

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 193**

**Senators Hoagland, Johnson**

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**A BILL**

To amend sections 2909.21, 2909.24, 2925.37, and 1  
3719.21 and to enact section 5502.09 of the 2  
Revised Code to add drug offenses committed by a 3  
major drug offender to the definition of 4  
"specified offenses" used in terrorism offenses, 5  
to modify the offense of terrorism, to prohibit 6  
possession of an encapsulating or tableting 7  
machine, and to create the pill press mold, 8  
encapsulating machine, and tableting machine 9  
registry. 10

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

**Section 1.** That sections 2909.21, 2909.24, 2925.37, and 11  
3719.21 be amended and section 5502.09 of the Revised Code be 12  
enacted to read as follows: 13

**Sec. 2909.21.** As used in sections 2909.21 to 2909.31 of 14  
the Revised Code: 15

(A) "Act of terrorism" means an act that is committed 16  
within or outside the territorial jurisdiction of this state or 17  
the United States, that constitutes a specified offense if 18  
committed in this state or constitutes an offense in any 19

jurisdiction within or outside the territorial jurisdiction of 20  
the United States containing all of the essential elements of a 21  
specified offense, and that is intended to do one or more of the 22  
following: 23

(1) Intimidate or coerce a civilian population; 24

(2) Influence the policy of any government by intimidation 25  
or coercion; 26

(3) Affect the conduct of any government by the act that 27  
constitutes the offense. 28

(B) "Biological agent," "delivery system," "toxin," and 29  
"vector" have the same meanings as in section 2917.33 of the 30  
Revised Code. 31

(C) "Biological weapon" means any biological agent, toxin, 32  
vector, or delivery system or combination of any biological 33  
agent or agents, any toxin or toxins, any vector or vectors, and 34  
any delivery system or systems. 35

(D) "Chemical weapon" means any one or more of the 36  
following: 37

(1) Any toxic chemical or precursor of a toxic chemical 38  
that is listed in Schedule 1, Schedule 2, or Schedule 3 of the 39  
international "Convention on the Prohibition of the Development, 40  
Production, Stockpiling and Use of Chemical Weapons and on their 41  
Destruction (CWC)," as entered into force on April 29, 1997; 42

(2) A device specifically designed to cause death or other 43  
harm through the toxic properties of a toxic chemical or 44  
precursor identified in division (D)(1) of this section that 45  
would be created or released as a result of the employment of 46  
that device; 47

(3) Any equipment specifically designed for use directly 48  
in connection with the employment of devices identified in 49  
division (D) (2) of this section. 50

(E) "Radiological or nuclear weapon" means any device that 51  
is designed to create or release radiation or radioactivity at a 52  
level that is dangerous to human life or in order to cause 53  
serious physical harm to persons as a result of the radiation or 54  
radioactivity created or released. 55

(F) "Explosive device" has the same meaning as in section 56  
2923.11 of the Revised Code. 57

(G) "Key component of a binary or multicomponent chemical 58  
system" means the precursor that plays the most important role 59  
in determining the toxic properties of the final product and 60  
reacts rapidly with other chemicals in the binary or 61  
multicomponent chemical system. 62

(H) "Material support or resources" means currency, 63  
payment instruments, other financial securities, funds, transfer 64  
of funds, financial services, communications, lodging, training, 65  
safe houses, false documentation or identification, 66  
communications equipment, facilities, weapons, lethal 67  
substances, explosives, personnel, transportation, and other 68  
physical assets, except medicine or religious materials. 69

(I) "Payment instrument" means a check, draft, money 70  
order, traveler's check, cashier's check, teller's check, or 71  
other instrument or order for the transmission or payment of 72  
money, regardless of whether the item in question is negotiable. 73

(J) "Peace officer" and "prosecutor" have the same 74  
meanings as in section 2935.01 of the Revised Code. 75

(K) "Precursor" means any chemical reactant that takes 76

part at any stage in the production by whatever method of a 77  
toxic chemical, including any key component of a binary or 78  
multicomponent chemical system. 79

(L) "Response costs" means all costs a political 80  
subdivision incurs as a result of, or in making any response to, 81  
a threat of a specified offense made as described in section 82  
2909.23 of the Revised Code or a specified offense committed as 83  
described in section 2909.24 of the Revised Code, including, but 84  
not limited to, all costs so incurred by any law enforcement 85  
officers, firefighters, rescue personnel, or emergency medical 86  
services personnel of the political subdivision and all costs so 87  
incurred by the political subdivision that relate to laboratory 88  
testing or hazardous material cleanup. 89

(M) "Specified offense" means any of the following: 90

(1) A felony offense of violence, ~~a;~~ 91

(2) A violation of section 2909.04, 2909.081, 2909.22, 92  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, or 2927.24 93  
of the Revised Code, ~~a;~~ 94

(3) A violation of section 2925.03, 2925.04, 2925.05, or 95  
2925.11 of the Revised Code if the offender is a major drug 96  
offender; 97

(4) Except as provided in division (M) (3) of this section, 98  
a felony of the first degree that is not a violation of any 99  
provision in Chapter 2925. or 3719. of the Revised Code; 100

~~(2)-(5)~~ (5) An attempt to commit, complicity in committing, or 101  
a conspiracy to commit an offense listed in ~~division~~ divisions 102  
(M) (1) to (4) of this section. 103

(N) "Toxic chemical" means any chemical that through its 104

chemical action on life processes can cause death or serious 105  
physical harm to persons or animals, regardless of its origin or 106  
of its method of production and regardless of whether it is 107  
produced in facilities, in munitions, or elsewhere. 108

(O) "Hazardous radioactive substance" means any substance 109  
or item that releases or is designed to release radiation or 110  
radioactivity at a level dangerous to human life. 111

(P) "Major drug offender" has the same meaning as in 112  
section 2929.01 of the Revised Code. 113

**Sec. 2909.24.** (A) No person shall commit a specified 114  
offense with purpose to do any of the following: 115

(1) Intimidate or coerce a civilian population; 116

(2) Influence the policy of any government by intimidation 117  
or coercion; 118

(3) Affect the conduct of any government by the specified 119  
offense. 120

~~(B) (1)~~ (B) For a prosecution under division (A) (1) of this 121  
section, the element "intimidate or coerce a civilian 122  
population" has been established if the specified offense is one 123  
of the specified offenses in division (M) (3) of section 2909.21 124  
of the Revised Code and in committing the specified offense the 125  
offender caused or created a substantial risk of serious 126  
physical harm or death to one or more persons. 127

(C) (1) Whoever violates this section is guilty of 128  
terrorism. 129

(2) Except as otherwise provided in divisions ~~(B) (3)~~ (C) 130  
(3) and (4) of this section, terrorism is an offense one degree 131  
higher than the most serious underlying specified offense the 132

defendant committed.	133
(3) Except as provided in division <del>(B) (6)</del> <u>(C) (6)</u> of this section, if the most serious underlying specified offense the defendant committed is a felony of the first degree or murder, the person shall be sentenced to life imprisonment without parole.	134 135 136 137 138
(4) Except as provided in division <del>(B) (6)</del> <u>(C) (6)</u> of this section, if the most serious underlying specified offense the defendant committed is aggravated murder, the offender shall be sentenced to life imprisonment without parole or death pursuant to sections 2929.02 to 2929.06 of the Revised Code.	139 140 141 142 143
(5) Section 2909.25 of the Revised Code applies regarding an offender who is convicted of or pleads guilty to a violation of this section.	144 145 146
(6) If a person commits a violation of this section, if the most serious underlying specified offense the offender committed is aggravated murder, murder, or a felony of the first degree, and if the offender was under eighteen years of age at the time of the violation, the offender shall not be sentenced to life imprisonment without parole, but instead the offender shall be sentenced to an indefinite prison term of thirty years to life.	147 148 149 150 151 152 153 154
<b>Sec. 2925.37.</b> (A) No person shall knowingly possess any counterfeit controlled substance.	155 156
(B) No person shall knowingly make, sell, offer to sell, or deliver any substance that the person knows is a counterfeit controlled substance.	157 158 159
(C) No person shall make, possess, sell, offer to sell, or deliver any punch, die, plate, stone, or other device knowing or	160 161

having reason to know that it will be used to print or reproduce 162  
a trademark, trade name, or other identifying mark upon a 163  
counterfeit controlled substance. 164

(D) No person shall knowingly make, possess, sell, offer 165  
to sell, or deliver an encapsulating machine or tableting 166  
machine knowing or having reason to know that it is likely to be 167  
used to compound, convert, manufacture, prepare, process, or 168  
produce a counterfeit controlled substance. 169

(E) No person shall sell, offer to sell, give, or deliver 170  
any counterfeit controlled substance to a juvenile. 171

~~(E)~~(F) No person shall directly or indirectly represent a 172  
counterfeit controlled substance as a controlled substance by 173  
describing its effects as the physical or psychological effects 174  
associated with use of a controlled substance. 175

~~(F)~~(G) No person shall directly or indirectly falsely 176  
represent or advertise a counterfeit controlled substance as a 177  
controlled substance. As used in this division, "advertise" 178  
means engaging in "advertisement," as defined in section 3715.01 179  
of the Revised Code. 180

~~(G)~~(H) Whoever violates division (A) of this section is 181  
guilty of possession of counterfeit controlled substances, a 182  
misdemeanor of the first degree. 183

~~(H)~~(I) Whoever violates division (B) ~~or~~, (C), or (D) of 184  
this section is guilty of trafficking in counterfeit controlled 185  
substances. Except as otherwise provided in this division, 186  
trafficking in counterfeit controlled substances is a felony of 187  
the fifth degree, and division (C) of section 2929.13 of the 188  
Revised Code applies in determining whether to impose a prison 189  
term on the offender. If the offense was committed in the 190

vicinity of a school or in the vicinity of a juvenile, 191  
trafficking in counterfeit controlled substances is a felony of 192  
the fourth degree, and division (C) of section 2929.13 of the 193  
Revised Code applies in determining whether to impose a prison 194  
term on the offender. 195

~~(I)~~ (J) Whoever violates division ~~(D)~~ (E) of this section 196  
is guilty of aggravated trafficking in counterfeit controlled 197  
substances. Except as otherwise provided in this division, 198  
aggravated trafficking in counterfeit controlled substances is a 199  
felony of the fourth degree, and division (C) of section 2929.13 200  
of the Revised Code applies in determining whether to impose a 201  
prison term on the offender. 202

~~(J)~~ (K) Whoever violates division ~~(E)~~ (F) of this section 203  
is guilty of promoting and encouraging drug abuse. Except as 204  
otherwise provided in this division, promoting and encouraging 205  
drug abuse is a felony of the fifth degree, and division (C) of 206  
section 2929.13 of the Revised Code applies in determining 207  
whether to impose a prison term on the offender. If the offense 208  
was committed in the vicinity of a school or in the vicinity of 209  
a juvenile, promoting and encouraging drug abuse is a felony of 210  
the fourth degree, and division (C) of section 2929.13 of the 211  
Revised Code applies in determining whether to impose a prison 212  
term on the offender. 213

~~(K)~~ (L) Whoever violates division ~~(F)~~ (G) of this section 214  
is guilty of fraudulent drug advertising. Except as otherwise 215  
provided in this division, fraudulent drug advertising is a 216  
felony of the fifth degree, and division (C) of section 2929.13 217  
of the Revised Code applies in determining whether to impose a 218  
prison term on the offender. If the offense was committed in the 219  
vicinity of a school or in the vicinity of a juvenile, 220



fraudulent drug advertising is a felony of the fourth degree, 221  
and division (C) of section 2929.13 of the Revised Code applies 222  
in determining whether to impose a prison term on the offender. 223

~~(I)(1)~~ (M)(1) In addition to any prison term authorized or 224  
required by divisions ~~(H)~~ (I) to ~~(K)~~ (L) of this section and 225  
sections 2929.13 and 2929.14 of the Revised Code and in addition 226  
to any other sanction imposed for the offense under this section 227  
or sections 2929.11 to 2929.18 of the Revised Code, the court 228  
that sentences an offender who is convicted of or pleads guilty 229  
to a violation of division (B), (C), (D), (E), ~~or (F)~~, or (G) of 230  
this section may suspend for not more than five years the 231  
offender's driver's or commercial driver's license or permit. 232  
However, if the offender pleaded guilty to or was convicted of a 233  
violation of section 4511.19 of the Revised Code or a 234  
substantially similar municipal ordinance or the law of another 235  
state or the United States arising out of the same set of 236  
circumstances as the violation, the court shall suspend the 237  
offender's driver's or commercial driver's license or permit for 238  
not more than five years. 239

If the offender is a professionally licensed person, in 240  
addition to any other sanction imposed for a violation of this 241  
section, the court immediately shall comply with section 2925.38 242  
of the Revised Code. 243

(2) Any offender who received a mandatory suspension of 244  
the offender's driver's or commercial driver's license or permit 245  
under this section prior to ~~the effective date of this amendment~~ 246  
September 13, 2016, may file a motion with the sentencing court 247  
requesting the termination of the suspension. However, an 248  
offender who pleaded guilty to or was convicted of a violation 249  
of section 4511.19 of the Revised Code or a substantially 250

similar municipal ordinance or law of another state or the 251  
United States that arose out of the same set of circumstances as 252  
the violation for which the offender's license or permit was 253  
suspended under this section shall not file such a motion. 254

Upon the filing of a motion under division ~~(L) (2)~~ (M) (2) 255  
of this section, the sentencing court, in its discretion, may 256  
terminate the suspension. 257

~~(M)~~ (N) Notwithstanding any contrary provision of section 258  
3719.21 of the Revised Code, the clerk of the court shall pay a 259  
fine imposed for a violation of this section pursuant to 260  
division (A) of section 2929.18 of the Revised Code in 261  
accordance with and subject to the requirements of division (F) 262  
of section 2925.03 of the Revised Code. The agency that receives 263  
the fine shall use the fine as specified in division (F) of 264  
section 2925.03 of the Revised Code. 265

**Sec. 3719.21.** Except as provided in division (C) of 266  
section 2923.42, division (B) of section 2923.44, divisions (D) 267  
(1), (F), and (H) of section 2925.03, division (D) (1) of section 268  
2925.02, 2925.04, or 2925.05, division (E) (1) of section 269  
2925.11, division (E) of section 2925.13, division (F) of 270  
section 2925.36, division (D) of section 2925.22, division (H) 271  
of section 2925.23, division ~~(M)~~ (N) of section 2925.37, 272  
division (B) of section 2925.42, division (B) of section 273  
2929.18, division (D) of section 3719.99, division (B) (1) of 274  
section 4729.65, division (E) (3) of section 4729.99, and 275  
division (I) (3) of section 4729.99 of the Revised Code, the 276  
clerk of the court shall pay all fines or forfeited bail 277  
assessed and collected under prosecutions or prosecutions 278  
commenced for violations of this chapter, section 2923.42 of the 279  
Revised Code, or Chapter 2925. of the Revised Code, within 280

thirty days, to the executive director of the state board of 281  
pharmacy, and the executive director shall deposit the fines 282  
into the state treasury to the credit of the occupational 283  
licensing and regulatory fund. 284

Sec. 5502.09. (A) As used in this section: 285

(1) "Counterfeit controlled substance" has the same 286  
meaning as in section 2925.01 of the Revised Code. 287

(2) "Encapsulating machine" or "tableting machine" means a 288  
machine that may be used to compound, convert, manufacture, 289  
prepare, process, or produce a counterfeit controlled substance. 290

(3) "Law enforcement agency" means a municipal or township 291  
police department, a county sheriff's office, or the state 292  
highway patrol. 293

(4) "Licensed health professional authorized to prescribe 294  
drugs" and "prescriber" have the same meanings as in section 295  
4729.01 of the Revised Code. 296

(5) "Pill press mold" means a punch, die, plate, stone, or 297  
other device that may be used to print or reproduce a trademark, 298  
trade name, or other identifying mark upon a counterfeit 299  
controlled substance. 300

(B) Within six months after the effective date of this 301  
section, the department of public safety shall establish and 302  
maintain a pill press mold, encapsulating machine, and tableting 303  
machine registry. 304

(C) (1) Any person who possesses a pill press mold, 305  
encapsulating machine, or tableting machine shall register the 306  
pill press mold, encapsulating machine, or tableting machine 307  
with the department of public safety. A person who is in 308

possession of a pill press mold, encapsulating machine, or 309  
tableting machine on the date that the pill press mold, 310  
encapsulating machine, and tableting machine registry is 311  
established shall register the pill press mold, encapsulating 312  
machine, or tableting machine with the department within six 313  
months after the date that the pill press mold, encapsulating 314  
machine, and tableting machine registry is established. A person 315  
who acquires possession of a pill press mold, encapsulating 316  
machine, or tableting machine after the date that the pill press 317  
mold, encapsulating machine, and tableting machine registry is 318  
established shall register the pill press mold, encapsulating 319  
machine, or tableting machine with the department within thirty 320  
days of acquiring possession of the pill press mold, 321  
encapsulating machine, or tableting machine. 322

(2) The registrant shall register by obtaining from the 323  
department of public safety a copy of the registration form 324  
prescribed by the department, completing and signing the form, 325  
and returning to the department the completed and signed form. 326

(3) The registration form shall include all of the 327  
following: 328

(a) The registrant's full name and any alias used; 329

(b) The registrant's address; 330

(c) The registrant's telephone number; 331

(d) The registrant's social security number; 332

(e) The name and address of the registrant's place of 333  
employment; 334

(f) The name and address of any school or institution of 335  
higher education that the registrant is attending; 336

(g) The registrant's driver's license number or commercial driver's license number, or state identification card number; 337  
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(h) The license plate number of each vehicle owned or operated by the registrant or registered in the registrant's name, the vehicle identification number of each vehicle, and a description of each vehicle; 339  
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(i) The number and description of each pill press mold, encapsulating machine, or tableting machine that the registrant possesses; 343  
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(j) Any other information required by the department of public safety. 346  
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(D) The registrant shall reregister one year after the registrant's last registration or reregistration. The registrant shall reregister by obtaining from the department of public safety a copy of the reregistration form prescribed by the department, completing and signing the form, and returning to the department the completed and signed form, amending any information required under division (C) of this section that has changed since the last registration, and providing any additional registration information required by the department. 348  
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(E) (1) If the registrant no longer possesses a pill press mold, encapsulating machine, or tableting machine, the registrant shall provide notice of a change of possession to the department of public safety within ninety days of the registrant no longer possessing the pill press mold, encapsulating machine, or tableting machine. 357  
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(2) The registrant shall provide notice of a change of possession to the department of public safety by obtaining from the department a copy of the notice of change of possession form 363  
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prescribed by the department, completing and signing the form, 366  
and returning to the department the completed and signed form. 367

(F) The department of public safety shall make the pill 368  
press mold, encapsulating machine, and tableting machine 369  
registry available to the department of public safety and law 370  
enforcement agencies. The pill press mold, encapsulating 371  
machine, and tableting machine registry is not a public record 372  
under section 149.43 of the Revised Code. 373

(G) Within six months after the effective date of this 374  
section, the department of public safety shall do both of the 375  
following: 376

(1) In accordance with Chapter 119. of the Revised Code, 377  
adopt rules with respect to the pill press mold, encapsulating 378  
machine, and tableting machine registry; 379

(2) Prescribe forms to be used by registrants to register, 380  
reregister, and provide notice of change of possession as 381  
described in divisions (C), (D), and (E) of this section. 382

(H) This section does not apply to manufacturers, licensed 383  
health professionals authorized to prescribe drugs, prescribers, 384  
pharmacists, owners of pharmacies, and other persons whose 385  
conduct is in accordance with Chapters 3719., 4715., 4723., 386  
4729., 4730., 4731., and 4741. of the Revised Code. 387

(I) Whoever fails to register or reregister in violation 388  
of division (C) or (D) of this section is guilty of failure to 389  
register with the pill press mold, encapsulating machine, and 390  
tableting machine registry, a misdemeanor of the first degree. 391

**Section 2.** That existing sections 2909.21, 2909.24, 392  
2925.37, and 3719.21 of the Revised Code are hereby repealed. 393