or in the vicinity of a community addiction 1956
services provider, promoting and encouraging drug abuse is a 1957
felony of the fourth degree, and division (C) of section 2929.13 1958
of the Revised Code applies in determining whether to impose a 1959
prison term on the offender. 1960

(K) Whoever violates division (F) of this section is 1961
guilty of fraudulent drug advertising. Except as otherwise 1962
provided in this division, fraudulent drug advertising is a 1963
felony of the fifth degree, and division (C) of section 2929.13 1964
of the Revised Code applies in determining whether to impose a 1965
prison term on the offender. If the offense was committed in the 1966
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1967
the vicinity of a community addiction services provider, 1968
fraudulent drug advertising is a felony of the fourth degree, 1969
and division (C) of section 2929.13 of the Revised Code applies 1970
in determining whether to impose a prison term on the offender. 1971

(L) (1) In addition to any prison term authorized or 1972
required by divisions (H) to (K) of this section and sections 1973
2929.13 and 2929.14 of the Revised Code and in addition to any 1974

other sanction imposed for the offense under this section or 1975
sections 2929.11 to 2929.18 of the Revised Code, the court that 1976
sentences an offender who is convicted of or pleads guilty to a 1977
violation of division (B), (C), (D), (E), or (F) of this section 1978
may suspend for not more than five years the offender's driver's 1979
or commercial driver's license or permit. However, if the 1980
offender pleaded guilty to or was convicted of a violation of 1981
section 4511.19 of the Revised Code or a substantially similar 1982
municipal ordinance or the law of another state or the United 1983
States arising out of the same set of circumstances as the 1984
violation, the court shall suspend the offender's driver's or 1985
commercial driver's license or permit for not more than five 1986
years. 1987

If the offender is a professionally licensed person, in 1988
addition to any other sanction imposed for a violation of this 1989
section, the court immediately shall comply with section 2925.38 1990
of the Revised Code. 1991

(2) Any offender who received a mandatory suspension of 1992
the offender's driver's or commercial driver's license or permit 1993
under this section prior to ~~the effective date of this amendment~~ 1994
September 13, 2016 may file a motion with the sentencing court 1995
requesting the termination of the suspension. However, an 1996
offender who pleaded guilty to or was convicted of a violation 1997
of section 4511.19 of the Revised Code or a substantially 1998
similar municipal ordinance or law of another state or the 1999
United States that arose out of the same set of circumstances as 2000
the violation for which the offender's license or permit was 2001
suspended under this section shall not file such a motion. 2002

Upon the filing of a motion under division (L) (2) of this 2003
section, the sentencing court, in its discretion, may terminate 2004

the suspension. 2005

(M) Notwithstanding any contrary provision of section 2006
3719.21 of the Revised Code, the clerk of the court shall pay a 2007
fine imposed for a violation of this section pursuant to 2008
division (A) of section 2929.18 of the Revised Code in 2009
accordance with and subject to the requirements of division (F) 2010
of section 2925.03 of the Revised Code. The agency that receives 2011
the fine shall use the fine as specified in division (F) of 2012
section 2925.03 of the Revised Code. 2013

Section 2. That existing sections 2925.01, 2925.02, 2014
2925.03, 2925.04, 2925.041, 2925.36, and 2925.37 of the Revised 2015
Code are hereby repealed. 2016

Section 3. Section 2925.03 of the Revised Code is 2017
presented in this act as a composite of the section as amended 2018
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 2019
131st General Assembly. The General Assembly, applying the 2020
principle stated in division (B) of section 1.52 of the Revised 2021
Code that amendments are to be harmonized if reasonably capable 2022
of simultaneous operation, finds that the composite is the 2023
resulting version of the section in effect prior to the 2024
effective date of the section as presented in this act. 2025