

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 364

Senator Gavarone

A BILL

To amend sections 2305.234, 2305.51, 2925.01,	1
2925.02, 2925.03, 2925.11, 2925.12, 2925.14,	2
2925.23, 2925.36, 2925.55, 2925.56, 2925.61,	3
2929.42, 3701.048, 3701.74, 3709.161, 3715.872,	4
3719.06, 3719.064, 3719.121, 3719.13, 3719.81,	5
4729.01, 4729.29, 4729.51, 4729.514, 4729.553,	6
4731.051, 4731.07, 4731.22, 4731.224, 4731.24,	7
4731.25, 4731.251, 4734.99, 4743.09, 4755.48,	8
4755.623, 4765.51, 4769.01, 4776.01, 5123.47,	9
5164.95, and 5903.12 and to enact sections	10
4772.01, 4772.02, 4772.03, 4772.04, 4772.041,	11
4772.05, 4772.06, 4772.07, 4772.08, 4772.081,	12
4772.082, 4772.09, 4772.091, 4772.092, 4772.10,	13
4772.11, 4772.12, 4772.13, 4772.14, 4772.15,	14
4772.16, 4772.17, 4772.18, 4772.19, 4772.20,	15
4772.201, 4772.202, 4772.203, 4772.21, 4772.22,	16
4772.23, 4772.24, 4772.25, 4772.26, 4772.27,	17
4772.28, and 4772.99 of the Revised Code to	18
license certified mental health assistants.	19

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

Section 1. That sections 2305.234, 2305.51, 2925.01, 20

2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 21
2925.55, 2925.56, 2925.61, 2929.42, 3701.048, 3701.74, 3709.161, 22
3715.872, 3719.06, 3719.064, 3719.121, 3719.13, 3719.81, 23
4729.01, 4729.29, 4729.51, 4729.514, 4729.553, 4731.051, 24
4731.07, 4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 4734.99, 25
4743.09, 4755.48, 4755.623, 4765.51, 4769.01, 4776.01, 5123.47, 26
5164.95, and 5903.12 be amended and sections 4772.01, 4772.02, 27
4772.03, 4772.04, 4772.041, 4772.05, 4772.06, 4772.07, 4772.08, 28
4772.081, 4772.082, 4772.09, 4772.091, 4772.092, 4772.10, 29
4772.11, 4772.12, 4772.13, 4772.14, 4772.15, 4772.16, 4772.17, 30
4772.18, 4772.19, 4772.20, 4772.201, 4772.202, 4772.203, 31
4772.21, 4772.22, 4772.23, 4772.24, 4772.25, 4772.26, 4772.27, 32
4772.28, and 4772.99 of the Revised Code be enacted to read as 33
follows: 34

Sec. 2305.234. (A) As used in this section: 35

(1) "Chiropractic claim," "medical claim," and "optometric 36
claim" have the same meanings as in section 2305.113 of the 37
Revised Code. 38

(2) "Dental claim" has the same meaning as in section 39
2305.113 of the Revised Code, except that it does not include 40
any claim arising out of a dental operation or any derivative 41
claim for relief that arises out of a dental operation. 42

(3) "Governmental health care program" has the same 43
meaning as in section 4731.65 of the Revised Code. 44

(4) "Health care facility or location" means a hospital, 45
clinic, ambulatory surgical facility, office of a health care 46
professional or associated group of health care professionals, 47
training institution for health care professionals, a free 48
clinic or other nonprofit shelter or health care facility as 49

those terms are defined in section 3701.071 of the Revised Code, 50
or any other place where medical, dental, or other health- 51
related diagnosis, care, or treatment is provided to a person. 52

(5) "Health care professional" means any of the following 53
who provide medical, dental, or other health-related diagnosis, 54
care, or treatment: 55

(a) Physicians authorized under Chapter 4731. of the 56
Revised Code to practice medicine and surgery or osteopathic 57
medicine and surgery; 58

(b) Advanced practice registered nurses, registered 59
nurses, and licensed practical nurses licensed under Chapter 60
4723. of the Revised Code; 61

(c) Physician assistants authorized to practice under 62
Chapter 4730. of the Revised Code; 63

(d) Dentists and dental hygienists licensed under Chapter 64
4715. of the Revised Code; 65

(e) Physical therapists, physical therapist assistants, 66
occupational therapists, occupational therapy assistants, and 67
athletic trainers licensed under Chapter 4755. of the Revised 68
Code; 69

(f) Chiropractors licensed under Chapter 4734. of the 70
Revised Code; 71

(g) Optometrists licensed under Chapter 4725. of the 72
Revised Code; 73

(h) Podiatrists authorized under Chapter 4731. of the 74
Revised Code to practice podiatry; 75

(i) Dietitians licensed under Chapter 4759. of the Revised 76

Code;	77
(j) Pharmacists licensed under Chapter 4729. of the	78
Revised Code;	79
(k) Emergency medical technicians-basic, emergency medical	80
technicians-intermediate, and emergency medical technicians-	81
paramedic, certified under Chapter 4765. of the Revised Code;	82
(l) Respiratory care professionals licensed under Chapter	83
4761. of the Revised Code;	84
(m) Speech-language pathologists and audiologists licensed	85
under Chapter 4753. of the Revised Code;	86
(n) Licensed professional clinical counselors, licensed	87
professional counselors, independent social workers, social	88
workers, independent marriage and family therapists, and	89
marriage and family therapists, licensed under Chapter 4757. of	90
the Revised Code;	91
(o) Psychologists licensed under Chapter 4732. of the	92
Revised Code;	93
(p) Independent chemical dependency counselors-clinical	94
supervisors, independent chemical dependency counselors,	95
chemical dependency counselors III, and chemical dependency	96
counselors II, licensed under Chapter 4758. of the Revised Code,	97
and chemical dependency counselor assistants, prevention	98
consultants, prevention specialists, prevention specialist	99
assistants, and registered applicants, certified under that	100
chapter;	101
<u>(g) Certified mental health assistants licensed under</u>	102
<u>Chapter 4772. of the Revised Code.</u>	103
(6) "Health care worker" means a person other than a	104

health care professional who provides medical, dental, or other 105
health-related care or treatment under the direction of a health 106
care professional with the authority to direct that individual's 107
activities, including medical technicians, medical assistants, 108
dental assistants, orderlies, aides, and individuals acting in 109
similar capacities. 110

(7) "Indigent and uninsured person" means a person who 111
meets both of the following requirements: 112

(a) Relative to being indigent, the person's income is not 113
greater than two hundred per cent of the federal poverty line, 114
as defined by the United States office of management and budget 115
and revised in accordance with section 673(2) of the "Omnibus 116
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 117
9902, as amended, except in any case in which division (A) (7) (b) 118
(iii) of this section includes a person whose income is greater 119
than two hundred per cent of the federal poverty line. 120

(b) Relative to being uninsured, one of the following 121
applies: 122

(i) The person is not a policyholder, certificate holder, 123
insured, contract holder, subscriber, enrollee, member, 124
beneficiary, or other covered individual under a health 125
insurance or health care policy, contract, or plan. 126

(ii) The person is a policyholder, certificate holder, 127
insured, contract holder, subscriber, enrollee, member, 128
beneficiary, or other covered individual under a health 129
insurance or health care policy, contract, or plan, but the 130
insurer, policy, contract, or plan denies coverage or is the 131
subject of insolvency or bankruptcy proceedings in any 132
jurisdiction. 133

(iii) Until June 30, 2019, the person is eligible for the 134
medicaid program or is a medicaid recipient. 135

(iv) Except as provided in division (A) (7) (b) (iii) of this 136
section, the person is not eligible for or a recipient, 137
enrollee, or beneficiary of any governmental health care 138
program. 139

(8) "Nonprofit health care referral organization" means an 140
entity that is not operated for profit and refers patients to, 141
or arranges for the provision of, health-related diagnosis, 142
care, or treatment by a health care professional or health care 143
worker. 144

(9) "Operation" means any procedure that involves cutting 145
or otherwise infiltrating human tissue by mechanical means, 146
including surgery, laser surgery, ionizing radiation, 147
therapeutic ultrasound, or the removal of intraocular foreign 148
bodies. "Operation" does not include the administration of 149
medication by injection, unless the injection is administered in 150
conjunction with a procedure infiltrating human tissue by 151
mechanical means other than the administration of medicine by 152
injection. "Operation" does not include routine dental 153
restorative procedures, the scaling of teeth, or extractions of 154
teeth that are not impacted. 155

(10) "Tort action" means a civil action for damages for 156
injury, death, or loss to person or property other than a civil 157
action for damages for a breach of contract or another agreement 158
between persons or government entities. 159

(11) "Volunteer" means an individual who provides any 160
medical, dental, or other health-care related diagnosis, care, 161
or treatment without the expectation of receiving and without 162

receipt of any compensation or other form of remuneration from 163
an indigent and uninsured person, another person on behalf of an 164
indigent and uninsured person, any health care facility or 165
location, any nonprofit health care referral organization, or 166
any other person or government entity. 167

(12) "Community control sanction" has the same meaning as 168
in section 2929.01 of the Revised Code. 169

(13) "Deep sedation" means a drug-induced depression of 170
consciousness during which a patient cannot be easily aroused 171
but responds purposefully following repeated or painful 172
stimulation, a patient's ability to independently maintain 173
ventilatory function may be impaired, a patient may require 174
assistance in maintaining a patent airway and spontaneous 175
ventilation may be inadequate, and cardiovascular function is 176
usually maintained. 177

(14) "General anesthesia" means a drug-induced loss of 178
consciousness during which a patient is not arousable, even by 179
painful stimulation, the ability to independently maintain 180
ventilatory function is often impaired, a patient often requires 181
assistance in maintaining a patent airway, positive pressure 182
ventilation may be required because of depressed spontaneous 183
ventilation or drug-induced depression of neuromuscular 184
function, and cardiovascular function may be impaired. 185

(B) (1) Subject to divisions (F) and (G) (3) of this 186
section, a health care professional who is a volunteer and 187
complies with division (B) (2) of this section is not liable in 188
damages to any person or government entity in a tort or other 189
civil action, including an action on a medical, dental, 190
chiropractic, optometric, or other health-related claim, for 191
injury, death, or loss to person or property that allegedly 192

arises from an action or omission of the volunteer in the 193
provision to an indigent and uninsured person of medical, 194
dental, or other health-related diagnosis, care, or treatment, 195
including the provision of samples of medicine and other medical 196
products, unless the action or omission constitutes willful or 197
wanton misconduct. 198

(2) To qualify for the immunity described in division (B) 199
(1) of this section, a health care professional shall do all of 200
the following prior to providing diagnosis, care, or treatment: 201

(a) Determine, in good faith, that the indigent and 202
uninsured person is mentally capable of giving informed consent 203
to the provision of the diagnosis, care, or treatment and is not 204
subject to duress or under undue influence; 205

(b) Inform the person of the provisions of this section, 206
including notifying the person that, by giving informed consent 207
to the provision of the diagnosis, care, or treatment, the 208
person cannot hold the health care professional liable for 209
damages in a tort or other civil action, including an action on 210
a medical, dental, chiropractic, optometric, or other health- 211
related claim, unless the action or omission of the health care 212
professional constitutes willful or wanton misconduct; 213

(c) Obtain the informed consent of the person and a 214
written waiver, signed by the person or by another individual on 215
behalf of and in the presence of the person, that states that 216
the person is mentally competent to give informed consent and, 217
without being subject to duress or under undue influence, gives 218
informed consent to the provision of the diagnosis, care, or 219
treatment subject to the provisions of this section. A written 220
waiver under division (B) (2) (c) of this section shall state 221
clearly and in conspicuous type that the person or other 222

individual who signs the waiver is signing it with full 223
knowledge that, by giving informed consent to the provision of 224
the diagnosis, care, or treatment, the person cannot bring a 225
tort or other civil action, including an action on a medical, 226
dental, chiropractic, optometric, or other health-related claim, 227
against the health care professional unless the action or 228
omission of the health care professional constitutes willful or 229
wanton misconduct. 230

(3) A physician or podiatrist who is not covered by 231
medical malpractice insurance, but complies with division (B) (2) 232
of this section, is not required to comply with division (A) of 233
section 4731.143 of the Revised Code. 234

(C) Subject to divisions (F) and (G) (3) of this section, 235
health care workers who are volunteers are not liable in damages 236
to any person or government entity in a tort or other civil 237
action, including an action upon a medical, dental, 238
chiropractic, optometric, or other health-related claim, for 239
injury, death, or loss to person or property that allegedly 240
arises from an action or omission of the health care worker in 241
the provision to an indigent and uninsured person of medical, 242
dental, or other health-related diagnosis, care, or treatment, 243
unless the action or omission constitutes willful or wanton 244
misconduct. 245

(D) Subject to divisions (F) and (G) (3) of this section, a 246
nonprofit health care referral organization is not liable in 247
damages to any person or government entity in a tort or other 248
civil action, including an action on a medical, dental, 249
chiropractic, optometric, or other health-related claim, for 250
injury, death, or loss to person or property that allegedly 251
arises from an action or omission of the nonprofit health care 252

referral organization in referring indigent and uninsured 253
persons to, or arranging for the provision of, medical, dental, 254
or other health-related diagnosis, care, or treatment by a 255
health care professional described in division (B) (1) of this 256
section or a health care worker described in division (C) of 257
this section, unless the action or omission constitutes willful 258
or wanton misconduct. 259

(E) Subject to divisions (F) and (G) (3) of this section 260
and to the extent that the registration requirements of section 261
3701.071 of the Revised Code apply, a health care facility or 262
location associated with a health care professional described in 263
division (B) (1) of this section, a health care worker described 264
in division (C) of this section, or a nonprofit health care 265
referral organization described in division (D) of this section 266
is not liable in damages to any person or government entity in a 267
tort or other civil action, including an action on a medical, 268
dental, chiropractic, optometric, or other health-related claim, 269
for injury, death, or loss to person or property that allegedly 270
arises from an action or omission of the health care 271
professional or worker or nonprofit health care referral 272
organization relative to the medical, dental, or other health- 273
related diagnosis, care, or treatment provided to an indigent 274
and uninsured person on behalf of or at the health care facility 275
or location, unless the action or omission constitutes willful 276
or wanton misconduct. 277

(F) (1) Except as provided in division (F) (2) of this 278
section, the immunities provided by divisions (B), (C), (D), and 279
(E) of this section are not available to a health care 280
professional, health care worker, nonprofit health care referral 281
organization, or health care facility or location if, at the 282
time of an alleged injury, death, or loss to person or property, 283

the health care professionals or health care workers involved 284
are providing one of the following: 285

(a) Any medical, dental, or other health-related 286
diagnosis, care, or treatment pursuant to a community service 287
work order entered by a court under division (B) of section 288
2951.02 of the Revised Code or imposed by a court as a community 289
control sanction; 290

(b) Performance of an operation to which any one of the 291
following applies: 292

(i) The operation requires the administration of deep 293
sedation or general anesthesia. 294

(ii) The operation is a procedure that is not typically 295
performed in an office. 296

(iii) The individual involved is a health care 297
professional, and the operation is beyond the scope of practice 298
or the education, training, and competence, as applicable, of 299
the health care professional. 300

(c) Delivery of a baby or any other purposeful termination 301
of a human pregnancy. 302

(2) Division (F)(1) of this section does not apply when a 303
health care professional or health care worker provides medical, 304
dental, or other health-related diagnosis, care, or treatment 305
that is necessary to preserve the life of a person in a medical 306
emergency. 307

(G)(1) This section does not create a new cause of action 308
or substantive legal right against a health care professional, 309
health care worker, nonprofit health care referral organization, 310
or health care facility or location. 311

(2) This section does not affect any immunities from civil 312
liability or defenses established by another section of the 313
Revised Code or available at common law to which a health care 314
professional, health care worker, nonprofit health care referral 315
organization, or health care facility or location may be 316
entitled in connection with the provision of emergency or other 317
medical, dental, or other health-related diagnosis, care, or 318
treatment. 319

(3) This section does not grant an immunity from tort or 320
other civil liability to a health care professional, health care 321
worker, nonprofit health care referral organization, or health 322
care facility or location for actions that are outside the scope 323
of authority of health care professionals or health care 324
workers. 325

In the case of the diagnosis, care, or treatment of an 326
indigent and uninsured person who is eligible for the medicaid 327
program or is a medicaid recipient, this section grants an 328
immunity from tort or other civil liability only if the person's 329
diagnosis, care, or treatment is provided in a free clinic, as 330
defined in section 3701.071 of the Revised Code. 331

(4) This section does not affect any legal responsibility 332
of a health care professional, health care worker, or nonprofit 333
health care referral organization to comply with any applicable 334
law of this state or rule of an agency of this state. 335

(5) This section does not affect any legal responsibility 336
of a health care facility or location to comply with any 337
applicable law of this state, rule of an agency of this state, 338
or local code, ordinance, or regulation that pertains to or 339
regulates building, housing, air pollution, water pollution, 340
sanitation, health, fire, zoning, or safety. 341

Sec. 2305.51. (A)(1) As used in this section:	342
(a) "Civil Rights" has the same meaning as in section	343
5122.301 of the Revised Code.	344
(b) "Mental health client or patient" means an individual	345
who is receiving mental health services from a mental health	346
professional or organization.	347
(c) "Mental health organization" means an organization	348
that engages one or more mental health professionals to provide	349
mental health services to one or more mental health clients or	350
patients.	351
(d) "Mental health professional" means an individual who	352
is licensed, certified, or registered under the Revised Code, or	353
otherwise authorized in this state, to provide mental health	354
services for compensation, remuneration, or other personal gain.	355
(e) "Mental health service" means a service provided to an	356
individual or group of individuals involving the application of	357
medical, psychiatric, psychological, professional counseling,	358
social work, marriage and family therapy, or nursing principles	359
or procedures to either of the following:	360
(i) The assessment, diagnosis, prevention, treatment, or	361
amelioration of mental, emotional, psychiatric, psychological,	362
or psychosocial disorders or diseases, as described in the most	363
recent edition of the diagnostic and statistical manual of	364
mental disorders published by the American psychiatric	365
association;	366
(ii) The assessment or improvement of mental, emotional,	367
psychiatric, psychological, or psychosocial adjustment or	368
functioning, regardless of whether there is a diagnosable, pre-	369
existing disorder or disease.	370

(f) "Knowledgeable person" means an individual who has 371
reason to believe that a mental health client or patient has the 372
intent and ability to carry out an explicit threat of inflicting 373
imminent and serious physical harm to or causing the death of a 374
clearly identifiable potential victim or victims and who is 375
either an immediate family member of the client or patient or an 376
individual who otherwise personally knows the client or patient. 377

(g) "Advanced practice registered nurse" has the same 378
meaning as in section 4723.01 of the Revised Code. 379

(h) "Hospital" has the same meaning as in section 2305.25 380
of the Revised Code. 381

(i) "Physician" means an individual authorized under 382
Chapter 4731. of the Revised Code to practice medicine and 383
surgery or osteopathic medicine and surgery. 384

(j) "Physician assistant" has the same meaning as in 385
section 4730.01 of the Revised Code. 386

(k) "Certified mental health assistant" has the same 387
meaning as in section 4772.01 of the Revised Code. 388

(2) For the purpose of this section, in the case of a 389
threat to a readily identifiable structure, "clearly 390
identifiable potential victim" includes any potential occupant 391
of the structure. 392

(B) A mental health professional or mental health 393
organization may be held liable in damages in a civil action, or 394
may be made subject to disciplinary action by an entity with 395
licensing or other regulatory authority over the professional or 396
organization, for serious physical harm or death resulting from 397
failing to predict, warn of, or take precautions to provide 398
protection from the violent behavior of a mental health client 399

or patient, only if the client or patient or a knowledgeable 400
person has communicated to the professional or organization an 401
explicit threat of inflicting imminent and serious physical harm 402
to or causing the death of one or more clearly identifiable 403
potential victims, the professional or organization has reason 404
to believe that the client or patient has the intent and ability 405
to carry out the threat, and the professional or organization 406
fails to take one or more of the following actions in a timely 407
manner: 408

(1) Exercise any authority the professional or 409
organization possesses to hospitalize the client or patient on 410
an emergency basis pursuant to section 5122.10 of the Revised 411
Code; 412

(2) Exercise any authority the professional or 413
organization possesses to have the client or patient 414
involuntarily or voluntarily hospitalized under Chapter 5122. of 415
the Revised Code; 416

(3) Establish and undertake a documented treatment plan 417
that is reasonably calculated, according to appropriate 418
standards of professional practice, to eliminate the possibility 419
that the client or patient will carry out the threat, and, 420
concurrent with establishing and undertaking the treatment plan, 421
initiate arrangements for a second opinion risk assessment 422
through a management consultation about the treatment plan with, 423
in the case of a mental health organization, the clinical 424
director of the organization, or, in the case of a mental health 425
professional who is not acting as part of a mental health 426
organization, any mental health professional who is licensed to 427
engage in independent practice; 428

(4) Communicate to a law enforcement agency with 429

jurisdiction in the area where each potential victim resides, 430
where a structure threatened by a mental health client or 431
patient is located, or where the mental health client or patient 432
resides, and if feasible, communicate to each potential victim 433
or a potential victim's parent or guardian if the potential 434
victim is a minor or has been adjudicated incompetent, all of 435
the following information: 436

(a) The nature of the threat; 437

(b) The identity of the mental health client or patient 438
making the threat; 439

(c) The identity of each potential victim of the threat. 440

(C) All of the following apply when a mental health 441
professional or organization takes one or more of the actions 442
set forth in divisions (B) (1) to (4) of this section: 443

(1) The mental health professional or organization shall 444
consider each of the alternatives set forth and shall document 445
the reasons for choosing or rejecting each alternative. 446

(2) The mental health professional or organization may 447
give special consideration to those alternatives which, 448
consistent with public safety, would least abridge the rights of 449
the mental health client or patient established under the 450
Revised Code, including the rights specified in sections 5122.27 451
to 5122.31 of the Revised Code. 452

(3) The mental health professional or organization is not 453
required to take an action that, in the exercise of reasonable 454
professional judgment, would physically endanger the 455
professional or organization, increase the danger to a potential 456
victim, or increase the danger to the mental health client or 457
patient. 458

(4) The mental health professional or organization is not
liable in damages in a civil action, and shall not be made
subject to disciplinary action by any entity with licensing or
other regulatory authority over the professional or
organization, for disclosing any confidential information about
a mental health client or patient that is disclosed for the
purpose of taking any of the actions.

(D) Notwithstanding any other provision of the Revised
Code, a physician, physician assistant, advanced practice
registered nurse, certified mental health assistant, or hospital
is not liable in damages in a civil action, and shall not be
made subject to disciplinary action by any entity with licensing
or other regulatory authority, for doing either of the
following:

(1) Failing to discharge or to allow a patient to leave
the facility if the physician, physician assistant, advanced
practice registered nurse, certified mental health assistant, or
hospital believes in the good faith exercise of professional
medical, advanced practice registered nursing, ~~or~~ physician
assistant, or certified mental health assistant judgment
according to appropriate standards of professional practice that
the patient has a mental health condition that threatens the
safety of the patient or others;

(2) Discharging a patient whom the physician, physician
assistant, advanced practice registered nurse, certified mental
health assistant, or hospital believes in the good faith
exercise of professional medical, advanced practice registered
nursing, ~~or~~ physician assistant, or certified mental health
assistant judgment according to appropriate standards of
professional practice not to have a mental health condition that

threatens the safety of the patient or others. 489

(E) The immunities from civil liability and disciplinary 490
action conferred by this section are in addition to and not in 491
limitation of any immunity conferred on a mental health 492
professional or organization or on a physician, physician 493
assistant, advanced practice registered nurse, certified mental 494
health assistant, or hospital by any other section of the 495
Revised Code or by judicial precedent. 496

(F) This section does not affect the civil rights of a 497
mental health client or patient under Ohio or federal law. 498

Sec. 2925.01. As used in this chapter: 499

(A) "Administer," "controlled substance," "controlled 500
substance analog," "dispense," "distribute," "hypodermic," 501
"manufacturer," "official written order," "person," 502
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 503
"schedule III," "schedule IV," "schedule V," and "wholesaler" 504
have the same meanings as in section 3719.01 of the Revised 505
Code. 506

(B) "Drug dependent person" and "drug of abuse" have the 507
same meanings as in section 3719.011 of the Revised Code. 508

(C) "Drug," "dangerous drug," "licensed health 509
professional authorized to prescribe drugs," and "prescription" 510
have the same meanings as in section 4729.01 of the Revised 511
Code. 512

(D) "Bulk amount" of a controlled substance means any of 513
the following: 514

(1) For any compound, mixture, preparation, or substance 515
included in schedule I, schedule II, or schedule III, with the 516

exception of any controlled substance analog, marihuana, 517
cocaine, L.S.D., heroin, any fentanyl-related compound, and 518
hashish and except as provided in division (D) (2), (5), or (6) 519
of this section, whichever of the following is applicable: 520

(a) An amount equal to or exceeding ten grams or twenty- 521
five unit doses of a compound, mixture, preparation, or 522
substance that is or contains any amount of a schedule I opiate 523
or opium derivative; 524

(b) An amount equal to or exceeding ten grams of a 525
compound, mixture, preparation, or substance that is or contains 526
any amount of raw or gum opium; 527

(c) An amount equal to or exceeding thirty grams or ten 528
unit doses of a compound, mixture, preparation, or substance 529
that is or contains any amount of a schedule I hallucinogen 530
other than tetrahydrocannabinol or lysergic acid amide, or a 531
schedule I stimulant or depressant; 532

(d) An amount equal to or exceeding twenty grams or five 533
times the maximum daily dose in the usual dose range specified 534
in a standard pharmaceutical reference manual of a compound, 535
mixture, preparation, or substance that is or contains any 536
amount of a schedule II opiate or opium derivative; 537

(e) An amount equal to or exceeding five grams or ten unit 538
doses of a compound, mixture, preparation, or substance that is 539
or contains any amount of phencyclidine; 540

(f) An amount equal to or exceeding one hundred twenty 541
grams or thirty times the maximum daily dose in the usual dose 542
range specified in a standard pharmaceutical reference manual of 543
a compound, mixture, preparation, or substance that is or 544
contains any amount of a schedule II stimulant that is in a 545

final dosage form manufactured by a person authorized by the 546
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 547
U.S.C.A. 301, as amended, and the federal drug abuse control 548
laws, as defined in section 3719.01 of the Revised Code, that is 549
or contains any amount of a schedule II depressant substance or 550
a schedule II hallucinogenic substance; 551

(g) An amount equal to or exceeding three grams of a 552
compound, mixture, preparation, or substance that is or contains 553
any amount of a schedule II stimulant, or any of its salts or 554
isomers, that is not in a final dosage form manufactured by a 555
person authorized by the Federal Food, Drug, and Cosmetic Act 556
and the federal drug abuse control laws. 557

(2) An amount equal to or exceeding one hundred twenty 558
grams or thirty times the maximum daily dose in the usual dose 559
range specified in a standard pharmaceutical reference manual of 560
a compound, mixture, preparation, or substance that is or 561
contains any amount of a schedule III or IV substance other than 562
an anabolic steroid or a schedule III opiate or opium 563
derivative; 564

(3) An amount equal to or exceeding twenty grams or five 565
times the maximum daily dose in the usual dose range specified 566
in a standard pharmaceutical reference manual of a compound, 567
mixture, preparation, or substance that is or contains any 568
amount of a schedule III opiate or opium derivative; 569

(4) An amount equal to or exceeding two hundred fifty 570
milliliters or two hundred fifty grams of a compound, mixture, 571
preparation, or substance that is or contains any amount of a 572
schedule V substance; 573

(5) An amount equal to or exceeding two hundred solid 574

dosage units, sixteen grams, or sixteen milliliters of a 575
compound, mixture, preparation, or substance that is or contains 576
any amount of a schedule III anabolic steroid; 577

(6) For any compound, mixture, preparation, or substance 578
that is a combination of a fentanyl-related compound and any 579
other compound, mixture, preparation, or substance included in 580
schedule III, schedule IV, or schedule V, if the defendant is 581
charged with a violation of section 2925.11 of the Revised Code 582
and the sentencing provisions set forth in divisions (C) (10) (b) 583
and (C) (11) of that section will not apply regarding the 584
defendant and the violation, the bulk amount of the controlled 585
substance for purposes of the violation is the amount specified 586
in division (D) (1), (2), (3), (4), or (5) of this section for 587
the other schedule III, IV, or V controlled substance that is 588
combined with the fentanyl-related compound. 589

(E) "Unit dose" means an amount or unit of a compound, 590
mixture, or preparation containing a controlled substance that 591
is separately identifiable and in a form that indicates that it 592
is the amount or unit by which the controlled substance is 593
separately administered to or taken by an individual. 594

(F) "Cultivate" includes planting, watering, fertilizing, 595
or tilling. 596

(G) "Drug abuse offense" means any of the following: 597

(1) A violation of division (A) of section 2913.02 that 598
constitutes theft of drugs, or a violation of section 2925.02, 599
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 600
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 601
or 2925.37 of the Revised Code; 602

(2) A violation of an existing or former law of this or 603

any other state or of the United States that is substantially 604
equivalent to any section listed in division (G) (1) of this 605
section; 606

(3) An offense under an existing or former law of this or 607
any other state, or of the United States, of which planting, 608
cultivating, harvesting, processing, making, manufacturing, 609
producing, shipping, transporting, delivering, acquiring, 610
possessing, storing, distributing, dispensing, selling, inducing 611
another to use, administering to another, using, or otherwise 612
dealing with a controlled substance is an element; 613

(4) A conspiracy to commit, attempt to commit, or 614
complicity in committing or attempting to commit any offense 615
under division (G) (1), (2), or (3) of this section. 616

(H) "Felony drug abuse offense" means any drug abuse 617
offense that would constitute a felony under the laws of this 618
state, any other state, or the United States. 619

(I) "Harmful intoxicant" does not include beer or 620
intoxicating liquor but means any of the following: 621

(1) Any compound, mixture, preparation, or substance the 622
gas, fumes, or vapor of which when inhaled can induce 623
intoxication, excitement, giddiness, irrational behavior, 624
depression, stupefaction, paralysis, unconsciousness, 625
asphyxiation, or other harmful physiological effects, and 626
includes, but is not limited to, any of the following: 627

(a) Any volatile organic solvent, plastic cement, model 628
cement, fingernail polish remover, lacquer thinner, cleaning 629
fluid, gasoline, or other preparation containing a volatile 630
organic solvent; 631

(b) Any aerosol propellant; 632

(c) Any fluorocarbon refrigerant;	633
(d) Any anesthetic gas.	634
(2) Gamma Butyrolactone;	635
(3) 1,4 Butanediol.	636
(J) "Manufacture" means to plant, cultivate, harvest,	637
process, make, prepare, or otherwise engage in any part of the	638
production of a drug, by propagation, extraction, chemical	639
synthesis, or compounding, or any combination of the same, and	640
includes packaging, repackaging, labeling, and other activities	641
incident to production.	642
(K) "Possess" or "possession" means having control over a	643
thing or substance, but may not be inferred solely from mere	644
access to the thing or substance through ownership or occupation	645
of the premises upon which the thing or substance is found.	646
(L) "Sample drug" means a drug or pharmaceutical	647
preparation that would be hazardous to health or safety if used	648
without the supervision of a licensed health professional	649
authorized to prescribe drugs, or a drug of abuse, and that, at	650
one time, had been placed in a container plainly marked as a	651
sample by a manufacturer.	652
(M) "Standard pharmaceutical reference manual" means the	653
current edition, with cumulative changes if any, of references	654
that are approved by the state board of pharmacy.	655
(N) "Juvenile" means a person under eighteen years of age.	656
(O) "Counterfeit controlled substance" means any of the	657
following:	658
(1) Any drug that bears, or whose container or label	659

bears, a trademark, trade name, or other identifying mark used 660
without authorization of the owner of rights to that trademark, 661
trade name, or identifying mark; 662

(2) Any unmarked or unlabeled substance that is 663
represented to be a controlled substance manufactured, 664
processed, packed, or distributed by a person other than the 665
person that manufactured, processed, packed, or distributed it; 666

(3) Any substance that is represented to be a controlled 667
substance but is not a controlled substance or is a different 668
controlled substance; 669

(4) Any substance other than a controlled substance that a 670
reasonable person would believe to be a controlled substance 671
because of its similarity in shape, size, and color, or its 672
markings, labeling, packaging, distribution, or the price for 673
which it is sold or offered for sale. 674

(P) An offense is "committed in the vicinity of a school" 675
if the offender commits the offense on school premises, in a 676
school building, or within one thousand feet of the boundaries 677
of any school premises, regardless of whether the offender knows 678
the offense is being committed on school premises, in a school 679
building, or within one thousand feet of the boundaries of any 680
school premises. 681

(Q) "School" means any school operated by a board of 682
education, any community school established under Chapter 3314. 683
of the Revised Code, or any nonpublic school for which the state 684
board of education prescribes minimum standards under section 685
3301.07 of the Revised Code, whether or not any instruction, 686
extracurricular activities, or training provided by the school 687
is being conducted at the time a criminal offense is committed. 688

(R) "School premises" means either of the following: 689

(1) The parcel of real property on which any school is 690
situated, whether or not any instruction, extracurricular 691
activities, or training provided by the school is being 692
conducted on the premises at the time a criminal offense is 693
committed; 694

(2) Any other parcel of real property that is owned or 695
leased by a board of education of a school, the governing 696
authority of a community school established under Chapter 3314. 697
of the Revised Code, or the governing body of a nonpublic school 698
for which the state board of education prescribes minimum 699
standards under section 3301.07 of the Revised Code and on which 700
some of the instruction, extracurricular activities, or training 701
of the school is conducted, whether or not any instruction, 702
extracurricular activities, or training provided by the school 703
is being conducted on the parcel of real property at the time a 704
criminal offense is committed. 705

(S) "School building" means any building in which any of 706
the instruction, extracurricular activities, or training 707
provided by a school is conducted, whether or not any 708
instruction, extracurricular activities, or training provided by 709
the school is being conducted in the school building at the time 710
a criminal offense is committed. 711

(T) "Disciplinary counsel" means the disciplinary counsel 712
appointed by the board of commissioners on grievances and 713
discipline of the supreme court under the Rules for the 714
Government of the Bar of Ohio. 715

(U) "Certified grievance committee" means a duly 716
constituted and organized committee of the Ohio state bar 717

association or of one or more local bar associations of the 718
state of Ohio that complies with the criteria set forth in Rule 719
V, section 6 of the Rules for the Government of the Bar of Ohio. 720

(V) "Professional license" means any license, permit, 721
certificate, registration, qualification, admission, temporary 722
license, temporary permit, temporary certificate, or temporary 723
registration that is described in divisions (W) (1) to (37) of 724
this section and that qualifies a person as a professionally 725
licensed person. 726

(W) "Professionally licensed person" means any of the 727
following: 728

(1) A person who has received a certificate or temporary 729
certificate as a certified public accountant or who has 730
registered as a public accountant under Chapter 4701. of the 731
Revised Code and who holds an Ohio permit issued under that 732
chapter; 733

(2) A person who holds a certificate of qualification to 734
practice architecture issued or renewed and registered under 735
Chapter 4703. of the Revised Code; 736

(3) A person who is registered as a landscape architect 737
under Chapter 4703. of the Revised Code or who holds a permit as 738
a landscape architect issued under that chapter; 739

(4) A person licensed under Chapter 4707. of the Revised 740
Code; 741

(5) A person who has been issued a certificate of 742
registration as a registered barber under Chapter 4709. of the 743
Revised Code; 744

(6) A person licensed and regulated to engage in the 745

business of a debt pooling company by a legislative authority, 746
under authority of Chapter 4710. of the Revised Code; 747

(7) A person who has been issued a cosmetologist's 748
license, hair designer's license, manicurist's license, 749
esthetician's license, natural hair stylist's license, advanced 750
cosmetologist's license, advanced hair designer's license, 751
advanced manicurist's license, advanced esthetician's license, 752
advanced natural hair stylist's license, cosmetology 753
instructor's license, hair design instructor's license, 754
manicurist instructor's license, esthetics instructor's license, 755
natural hair style instructor's license, independent 756
contractor's license, or tanning facility permit under Chapter 757
4713. of the Revised Code; 758

(8) A person who has been issued a license to practice 759
dentistry, a general anesthesia permit, a conscious sedation 760
permit, a limited resident's license, a limited teaching 761
license, a dental hygienist's license, or a dental hygienist's 762
teacher's certificate under Chapter 4715. of the Revised Code; 763

(9) A person who has been issued an embalmer's license, a 764
funeral director's license, a funeral home license, or a 765
crematory license, or who has been registered for an embalmer's 766
or funeral director's apprenticeship under Chapter 4717. of the 767
Revised Code; 768

(10) A person who has been licensed as a registered nurse 769
or practical nurse, or who has been issued a certificate for the 770
practice of nurse-midwifery under Chapter 4723. of the Revised 771
Code; 772

(11) A person who has been licensed to practice optometry 773
or to engage in optical dispensing under Chapter 4725. of the 774

Revised Code;	775
(12) A person licensed to act as a pawnbroker under	776
Chapter 4727. of the Revised Code;	777
(13) A person licensed to act as a precious metals dealer	778
under Chapter 4728. of the Revised Code;	779
(14) A person licensed under Chapter 4729. of the Revised	780
Code as a pharmacist or pharmacy intern or registered under that	781
chapter as a registered pharmacy technician, certified pharmacy	782
technician, or pharmacy technician trainee;	783
(15) A person licensed under Chapter 4729. of the Revised	784
Code as a manufacturer of dangerous drugs, outsourcing facility,	785
third-party logistics provider, repackager of dangerous drugs,	786
wholesale distributor of dangerous drugs, or terminal	787
distributor of dangerous drugs;	788
(16) A person who is authorized to practice as a physician	789
assistant under Chapter 4730. of the Revised Code;	790
(17) A person who has been issued a license to practice	791
medicine and surgery, osteopathic medicine and surgery, or	792
podiatric medicine and surgery under Chapter 4731. of the	793
Revised Code or has been issued a certificate to practice a	794
limited branch of medicine under that chapter;	795
(18) A person licensed as a psychologist or school	796
psychologist under Chapter 4732. of the Revised Code;	797
(19) A person registered to practice the profession of	798
engineering or surveying under Chapter 4733. of the Revised	799
Code;	800
(20) A person who has been issued a license to practice	801
chiropractic under Chapter 4734. of the Revised Code;	802

(21) A person licensed to act as a real estate broker or	803
real estate salesperson under Chapter 4735. of the Revised Code;	804
(22) A person registered as a registered environmental	805
health specialist under Chapter 4736. of the Revised Code;	806
(23) A person licensed to operate or maintain a junkyard	807
under Chapter 4737. of the Revised Code;	808
(24) A person who has been issued a motor vehicle salvage	809
dealer's license under Chapter 4738. of the Revised Code;	810
(25) A person who has been licensed to act as a steam	811
engineer under Chapter 4739. of the Revised Code;	812
(26) A person who has been issued a license or temporary	813
permit to practice veterinary medicine or any of its branches,	814
or who is registered as a graduate animal technician under	815
Chapter 4741. of the Revised Code;	816
(27) A person who has been issued a hearing aid dealer's	817
or fitter's license or trainee permit under Chapter 4747. of the	818
Revised Code;	819
(28) A person who has been issued a class A, class B, or	820
class C license or who has been registered as an investigator or	821
security guard employee under Chapter 4749. of the Revised Code;	822
(29) A person licensed to practice as a nursing home	823
administrator under Chapter 4751. of the Revised Code;	824
(30) A person licensed to practice as a speech-language	825
pathologist or audiologist under Chapter 4753. of the Revised	826
Code;	827
(31) A person issued a license as an occupational	828
therapist or physical therapist under Chapter 4755. of the	829

Revised Code; 830

(32) A person who is licensed as a licensed professional 831
clinical counselor, licensed professional counselor, social 832
worker, independent social worker, independent marriage and 833
family therapist, or marriage and family therapist, or 834
registered as a social work assistant under Chapter 4757. of the 835
Revised Code; 836

(33) A person issued a license to practice dietetics under 837
Chapter 4759. of the Revised Code; 838

(34) A person who has been issued a license or limited 839
permit to practice respiratory therapy under Chapter 4761. of 840
the Revised Code; 841

(35) A person who has been issued a real estate appraiser 842
certificate under Chapter 4763. of the Revised Code; 843

(36) A person who has been issued a home inspector license 844
under Chapter 4764. of the Revised Code; 845

(37) A person who has been admitted to the bar by order of 846
the supreme court in compliance with its prescribed and 847
published rules; 848

(38) A person who has been issued a license to practice as 849
a certified mental health assistant under Chapter 4772. of the 850
Revised Code. 851

(X) "Cocaine" means any of the following: 852

(1) A cocaine salt, isomer, or derivative, a salt of a 853
cocaine isomer or derivative, or the base form of cocaine; 854

(2) Coca leaves or a salt, compound, derivative, or 855
preparation of coca leaves, including ecgonine, a salt, isomer, 856

or derivative of ecgonine, or a salt of an isomer or derivative 857
of ecgonine; 858

(3) A salt, compound, derivative, or preparation of a 859
substance identified in division (X) (1) or (2) of this section 860
that is chemically equivalent to or identical with any of those 861
substances, except that the substances shall not include 862
decocainized coca leaves or extraction of coca leaves if the 863
extractions do not contain cocaine or ecgonine. 864

(Y) "L.S.D." means lysergic acid diethylamide. 865

(Z) "Hashish" means a resin or a preparation of a resin to 866
which both of the following apply: 867

(1) It is contained in or derived from any part of the 868
plant of the genus cannabis, whether in solid form or in a 869
liquid concentrate, liquid extract, or liquid distillate form. 870

(2) It has a delta-9 tetrahydrocannabinol concentration of 871
more than three-tenths per cent. 872

"Hashish" does not include a hemp byproduct in the 873
possession of a licensed hemp processor under Chapter 928. of 874
the Revised Code, provided that the hemp byproduct is being 875
produced, stored, and disposed of in accordance with rules 876
adopted under section 928.03 of the Revised Code. 877

(AA) "Marihuana" has the same meaning as in section 878
3719.01 of the Revised Code, except that it does not include 879
hashish. 880

(BB) An offense is "committed in the vicinity of a 881
juvenile" if the offender commits the offense within one hundred 882
feet of a juvenile or within the view of a juvenile, regardless 883
of whether the offender knows the age of the juvenile, whether 884

the offender knows the offense is being committed within one 885
hundred feet of or within view of the juvenile, or whether the 886
juvenile actually views the commission of the offense. 887

(CC) "Presumption for a prison term" or "presumption that 888
a prison term shall be imposed" means a presumption, as 889
described in division (D) of section 2929.13 of the Revised 890
Code, that a prison term is a necessary sanction for a felony in 891
order to comply with the purposes and principles of sentencing 892
under section 2929.11 of the Revised Code. 893

(DD) "Major drug offender" has the same meaning as in 894
section 2929.01 of the Revised Code. 895

(EE) "Minor drug possession offense" means either of the 896
following: 897

(1) A violation of section 2925.11 of the Revised Code as 898
it existed prior to July 1, 1996; 899

(2) A violation of section 2925.11 of the Revised Code as 900
it exists on and after July 1, 1996, that is a misdemeanor or a 901
felony of the fifth degree. 902

(FF) "Mandatory prison term" has the same meaning as in 903
section 2929.01 of the Revised Code. 904

(GG) "Adulterate" means to cause a drug to be adulterated 905
as described in section 3715.63 of the Revised Code. 906

(HH) "Public premises" means any hotel, restaurant, 907
tavern, store, arena, hall, or other place of public 908
accommodation, business, amusement, or resort. 909

(II) "Methamphetamine" means methamphetamine, any salt, 910
isomer, or salt of an isomer of methamphetamine, or any 911
compound, mixture, preparation, or substance containing 912

methamphetamine or any salt, isomer, or salt of an isomer of 913
methamphetamine. 914

(JJ) "Deception" has the same meaning as in section 915
2913.01 of the Revised Code. 916

(KK) "Fentanyl-related compound" means any of the 917
following: 918

(1) Fentanyl; 919

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 920
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 921
phenylethyl)-4-(N-propanilido) piperidine); 922

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 923
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 924

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 925
piperidinyl] -N-phenylpropanamide); 926

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 927
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 928
phenylpropanamide); 929

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 930
piperidyl]-N- phenylpropanamide); 931

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 932
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 933

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 934
phenethyl)-4- piperidinyl]propanamide; 935

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- 936
piperidinyl]- propanamide; 937

(10) Alfentanil; 938

(11) Carfentanil;	939
(12) Remifentanil;	940
(13) Sufentanil;	941
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	942 943
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	944 945 946 947 948 949 950
(a) A chemical scaffold consisting of both of the following:	951 952
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	953 954
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	955 956 957
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	958 959 960
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	961 962
(d) The compound has not been approved for medical use by the United States food and drug administration.	963 964
(LL) "First degree felony mandatory prison term" means one	965

of the definite prison terms prescribed in division (A) (1) (b) of 966
section 2929.14 of the Revised Code for a felony of the first 967
degree, except that if the violation for which sentence is being 968
imposed is committed on or after March 22, 2019, it means one of 969
the minimum prison terms prescribed in division (A) (1) (a) of 970
that section for a felony of the first degree. 971

(MM) "Second degree felony mandatory prison term" means 972
one of the definite prison terms prescribed in division (A) (2) 973
(b) of section 2929.14 of the Revised Code for a felony of the 974
second degree, except that if the violation for which sentence 975
is being imposed is committed on or after March 22, 2019, it 976
means one of the minimum prison terms prescribed in division (A) 977
(2) (a) of that section for a felony of the second degree. 978

(NN) "Maximum first degree felony mandatory prison term" 979
means the maximum definite prison term prescribed in division 980
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 981
the first degree, except that if the violation for which 982
sentence is being imposed is committed on or after March 22, 983
2019, it means the longest minimum prison term prescribed in 984
division (A) (1) (a) of that section for a felony of the first 985
degree. 986

(OO) "Maximum second degree felony mandatory prison term" 987
means the maximum definite prison term prescribed in division 988
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 989
the second degree, except that if the violation for which 990
sentence is being imposed is committed on or after March 22, 991
2019, it means the longest minimum prison term prescribed in 992
division (A) (2) (a) of that section for a felony of the second 993
degree. 994

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 995

as in section 928.01 of the Revised Code. 996

(QQ) An offense is "committed in the vicinity of a 997
substance addiction services provider or a recovering addict" if 998
either of the following apply: 999

(1) The offender commits the offense on the premises of a 1000
substance addiction services provider's facility, including a 1001
facility licensed prior to June 29, 2019, under section 5119.391 1002
of the Revised Code to provide methadone treatment or an opioid 1003
treatment program licensed on or after that date under section 1004
5119.37 of the Revised Code, or within five hundred feet of the 1005
premises of a substance addiction services provider's facility 1006
and the offender knows or should know that the offense is being 1007
committed within the vicinity of the substance addiction 1008
services provider's facility. 1009

(2) The offender sells, offers to sell, delivers, or 1010
distributes the controlled substance or controlled substance 1011
analog to a person who is receiving treatment at the time of the 1012
commission of the offense, or received treatment within thirty 1013
days prior to the commission of the offense, from a substance 1014
addiction services provider and the offender knows that the 1015
person is receiving or received that treatment. 1016

(RR) "Substance addiction services provider" means an 1017
agency, association, corporation or other legal entity, 1018
individual, or program that provides one or more of the 1019
following at a facility: 1020

(1) Either alcohol addiction services, or drug addiction 1021
services, or both such services that are certified by the 1022
director of mental health and addiction services under section 1023
5119.36 of the Revised Code; 1024

(2) Recovery supports that are related to either alcohol 1025
addiction services, or drug addiction services, or both such 1026
services and paid for with federal, state, or local funds 1027
administered by the department of mental health and addiction 1028
services or a board of alcohol, drug addiction, and mental 1029
health services. 1030

(SS) "Premises of a substance addiction services 1031
provider's facility" means the parcel of real property on which 1032
any substance addiction service provider's facility is situated. 1033

(TT) "Alcohol and drug addiction services" has the same 1034
meaning as in section 5119.01 of the Revised Code. 1035

Sec. 2925.02. (A) No person shall knowingly do any of the 1036
following: 1037

(1) By force, threat, or deception, administer to another 1038
or induce or cause another to use a controlled substance; 1039

(2) By any means, administer or furnish to another or 1040
induce or cause another to use a controlled substance with 1041
purpose to cause serious physical harm to the other person, or 1042
with purpose to cause the other person to become drug dependent; 1043

(3) By any means, administer or furnish to another or 1044
induce or cause another to use a controlled substance, and 1045
thereby cause serious physical harm to the other person, or 1046
cause the other person to become drug dependent; 1047

(4) By any means, do any of the following: 1048

(a) Furnish or administer a controlled substance to a 1049
juvenile who is at least two years the offender's junior, when 1050
the offender knows the age of the juvenile or is reckless in 1051
that regard; 1052

(b) Induce or cause a juvenile who is at least two years 1053
the offender's junior to use a controlled substance, when the 1054
offender knows the age of the juvenile or is reckless in that 1055
regard; 1056

(c) Induce or cause a juvenile who is at least two years 1057
the offender's junior to commit a felony drug abuse offense, 1058
when the offender knows the age of the juvenile or is reckless 1059
in that regard; 1060

(d) Use a juvenile, whether or not the offender knows the 1061
age of the juvenile, to perform any surveillance activity that 1062
is intended to prevent the detection of the offender or any 1063
other person in the commission of a felony drug abuse offense or 1064
to prevent the arrest of the offender or any other person for 1065
the commission of a felony drug abuse offense. 1066

(5) By any means, furnish or administer a controlled 1067
substance to a pregnant woman or induce or cause a pregnant 1068
woman to use a controlled substance, when the offender knows 1069
that the woman is pregnant or is reckless in that regard. 1070

(B) Division (A)(1), (3), (4), or (5) of this section does 1071
not apply to manufacturers, wholesalers, licensed health 1072
professionals authorized to prescribe drugs, pharmacists, owners 1073
of pharmacies, and other persons whose conduct is in accordance 1074
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 1075
4741., and 4772. of the Revised Code. 1076

(C) Whoever violates this section is guilty of corrupting 1077
another with drugs. The penalty for the offense shall be 1078
determined as follows: 1079

(1) If the offense is a violation of division (A)(1), (2), 1080
(3), or (4) of this section and the drug involved is any 1081

compound, mixture, preparation, or substance included in 1082
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 1083
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1084
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1085
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1086
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1087
offender shall be punished as follows: 1088

(a) Except as otherwise provided in division (C) (1) (b) of 1089
this section, corrupting another with drugs committed in those 1090
circumstances is a felony of the second degree and, subject to 1091
division (E) of this section, the court shall impose as a 1092
mandatory prison term a second degree felony mandatory prison 1093
term. 1094

(b) If the offense was committed in the vicinity of a 1095
school, corrupting another with drugs committed in those 1096
circumstances is a felony of the first degree, and, subject to 1097
division (E) of this section, the court shall impose as a 1098
mandatory prison term a first degree felony mandatory prison 1099
term. 1100

(2) If the offense is a violation of division (A) (1), (2), 1101
(3), or (4) of this section and the drug involved is any 1102
compound, mixture, preparation, or substance included in 1103
schedule III, IV, or V, the offender shall be punished as 1104
follows: 1105

(a) Except as otherwise provided in division (C) (2) (b) of 1106
this section, corrupting another with drugs committed in those 1107
circumstances is a felony of the second degree and there is a 1108
presumption for a prison term for the offense. 1109

(b) If the offense was committed in the vicinity of a 1110

school, corrupting another with drugs committed in those 1111
circumstances is a felony of the second degree and the court 1112
shall impose as a mandatory prison term a second degree felony 1113
mandatory prison term. 1114

(3) If the offense is a violation of division (A) (1), (2), 1115
(3), or (4) of this section and the drug involved is marihuana, 1116
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1117
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1118
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1119
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1120
offender shall be punished as follows: 1121

(a) Except as otherwise provided in division (C) (3) (b) of 1122
this section, corrupting another with drugs committed in those 1123
circumstances is a felony of the fourth degree and division (C) 1124
of section 2929.13 of the Revised Code applies in determining 1125
whether to impose a prison term on the offender. 1126

(b) If the offense was committed in the vicinity of a 1127
school, corrupting another with drugs committed in those 1128
circumstances is a felony of the third degree and division (C) 1129
of section 2929.13 of the Revised Code applies in determining 1130
whether to impose a prison term on the offender. 1131

(4) If the offense is a violation of division (A) (5) of 1132
this section and the drug involved is any compound, mixture, 1133
preparation, or substance included in schedule I or II, with the 1134
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 1135
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 1136
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 1137
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 1138
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 1139
felony of the first degree and, subject to division (E) of this 1140

section, the court shall impose as a mandatory prison term a 1141
first degree felony mandatory prison term. 1142

(5) If the offense is a violation of division (A) (5) of 1143
this section and the drug involved is any compound, mixture, 1144
preparation, or substance included in schedule III, IV, or V, 1145
corrupting another with drugs is a felony of the second degree 1146
and the court shall impose as a mandatory prison term a second 1147
degree felony mandatory prison term. 1148

(6) If the offense is a violation of division (A) (5) of 1149
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 1150
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1151
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1152
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1153
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1154
corrupting another with drugs is a felony of the third degree 1155
and division (C) of section 2929.13 of the Revised Code applies 1156
in determining whether to impose a prison term on the offender. 1157

(D) In addition to any prison term authorized or required 1158
by division (C) or (E) of this section and sections 2929.13 and 1159
2929.14 of the Revised Code and in addition to any other 1160
sanction imposed for the offense under this section or sections 1161
2929.11 to 2929.18 of the Revised Code, the court that sentences 1162
an offender who is convicted of or pleads guilty to a violation 1163
of division (A) of this section may suspend for not more than 1164
five years the offender's driver's or commercial driver's 1165
license or permit. However, if the offender pleaded guilty to or 1166
was convicted of a violation of section 4511.19 of the Revised 1167
Code or a substantially similar municipal ordinance or the law 1168
of another state or the United States arising out of the same 1169
set of circumstances as the violation, the court shall suspend 1170

the offender's driver's or commercial driver's license or permit 1171
for not more than five years. The court also shall do all of the 1172
following that are applicable regarding the offender: 1173

(1) (a) If the violation is a felony of the first, second, 1174
or third degree, the court shall impose upon the offender the 1175
mandatory fine specified for the offense under division (B) (1) 1176
of section 2929.18 of the Revised Code unless, as specified in 1177
that division, the court determines that the offender is 1178
indigent. 1179

(b) Notwithstanding any contrary provision of section 1180
3719.21 of the Revised Code, any mandatory fine imposed pursuant 1181
to division (D) (1) (a) of this section and any fine imposed for a 1182
violation of this section pursuant to division (A) of section 1183
2929.18 of the Revised Code shall be paid by the clerk of the 1184
court in accordance with and subject to the requirements of, and 1185
shall be used as specified in, division (F) of section 2925.03 1186
of the Revised Code. 1187

(c) If a person is charged with any violation of this 1188
section that is a felony of the first, second, or third degree, 1189
posts bail, and forfeits the bail, the forfeited bail shall be 1190
paid by the clerk of the court pursuant to division (D) (1) (b) of 1191
this section as if it were a fine imposed for a violation of 1192
this section. 1193

(2) If the offender is a professionally licensed person, 1194
in addition to any other sanction imposed for a violation of 1195
this section, the court immediately shall comply with section 1196
2925.38 of the Revised Code. 1197

(E) Notwithstanding the prison term otherwise authorized 1198
or required for the offense under division (C) of this section 1199

and sections 2929.13 and 2929.14 of the Revised Code, if the 1200
violation of division (A) of this section involves the sale, 1201
offer to sell, or possession of a schedule I or II controlled 1202
substance, with the exception of marihuana, 1-Pentyl-3-(1- 1203
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1204
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1205
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1206
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1207
if the court imposing sentence upon the offender finds that the 1208
offender as a result of the violation is a major drug offender 1209
and is guilty of a specification of the type described in 1210
division (A) of section 2941.1410 of the Revised Code, the 1211
court, in lieu of the prison term that otherwise is authorized 1212
or required, shall impose upon the offender the mandatory prison 1213
term specified in division (B) (3) (a) of section 2929.14 of the 1214
Revised Code. 1215

(F) (1) If the sentencing court suspends the offender's 1216
driver's or commercial driver's license or permit under division 1217
(D) of this section, the offender, at any time after the 1218
expiration of two years from the day on which the offender's 1219
sentence was imposed or from the day on which the offender 1220
finally was released from a prison term under the sentence, 1221
whichever is later, may file a motion with the sentencing court 1222
requesting termination of the suspension. Upon the filing of the 1223
motion and the court's finding of good cause for the 1224
determination, the court may terminate the suspension. 1225

(2) Any offender who received a mandatory suspension of 1226
the offender's driver's or commercial driver's license or permit 1227
under this section prior to September 13, 2016, may file a 1228
motion with the sentencing court requesting the termination of 1229
the suspension. However, an offender who pleaded guilty to or 1230

was convicted of a violation of section 4511.19 of the Revised 1231
Code or a substantially similar municipal ordinance or law of 1232
another state or the United States that arose out of the same 1233
set of circumstances as the violation for which the offender's 1234
license or permit was suspended under this section shall not 1235
file such a motion. 1236

Upon the filing of a motion under division (F)(2) of this 1237
section, the sentencing court, in its discretion, may terminate 1238
the suspension. 1239

Sec. 2925.03. (A) No person shall knowingly do any of the 1240
following: 1241

(1) Sell or offer to sell a controlled substance or a 1242
controlled substance analog; 1243

(2) Prepare for shipment, ship, transport, deliver, 1244
prepare for distribution, or distribute a controlled substance 1245
or a controlled substance analog, when the offender knows or has 1246
reasonable cause to believe that the controlled substance or a 1247
controlled substance analog is intended for sale or resale by 1248
the offender or another person. 1249

(B) This section does not apply to any of the following: 1250

(1) Manufacturers, licensed health professionals 1251
authorized to prescribe drugs, pharmacists, owners of 1252
pharmacies, and other persons whose conduct is in accordance 1253
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 1254
4741., and 4772. of the Revised Code; 1255

(2) If the offense involves an anabolic steroid, any 1256
person who is conducting or participating in a research project 1257
involving the use of an anabolic steroid if the project has been 1258
approved by the United States food and drug administration; 1259

(3) Any person who sells, offers for sale, prescribes, 1260
dispenses, or administers for livestock or other nonhuman 1261
species an anabolic steroid that is expressly intended for 1262
administration through implants to livestock or other nonhuman 1263
species and approved for that purpose under the "Federal Food, 1264
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1265
as amended, and is sold, offered for sale, prescribed, 1266
dispensed, or administered for that purpose in accordance with 1267
that act. 1268

(C) Whoever violates division (A) of this section is 1269
guilty of one of the following: 1270

(1) If the drug involved in the violation is any compound, 1271
mixture, preparation, or substance included in schedule I or 1272
schedule II, with the exception of marihuana, cocaine, L.S.D., 1273
heroin, any fentanyl-related compound, hashish, and any 1274
controlled substance analog, whoever violates division (A) of 1275
this section is guilty of aggravated trafficking in drugs. The 1276
penalty for the offense shall be determined as follows: 1277

(a) Except as otherwise provided in division (C) (1) (b), 1278
(c), (d), (e), or (f) of this section, aggravated trafficking in 1279
drugs is a felony of the fourth degree, and division (C) of 1280
section 2929.13 of the Revised Code applies in determining 1281
whether to impose a prison term on the offender. 1282

(b) Except as otherwise provided in division (C) (1) (c), 1283
(d), (e), or (f) of this section, if the offense was committed 1284
in the vicinity of a school, in the vicinity of a juvenile, or 1285
in the vicinity of a substance addiction services provider or a 1286
recovering addict, aggravated trafficking in drugs is a felony 1287
of the third degree, and division (C) of section 2929.13 of the 1288
Revised Code applies in determining whether to impose a prison 1289

term on the offender. 1290

(c) Except as otherwise provided in this division, if the 1291
amount of the drug involved equals or exceeds the bulk amount 1292
but is less than five times the bulk amount, aggravated 1293
trafficking in drugs is a felony of the third degree, and, 1294
except as otherwise provided in this division, there is a 1295
presumption for a prison term for the offense. If aggravated 1296
trafficking in drugs is a felony of the third degree under this 1297
division and if the offender two or more times previously has 1298
been convicted of or pleaded guilty to a felony drug abuse 1299
offense, the court shall impose as a mandatory prison term one 1300
of the prison terms prescribed for a felony of the third degree. 1301
If the amount of the drug involved is within that range and if 1302
the offense was committed in the vicinity of a school, in the 1303
vicinity of a juvenile, or in the vicinity of a substance 1304
addiction services provider or a recovering addict, aggravated 1305
trafficking in drugs is a felony of the second degree, and the 1306
court shall impose as a mandatory prison term a second degree 1307
felony mandatory prison term. 1308

(d) Except as otherwise provided in this division, if the 1309
amount of the drug involved equals or exceeds five times the 1310
bulk amount but is less than fifty times the bulk amount, 1311
aggravated trafficking in drugs is a felony of the second 1312
degree, and the court shall impose as a mandatory prison term a 1313
second degree felony mandatory prison term. If the amount of the 1314
drug involved is within that range and if the offense was 1315
committed in the vicinity of a school, in the vicinity of a 1316
juvenile, or in the vicinity of a substance addiction services 1317
provider or a recovering addict, aggravated trafficking in drugs 1318
is a felony of the first degree, and the court shall impose as a 1319
mandatory prison term a first degree felony mandatory prison 1320

term. 1321

(e) If the amount of the drug involved equals or exceeds 1322
fifty times the bulk amount but is less than one hundred times 1323
the bulk amount and regardless of whether the offense was 1324
committed in the vicinity of a school, in the vicinity of a 1325
juvenile, or in the vicinity of a substance addiction services 1326
provider or a recovering addict, aggravated trafficking in drugs 1327
is a felony of the first degree, and the court shall impose as a 1328
mandatory prison term a first degree felony mandatory prison 1329
term. 1330

(f) If the amount of the drug involved equals or exceeds 1331
one hundred times the bulk amount and regardless of whether the 1332
offense was committed in the vicinity of a school, in the 1333
vicinity of a juvenile, or in the vicinity of a substance 1334
addiction services provider or a recovering addict, aggravated 1335
trafficking in drugs is a felony of the first degree, the 1336
offender is a major drug offender, and the court shall impose as 1337
a mandatory prison term a maximum first degree felony mandatory 1338
prison term. 1339

(2) If the drug involved in the violation is any compound, 1340
mixture, preparation, or substance included in schedule III, IV, 1341
or V, whoever violates division (A) of this section is guilty of 1342
trafficking in drugs. The penalty for the offense shall be 1343
determined as follows: 1344

(a) Except as otherwise provided in division (C) (2) (b), 1345
(c), (d), or (e) of this section, trafficking in drugs is a 1346
felony of the fifth degree, and division (B) of section 2929.13 1347
of the Revised Code applies in determining whether to impose a 1348
prison term on the offender. 1349

(b) Except as otherwise provided in division (C) (2) (c), 1350
(d), or (e) of this section, if the offense was committed in the 1351
vicinity of a school or in the vicinity of a juvenile, 1352
trafficking in drugs is a felony of the fourth degree, and 1353
division (C) of section 2929.13 of the Revised Code applies in 1354
determining whether to impose a prison term on the offender. 1355

(c) Except as otherwise provided in this division, if the 1356
amount of the drug involved equals or exceeds the bulk amount 1357
but is less than five times the bulk amount, trafficking in 1358
drugs is a felony of the fourth degree, and division (B) of 1359
section 2929.13 of the Revised Code applies in determining 1360
whether to impose a prison term for the offense. If the amount 1361
of the drug involved is within that range and if the offense was 1362
committed in the vicinity of a school or in the vicinity of a 1363
juvenile, trafficking in drugs is a felony of the third degree, 1364
and there is a presumption for a prison term for the offense. 1365

(d) Except as otherwise provided in this division, if the 1366
amount of the drug involved equals or exceeds five times the 1367
bulk amount but is less than fifty times the bulk amount, 1368
trafficking in drugs is a felony of the third degree, and there 1369
is a presumption for a prison term for the offense. If the 1370
amount of the drug involved is within that range and if the 1371
offense was committed in the vicinity of a school or in the 1372
vicinity of a juvenile, trafficking in drugs is a felony of the 1373
second degree, and there is a presumption for a prison term for 1374
the offense. 1375

(e) Except as otherwise provided in this division, if the 1376
amount of the drug involved equals or exceeds fifty times the 1377
bulk amount, trafficking in drugs is a felony of the second 1378
degree, and the court shall impose as a mandatory prison term a 1379

second degree felony mandatory prison term. If the amount of the
drug involved equals or exceeds fifty times the bulk amount and
if the offense was committed in the vicinity of a school or in
the vicinity of a juvenile, trafficking in drugs is a felony of
the first degree, and the court shall impose as a mandatory
prison term a first degree felony mandatory prison term.

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

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

(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds two hundred grams
but is less than one thousand grams, trafficking in marihuana is
a felony of the fourth degree, and division (B) of section
2929.13 of the Revised Code applies in determining whether to
impose a prison term on the offender. 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, 1410
trafficking in marihuana is a felony of the third degree, and 1411
division (C) of section 2929.13 of the Revised Code applies in 1412
determining whether to impose a prison term on the offender. 1413

(d) Except as otherwise provided in this division, if the 1414
amount of the drug involved equals or exceeds one thousand grams 1415
but is less than five thousand grams, trafficking in marihuana 1416
is a felony of the third degree, and division (C) of section 1417
2929.13 of the Revised Code applies in determining whether to 1418
impose a prison term on the offender. If the amount of the drug 1419
involved is within that range and if the offense was committed 1420
in the vicinity of a school or in the vicinity of a juvenile, 1421
trafficking in marihuana is a felony of the second degree, and 1422
there is a presumption that a prison term shall be imposed for 1423
the offense. 1424

(e) Except as otherwise provided in this division, if the 1425
amount of the drug involved equals or exceeds five thousand 1426
grams but is less than twenty thousand grams, trafficking in 1427
marihuana is a felony of the third degree, and there is a 1428
presumption that a prison term shall be imposed for the offense. 1429
If the amount of the drug involved is within that range and if 1430
the offense was committed in the vicinity of a school or in the 1431
vicinity of a juvenile, trafficking in marihuana is a felony of 1432
the second degree, and there is a presumption that a prison term 1433
shall be imposed for the offense. 1434

(f) Except as otherwise provided in this division, if the 1435
amount of the drug involved equals or exceeds twenty thousand 1436
grams but is less than forty thousand grams, trafficking in 1437
marihuana is a felony of the second degree, and the court shall 1438
impose as a mandatory prison term a second degree felony 1439

mandatory prison term of five, six, seven, or eight years. If 1440
the amount of the drug involved is within that range and if the 1441
offense was committed in the vicinity of a school or in the 1442
vicinity of a juvenile, trafficking in marihuana is a felony of 1443
the first degree, and the court shall impose as a mandatory 1444
prison term a maximum first degree felony mandatory prison term. 1445

(g) Except as otherwise provided in this division, if the 1446
amount of the drug involved equals or exceeds forty thousand 1447
grams, trafficking in marihuana is a felony of the second 1448
degree, and the court shall impose as a mandatory prison term a 1449
maximum second degree felony mandatory prison term. If the 1450
amount of the drug involved equals or exceeds forty thousand 1451
grams and if the offense was committed in the vicinity of a 1452
school or in the vicinity of a juvenile, trafficking in 1453
marihuana is a felony of the first degree, and the court shall 1454
impose as a mandatory prison term a maximum first degree felony 1455
mandatory prison term. 1456

(h) Except as otherwise provided in this division, if the 1457
offense involves a gift of twenty grams or less of marihuana, 1458
trafficking in marihuana is a minor misdemeanor upon a first 1459
offense and a misdemeanor of the third degree upon a subsequent 1460
offense. If the offense involves a gift of twenty grams or less 1461
of marihuana and if the offense was committed in the vicinity of 1462
a school or in the vicinity of a juvenile, trafficking in 1463
marihuana is a misdemeanor of the third degree. 1464

(4) If the drug involved in the violation is cocaine or a 1465
compound, mixture, preparation, or substance containing cocaine, 1466
whoever violates division (A) of this section is guilty of 1467
trafficking in cocaine. The penalty for the offense shall be 1468
determined as follows: 1469

(a) Except as otherwise provided in division (C) (4) (b), 1470
(c), (d), (e), (f), or (g) of this section, trafficking in 1471
cocaine is a felony of the fifth degree, and division (B) of 1472
section 2929.13 of the Revised Code applies in determining 1473
whether to impose a prison term on the offender. 1474

(b) Except as otherwise provided in division (C) (4) (c), 1475
(d), (e), (f), or (g) of this section, if the offense was 1476
committed in the vicinity of a school, in the vicinity of a 1477
juvenile, or in the vicinity of a substance addiction services 1478
provider or a recovering addict, trafficking in cocaine is a 1479
felony of the fourth degree, and division (C) of section 2929.13 1480
of the Revised Code applies in determining whether to impose a 1481
prison term on the offender. 1482

(c) Except as otherwise provided in this division, if the 1483
amount of the drug involved equals or exceeds five grams but is 1484
less than ten grams of cocaine, trafficking in cocaine is a 1485
felony of the fourth degree, and division (B) of section 2929.13 1486
of the Revised Code applies in determining whether to impose a 1487
prison term for the offense. If the amount of the drug involved 1488
is within that range and if the offense was committed in the 1489
vicinity of a school, in the vicinity of a juvenile, or in the 1490
vicinity of a substance addiction services provider or a 1491
recovering addict, trafficking in cocaine is a felony of the 1492
third degree, and there is a presumption for a prison term for 1493
the offense. 1494

(d) Except as otherwise provided in this division, if the 1495
amount of the drug involved equals or exceeds ten grams but is 1496
less than twenty grams of cocaine, trafficking in cocaine is a 1497
felony of the third degree, and, except as otherwise provided in 1498
this division, there is a presumption for a prison term for the 1499

offense. If trafficking in cocaine is a felony of the third 1500
degree under this division and if the offender two or more times 1501
previously has been convicted of or pleaded guilty to a felony 1502
drug abuse offense, the court shall impose as a mandatory prison 1503
term one of the prison terms prescribed for a felony of the 1504
third degree. If the amount of the drug involved is within that 1505
range and if the offense was committed in the vicinity of a 1506
school, in the vicinity of a juvenile, or in the vicinity of a 1507
substance addiction services provider or a recovering addict, 1508
trafficking in cocaine is a felony of the second degree, and the 1509
court shall impose as a mandatory prison term a second degree 1510
felony mandatory prison term. 1511

(e) Except as otherwise provided in this division, if the 1512
amount of the drug involved equals or exceeds twenty grams but 1513
is less than twenty-seven grams of cocaine, trafficking in 1514
cocaine is a felony of the second degree, and the court shall 1515
impose as a mandatory prison term a second degree felony 1516
mandatory prison term. If the amount of the drug involved is 1517
within that range and if the offense was committed in the 1518
vicinity of a school, in the vicinity of a juvenile, or in the 1519
vicinity of a substance addiction services provider or a 1520
recovering addict, trafficking in cocaine is a felony of the 1521
first degree, and the court shall impose as a mandatory prison 1522
term a first degree felony mandatory prison term. 1523

(f) If the amount of the drug involved equals or exceeds 1524
twenty-seven grams but is less than one hundred grams of cocaine 1525
and regardless of whether the offense was committed in the 1526
vicinity of a school, in the vicinity of a juvenile, or in the 1527
vicinity of a substance addiction services provider or a 1528
recovering addict, trafficking in cocaine is a felony of the 1529
first degree, and the court shall impose as a mandatory prison 1530

term a first degree felony mandatory prison term. 1531

(g) If the amount of the drug involved equals or exceeds 1532
one hundred grams of cocaine and regardless of whether the 1533
offense was committed in the vicinity of a school, in the 1534
vicinity of a juvenile, or in the vicinity of a substance 1535
addiction services provider or a recovering addict, trafficking 1536
in cocaine is a felony of the first degree, the offender is a 1537
major drug offender, and the court shall impose as a mandatory 1538
prison term a maximum first degree felony mandatory prison term. 1539

(5) If the drug involved in the violation is L.S.D. or a 1540
compound, mixture, preparation, or substance containing L.S.D., 1541
whoever violates division (A) of this section is guilty of 1542
trafficking in L.S.D. The penalty for the offense shall be 1543
determined as follows: 1544

(a) Except as otherwise provided in division (C) (5) (b), 1545
(c), (d), (e), (f), or (g) of this section, trafficking in 1546
L.S.D. is a felony of the fifth degree, and division (B) of 1547
section 2929.13 of the Revised Code applies in determining 1548
whether to impose a prison term on the offender. 1549

(b) Except as otherwise provided in division (C) (5) (c), 1550
(d), (e), (f), or (g) of this section, if the offense was 1551
committed in the vicinity of a school, in the vicinity of a 1552
juvenile, or in the vicinity of a substance addiction services 1553
provider or a recovering addict, trafficking in L.S.D. is a 1554
felony of the fourth degree, and division (C) of section 2929.13 1555
of the Revised Code applies in determining whether to impose a 1556
prison term on the offender. 1557

(c) Except as otherwise provided in this division, if the 1558
amount of the drug involved equals or exceeds ten unit doses but 1559

is less than fifty unit doses of L.S.D. in a solid form or 1560
equals or exceeds one gram but is less than five grams of L.S.D. 1561
in a liquid concentrate, liquid extract, or liquid distillate 1562
form, trafficking in L.S.D. is a felony of the fourth degree, 1563
and division (B) of section 2929.13 of the Revised Code applies 1564
in determining whether to impose a prison term for the offense. 1565
If the amount of the drug involved is within that range and if 1566
the offense was committed in the vicinity of a school, in the 1567
vicinity of a juvenile, or in the vicinity of a substance 1568
addiction services provider or a recovering addict, trafficking 1569
in L.S.D. is a felony of the third degree, and there is a 1570
presumption for a prison term for the offense. 1571

(d) Except as otherwise provided in this division, if the 1572
amount of the drug involved equals or exceeds fifty unit doses 1573
but is less than two hundred fifty unit doses of L.S.D. in a 1574
solid form or equals or exceeds five grams but is less than 1575
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1576
extract, or liquid distillate form, trafficking in L.S.D. is a 1577
felony of the third degree, and, except as otherwise provided in 1578
this division, there is a presumption for a prison term for the 1579
offense. If trafficking in L.S.D. is a felony of the third 1580
degree under this division and if the offender two or more times 1581
previously has been convicted of or pleaded guilty to a felony 1582
drug abuse offense, the court shall impose as a mandatory prison 1583
term one of the prison terms prescribed for a felony of the 1584
third degree. If the amount of the drug involved is within that 1585
range and if the offense was committed in the vicinity of a 1586
school, in the vicinity of a juvenile, or in the vicinity of a 1587
substance addiction services provider or a recovering addict, 1588
trafficking in L.S.D. is a felony of the second degree, and the 1589
court shall impose as a mandatory prison term a second degree 1590

felony mandatory prison term. 1591

(e) Except as otherwise provided in this division, if the 1592
amount of the drug involved equals or exceeds two hundred fifty 1593
unit doses but is less than one thousand unit doses of L.S.D. in 1594
a solid form or equals or exceeds twenty-five grams but is less 1595
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1596
extract, or liquid distillate form, trafficking in L.S.D. is a 1597
felony of the second degree, and the court shall impose as a 1598
mandatory prison term a second degree felony mandatory prison 1599
term. If the amount of the drug involved is within that range 1600
and if the offense was committed in the vicinity of a school, in 1601
the vicinity of a juvenile, or in the vicinity of a substance 1602
addiction services provider or a recovering addict, trafficking 1603
in L.S.D. is a felony of the first degree, and the court shall 1604
impose as a mandatory prison term a first degree felony 1605
mandatory prison term. 1606

(f) If the amount of the drug involved equals or exceeds 1607
one thousand unit doses but is less than five thousand unit 1608
doses of L.S.D. in a solid form or equals or exceeds one hundred 1609
grams but is less than five hundred grams of L.S.D. in a liquid 1610
concentrate, liquid extract, or liquid distillate form and 1611
regardless of whether the offense was committed in the vicinity 1612
of a school, in the vicinity of a juvenile, or in the vicinity 1613
of a substance addiction services provider or a recovering 1614
addict, trafficking in L.S.D. is a felony of the first degree, 1615
and the court shall impose as a mandatory prison term a first 1616
degree felony mandatory prison term. 1617

(g) If the amount of the drug involved equals or exceeds 1618
five thousand unit doses of L.S.D. in a solid form or equals or 1619
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1620

liquid extract, or liquid distillate form and regardless of 1621
whether the offense was committed in the vicinity of a school, 1622
in the vicinity of a juvenile, or in the vicinity of a substance 1623
addiction services provider or a recovering addict, trafficking 1624
in L.S.D. is a felony of the first degree, the offender is a 1625
major drug offender, and the court shall impose as a mandatory 1626
prison term a maximum first degree felony mandatory prison term. 1627

(6) If the drug involved in the violation is heroin or a 1628
compound, mixture, preparation, or substance containing heroin, 1629
whoever violates division (A) of this section is guilty of 1630
trafficking in heroin. The penalty for the offense shall be 1631
determined as follows: 1632

(a) Except as otherwise provided in division (C) (6) (b), 1633
(c), (d), (e), (f), or (g) of this section, trafficking in 1634
heroin is a felony of the fifth degree, and division (B) of 1635
section 2929.13 of the Revised Code applies in determining 1636
whether to impose a prison term on the offender. 1637

(b) Except as otherwise provided in division (C) (6) (c), 1638
(d), (e), (f), or (g) of this section, if the offense was 1639
committed in the vicinity of a school, in the vicinity of a 1640
juvenile, or in the vicinity of a substance addiction services 1641
provider or a recovering addict, trafficking in heroin is a 1642
felony of the fourth degree, and division (C) of section 2929.13 1643
of the Revised Code applies in determining whether to impose a 1644
prison term on the offender. 1645

(c) Except as otherwise provided in this division, if the 1646
amount of the drug involved equals or exceeds ten unit doses but 1647
is less than fifty unit doses or equals or exceeds one gram but 1648
is less than five grams, trafficking in heroin is a felony of 1649
the fourth degree, and division (B) of section 2929.13 of the 1650

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, in the vicinity of a juvenile, or in the
vicinity of a substance addiction services provider or a
recovering addict, 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, in the vicinity of a juvenile, or in the
vicinity of a substance addiction services provider or a
recovering addict, 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 a second degree felony
mandatory prison term. If the amount of the drug involved is
within that range and if the offense was committed in the
vicinity of a school, in the vicinity of a juvenile, or in the
vicinity of a substance addiction services provider or a
recovering addict, trafficking in heroin is a felony of the

first degree, and the court shall impose as a mandatory prison 1682
term a first degree felony mandatory prison term. 1683

(f) If the amount of the drug involved equals or exceeds 1684
five hundred unit doses but is less than one thousand unit doses 1685
or equals or exceeds fifty grams but is less than one hundred 1686
grams and regardless of whether the offense was committed in the 1687
vicinity of a school, in the vicinity of a juvenile, or in the 1688
vicinity of a substance addiction services provider or a 1689
recovering addict, trafficking in heroin is a felony of the 1690
first degree, and the court shall impose as a mandatory prison 1691
term a first degree felony mandatory prison term. 1692

(g) If the amount of the drug involved equals or exceeds 1693
one thousand unit doses or equals or exceeds one hundred grams 1694
and regardless of whether the offense was committed in the 1695
vicinity of a school, in the vicinity of a juvenile, or in the 1696
vicinity of a substance addiction services provider or a 1697
recovering addict, trafficking in heroin is a felony of the 1698
first degree, the offender is a major drug offender, and the 1699
court shall impose as a mandatory prison term a maximum first 1700
degree felony mandatory prison term. 1701

(7) If the drug involved in the violation is hashish or a 1702
compound, mixture, preparation, or substance containing hashish, 1703
whoever violates division (A) of this section is guilty of 1704
trafficking in hashish. The penalty for the offense shall be 1705
determined as follows: 1706

(a) Except as otherwise provided in division (C) (7) (b), 1707
(c), (d), (e), (f), or (g) of this section, trafficking in 1708
hashish is a felony of the fifth degree, and division (B) of 1709
section 2929.13 of the Revised Code applies in determining 1710
whether to impose a prison term on the offender. 1711

(b) Except as otherwise provided in division (C) (7) (c), 1712
(d), (e), (f), or (g) of this section, if the offense was 1713
committed in the vicinity of a school, in the vicinity of a 1714
juvenile, or in the vicinity of a substance addiction services 1715
provider or a recovering addict, trafficking in hashish is a 1716
felony of the fourth degree, and division (B) of section 2929.13 1717
of the Revised Code applies in determining whether to impose a 1718
prison term on the offender. 1719

(c) Except as otherwise provided in this division, if the 1720
amount of the drug involved equals or exceeds ten grams but is 1721
less than fifty grams of hashish in a solid form or equals or 1722
exceeds two grams but is less than ten grams of hashish in a 1723
liquid concentrate, liquid extract, or liquid distillate form, 1724
trafficking in hashish is a felony of the fourth degree, and 1725
division (B) of section 2929.13 of the Revised Code applies in 1726
determining whether to impose a prison term on the offender. If 1727
the amount of the drug involved is within that range and if the 1728
offense was committed in the vicinity of a school, in the 1729
vicinity of a juvenile, or in the vicinity of a substance 1730
addiction services provider or a recovering addict, trafficking 1731
in hashish is a felony of the third degree, and division (C) of 1732
section 2929.13 of the Revised Code applies in determining 1733
whether to impose a prison term on the offender. 1734

(d) Except as otherwise provided in this division, if the 1735
amount of the drug involved equals or exceeds fifty grams but is 1736
less than two hundred fifty grams of hashish in a solid form or 1737
equals or exceeds ten grams but is less than fifty grams of 1738
hashish in a liquid concentrate, liquid extract, or liquid 1739
distillate form, trafficking in hashish is a felony of the third 1740
degree, and division (C) of section 2929.13 of the Revised Code 1741
applies in determining whether to impose a prison term on the 1742

offender. If the amount of the drug involved is within that 1743
range and if the offense was committed in the vicinity of a 1744
school, in the vicinity of a juvenile, or in the vicinity of a 1745
substance addiction services provider or a recovering addict, 1746
trafficking in hashish is a felony of the second degree, and 1747
there is a presumption that a prison term shall be imposed for 1748
the offense. 1749

(e) Except as otherwise provided in this division, if the 1750
amount of the drug involved equals or exceeds two hundred fifty 1751
grams but is less than one thousand grams of hashish in a solid 1752
form or equals or exceeds fifty grams but is less than two 1753
hundred grams of hashish in a liquid concentrate, liquid 1754
extract, or liquid distillate form, trafficking in hashish is a 1755
felony of the third degree, and there is a presumption that a 1756
prison term shall be imposed for the offense. If the amount of 1757
the drug involved is within that range and if the offense was 1758
committed in the vicinity of a school, in the vicinity of a 1759
juvenile, or in the vicinity of a substance addiction services 1760
provider or a recovering addict, trafficking in hashish is a 1761
felony of the second degree, and there is a presumption that a 1762
prison term shall be imposed for the offense. 1763

(f) Except as otherwise provided in this division, if the 1764
amount of the drug involved equals or exceeds one thousand grams 1765
but is less than two thousand grams of hashish in a solid form 1766
or equals or exceeds two hundred grams but is less than four 1767
hundred grams of hashish in a liquid concentrate, liquid 1768
extract, or liquid distillate form, trafficking in hashish is a 1769
felony of the second degree, and the court shall impose as a 1770
mandatory prison term a second degree felony mandatory prison 1771
term of five, six, seven, or eight years. If the amount of the 1772
drug involved is within that range and if the offense was 1773

committed in the vicinity of a school, in the vicinity of a 1774
juvenile, or in the vicinity of a substance addiction services 1775
provider or a recovering addict, trafficking in hashish is a 1776
felony of the first degree, and the court shall impose as a 1777
mandatory prison term a maximum first degree felony mandatory 1778
prison term. 1779

(g) Except as otherwise provided in this division, if the 1780
amount of the drug involved equals or exceeds two thousand grams 1781
of hashish in a solid form or equals or exceeds four hundred 1782
grams of hashish in a liquid concentrate, liquid extract, or 1783
liquid distillate form, trafficking in hashish is a felony of 1784
the second degree, and the court shall impose as a mandatory 1785
prison term a maximum second degree felony mandatory prison 1786
term. If the amount of the drug involved equals or exceeds two 1787
thousand grams of hashish in a solid form or equals or exceeds 1788
four hundred grams of hashish in a liquid concentrate, liquid 1789
extract, or liquid distillate form and if the offense was 1790
committed in the vicinity of a school, in the vicinity of a 1791
juvenile, or in the vicinity of a substance addiction services 1792
provider or a recovering addict, trafficking in hashish is a 1793
felony of the first degree, and the court shall impose as a 1794
mandatory prison term a maximum first degree felony mandatory 1795
prison term. 1796

(8) If the drug involved in the violation is a controlled 1797
substance analog or compound, mixture, preparation, or substance 1798
that contains a controlled substance analog, whoever violates 1799
division (A) of this section is guilty of trafficking in a 1800
controlled substance analog. The penalty for the offense shall 1801
be determined as follows: 1802

(a) Except as otherwise provided in division (C) (8) (b), 1803

(c), (d), (e), (f), or (g) of this section, trafficking in a 1804
controlled substance analog is a felony of the fifth degree, and 1805
division (C) of section 2929.13 of the Revised Code applies in 1806
determining whether to impose a prison term on the offender. 1807

(b) Except as otherwise provided in division (C) (8) (c), 1808
(d), (e), (f), or (g) of this section, if the offense was 1809
committed in the vicinity of a school, in the vicinity of a 1810
juvenile, or in the vicinity of a substance addiction services 1811
provider or a recovering addict, trafficking in a controlled 1812
substance analog is a felony of the fourth degree, and division 1813
(C) of section 2929.13 of the Revised Code applies in 1814
determining whether to impose a prison term on the offender. 1815

(c) Except as otherwise provided in this division, if the 1816
amount of the drug involved equals or exceeds ten grams but is 1817
less than twenty grams, trafficking in a controlled substance 1818
analog is a felony of the fourth degree, and division (B) of 1819
section 2929.13 of the Revised Code applies in determining 1820
whether to impose a prison term for the offense. If the amount 1821
of the drug involved is within that range and if the offense was 1822
committed in the vicinity of a school, in the vicinity of a 1823
juvenile, or in the vicinity of a substance addiction services 1824
provider or a recovering addict, trafficking in a controlled 1825
substance analog is a felony of the third degree, and there is a 1826
presumption for a prison term for the offense. 1827

(d) Except as otherwise provided in this division, if the 1828
amount of the drug involved equals or exceeds twenty grams but 1829
is less than thirty grams, trafficking in a controlled substance 1830
analog is a felony of the third degree, and there is a 1831
presumption for a prison term for the offense. If the amount of 1832
the drug involved is within that range and if the offense was 1833

committed in the vicinity of a school, in the vicinity of a 1834
juvenile, or in the vicinity of a substance addiction services 1835
provider or a recovering addict, trafficking in a controlled 1836
substance analog is a felony of the second degree, and there is 1837
a presumption for a prison term for the offense. 1838

(e) Except as otherwise provided in this division, if the 1839
amount of the drug involved equals or exceeds thirty grams but 1840
is less than forty grams, trafficking in a controlled substance 1841
analog is a felony of the second degree, and the court shall 1842
impose as a mandatory prison term a second degree felony 1843
mandatory prison term. If the amount of the drug involved is 1844
within that range and if the offense was committed in the 1845
vicinity of a school, in the vicinity of a juvenile, or in the 1846
vicinity of a substance addiction services provider or a 1847
recovering addict, trafficking in a controlled substance analog 1848
is a felony of the first degree, and the court shall impose as a 1849
mandatory prison term a first degree felony mandatory prison 1850
term. 1851

(f) If the amount of the drug involved equals or exceeds 1852
forty grams but is less than fifty grams and regardless of 1853
whether the offense was committed in the vicinity of a school, 1854
in the vicinity of a juvenile, or in the vicinity of a substance 1855
addiction services provider or a recovering addict, trafficking 1856
in a controlled substance analog is a felony of the first 1857
degree, and the court shall impose as a mandatory prison term a 1858
first degree felony mandatory prison term. 1859

(g) If the amount of the drug involved equals or exceeds 1860
fifty grams and regardless of whether the offense was committed 1861
in the vicinity of a school, in the vicinity of a juvenile, or 1862
in the vicinity of a substance addiction services provider or a 1863

recovering addict, trafficking in a controlled substance analog 1864
is a felony of the first degree, the offender is a major drug 1865
offender, and the court shall impose as a mandatory prison term 1866
a maximum first degree felony mandatory prison term. 1867

(9) If the drug involved in the violation is a fentanyl- 1868
related compound or a compound, mixture, preparation, or 1869
substance containing a fentanyl-related compound and division 1870
(C) (10) (a) of this section does not apply to the drug involved, 1871
whoever violates division (A) of this section is guilty of 1872
trafficking in a fentanyl-related compound. The penalty for the 1873
offense shall be determined as follows: 1874

(a) Except as otherwise provided in division (C) (9) (b), 1875
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1876
a fentanyl-related compound is a felony of the fifth degree, and 1877
division (B) of section 2929.13 of the Revised Code applies in 1878
determining whether to impose a prison term on the offender. 1879

(b) Except as otherwise provided in division (C) (9) (c), 1880
(d), (e), (f), (g), or (h) of this section, if the offense was 1881
committed in the vicinity of a school, in the vicinity of a 1882
juvenile, or in the vicinity of a substance addiction services 1883
provider or a recovering addict, trafficking in a fentanyl- 1884
related compound is a felony of the fourth degree, and division 1885
(C) of section 2929.13 of the Revised Code applies in 1886
determining whether to impose a prison term on the offender. 1887

(c) Except as otherwise provided in this division, if the 1888
amount of the drug involved equals or exceeds ten unit doses but 1889
is less than fifty unit doses or equals or exceeds one gram but 1890
is less than five grams, trafficking in a fentanyl-related 1891
compound is a felony of the fourth degree, and division (B) of 1892
section 2929.13 of the Revised Code applies in determining 1893

whether to impose a prison term for the offense. If the amount 1894
of the drug involved is within that range and if the offense was 1895
committed in the vicinity of a school, in the vicinity of a 1896
juvenile, or in the vicinity of a substance addiction services 1897
provider or a recovering addict, trafficking in a fentanyl- 1898
related compound is a felony of the third degree, and there is a 1899
presumption for a prison term for the offense. 1900

(d) Except as otherwise provided in this division, if the 1901
amount of the drug involved equals or exceeds fifty unit doses 1902
but is less than one hundred unit doses or equals or exceeds 1903
five grams but is less than ten grams, trafficking in a 1904
fentanyl-related compound is a felony of the third degree, and 1905
there is a presumption for a prison term for the offense. If the 1906
amount of the drug involved is within that range and if the 1907
offense was committed in the vicinity of a school, in the 1908
vicinity of a juvenile, or in the vicinity of a substance 1909
addiction services provider or a recovering addict, trafficking 1910
in a fentanyl-related compound is a felony of the second degree, 1911
and there is a presumption for a prison term for the offense. 1912

(e) Except as otherwise provided in this division, if the 1913
amount of the drug involved equals or exceeds one hundred unit 1914
doses but is less than two hundred unit doses or equals or 1915
exceeds ten grams but is less than twenty grams, trafficking in 1916
a fentanyl-related compound is a felony of the second degree, 1917
and the court shall impose as a mandatory prison term one of the 1918
prison terms prescribed for a felony of the second degree. If 1919
the amount of the drug involved is within that range and if the 1920
offense was committed in the vicinity of a school, in the 1921
vicinity of a juvenile, or in the vicinity of a substance 1922
addiction services provider or a recovering addict, trafficking 1923
in a fentanyl-related compound is a felony of the first degree, 1924

and the court shall impose as a mandatory prison term one of the 1925
prison terms prescribed for a felony of the first degree. 1926

(f) If the amount of the drug involved equals or exceeds 1927
two hundred unit doses but is less than five hundred unit doses 1928
or equals or exceeds twenty grams but is less than fifty grams 1929
and regardless of whether the offense was committed in the 1930
vicinity of a school, in the vicinity of a juvenile, or in the 1931
vicinity of a substance addiction services provider or a 1932
recovering addict, trafficking in a fentanyl-related compound is 1933
a felony of the first degree, and the court shall impose as a 1934
mandatory prison term one of the prison terms prescribed for a 1935
felony of the first degree. 1936

(g) If the amount of the drug involved equals or exceeds 1937
five hundred unit doses but is less than one thousand unit doses 1938
or equals or exceeds fifty grams but is less than one hundred 1939
grams and regardless of whether the offense was committed in the 1940
vicinity of a school, in the vicinity of a juvenile, or in the 1941
vicinity of a substance addiction services provider or a 1942
recovering addict, trafficking in a fentanyl-related compound is 1943
a felony of the first degree, and the court shall impose as a 1944
mandatory prison term the maximum prison term prescribed for a 1945
felony of the first degree. 1946

(h) If the amount of the drug involved equals or exceeds 1947
one thousand unit doses or equals or exceeds one hundred grams 1948
and regardless of whether the offense was committed in the 1949
vicinity of a school, in the vicinity of a juvenile, or in the 1950
vicinity of a substance addiction services provider or a 1951
recovering addict, trafficking in a fentanyl-related compound is 1952
a felony of the first degree, the offender is a major drug 1953
offender, and the court shall impose as a mandatory prison term 1954

the maximum prison term prescribed for a felony of the first 1955
degree. 1956

(10) If the drug involved in the violation is a compound, 1957
mixture, preparation, or substance that is a combination of a 1958
fentanyl-related compound and marihuana, one of the following 1959
applies: 1960

(a) Except as otherwise provided in division (C) (10) (b) of 1961
this section, the offender is guilty of trafficking in marihuana 1962
and shall be punished under division (C) (3) of this section. The 1963
offender is not guilty of trafficking in a fentanyl-related 1964
compound and shall not be charged with, convicted of, or 1965
punished under division (C) (9) of this section for trafficking 1966
in a fentanyl-related compound. 1967

(b) If the offender knows or has reason to know that the 1968
compound, mixture, preparation, or substance that is the drug 1969
involved contains a fentanyl-related compound, the offender is 1970
guilty of trafficking in a fentanyl-related compound and shall 1971
be punished under division (C) (9) of this section. 1972

(D) In addition to any prison term authorized or required 1973
by division (C) of this section and sections 2929.13 and 2929.14 1974
of the Revised Code, and in addition to any other sanction 1975
imposed for the offense under this section or sections 2929.11 1976
to 2929.18 of the Revised Code, the court that sentences an 1977
offender who is convicted of or pleads guilty to a violation of 1978
division (A) of this section may suspend the driver's or 1979
commercial driver's license or permit of the offender in 1980
accordance with division (G) of this section. However, if the 1981
offender pleaded guilty to or was convicted of a violation of 1982
section 4511.19 of the Revised Code or a substantially similar 1983
municipal ordinance or the law of another state or the United 1984

States arising out of the same set of circumstances as the 1985
violation, the court shall suspend the offender's driver's or 1986
commercial driver's license or permit in accordance with 1987
division (G) of this section. If applicable, the court also 1988
shall do the following: 1989

(1) If the violation of division (A) of this section is a 1990
felony of the first, second, or third degree, the court shall 1991
impose upon the offender the mandatory fine specified for the 1992
offense under division (B) (1) of section 2929.18 of the Revised 1993
Code unless, as specified in that division, the court determines 1994
that the offender is indigent. Except as otherwise provided in 1995
division (H) (1) of this section, a mandatory fine or any other 1996
fine imposed for a violation of this section is subject to 1997
division (F) of this section. If a person is charged with a 1998
violation of this section that is a felony of the first, second, 1999
or third degree, posts bail, and forfeits the bail, the clerk of 2000
the court shall pay the forfeited bail pursuant to divisions (D) 2001
(1) and (F) of this section, as if the forfeited bail was a fine 2002
imposed for a violation of this section. If any amount of the 2003
forfeited bail remains after that payment and if a fine is 2004
imposed under division (H) (1) of this section, the clerk of the 2005
court shall pay the remaining amount of the forfeited bail 2006
pursuant to divisions (H) (2) and (3) of this section, as if that 2007
remaining amount was a fine imposed under division (H) (1) of 2008
this section. 2009

(2) If the offender is a professionally licensed person, 2010
the court immediately shall comply with section 2925.38 of the 2011
Revised Code. 2012

(E) When a person is charged with the sale of or offer to 2013
sell a bulk amount or a multiple of a bulk amount of a 2014

controlled substance, the jury, or the court trying the accused, 2015
shall determine the amount of the controlled substance involved 2016
at the time of the offense and, if a guilty verdict is returned, 2017
shall return the findings as part of the verdict. In any such 2018
case, it is unnecessary to find and return the exact amount of 2019
the controlled substance involved, and it is sufficient if the 2020
finding and return is to the effect that the amount of the 2021
controlled substance involved is the requisite amount, or that 2022
the amount of the controlled substance involved is less than the 2023
requisite amount. 2024

(F) (1) Notwithstanding any contrary provision of section 2025
3719.21 of the Revised Code and except as provided in division 2026
(H) of this section, the clerk of the court shall pay any 2027
mandatory fine imposed pursuant to division (D) (1) of this 2028
section and any fine other than a mandatory fine that is imposed 2029
for a violation of this section pursuant to division (A) or (B) 2030
(5) of section 2929.18 of the Revised Code to the county, 2031
township, municipal corporation, park district, as created 2032
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2033
state law enforcement agencies in this state that primarily were 2034
responsible for or involved in making the arrest of, and in 2035
prosecuting, the offender. However, the clerk shall not pay a 2036
mandatory fine so imposed to a law enforcement agency unless the 2037
agency has adopted a written internal control policy under 2038
division (F) (2) of this section that addresses the use of the 2039
fine moneys that it receives. Each agency shall use the 2040
mandatory fines so paid to subsidize the agency's law 2041
enforcement efforts that pertain to drug offenses, in accordance 2042
with the written internal control policy adopted by the 2043
recipient agency under division (F) (2) of this section. 2044

(2) Prior to receiving any fine moneys under division (F) 2045

(1) of this section or division (B) of section 2925.42 of the Revised Code, a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is such a public record, and the agency that adopted it shall comply with it.

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

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

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

(G) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section or any other provision of this chapter, the court shall suspend the license, by order, for not more than five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the

day on which the offender's sentence was imposed or from the day 2076
on which the offender finally was released from a prison term 2077
under the sentence, whichever is later, may file a motion with 2078
the sentencing court requesting termination of the suspension; 2079
upon the filing of such a motion and the court's finding of good 2080
cause for the termination, the court may terminate the 2081
suspension. 2082

(2) Any offender who received a mandatory suspension of 2083
the offender's driver's or commercial driver's license or permit 2084
under this section prior to September 13, 2016, may file a 2085
motion with the sentencing court requesting the termination of 2086
the suspension. However, an offender who pleaded guilty to or 2087
was convicted of a violation of section 4511.19 of the Revised 2088
Code or a substantially similar municipal ordinance or law of 2089
another state or the United States that arose out of the same 2090
set of circumstances as the violation for which the offender's 2091
license or permit was suspended under this section shall not 2092
file such a motion. 2093

Upon the filing of a motion under division (G) (2) of this 2094
section, the sentencing court, in its discretion, may terminate 2095
the suspension. 2096

(H) (1) In addition to any prison term authorized or 2097
required by division (C) of this section and sections 2929.13 2098
and 2929.14 of the Revised Code, in addition to any other 2099
penalty or sanction imposed for the offense under this section 2100
or sections 2929.11 to 2929.18 of the Revised Code, and in 2101
addition to the forfeiture of property in connection with the 2102
offense as prescribed in Chapter 2981. of the Revised Code, the 2103
court that sentences an offender who is convicted of or pleads 2104
guilty to a violation of division (A) of this section may impose 2105

upon the offender an additional fine specified for the offense 2106
in division (B)(4) of section 2929.18 of the Revised Code. A 2107
fine imposed under division (H)(1) of this section is not 2108
subject to division (F) of this section and shall be used solely 2109
for the support of one or more eligible community addiction 2110
services providers in accordance with divisions (H)(2) and (3) 2111
of this section. 2112

(2) The court that imposes a fine under division (H)(1) of 2113
this section shall specify in the judgment that imposes the fine 2114
one or more eligible community addiction services providers for 2115
the support of which the fine money is to be used. No community 2116
addiction services provider shall receive or use money paid or 2117
collected in satisfaction of a fine imposed under division (H) 2118
(1) of this section unless the services provider is specified in 2119
the judgment that imposes the fine. No community addiction 2120
services provider shall be specified in the judgment unless the 2121
services provider is an eligible community addiction services 2122
provider and, except as otherwise provided in division (H)(2) of 2123
this section, unless the services provider is located in the 2124
county in which the court that imposes the fine is located or in 2125
a county that is immediately contiguous to the county in which 2126
that court is located. If no eligible community addiction 2127
services provider is located in any of those counties, the 2128
judgment may specify an eligible community addiction services 2129
provider that is located anywhere within this state. 2130

(3) Notwithstanding any contrary provision of section 2131
3719.21 of the Revised Code, the clerk of the court shall pay 2132
any fine imposed under division (H)(1) of this section to the 2133
eligible community addiction services provider specified 2134
pursuant to division (H)(2) of this section in the judgment. The 2135
eligible community addiction services provider that receives the 2136

fine moneys shall use the moneys only for the alcohol and drug 2137
addiction services identified in the application for 2138
certification of services under section 5119.36 of the Revised 2139
Code or in the application for a license under section 5119.37 2140
of the Revised Code filed with the department of mental health 2141
and addiction services by the community addiction services 2142
provider specified in the judgment. 2143

(4) Each community addiction services provider that 2144
receives in a calendar year any fine moneys under division (H) 2145
(3) of this section shall file an annual report covering that 2146
calendar year with the court of common pleas and the board of 2147
county commissioners of the county in which the services 2148
provider is located, with the court of common pleas and the 2149
board of county commissioners of each county from which the 2150
services provider received the moneys if that county is 2151
different from the county in which the services provider is 2152
located, and with the attorney general. The community addiction 2153
services provider shall file the report no later than the first 2154
day of March in the calendar year following the calendar year in 2155
which the services provider received the fine moneys. The report 2156
shall include statistics on the number of persons served by the 2157
community addiction services provider, identify the types of 2158
alcohol and drug addiction services provided to those persons, 2159
and include a specific accounting of the purposes for which the 2160
fine moneys received were used. No information contained in the 2161
report shall identify, or enable a person to determine the 2162
identity of, any person served by the community addiction 2163
services provider. Each report received by a court of common 2164
pleas, a board of county commissioners, or the attorney general 2165
is a public record open for inspection under section 149.43 of 2166
the Revised Code. 2167

(5) As used in divisions (H) (1) to (5) of this section:	2168
(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.	2169 2170 2171
(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.	2172 2173 2174 2175
(I) As used in this section, "drug" includes any substance that is represented to be a drug.	2176 2177
(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:	2178 2179 2180 2181 2182 2183 2184 2185
(1) A controlled substance;	2186
(2) Any substance for which there is an approved new drug application;	2187 2188
(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.	2189 2190 2191 2192
Sec. 2925.11. (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.	2193 2194 2195

(B) (1) This section does not apply to any of the 2196
following: 2197

(a) Manufacturers, licensed health professionals 2198
authorized to prescribe drugs, pharmacists, owners of 2199
pharmacies, and other persons whose conduct was in accordance 2200
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 2201
4741., and 4772. of the Revised Code; 2202

(b) If the offense involves an anabolic steroid, any 2203
person who is conducting or participating in a research project 2204
involving the use of an anabolic steroid if the project has been 2205
approved by the United States food and drug administration; 2206

(c) Any person who sells, offers for sale, prescribes, 2207
dispenses, or administers for livestock or other nonhuman 2208
species an anabolic steroid that is expressly intended for 2209
administration through implants to livestock or other nonhuman 2210
species and approved for that purpose under the "Federal Food, 2211
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2212
as amended, and is sold, offered for sale, prescribed, 2213
dispensed, or administered for that purpose in accordance with 2214
that act; 2215

(d) Any person who obtained the controlled substance 2216
pursuant to a prescription issued by a licensed health 2217
professional authorized to prescribe drugs if the prescription 2218
was issued for a legitimate medical purpose and not altered, 2219
forged, or obtained through deception or commission of a theft 2220
offense. 2221

As used in division (B) (1) (d) of this section, "deception" 2222
and "theft offense" have the same meanings as in section 2913.01 2223
of the Revised Code. 2224

(2) (a) As used in division (B) (2) of this section:	2225
(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	2226 2227
(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code.	2228 2229 2230
(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.	2231 2232
(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.	2233 2234 2235
(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.	2236 2237
(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2238 2239
(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	2240 2241
(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	2242 2243 2244 2245 2246 2247 2248 2249
(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or	2250 2251 2252

presenting a person to a health care facility. 2253

(b) Subject to division (B) (2) (f) of this section, a 2254
qualified individual shall not be arrested, charged, prosecuted, 2255
convicted, or penalized pursuant to this chapter for a minor 2256
drug possession offense if all of the following apply: 2257

(i) The evidence of the obtaining, possession, or use of 2258
the controlled substance or controlled substance analog that 2259
would be the basis of the offense was obtained as a result of 2260
the qualified individual seeking the medical assistance or 2261
experiencing an overdose and needing medical assistance. 2262

(ii) Subject to division (B) (2) (g) of this section, within 2263
thirty days after seeking or obtaining the medical assistance, 2264
the qualified individual seeks and obtains a screening and 2265
receives a referral for treatment from a community addiction 2266
services provider or a properly credentialed addiction treatment 2267
professional. 2268

(iii) Subject to division (B) (2) (g) of this section, the 2269
qualified individual who obtains a screening and receives a 2270
referral for treatment under division (B) (2) (b) (ii) of this 2271
section, upon the request of any prosecuting attorney, submits 2272
documentation to the prosecuting attorney that verifies that the 2273
qualified individual satisfied the requirements of that 2274
division. The documentation shall be limited to the date and 2275
time of the screening obtained and referral received. 2276

(c) If a person is found to be in violation of any 2277
community control sanction and if the violation is a result of 2278
either of the following, the court shall first consider ordering 2279
the person's participation or continued participation in a drug 2280
treatment program or mitigating the penalty specified in section 2281

2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2282
applicable, after which the court has the discretion either to 2283
order the person's participation or continued participation in a 2284
drug treatment program or to impose the penalty with the 2285
mitigating factor specified in any of those applicable sections: 2286

(i) Seeking or obtaining medical assistance in good faith 2287
for another person who is experiencing a drug overdose; 2288

(ii) Experiencing a drug overdose and seeking medical 2289
assistance for that overdose or being the subject of another 2290
person seeking or obtaining medical assistance for that overdose 2291
as described in division (B) (2) (b) of this section. 2292

(d) If a person is found to be in violation of any post- 2293
release control sanction and if the violation is a result of 2294
either of the following, the court or the parole board shall 2295
first consider ordering the person's participation or continued 2296
participation in a drug treatment program or mitigating the 2297
penalty specified in section 2929.141 or 2967.28 of the Revised 2298
Code, whichever is applicable, after which the court or the 2299
parole board has the discretion either to order the person's 2300
participation or continued participation in a drug treatment 2301
program or to impose the penalty with the mitigating factor 2302
specified in either of those applicable sections: 2303

(i) Seeking or obtaining medical assistance in good faith 2304
for another person who is experiencing a drug overdose; 2305

(ii) Experiencing a drug overdose and seeking medical 2306
assistance for that emergency or being the subject of another 2307
person seeking or obtaining medical assistance for that overdose 2308
as described in division (B) (2) (b) of this section. 2309

(e) Nothing in division (B) (2) (b) of this section shall be 2310

construed to do any of the following: 2311

(i) Limit the admissibility of any evidence in connection 2312
with the investigation or prosecution of a crime with regards to 2313
a defendant who does not qualify for the protections of division 2314
(B) (2) (b) of this section or with regards to any crime other 2315
than a minor drug possession offense committed by a person who 2316
qualifies for protection pursuant to division (B) (2) (b) of this 2317
section for a minor drug possession offense; 2318

(ii) Limit any seizure of evidence or contraband otherwise 2319
permitted by law; 2320

(iii) Limit or abridge the authority of a peace officer to 2321
detain or take into custody a person in the course of an 2322
investigation or to effectuate an arrest for any offense except 2323
as provided in that division; 2324

(iv) Limit, modify, or remove any immunity from liability 2325
available pursuant to law in effect prior to September 13, 2016, 2326
to any public agency or to an employee of any public agency. 2327

(f) Division (B) (2) (b) of this section does not apply to 2328
any person who twice previously has been granted an immunity 2329
under division (B) (2) (b) of this section. No person shall be 2330
granted an immunity under division (B) (2) (b) of this section 2331
more than two times. 2332

(g) Nothing in this section shall compel any qualified 2333
individual to disclose protected health information in a way 2334
that conflicts with the requirements of the "Health Insurance 2335
Portability and Accountability Act of 1996," 104 Pub. L. No. 2336
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2337
regulations promulgated by the United States department of 2338
health and human services to implement the act or the 2339

requirements of 42 C.F.R. Part 2. 2340

(C) Whoever violates division (A) of this section is 2341
guilty of one of the following: 2342

(1) If the drug involved in the violation is a compound, 2343
mixture, preparation, or substance included in schedule I or II, 2344
with the exception of marihuana, cocaine, L.S.D., heroin, any 2345
fentanyl-related compound, hashish, and any controlled substance 2346
analog, whoever violates division (A) of this section is guilty 2347
of aggravated possession of drugs. The penalty for the offense 2348
shall be determined as follows: 2349

(a) Except as otherwise provided in division (C) (1) (b), 2350
(c), (d), or (e) of this section, aggravated possession of drugs 2351
is a felony of the fifth degree, and division (B) of section 2352
2929.13 of the Revised Code applies in determining whether to 2353
impose a prison term on the offender. 2354

(b) If the amount of the drug involved equals or exceeds 2355
the bulk amount but is less than five times the bulk amount, 2356
aggravated possession of drugs is a felony of the third degree, 2357
and there is a presumption for a prison term for the offense. 2358

(c) If the amount of the drug involved equals or exceeds 2359
five times the bulk amount but is less than fifty times the bulk 2360
amount, aggravated possession of drugs is a felony of the second 2361
degree, and the court shall impose as a mandatory prison term a 2362
second degree felony mandatory prison term. 2363

(d) If the amount of the drug involved equals or exceeds 2364
fifty times the bulk amount but is less than one hundred times 2365
the bulk amount, aggravated possession of drugs is a felony of 2366
the first degree, and the court shall impose as a mandatory 2367
prison term a first degree felony mandatory prison term. 2368

(e) If the amount of the drug involved equals or exceeds 2369
one hundred times the bulk amount, aggravated possession of 2370
drugs is a felony of the first degree, the offender is a major 2371
drug offender, and the court shall impose as a mandatory prison 2372
term a maximum first degree felony mandatory prison term. 2373

(2) If the drug involved in the violation is a compound, 2374
mixture, preparation, or substance included in schedule III, IV, 2375
or V, whoever violates division (A) of this section is guilty of 2376
possession of drugs. The penalty for the offense shall be 2377
determined as follows: 2378

(a) Except as otherwise provided in division (C) (2) (b), 2379
(c), or (d) of this section, possession of drugs is a 2380
misdemeanor of the first degree or, if the offender previously 2381
has been convicted of a drug abuse offense, a felony of the 2382
fifth degree. 2383

(b) If the amount of the drug involved equals or exceeds 2384
the bulk amount but is less than five times the bulk amount, 2385
possession of drugs is a felony of the fourth degree, and 2386
division (C) of section 2929.13 of the Revised Code applies in 2387
determining whether to impose a prison term on the offender. 2388

(c) If the amount of the drug involved equals or exceeds 2389
five times the bulk amount but is less than fifty times the bulk 2390
amount, possession of drugs is a felony of the third degree, and 2391
there is a presumption for a prison term for the offense. 2392

(d) If the amount of the drug involved equals or exceeds 2393
fifty times the bulk amount, possession of drugs is a felony of 2394
the second degree, and the court shall impose upon the offender 2395
as a mandatory prison term a second degree felony mandatory 2396
prison term. 2397

(3) If the drug involved in the violation is marihuana or 2398
a compound, mixture, preparation, or substance containing 2399
marihuana other than hashish, whoever violates division (A) of 2400
this section is guilty of possession of marihuana. The penalty 2401
for the offense shall be determined as follows: 2402

(a) Except as otherwise provided in division (C) (3) (b), 2403
(c), (d), (e), (f), or (g) of this section, possession of 2404
marihuana is a minor misdemeanor. 2405

(b) If the amount of the drug involved equals or exceeds 2406
one hundred grams but is less than two hundred grams, possession 2407
of marihuana is a misdemeanor of the fourth degree. 2408

(c) If the amount of the drug involved equals or exceeds 2409
two hundred grams but is less than one thousand grams, 2410
possession of marihuana is a felony of the fifth degree, and 2411
division (B) of section 2929.13 of the Revised Code applies in 2412
determining whether to impose a prison term on the offender. 2413

(d) If the amount of the drug involved equals or exceeds 2414
one thousand grams but is less than five thousand grams, 2415
possession of marihuana is a felony of the third degree, and 2416
division (C) of section 2929.13 of the Revised Code applies in 2417
determining whether to impose a prison term on the offender. 2418

(e) If the amount of the drug involved equals or exceeds 2419
five thousand grams but is less than twenty thousand grams, 2420
possession of marihuana is a felony of the third degree, and 2421
there is a presumption that a prison term shall be imposed for 2422
the offense. 2423

(f) If the amount of the drug involved equals or exceeds 2424
twenty thousand grams but is less than forty thousand grams, 2425
possession of marihuana is a felony of the second degree, and 2426

the court shall impose as a mandatory prison term a second 2427
degree felony mandatory prison term of five, six, seven, or 2428
eight years. 2429

(g) If the amount of the drug involved equals or exceeds 2430
forty thousand grams, possession of marihuana is a felony of the 2431
second degree, and the court shall impose as a mandatory prison 2432
term a maximum second degree felony mandatory prison term. 2433

(4) If the drug involved in the violation is cocaine or a 2434
compound, mixture, preparation, or substance containing cocaine, 2435
whoever violates division (A) of this section is guilty of 2436
possession of cocaine. The penalty for the offense shall be 2437
determined as follows: 2438

(a) Except as otherwise provided in division (C) (4) (b), 2439
(c), (d), (e), or (f) of this section, possession of cocaine is 2440
a felony of the fifth degree, and division (B) of section 2441
2929.13 of the Revised Code applies in determining whether to 2442
impose a prison term on the offender. 2443

(b) If the amount of the drug involved equals or exceeds 2444
five grams but is less than ten grams of cocaine, possession of 2445
cocaine is a felony of the fourth degree, and division (B) of 2446
section 2929.13 of the Revised Code applies in determining 2447
whether to impose a prison term on the offender. 2448

(c) If the amount of the drug involved equals or exceeds 2449
ten grams but is less than twenty grams of cocaine, possession 2450
of cocaine is a felony of the third degree, and, except as 2451
otherwise provided in this division, there is a presumption for 2452
a prison term for the offense. If possession of cocaine is a 2453
felony of the third degree under this division and if the 2454
offender two or more times previously has been convicted of or 2455

pleaded guilty to a felony drug abuse offense, the court shall 2456
impose as a mandatory prison term one of the prison terms 2457
prescribed for a felony of the third degree. 2458

(d) If the amount of the drug involved equals or exceeds 2459
twenty grams but is less than twenty-seven grams of cocaine, 2460
possession of cocaine is a felony of the second degree, and the 2461
court shall impose as a mandatory prison term a second degree 2462
felony mandatory prison term. 2463

(e) If the amount of the drug involved equals or exceeds 2464
twenty-seven grams but is less than one hundred grams of 2465
cocaine, possession of cocaine is a felony of the first degree, 2466
and the court shall impose as a mandatory prison term a first 2467
degree felony mandatory prison term. 2468

(f) If the amount of the drug involved equals or exceeds 2469
one hundred grams of cocaine, possession of cocaine is a felony 2470
of the first degree, the offender is a major drug offender, and 2471
the court shall impose as a mandatory prison term a maximum 2472
first degree felony mandatory prison term. 2473

(5) If the drug involved in the violation is L.S.D., 2474
whoever violates division (A) of this section is guilty of 2475
possession of L.S.D. The penalty for the offense shall be 2476
determined as follows: 2477

(a) Except as otherwise provided in division (C) (5) (b), 2478
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2479
felony of the fifth degree, and division (B) of section 2929.13 2480
of the Revised Code applies in determining whether to impose a 2481
prison term on the offender. 2482

(b) If the amount of L.S.D. involved equals or exceeds ten 2483
unit doses but is less than fifty unit doses of L.S.D. in a 2484

solid form or equals or exceeds one gram but is less than five 2485
grams of L.S.D. in a liquid concentrate, liquid extract, or 2486
liquid distillate form, possession of L.S.D. is a felony of the 2487
fourth degree, and division (C) of section 2929.13 of the 2488
Revised Code applies in determining whether to impose a prison 2489
term on the offender. 2490

(c) If the amount of L.S.D. involved equals or exceeds 2491
fifty unit doses, but is less than two hundred fifty unit doses 2492
of L.S.D. in a solid form or equals or exceeds five grams but is 2493
less than twenty-five grams of L.S.D. in a liquid concentrate, 2494
liquid extract, or liquid distillate form, possession of L.S.D. 2495
is a felony of the third degree, and there is a presumption for 2496
a prison term for the offense. 2497

(d) If the amount of L.S.D. involved equals or exceeds two 2498
hundred fifty unit doses but is less than one thousand unit 2499
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2500
grams but is less than one hundred grams of L.S.D. in a liquid 2501
concentrate, liquid extract, or liquid distillate form, 2502
possession of L.S.D. is a felony of the second degree, and the 2503
court shall impose as a mandatory prison term a second degree 2504
felony mandatory prison term. 2505

(e) If the amount of L.S.D. involved equals or exceeds one 2506
thousand unit doses but is less than five thousand unit doses of 2507
L.S.D. in a solid form or equals or exceeds one hundred grams 2508
but is less than five hundred grams of L.S.D. in a liquid 2509
concentrate, liquid extract, or liquid distillate form, 2510
possession of L.S.D. is a felony of the first degree, and the 2511
court shall impose as a mandatory prison term a first degree 2512
felony mandatory prison term. 2513

(f) If the amount of L.S.D. involved equals or exceeds 2514

five thousand unit doses of L.S.D. in a solid form or equals or 2515
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2516
liquid extract, or liquid distillate form, possession of L.S.D. 2517
is a felony of the first degree, the offender is a major drug 2518
offender, and the court shall impose as a mandatory prison term 2519
a maximum first degree felony mandatory prison term. 2520

(6) If the drug involved in the violation is heroin or a 2521
compound, mixture, preparation, or substance containing heroin, 2522
whoever violates division (A) of this section is guilty of 2523
possession of heroin. The penalty for the offense shall be 2524
determined as follows: 2525

(a) Except as otherwise provided in division (C) (6) (b), 2526
(c), (d), (e), or (f) of this section, possession of heroin is a 2527
felony of the fifth degree, and division (B) of section 2929.13 2528
of the Revised Code applies in determining whether to impose a 2529
prison term on the offender. 2530

(b) If the amount of the drug involved equals or exceeds 2531
ten unit doses but is less than fifty unit doses or equals or 2532
exceeds one gram but is less than five grams, possession of 2533
heroin is a felony of the fourth degree, and division (C) of 2534
section 2929.13 of the Revised Code applies in determining 2535
whether to impose a prison term on the offender. 2536

(c) If the amount of the drug involved equals or exceeds 2537
fifty unit doses but is less than one hundred unit doses or 2538
equals or exceeds five grams but is less than ten grams, 2539
possession of heroin is a felony of the third degree, and there 2540
is a presumption for a prison term for the offense. 2541

(d) If the amount of the drug involved equals or exceeds 2542
one hundred unit doses but is less than five hundred unit doses 2543

or equals or exceeds ten grams but is less than fifty grams, 2544
possession of heroin is a felony of the second degree, and the 2545
court shall impose as a mandatory prison term a second degree 2546
felony mandatory prison term. 2547

(e) If the amount of the drug involved equals or exceeds 2548
five hundred unit doses but is less than one thousand unit doses 2549
or equals or exceeds fifty grams but is less than one hundred 2550
grams, possession of heroin is a felony of the first degree, and 2551
the court shall impose as a mandatory prison term a first degree 2552
felony mandatory prison term. 2553

(f) If the amount of the drug involved equals or exceeds 2554
one thousand unit doses or equals or exceeds one hundred grams, 2555
possession of heroin is a felony of the first degree, the 2556
offender is a major drug offender, and the court shall impose as 2557
a mandatory prison term a maximum first degree felony mandatory 2558
prison term. 2559

(7) If the drug involved in the violation is hashish or a 2560
compound, mixture, preparation, or substance containing hashish, 2561
whoever violates division (A) of this section is guilty of 2562
possession of hashish. The penalty for the offense shall be 2563
determined as follows: 2564

(a) Except as otherwise provided in division (C) (7) (b), 2565
(c), (d), (e), (f), or (g) of this section, possession of 2566
hashish is a minor misdemeanor. 2567

(b) If the amount of the drug involved equals or exceeds 2568
five grams but is less than ten grams of hashish in a solid form 2569
or equals or exceeds one gram but is less than two grams of 2570
hashish in a liquid concentrate, liquid extract, or liquid 2571
distillate form, possession of hashish is a misdemeanor of the 2572

fourth degree. 2573

(c) If the amount of the drug involved equals or exceeds 2574
ten grams but is less than fifty grams of hashish in a solid 2575
form or equals or exceeds two grams but is less than ten grams 2576
of hashish in a liquid concentrate, liquid extract, or liquid 2577
distillate form, possession of hashish is a felony of the fifth 2578
degree, and division (B) of section 2929.13 of the Revised Code 2579
applies in determining whether to impose a prison term on the 2580
offender. 2581

(d) If the amount of the drug involved equals or exceeds 2582
fifty grams but is less than two hundred fifty grams of hashish 2583
in a solid form or equals or exceeds ten grams but is less than 2584
fifty grams of hashish in a liquid concentrate, liquid extract, 2585
or liquid distillate form, possession of hashish is a felony of 2586
the third degree, and division (C) of section 2929.13 of the 2587
Revised Code applies in determining whether to impose a prison 2588
term on the offender. 2589

(e) If the amount of the drug involved equals or exceeds 2590
two hundred fifty grams but is less than one thousand grams of 2591
hashish in a solid form or equals or exceeds fifty grams but is 2592
less than two hundred grams of hashish in a liquid concentrate, 2593
liquid extract, or liquid distillate form, possession of hashish 2594
is a felony of the third degree, and there is a presumption that 2595
a prison term shall be imposed for the offense. 2596

(f) If the amount of the drug involved equals or exceeds 2597
one thousand grams but is less than two thousand grams of 2598
hashish in a solid form or equals or exceeds two hundred grams 2599
but is less than four hundred grams of hashish in a liquid 2600
concentrate, liquid extract, or liquid distillate form, 2601
possession of hashish is a felony of the second degree, and the 2602

court shall impose as a mandatory prison term a second degree 2603
felony mandatory prison term of five, six, seven, or eight 2604
years. 2605

(g) If the amount of the drug involved equals or exceeds 2606
two thousand grams of hashish in a solid form or equals or 2607
exceeds four hundred grams of hashish in a liquid concentrate, 2608
liquid extract, or liquid distillate form, possession of hashish 2609
is a felony of the second degree, and the court shall impose as 2610
a mandatory prison term a maximum second degree felony mandatory 2611
prison term. 2612

(8) If the drug involved is a controlled substance analog 2613
or compound, mixture, preparation, or substance that contains a 2614
controlled substance analog, whoever violates division (A) of 2615
this section is guilty of possession of a controlled substance 2616
analog. The penalty for the offense shall be determined as 2617
follows: 2618

(a) Except as otherwise provided in division (C) (8) (b), 2619
(c), (d), (e), or (f) of this section, possession of a 2620
controlled substance analog is a felony of the fifth degree, and 2621
division (B) of section 2929.13 of the Revised Code applies in 2622
determining whether to impose a prison term on the offender. 2623

(b) If the amount of the drug involved equals or exceeds 2624
ten grams but is less than twenty grams, possession of a 2625
controlled substance analog is a felony of the fourth degree, 2626
and there is a presumption for a prison term for the offense. 2627

(c) If the amount of the drug involved equals or exceeds 2628
twenty grams but is less than thirty grams, possession of a 2629
controlled substance analog is a felony of the third degree, and 2630
there is a presumption for a prison term for the offense. 2631

(d) If the amount of the drug involved equals or exceeds 2632
thirty grams but is less than forty grams, possession of a 2633
controlled substance analog is a felony of the second degree, 2634
and the court shall impose as a mandatory prison term a second 2635
degree felony mandatory prison term. 2636

(e) If the amount of the drug involved equals or exceeds 2637
forty grams but is less than fifty grams, possession of a 2638
controlled substance analog is a felony of the first degree, and 2639
the court shall impose as a mandatory prison term a first degree 2640
felony mandatory prison term. 2641

(f) If the amount of the drug involved equals or exceeds 2642
fifty grams, possession of a controlled substance analog is a 2643
felony of the first degree, the offender is a major drug 2644
offender, and the court shall impose as a mandatory prison term 2645
a maximum first degree felony mandatory prison term. 2646

(9) If the drug involved in the violation is a compound, 2647
mixture, preparation, or substance that is a combination of a 2648
fentanyl-related compound and marihuana, one of the following 2649
applies: 2650

(a) Except as otherwise provided in division (C) (9) (b) of 2651
this section, the offender is guilty of possession of marihuana 2652
and shall be punished as provided in division (C) (3) of this 2653
section. Except as otherwise provided in division (C) (9) (b) of 2654
this section, the offender is not guilty of possession of a 2655
fentanyl-related compound under division (C) (11) of this section 2656
and shall not be charged with, convicted of, or punished under 2657
division (C) (11) of this section for possession of a fentanyl- 2658
related compound. 2659

(b) If the offender knows or has reason to know that the 2660

compound, mixture, preparation, or substance that is the drug 2661
involved contains a fentanyl-related compound, the offender is 2662
guilty of possession of a fentanyl-related compound and shall be 2663
punished under division (C) (11) of this section. 2664

(10) If the drug involved in the violation is a compound, 2665
mixture, preparation, or substance that is a combination of a 2666
fentanyl-related compound and any schedule III, schedule IV, or 2667
schedule V controlled substance that is not a fentanyl-related 2668
compound, one of the following applies: 2669

(a) Except as otherwise provided in division (C) (10) (b) of 2670
this section, the offender is guilty of possession of drugs and 2671
shall be punished as provided in division (C) (2) of this 2672
section. Except as otherwise provided in division (C) (10) (b) of 2673
this section, the offender is not guilty of possession of a 2674
fentanyl-related compound under division (C) (11) of this section 2675
and shall not be charged with, convicted of, or punished under 2676
division (C) (11) of this section for possession of a fentanyl- 2677
related compound. 2678

(b) If the offender knows or has reason to know that the 2679
compound, mixture, preparation, or substance that is the drug 2680
involved contains a fentanyl-related compound, the offender is 2681
guilty of possession of a fentanyl-related compound and shall be 2682
punished under division (C) (11) of this section. 2683

(11) If the drug involved in the violation is a fentanyl- 2684
related compound and neither division (C) (9) (a) nor division (C) 2685
(10) (a) of this section applies to the drug involved, or is a 2686
compound, mixture, preparation, or substance that contains a 2687
fentanyl-related compound or is a combination of a fentanyl- 2688
related compound and any other controlled substance and neither 2689
division (C) (9) (a) nor division (C) (10) (a) of this section 2690

applies to the drug involved, whoever violates division (A) of 2691
this section is guilty of possession of a fentanyl-related 2692
compound. The penalty for the offense shall be determined as 2693
follows: 2694

(a) Except as otherwise provided in division (C) (11) (b), 2695
(c), (d), (e), (f), or (g) of this section, possession of a 2696
fentanyl-related compound is a felony of the fifth degree, and 2697
division (B) of section 2929.13 of the Revised Code applies in 2698
determining whether to impose a prison term on the offender. 2699

(b) If the amount of the drug involved equals or exceeds 2700
ten unit doses but is less than fifty unit doses or equals or 2701
exceeds one gram but is less than five grams, possession of a 2702
fentanyl-related compound is a felony of the fourth degree, and 2703
division (C) of section 2929.13 of the Revised Code applies in 2704
determining whether to impose a prison term on the offender. 2705

(c) If the amount of the drug involved equals or exceeds 2706
fifty unit doses but is less than one hundred unit doses or 2707
equals or exceeds five grams but is less than ten grams, 2708
possession of a fentanyl-related compound is a felony of the 2709
third degree, and there is a presumption for a prison term for 2710
the offense. 2711

(d) If the amount of the drug involved equals or exceeds 2712
one hundred unit doses but is less than two hundred unit doses 2713
or equals or exceeds ten grams but is less than twenty grams, 2714
possession of a fentanyl-related compound is a felony of the 2715
second degree, and the court shall impose as a mandatory prison 2716
term one of the prison terms prescribed for a felony of the 2717
second degree. 2718

(e) If the amount of the drug involved equals or exceeds 2719

two hundred unit doses but is less than five hundred unit doses 2720
or equals or exceeds twenty grams but is less than fifty grams, 2721
possession of a fentanyl-related compound is a felony of the 2722
first degree, and the court shall impose as a mandatory prison 2723
term one of the prison terms prescribed for a felony of the 2724
first degree. 2725

(f) If the amount of the drug involved equals or exceeds 2726
five hundred unit doses but is less than one thousand unit doses 2727
or equals or exceeds fifty grams but is less than one hundred 2728
grams, possession of a fentanyl-related compound is a felony of 2729
the first degree, and the court shall impose as a mandatory 2730
prison term the maximum prison term prescribed for a felony of 2731
the first degree. 2732

(g) If the amount of the drug involved equals or exceeds 2733
one thousand unit doses or equals or exceeds one hundred grams, 2734
possession of a fentanyl-related compound is a felony of the 2735
first degree, the offender is a major drug offender, and the 2736
court shall impose as a mandatory prison term the maximum prison 2737
term prescribed for a felony of the first degree. 2738

(D) Arrest or conviction for a minor misdemeanor violation 2739
of this section does not constitute a criminal record and need 2740
not be reported by the person so arrested or convicted in 2741
response to any inquiries about the person's criminal record, 2742
including any inquiries contained in any application for 2743
employment, license, or other right or privilege, or made in 2744
connection with the person's appearance as a witness. 2745

(E) In addition to any prison term or jail term authorized 2746
or required by division (C) of this section and sections 2747
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2748
Code and in addition to any other sanction that is imposed for 2749

the offense under this section, sections 2929.11 to 2929.18, or 2750
sections 2929.21 to 2929.28 of the Revised Code, the court that 2751
sentences an offender who is convicted of or pleads guilty to a 2752
violation of division (A) of this section may suspend the 2753
offender's driver's or commercial driver's license or permit for 2754
not more than five years. However, if the offender pleaded 2755
guilty to or was convicted of a violation of section 4511.19 of 2756
the Revised Code or a substantially similar municipal ordinance 2757
or the law of another state or the United States arising out of 2758
the same set of circumstances as the violation, the court shall 2759
suspend the offender's driver's or commercial driver's license 2760
or permit for not more than five years. If applicable, the court 2761
also shall do the following: 2762

(1) (a) If the violation is a felony of the first, second, 2763
or third degree, the court shall impose upon the offender the 2764
mandatory fine specified for the offense under division (B) (1) 2765
of section 2929.18 of the Revised Code unless, as specified in 2766
that division, the court determines that the offender is 2767
indigent. 2768

(b) Notwithstanding any contrary provision of section 2769
3719.21 of the Revised Code, the clerk of the court shall pay a 2770
mandatory fine or other fine imposed for a violation of this 2771
section pursuant to division (A) of section 2929.18 of the 2772
Revised Code in accordance with and subject to the requirements 2773
of division (F) of section 2925.03 of the Revised Code. The 2774
agency that receives the fine shall use the fine as specified in 2775
division (F) of section 2925.03 of the Revised Code. 2776

(c) If a person is charged with a violation of this 2777
section that is a felony of the first, second, or third degree, 2778
posts bail, and forfeits the bail, the clerk shall pay the 2779

forfeited bail pursuant to division (E)(1)(b) of this section as 2780
if it were a mandatory fine imposed under division (E)(1)(a) of 2781
this section. 2782

(2) If the offender is a professionally licensed person, 2783
in addition to any other sanction imposed for a violation of 2784
this section, the court immediately shall comply with section 2785
2925.38 of the Revised Code. 2786

(F) It is an affirmative defense, as provided in section 2787
2901.05 of the Revised Code, to a charge of a fourth degree 2788
felony violation under this section that the controlled 2789
substance that gave rise to the charge is in an amount, is in a 2790
form, is prepared, compounded, or mixed with substances that are 2791
not controlled substances in a manner, or is possessed under any 2792
other circumstances, that indicate that the substance was 2793
possessed solely for personal use. Notwithstanding any contrary 2794
provision of this section, if, in accordance with section 2795
2901.05 of the Revised Code, an accused who is charged with a 2796
fourth degree felony violation of division (C)(2), (4), (5), or 2797
(6) of this section sustains the burden of going forward with 2798
evidence of and establishes by a preponderance of the evidence 2799
the affirmative defense described in this division, the accused 2800
may be prosecuted for and may plead guilty to or be convicted of 2801
a misdemeanor violation of division (C)(2) of this section or a 2802
fifth degree felony violation of division (C)(4), (5), or (6) of 2803
this section respectively. 2804

(G) When a person is charged with possessing a bulk amount 2805
or multiple of a bulk amount, division (E) of section 2925.03 of 2806
the Revised Code applies regarding the determination of the 2807
amount of the controlled substance involved at the time of the 2808
offense. 2809

(H) It is an affirmative defense to a charge of possession 2810
of a controlled substance analog under division (C) (8) of this 2811
section that the person charged with violating that offense 2812
obtained, possessed, or used one of the following items that are 2813
excluded from the meaning of "controlled substance analog" under 2814
section 3719.01 of the Revised Code: 2815

(1) A controlled substance; 2816

(2) Any substance for which there is an approved new drug 2817
application; 2818

(3) With respect to a particular person, any substance if 2819
an exemption is in effect for investigational use for that 2820
person pursuant to federal law to the extent that conduct with 2821
respect to that substance is pursuant to that exemption. 2822

(I) Any offender who received a mandatory suspension of 2823
the offender's driver's or commercial driver's license or permit 2824
under this section prior to September 13, 2016, may file a 2825
motion with the sentencing court requesting the termination of 2826
the suspension. However, an offender who pleaded guilty to or 2827
was convicted of a violation of section 4511.19 of the Revised 2828
Code or a substantially similar municipal ordinance or law of 2829
another state or the United States that arose out of the same 2830
set of circumstances as the violation for which the offender's 2831
license or permit was suspended under this section shall not 2832
file such a motion. 2833

Upon the filing of a motion under division (I) of this 2834
section, the sentencing court, in its discretion, may terminate 2835
the suspension. 2836

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2837
possess, or use any instrument, article, or thing the customary 2838

and primary purpose of which is for the administration or use of 2839
a dangerous drug, other than marihuana, when the instrument 2840
involved is a hypodermic or syringe, whether or not of crude or 2841
extemporized manufacture or assembly, and the instrument, 2842
article, or thing involved has been used by the offender to 2843
unlawfully administer or use a dangerous drug, other than 2844
marihuana, or to prepare a dangerous drug, other than marihuana, 2845
for unlawful administration or use. 2846

(B) This section does not apply to manufacturers, licensed 2847
health professionals authorized to prescribe drugs, pharmacists, 2848
owners of pharmacies, and other persons whose conduct was in 2849
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 2850
4731., ~~and 4741.~~, and 4772. of the Revised Code. 2851

(C) Whoever violates this section is guilty of possessing 2852
drug abuse instruments, a misdemeanor of the second degree. If 2853
the offender previously has been convicted of a drug abuse 2854
offense, a violation of this section is a misdemeanor of the 2855
first degree. 2856

(D) (1) In addition to any other sanction imposed upon an 2857
offender for a violation of this section, the court may suspend 2858
for not more than five years the offender's driver's or 2859
commercial driver's license or permit. However, if the offender 2860
pleaded guilty to or was convicted of a violation of section 2861
4511.19 of the Revised Code or a substantially similar municipal 2862
ordinance or the law of another state or the United States 2863
arising out of the same set of circumstances as the violation, 2864
the court shall suspend the offender's driver's or commercial 2865
driver's license or permit for not more than five years. If the 2866
offender is a professionally licensed person, in addition to any 2867
other sanction imposed for a violation of this section, the 2868

court immediately shall comply with section 2925.38 of the
Revised Code.

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

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

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

(1) A kit for propagating, cultivating, growing, or

harvesting any species of a plant that is a controlled substance	2899
or from which a controlled substance can be derived;	2900
(2) A kit for manufacturing, compounding, converting,	2901
producing, processing, or preparing a controlled substance;	2902
(3) Any object, instrument, or device for manufacturing,	2903
compounding, converting, producing, processing, or preparing	2904
methamphetamine;	2905
(4) An isomerization device for increasing the potency of	2906
any species of a plant that is a controlled substance;	2907
(5) Testing equipment for identifying, or analyzing the	2908
strength, effectiveness, or purity of, a controlled substance;	2909
(6) A scale or balance for weighing or measuring a	2910
controlled substance;	2911
(7) A diluent or adulterant, such as quinine	2912
hydrochloride, mannitol, mannite, dextrose, or lactose, for	2913
cutting a controlled substance;	2914
(8) A separation gin or sifter for removing twigs and	2915
seeds from, or otherwise cleaning or refining, marihuana;	2916
(9) A blender, bowl, container, spoon, or mixing device	2917
for compounding a controlled substance;	2918
(10) A capsule, balloon, envelope, or container for	2919
packaging small quantities of a controlled substance;	2920
(11) A container or device for storing or concealing a	2921
controlled substance;	2922
(12) A hypodermic syringe, needle, or instrument for	2923
parenterally injecting a controlled substance into the human	2924
body;	2925

(13) An object, instrument, or device for ingesting, 2926
inhaling, or otherwise introducing into the human body, 2927
marihuana, cocaine, hashish, or hashish oil, such as a metal, 2928
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 2929
without a screen, permanent screen, hashish head, or punctured 2930
metal bowl; water pipe; carburetion tube or device; smoking or 2931
carburetion mask; roach clip or similar object used to hold 2932
burning material, such as a marihuana cigarette, that has become 2933
too small or too short to be held in the hand; miniature cocaine 2934
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2935
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2936

(B) In determining if any equipment, product, or material 2937
is drug paraphernalia, a court or law enforcement officer shall 2938
consider, in addition to other relevant factors, the following: 2939

(1) Any statement by the owner, or by anyone in control, 2940
of the equipment, product, or material, concerning its use; 2941

(2) The proximity in time or space of the equipment, 2942
product, or material, or of the act relating to the equipment, 2943
product, or material, to a violation of any provision of this 2944
chapter; 2945

(3) The proximity of the equipment, product, or material 2946
to any controlled substance; 2947

(4) The existence of any residue of a controlled substance 2948
on the equipment, product, or material; 2949

(5) Direct or circumstantial evidence of the intent of the 2950
owner, or of anyone in control, of the equipment, product, or 2951
material, to deliver it to any person whom the owner or person 2952
in control of the equipment, product, or material knows intends 2953
to use the object to facilitate a violation of any provision of 2954

this chapter. A finding that the owner, or anyone in control, of 2955
the equipment, product, or material, is not guilty of a 2956
violation of any other provision of this chapter does not 2957
prevent a finding that the equipment, product, or material was 2958
intended or designed by the offender for use as drug 2959
paraphernalia. 2960

(6) Any oral or written instruction provided with the 2961
equipment, product, or material concerning its use; 2962

(7) Any descriptive material accompanying the equipment, 2963
product, or material and explaining or depicting its use; 2964

(8) National or local advertising concerning the use of 2965
the equipment, product, or material; 2966

(9) The manner and circumstances in which the equipment, 2967
product, or material is displayed for sale; 2968

(10) Direct or circumstantial evidence of the ratio of the 2969
sales of the equipment, product, or material to the total sales 2970
of the business enterprise; 2971

(11) The existence and scope of legitimate uses of the 2972
equipment, product, or material in the community; 2973

(12) Expert testimony concerning the use of the equipment, 2974
product, or material. 2975

(C) (1) Subject to division (D) (2) of this section, no 2976
person shall knowingly use, or possess with purpose to use, drug 2977
paraphernalia. 2978

(2) No person shall knowingly sell, or possess or 2979
manufacture with purpose to sell, drug paraphernalia, if the 2980
person knows or reasonably should know that the equipment, 2981
product, or material will be used as drug paraphernalia. 2982

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

(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by section 3719.172 of the Revised Code.

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

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

(F) (1) Whoever violates division (C) (1) of this section is guilty of illegal use or possession of drug paraphernalia, a

misdemeanor of the fourth degree. 3013

(2) Except as provided in division (F) (3) of this section, 3014
whoever violates division (C) (2) of this section is guilty of 3015
dealing in drug paraphernalia, a misdemeanor of the second 3016
degree. 3017

(3) Whoever violates division (C) (2) of this section by 3018
selling drug paraphernalia to a juvenile is guilty of selling 3019
drug paraphernalia to juveniles, a misdemeanor of the first 3020
degree. 3021

(4) Whoever violates division (C) (3) of this section is 3022
guilty of illegal advertising of drug paraphernalia, a 3023
misdemeanor of the second degree. 3024

(G) (1) In addition to any other sanction imposed upon an 3025
offender for a violation of this section, the court may suspend 3026
for not more than five years the offender's driver's or 3027
commercial driver's license or permit. However, if the offender 3028
pleaded guilty to or was convicted of a violation of section 3029
4511.19 of the Revised Code or a substantially similar municipal 3030
ordinance or the law of another state or the United States 3031
arising out of the same set of circumstances as the violation, 3032
the court shall suspend the offender's driver's or commercial 3033
driver's license or permit for not more than five years. If the 3034
offender is a professionally licensed person, in addition to any 3035
other sanction imposed for a violation of this section, the 3036
court immediately shall comply with section 2925.38 of the 3037
Revised Code. 3038

(2) Any offender who received a mandatory suspension of 3039
the offender's driver's or commercial driver's license or permit 3040
under this section prior to ~~the effective date of this amendment~~ 3041

September 13, 2016, may file a motion with the sentencing court 3042
requesting the termination of the suspension. However, an 3043
offender who pleaded guilty to or was convicted of a violation 3044
of section 4511.19 of the Revised Code or a substantially 3045
similar municipal ordinance or law of another state or the 3046
United States that arose out of the same set of circumstances as 3047
the violation for which the offender's license or permit was 3048
suspended under this section shall not file such a motion. 3049

Upon the filing of a motion under division (G) (2) of this 3050
section, the sentencing court, in its discretion, may terminate 3051
the suspension. 3052

Sec. 2925.23. (A) No person shall knowingly make a false 3053
statement in any prescription, order, report, or record required 3054
by Chapter 3719. or 4729. of the Revised Code. 3055

(B) No person shall intentionally make, utter, or sell, or 3056
knowingly possess any of the following that is a false or 3057
forged: 3058

(1) Prescription; 3059

(2) Uncompleted preprinted prescription blank used for 3060
writing a prescription; 3061

(3) Official written order; 3062

(4) License for a terminal distributor of dangerous drugs, 3063
as defined in section 4729.01 of the Revised Code; 3064

(5) License for a manufacturer of dangerous drugs, 3065
outsourcing facility, third-party logistics provider, repackager 3066
of dangerous drugs, or wholesale distributor of dangerous drugs, 3067
as defined in section 4729.01 of the Revised Code. 3068

(C) No person, by theft as defined in section 2913.02 of 3069

the Revised Code, shall acquire any of the following: 3070

(1) A prescription; 3071

(2) An uncompleted preprinted prescription blank used for 3072
writing a prescription; 3073

(3) An official written order; 3074

(4) A blank official written order; 3075

(5) A license or blank license for a terminal distributor 3076
of dangerous drugs, as defined in section 4729.01 of the Revised 3077
Code; 3078

(6) A license or blank license for a manufacturer of 3079
dangerous drugs, outsourcing facility, third-party logistics 3080
provider, repackager of dangerous drugs, or wholesale 3081
distributor of dangerous drugs, as defined in section 4729.01 of 3082
the Revised Code. 3083

(D) No person shall knowingly make or affix any false or 3084
forged label to a package or receptacle containing any dangerous 3085
drugs. 3086

(E) Divisions (A) and (D) of this section do not apply to 3087
licensed health professionals authorized to prescribe drugs, 3088
pharmacists, owners of pharmacies, and other persons whose 3089
conduct is in accordance with Chapters 3719., 4715., 4723., 3090
4725., 4729., 4730., 4731., ~~and 4741., 4772.~~ of the Revised 3091
Code. 3092

(F) Whoever violates this section is guilty of illegal 3093
processing of drug documents. If the offender violates division 3094
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3095
section, illegal processing of drug documents is a felony of the 3096
fifth degree. If the offender violates division (A), division 3097

(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3098
section, the penalty for illegal processing of drug documents 3099
shall be determined as follows: 3100

(1) If the drug involved is a compound, mixture, 3101
preparation, or substance included in schedule I or II, with the 3102
exception of marihuana, illegal processing of drug documents is 3103
a felony of the fourth degree, and division (C) of section 3104
2929.13 of the Revised Code applies in determining whether to 3105
impose a prison term on the offender. 3106

(2) If the drug involved is a dangerous drug or a 3107
compound, mixture, preparation, or substance included in 3108
schedule III, IV, or V or is marihuana, illegal processing of 3109
drug documents is a felony of the fifth degree, and division (C) 3110
of section 2929.13 of the Revised Code applies in determining 3111
whether to impose a prison term on the offender. 3112

(G) (1) In addition to any prison term authorized or 3113
required by division (F) of this section and sections 2929.13 3114
and 2929.14 of the Revised Code and in addition to any other 3115
sanction imposed for the offense under this section or sections 3116
2929.11 to 2929.18 of the Revised Code, the court that sentences 3117
an offender who is convicted of or pleads guilty to any 3118
violation of divisions (A) to (D) of this section may suspend 3119
for not more than five years the offender's driver's or 3120
commercial driver's license or permit. However, if the offender 3121
pleaded guilty to or was convicted of a violation of section 3122
4511.19 of the Revised Code or a substantially similar municipal 3123
ordinance or the law of another state or the United States 3124
arising out of the same set of circumstances as the violation, 3125
the court shall suspend the offender's driver's or commercial 3126
driver's license or permit for not more than five years. 3127

If the offender is a professionally licensed person, in 3128
addition to any other sanction imposed for a violation of this 3129
section, the court immediately shall comply with section 2925.38 3130
of the Revised Code. 3131

(2) Any offender who received a mandatory suspension of 3132
the offender's driver's or commercial driver's license or permit 3133
under this section prior to September 13, 2016, may file a 3134
motion with the sentencing court requesting the termination of 3135
the suspension. However, an offender who pleaded guilty to or 3136
was convicted of a violation of section 4511.19 of the Revised 3137
Code or a substantially similar municipal ordinance or law of 3138
another state or the United States that arose out of the same 3139
set of circumstances as the violation for which the offender's 3140
license or permit was suspended under this section shall not 3141
file such a motion. 3142

Upon the filing of a motion under division (G) (2) of this 3143
section, the sentencing court, in its discretion, may terminate 3144
the suspension. 3145

(H) Notwithstanding any contrary provision of section 3146
3719.21 of the Revised Code, the clerk of court shall pay a fine 3147
imposed for a violation of this section pursuant to division (A) 3148
of section 2929.18 of the Revised Code in accordance with and 3149
subject to the requirements of division (F) of section 2925.03 3150
of the Revised Code. The agency that receives the fine shall use 3151
the fine as specified in division (F) of section 2925.03 of the 3152
Revised Code. 3153

Sec. 2925.36. (A) No person shall knowingly furnish 3154
another a sample drug. 3155

(B) Division (A) of this section does not apply to 3156

manufacturers, wholesalers, pharmacists, owners of pharmacies, 3157
licensed health professionals authorized to prescribe drugs, and 3158
other persons whose conduct is in accordance with Chapters 3159
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741., and~~ 3160
4772. of the Revised Code. 3161

(C) (1) Whoever violates this section is guilty of illegal 3162
dispensing of drug samples. 3163

(2) If the drug involved in the offense is a compound, 3164
mixture, preparation, or substance included in schedule I or II, 3165
with the exception of marihuana, the penalty for the offense 3166
shall be determined as follows: 3167

(a) Except as otherwise provided in division (C) (2) (b) of 3168
this section, illegal dispensing of drug samples is a felony of 3169
the fifth degree, and, subject to division (E) of this section, 3170
division (C) of section 2929.13 of the Revised Code applies in 3171
determining whether to impose a prison term on the offender. 3172

(b) If the offense was committed in the vicinity of a 3173
school or in the vicinity of a juvenile, illegal dispensing of 3174
drug samples is a felony of the fourth degree, and, subject to 3175
division (E) of this section, division (C) of section 2929.13 of 3176
the Revised Code applies in determining whether to impose a 3177
prison term on the offender. 3178

(3) If the drug involved in the offense is a dangerous 3179
drug or a compound, mixture, preparation, or substance included 3180
in schedule III, IV, or V, or is marihuana, the penalty for the 3181
offense shall be determined as follows: 3182

(a) Except as otherwise provided in division (C) (3) (b) of 3183
this section, illegal dispensing of drug samples is a 3184
misdemeanor of the second degree. 3185

(b) If the offense was committed in the vicinity of a 3186
school or in the vicinity of a juvenile, illegal dispensing of 3187
drug samples is a misdemeanor of the first degree. 3188

(D) (1) In addition to any prison term authorized or 3189
required by division (C) or (E) of this section and sections 3190
2929.13 and 2929.14 of the Revised Code and in addition to any 3191
other sanction imposed for the offense under this section or 3192
sections 2929.11 to 2929.18 of the Revised Code, the court that 3193
sentences an offender who is convicted of or pleads guilty to a 3194
violation of division (A) of this section may suspend for not 3195
more than five years the offender's driver's or commercial 3196
driver's license or permit. However, if the offender pleaded 3197
guilty to or was convicted of a violation of section 4511.19 of 3198
the Revised Code or a substantially similar municipal ordinance 3199
or the law of another state or the United States arising out of 3200
the same set of circumstances as the violation, the court shall 3201
suspend the offender's driver's or commercial driver's license 3202
or permit for not more than five years. 3203

If the offender is a professionally licensed person, in 3204
addition to any other sanction imposed for a violation of this 3205
section, the court immediately shall comply with section 2925.38 3206
of the Revised Code. 3207

(2) Any offender who received a mandatory suspension of 3208
the offender's driver's or commercial driver's license or permit 3209
under this section prior to September 13, 2016, may file a 3210
motion with the sentencing court requesting the termination of 3211
the suspension. However, an offender who pleaded guilty to or 3212
was convicted of a violation of section 4511.19 of the Revised 3213
Code or a substantially similar municipal ordinance or law of 3214
another state or the United States that arose out of the same 3215

set of circumstances as the violation for which the offender's 3216
license or permit was suspended under this section shall not 3217
file such a motion. 3218

Upon the filing of a motion under division (D) (2) of this 3219
section, the sentencing court, in its discretion, may terminate 3220
the suspension. 3221

(E) Notwithstanding the prison term authorized or required 3222
by division (C) of this section and sections 2929.13 and 2929.14 3223
of the Revised Code, if the violation of division (A) of this 3224
section involves the sale, offer to sell, or possession of a 3225
schedule I or II controlled substance, with the exception of 3226
marihuana, and if the court imposing sentence upon the offender 3227
finds that the offender as a result of the violation is a major 3228
drug offender and is guilty of a specification of the type 3229
described in division (A) of section 2941.1410 of the Revised 3230
Code, the court, in lieu of the prison term otherwise authorized 3231
or required, shall impose upon the offender the mandatory prison 3232
term specified in division (B) (3) (a) of section 2929.14 of the 3233
Revised Code. 3234

(F) Notwithstanding any contrary provision of section 3235
3719.21 of the Revised Code, the clerk of the court shall pay a 3236
fine imposed for a violation of this section pursuant to 3237
division (A) of section 2929.18 of the Revised Code in 3238
accordance with and subject to the requirements of division (F) 3239
of section 2925.03 of the Revised Code. The agency that receives 3240
the fine shall use the fine as specified in division (F) of 3241
section 2925.03 of the Revised Code. 3242

Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58 3243
of the Revised Code: 3244

(1) "Consumer product" means any food or drink that is 3245
consumed or used by humans and any drug, including a drug that 3246
may be provided legally only pursuant to a prescription, that is 3247
intended to be consumed or used by humans. 3248

(2) "Terminal distributor of dangerous drugs" has the same 3249
meaning as in section 4729.01 of the Revised Code. 3250

(3) "Pseudoephedrine" means any material, compound, 3251
mixture, or preparation that contains any quantity of 3252
pseudoephedrine, any of its salts, optical isomers, or salts of 3253
optical isomers. 3254

(4) "Pseudoephedrine product" means a consumer product 3255
that contains pseudoephedrine. 3256

(5) "Retailer" means a place of business that offers 3257
consumer products for sale to the general public. 3258

(6) "Single-ingredient preparation" means a compound, 3259
mixture, preparation, or substance that contains a single active 3260
ingredient. 3261

(7) "Ephedrine" means any material, compound, mixture, or 3262
preparation that contains any quantity of ephedrine, any of its 3263
salts, optical isomers, or salts of optical isomers. 3264

(8) "Ephedrine product" means a consumer product that 3265
contains ephedrine. 3266

(B) (1) No individual shall knowingly purchase, receive, or 3267
otherwise acquire an amount of pseudoephedrine product or 3268
ephedrine product that is greater than either of the following 3269
unless the pseudoephedrine product or ephedrine product is 3270
dispensed by a pharmacist pursuant to a valid prescription 3271
issued by a licensed health professional authorized to prescribe 3272

drugs and the conduct of the pharmacist and the licensed health 3273
professional authorized to prescribe drugs is in accordance with 3274
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3275
4772. of the Revised Code: 3276

(a) Three and six tenths grams within a period of a single 3277
day; 3278

(b) Nine grams within a period of thirty consecutive days. 3279

The limits specified in divisions (B)(1)(a) and (b) of 3280
this section apply to the total amount of base pseudoephedrine 3281
or base ephedrine in the pseudoephedrine product or ephedrine 3282
product, respectively. The limits do not apply to the product's 3283
overall weight. 3284

(2) It is not a violation of division (B)(1) of this 3285
section for an individual to receive or accept more than an 3286
amount of pseudoephedrine product or ephedrine product specified 3287
in division (B)(1)(a) or (b) of this section if the individual 3288
is an employee of a retailer or terminal distributor of 3289
dangerous drugs, and the employee receives or accepts from the 3290
retailer or terminal distributor of dangerous drugs the 3291
pseudoephedrine product or ephedrine product in a sealed 3292
container in connection with manufacturing, warehousing, 3293
placement, stocking, bagging, loading, or unloading of the 3294
product. 3295

(C)(1) No individual under eighteen years of age shall 3296
knowingly purchase, receive, or otherwise acquire a 3297
pseudoephedrine product or ephedrine product unless the 3298
pseudoephedrine product or ephedrine product is dispensed by a 3299
pharmacist pursuant to a valid prescription issued by a licensed 3300
health professional authorized to prescribe drugs and the 3301

conduct of the pharmacist and the licensed health professional 3302
authorized to prescribe drugs is in accordance with Chapter 3303
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3304
the Revised Code. 3305

(2) Division (C)(1) of this section does not apply to an 3306
individual under eighteen years of age who purchases, receives, 3307
or otherwise acquires a pseudoephedrine product or ephedrine 3308
product from any of the following: 3309

(a) A licensed health professional authorized to prescribe 3310
drugs or pharmacist who dispenses, sells, or otherwise provides 3311
the pseudoephedrine product or ephedrine product to that 3312
individual and whose conduct is in accordance with Chapter 3313
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, 4772. of the 3314
Revised Code; 3315

(b) A parent or guardian of that individual who provides 3316
the pseudoephedrine product or ephedrine product to the 3317
individual; 3318

(c) A person, as authorized by that individual's parent or 3319
guardian, who dispenses, sells, or otherwise provides the 3320
pseudoephedrine product or ephedrine product to the individual; 3321

(d) A retailer or terminal distributor of dangerous drugs 3322
who provides the pseudoephedrine product or ephedrine product to 3323
that individual if the individual is an employee of the retailer 3324
or terminal distributor of dangerous drugs and the individual 3325
receives or accepts from the retailer or terminal distributor of 3326
dangerous drugs the pseudoephedrine product or ephedrine product 3327
in a sealed container in connection with manufacturing, 3328
warehousing, placement, stocking, bagging, loading, or unloading 3329
of the product. 3330

(D) No individual under eighteen years of age shall 3331
knowingly show or give false information concerning the 3332
individual's name, age, or other identification for the purpose 3333
of purchasing, receiving, or otherwise acquiring a 3334
pseudoephedrine product or ephedrine product. 3335

(E) No individual shall knowingly fail to comply with the 3336
requirements of division (B) of section 3715.051 of the Revised 3337
Code. 3338

(F) Whoever violates division (B) (1) of this section is 3339
guilty of unlawful purchase of a pseudoephedrine product or 3340
ephedrine product, a misdemeanor of the first degree. 3341

(G) Whoever violates division (C) (1) of this section is 3342
guilty of underage purchase of a pseudoephedrine product or 3343
ephedrine product, a delinquent act that would be a misdemeanor 3344
of the fourth degree if it could be committed by an adult. 3345

(H) Whoever violates division (D) of this section is 3346
guilty of using false information to purchase a pseudoephedrine 3347
product or ephedrine product, a delinquent act that would be a 3348
misdemeanor of the first degree if it could be committed by an 3349
adult. 3350

(I) Whoever violates division (E) of this section is 3351
guilty of improper purchase of a pseudoephedrine product or 3352
ephedrine product, a misdemeanor of the fourth degree. 3353

Sec. 2925.56. (A) (1) Except as provided in division (A) (2) 3354
of this section, no retailer or terminal distributor of 3355
dangerous drugs or an employee of a retailer or terminal 3356
distributor of dangerous drugs shall knowingly sell, offer to 3357
sell, hold for sale, deliver, or otherwise provide to any 3358
individual an amount of pseudoephedrine product or ephedrine 3359

product that is greater than either of the following: 3360

(a) Three and ~~sixtenths~~ six-tenths grams within a period 3361
of a single day; 3362

(b) Nine grams within a period of thirty consecutive days. 3363

The maximum amounts specified in divisions (A) (1) (a) and 3364
(b) of this section apply to the total amount of base 3365
pseudoephedrine or base ephedrine in the pseudoephedrine product 3366
or ephedrine product, respectively. The maximum amounts do not 3367
apply to the product's overall weight. 3368

(2) (a) Division (A) (1) of this section does not apply to 3369
any quantity of pseudoephedrine product or ephedrine product 3370
dispensed by a pharmacist pursuant to a valid prescription 3371
issued by a licensed health professional authorized to prescribe 3372
drugs if the conduct of the pharmacist and the licensed health 3373
professional authorized to prescribe drugs is in accordance with 3374
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3375
4772. of the Revised Code. 3376

(b) It is not a violation of division (A) (1) of this 3377
section for a retailer, terminal distributor of dangerous drugs, 3378
or employee of either to provide to an individual more than an 3379
amount of pseudoephedrine product or ephedrine product specified 3380
in division (A) (1) (a) or (b) of this section under either of the 3381
following circumstances: 3382

(i) The individual is an employee of the retailer or 3383
terminal distributor of dangerous drugs, and the employee 3384
receives or accepts from the retailer, terminal distributor of 3385
dangerous drugs, or employee the pseudoephedrine product or 3386
ephedrine product in a sealed container in connection with 3387
manufacturing, warehousing, placement, stocking, bagging, 3388

loading, or unloading of the product; 3389

(ii) A stop-sale alert is generated after the submission 3390
of information to the national precursor log exchange under the 3391
conditions described in division (A) (2) of section 3715.052 of 3392
the Revised Code. 3393

(B) (1) Except as provided in division (B) (2) of this 3394
section, no retailer or terminal distributor of dangerous drugs 3395
or an employee of a retailer or terminal distributor of 3396
dangerous drugs shall sell, offer to sell, hold for sale, 3397
deliver, or otherwise provide a pseudoephedrine product or 3398
ephedrine product to an individual who is under eighteen years 3399
of age. 3400

(2) Division (B) (1) of this section does not apply to any 3401
of the following: 3402

(a) A licensed health professional authorized to prescribe 3403
drugs or pharmacist who dispenses, sells, or otherwise provides 3404
a pseudoephedrine product or ephedrine product to an individual 3405
under eighteen years of age and whose conduct is in accordance 3406
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 3407
or 4772. of the Revised Code; 3408

(b) A parent or guardian of an individual under eighteen 3409
years of age who provides a pseudoephedrine product or ephedrine 3410
product to the individual; 3411

(c) A person who, as authorized by the individual's parent 3412
or guardian, dispenses, sells, or otherwise provides a 3413
pseudoephedrine product or ephedrine product to an individual 3414
under eighteen years of age; 3415

(d) The provision by a retailer, terminal distributor of 3416
dangerous drugs, or employee of either of a pseudoephedrine 3417

product or ephedrine product in a sealed container to an 3418
employee of the retailer or terminal distributor of dangerous 3419
drugs who is under eighteen years of age in connection with 3420
manufacturing, warehousing, placement, stocking, bagging, 3421
loading, or unloading of the product. 3422

(C) No retailer or terminal distributor of dangerous drugs 3423
shall fail to comply with the requirements of division (A) of 3424
section 3715.051 or division (A) (2) of section 3715.052 of the 3425
Revised Code. 3426

(D) No retailer or terminal distributor of dangerous drugs 3427
shall fail to comply with the requirements of division (A) (1) of 3428
section 3715.052 of the Revised Code. 3429

(E) Whoever violates division (A) (1) of this section is 3430
guilty of unlawfully selling a pseudoephedrine product or 3431
ephedrine product, a misdemeanor of the first degree. 3432

(F) Whoever violates division (B) (1) of this section is 3433
guilty of unlawfully selling a pseudoephedrine product or 3434
ephedrine product to a minor, a misdemeanor of the fourth 3435
degree. 3436

(G) Whoever violates division (C) of this section is 3437
guilty of improper sale of a pseudoephedrine product or 3438
ephedrine product, a misdemeanor of the second degree. 3439

(H) Whoever violates division (D) of this section is 3440
guilty of failing to submit information to the national 3441
precursor log exchange, a misdemeanor for which the offender 3442
shall be fined not more than one thousand dollars per violation. 3443

Sec. 2925.61. (A) As used in this section: 3444

(1) "Law enforcement agency" means a government entity 3445

that employs peace officers to perform law enforcement duties. 3446

(2) "Licensed health professional" means all of the 3447
following: 3448

(a) A physician; 3449

(b) A physician assistant who is licensed under Chapter 3450
4730. of the Revised Code, holds a valid prescriber number 3451
issued by the state medical board, and has been granted 3452
physician-delegated prescriptive authority; 3453

(c) An advanced practice registered nurse who holds a 3454
current, valid license issued under Chapter 4723. of the Revised 3455
Code and is designated as a clinical nurse specialist, certified 3456
nurse-midwife, or certified nurse practitioner; 3457

(d) A certified mental health assistant who is licensed 3458
under Chapter 4772. of the Revised Code and has been granted 3459
physician-delegated prescriptive authority by the physician 3460
supervising the certified mental health assistant. 3461

(3) "Overdose reversal drug" has the same meaning as in 3462
section 4729.01 of the Revised Code. 3463

(4) "Peace officer" has the same meaning as in section 3464
2921.51 of the Revised Code. 3465

(5) "Physician" means an individual who is authorized 3466
under Chapter 4731. of the Revised Code to practice medicine and 3467
surgery, osteopathic medicine and surgery, or podiatric medicine 3468
and surgery. 3469

(B) A family member, friend, or other individual who is in 3470
a position to assist an individual who is apparently 3471
experiencing or at risk of experiencing an opioid-related 3472
overdose is not subject to criminal prosecution for a violation 3473

of section 4731.41 of the Revised Code, is not subject to 3474
criminal prosecution under this chapter, and is not liable for 3475
damages in a civil action for injury, death, or loss to person 3476
or property for an act or omission that allegedly arises from 3477
obtaining, maintaining, accessing, or administering overdose 3478
reversal drugs, if the individual, acting in good faith, does 3479
all of the following: 3480

(1) Obtains overdose reversal drugs pursuant to a 3481
prescription issued by a licensed health professional, or 3482
obtains overdose reversal drugs from one of the following: 3483

(a) A licensed health professional; 3484

(b) An individual who is authorized to personally furnish 3485
overdose reversal drugs by any of the following: 3486

(i) A physician under section 4731.941 of the Revised 3487
Code; 3488

(ii) An advanced practice registered nurse under section 3489
4723.485 of the Revised Code; 3490

(iii) A physician assistant under section 4730.435 of the 3491
Revised Code; 3492

(iv) A board of health under section 3707.561 of the 3493
Revised Code; 3494

(v) A certified mental health assistant under section 3495
4772.17 of the Revised Code. 3496

(c) A pharmacist or pharmacy intern who is authorized by a 3497
physician or board of health under section 4729.44 of the 3498
Revised Code to dispense overdose reversal drugs without a 3499
prescription. 3500

(2) Administers an overdose reversal drug obtained as 3501
described in division (B)(1) of this section to an individual 3502
who is apparently experiencing an opioid-related overdose; 3503

(3) Attempts to summon emergency services as soon as 3504
practicable either before or after administering the overdose 3505
reversal drug. 3506

(C) An individual who is an employee, volunteer, or 3507
contractor of a service entity, as defined in section 4729.514 3508
of the Revised Code, and has been authorized under section 3509
3707.562, 4723.486, 4730.436, ~~or~~ 4731.943, or 4772.18 of the 3510
Revised Code to administer overdose reversal drugs is not 3511
subject to criminal prosecution for a violation of section 3512
4731.41 of the Revised Code or criminal prosecution under this 3513
chapter, if the individual, acting in good faith, does all of 3514
the following: 3515

(1) Obtains overdose reversal drugs from the service 3516
entity of which the individual is an employee, volunteer, or 3517
contractor; 3518

(2) Administers an overdose reversal drug obtained to an 3519
individual who is apparently experiencing an opioid-related 3520
overdose; 3521

(3) Attempts to summon emergency services as soon as 3522
practicable either before or after administering the overdose 3523
reversal drug. 3524

(D) Divisions (B) and (C) of this section do not apply to 3525
a peace officer or to an emergency medical technician-basic, 3526
emergency medical technician-intermediate, or emergency medical 3527
technician-paramedic, as defined in section 4765.01 of the 3528
Revised Code. 3529

(E) (1) If a peace officer, acting in good faith, 3530
administers an overdose reversal drug to an individual who is 3531
apparently experiencing an opioid-related overdose, both of the 3532
following apply: 3533

(a) The peace officer is not subject to administrative 3534
action, criminal prosecution for a violation of section 4731.41 3535
of the Revised Code, or criminal prosecution under this chapter. 3536

(b) The peace officer is not liable for damages in a civil 3537
action for injury, death, or loss to person or property for an 3538
act or omission that allegedly arises from obtaining, 3539
maintaining, accessing, or administering the overdose reversal 3540
drug. 3541

(2) Division (E) (1) (b) of this section does not eliminate, 3542
limit, or reduce any other immunity or defense that an entity or 3543
person may be entitled to under section 9.86 or Chapter 2744. of 3544
the Revised Code, any other provision of the Revised Code, or 3545
the common law of this state. 3546

Sec. 2929.42. (A) The prosecutor in any case against any 3547
person licensed, certified, registered, or otherwise authorized 3548
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 3549
4731., 4734., ~~or 4741.~~ or 4772. of the Revised Code shall 3550
notify the appropriate licensing board, on forms provided by the 3551
board, of any of the following regarding the person: 3552

(1) A plea of guilty to, or a conviction of, a felony, or 3553
a court order dismissing a felony charge on technical or 3554
procedural grounds; 3555

(2) A plea of guilty to, or a conviction of, a misdemeanor 3556
committed in the course of practice or in the course of 3557
business, or a court order dismissing such a misdemeanor charge 3558

on technical or procedural grounds; 3559

(3) A plea of guilty to, or a conviction of, a misdemeanor 3560
involving moral turpitude, or a court order dismissing such a 3561
charge on technical or procedural grounds. 3562

(B) The report required by division (A) of this section 3563
shall include the name and address of the person, the nature of 3564
the offense, and certified copies of court entries in the 3565
action. 3566

Sec. 3701.048. (A) As used in this section: 3567

(1) "Board of health" means the board of health of a city 3568
or general health district or the authority having the duties of 3569
a board of health under section 3709.05 of the Revised Code. 3570

(2) "Controlled substance" has the same meaning as in 3571
section 3719.01 of the Revised Code. 3572

(3) "Drug," "dangerous drug," and "licensed health 3573
professional authorized to prescribe drugs" have the same 3574
meanings as in section 4729.01 of the Revised Code. 3575

(4) "Registered volunteer" has the same meaning as in 3576
section 5502.281 of the Revised Code. 3577

(B) In consultation with the appropriate professional 3578
regulatory boards of this state, the director of health shall 3579
develop one or more protocols that authorize the following 3580
individuals to administer, deliver, or distribute drugs, other 3581
than schedule II and III controlled substances, during a period 3582
of time described in division (E) of this section, 3583
notwithstanding any statute or rule that otherwise prohibits or 3584
restricts the administration, delivery, or distribution of drugs 3585
by those individuals: 3586

(1) A physician authorized under Chapter 4731. of the	3587
Revised Code to practice medicine and surgery, osteopathic	3588
medicine and surgery, or podiatric medicine and surgery;	3589
(2) A physician assistant licensed under Chapter 4730. of	3590
the Revised Code;	3591
(3) A dentist or dental hygienist licensed under Chapter	3592
4715. of the Revised Code;	3593
(4) A registered nurse licensed under Chapter 4723. of the	3594
Revised Code, including an advanced practice registered nurse,	3595
as defined in section 4723.01 of the Revised Code;	3596
(5) A licensed practical nurse licensed under Chapter	3597
4723. of the Revised Code;	3598
(6) An optometrist licensed under Chapter 4725. of the	3599
Revised Code;	3600
(7) A pharmacist or pharmacy intern licensed under Chapter	3601
4729. of the Revised Code;	3602
(8) A respiratory care professional licensed under Chapter	3603
4761. of the Revised Code;	3604
(9) An emergency medical technician-basic, emergency	3605
medical technician-intermediate, or emergency medical	3606
technician-paramedic who holds a certificate to practice issued	3607
under Chapter 4765. of the Revised Code;	3608
(10) A veterinarian licensed under Chapter 4741. of the	3609
Revised Code;	3610
<u>(11) A certified mental health assistant licensed under</u>	3611
<u>Chapter 4772. of the Revised Code.</u>	3612
(C) In consultation with the executive director of the	3613

emergency management agency, the director of health shall 3614
develop one or more protocols that authorize employees of boards 3615
of health and registered volunteers to deliver or distribute 3616
drugs, other than schedule II and III controlled substances, 3617
during a period of time described in division (E) of this 3618
section, notwithstanding any statute or rule that otherwise 3619
prohibits or restricts the delivery or distribution of drugs by 3620
those individuals. 3621

(D) In consultation with the state board of pharmacy, the 3622
director of health shall develop one or more protocols that 3623
authorize pharmacists and pharmacy interns to dispense, during a 3624
period of time described in division (E) of this section, 3625
limited quantities of dangerous drugs, other than schedule II 3626
and III controlled substances, without a written, oral, or 3627
electronic prescription from a licensed health professional 3628
authorized to prescribe drugs or without a record of a 3629
prescription, notwithstanding any statute or rule that otherwise 3630
prohibits or restricts the dispensing of drugs without a 3631
prescription or record of a prescription. 3632

(E) On the governor's declaration of an emergency that 3633
affects the public health, the director of health may issue an 3634
order to implement one or more of the protocols developed 3635
pursuant to division (B), (C), or (D) of this section. At a 3636
minimum, the director's order shall identify the one or more 3637
protocols to be implemented and the period of time during which 3638
the one or more protocols are to be effective. 3639

(F) (1) An individual who administers, delivers, 3640
distributes, or dispenses a drug or dangerous drug in accordance 3641
with one or more of the protocols implemented under division (E) 3642
of this section is not liable for damages in any civil action 3643

unless the individual's acts or omissions in performing those 3644
activities constitute willful or wanton misconduct. 3645

(2) An individual who administers, delivers, distributes, 3646
or dispenses a drug or dangerous drug in accordance with one or 3647
more of the protocols implemented under division (E) of this 3648
section is not subject to criminal prosecution or professional 3649
disciplinary action under any chapter in Title XLVII of the 3650
Revised Code. 3651

Sec. 3701.74. (A) As used in this section and section 3652
3701.741 of the Revised Code: 3653

(1) "Ambulatory care facility" means a facility that 3654
provides medical, diagnostic, or surgical treatment to patients 3655
who do not require hospitalization, including a dialysis center, 3656
ambulatory surgical facility, cardiac catheterization facility, 3657
diagnostic imaging center, extracorporeal shock wave lithotripsy 3658
center, home health agency, inpatient hospice, birthing center, 3659
radiation therapy center, emergency facility, and an urgent care 3660
center. "Ambulatory care facility" does not include the private 3661
office of a physician or dentist, whether the office is for an 3662
individual or group practice. 3663

(2) "Chiropractor" means an individual licensed under 3664
Chapter 4734. of the Revised Code to practice chiropractic. 3665

(3) "Emergency facility" means a hospital emergency 3666
department or any other facility that provides emergency medical 3667
services. 3668

(4) "Health care practitioner" means all of the following: 3669

(a) A dentist or dental hygienist licensed under Chapter 3670
4715. of the Revised Code; 3671

(b) A registered or licensed practical nurse licensed	3672
under Chapter 4723. of the Revised Code;	3673
(c) An optometrist licensed under Chapter 4725. of the	3674
Revised Code;	3675
(d) A dispensing optician, spectacle dispensing optician,	3676
contact lens dispensing optician, or spectacle-contact lens	3677
dispensing optician licensed under Chapter 4725. of the Revised	3678
Code;	3679
(e) A pharmacist licensed under Chapter 4729. of the	3680
Revised Code;	3681
(f) A physician;	3682
(g) A physician assistant authorized under Chapter 4730.	3683
of the Revised Code to practice as a physician assistant;	3684
(h) A practitioner of a limited branch of medicine issued	3685
a certificate under Chapter 4731. of the Revised Code;	3686
(i) A psychologist licensed under Chapter 4732. of the	3687
Revised Code;	3688
(j) A chiropractor;	3689
(k) A hearing aid dealer or fitter licensed under Chapter	3690
4747. of the Revised Code;	3691
(l) A speech-language pathologist or audiologist licensed	3692
under Chapter 4753. of the Revised Code;	3693
(m) An occupational therapist or occupational therapy	3694
assistant licensed under Chapter 4755. of the Revised Code;	3695
(n) A physical therapist or physical therapy assistant	3696
licensed under Chapter 4755. of the Revised Code;	3697

(o) A licensed professional clinical counselor, licensed 3698
professional counselor, social worker, independent social 3699
worker, independent marriage and family therapist, or marriage 3700
and family therapist licensed, or a social work assistant 3701
registered, under Chapter 4757. of the Revised Code; 3702

(p) A dietitian licensed under Chapter 4759. of the 3703
Revised Code; 3704

(q) A respiratory care professional licensed under Chapter 3705
4761. of the Revised Code; 3706

(r) An emergency medical technician-basic, emergency 3707
medical technician-intermediate, or emergency medical 3708
technician-paramedic certified under Chapter 4765. of the 3709
Revised Code; 3710

(s) A certified mental health assistant licensed under 3711
Chapter 4772. of the Revised Code. 3712

(5) "Health care provider" means a hospital, ambulatory 3713
care facility, long-term care facility, pharmacy, emergency 3714
facility, or health care practitioner. 3715

(6) "Hospital" has the same meaning as in section 3727.01 3716
of the Revised Code. 3717

(7) "Long-term care facility" means a nursing home, 3718
residential care facility, or home for the aging, as those terms 3719
are defined in section 3721.01 of the Revised Code; a 3720
residential facility licensed under section 5119.34 of the 3721
Revised Code that provides accommodations, supervision, and 3722
personal care services for three to sixteen unrelated adults; a 3723
nursing facility, as defined in section 5165.01 of the Revised 3724
Code; a skilled nursing facility, as defined in section 5165.01 3725
of the Revised Code; and an intermediate care facility for 3726

individuals with intellectual disabilities, as defined in 3727
section 5124.01 of the Revised Code. 3728

(8) "Medical record" means data in any form that pertains 3729
to a patient's medical history, diagnosis, prognosis, or medical 3730
condition and that is generated and maintained by a health care 3731
provider in the process of the patient's health care treatment. 3732

(9) "Medical records company" means a person who stores, 3733
locates, or copies medical records for a health care provider, 3734
or is compensated for doing so by a health care provider, and 3735
charges a fee for providing medical records to a patient or 3736
patient's representative. 3737

(10) "Patient" means either of the following: 3738

(a) An individual who received health care treatment from 3739
a health care provider; 3740

(b) A guardian, as defined in section 1337.11 of the 3741
Revised Code, of an individual described in division (A)(10)(a) 3742
of this section. 3743

(11) "Patient's personal representative" means a minor 3744
patient's parent or other person acting in loco parentis, a 3745
court-appointed guardian, or a person with durable power of 3746
attorney for health care for a patient, the executor or 3747
administrator of the patient's estate, or the person responsible 3748
for the patient's estate if it is not to be probated. "Patient's 3749
personal representative" does not include an insurer authorized 3750
under Title XXXIX of the Revised Code to do the business of 3751
sickness and accident insurance in this state, a health insuring 3752
corporation holding a certificate of authority under Chapter 3753
1751. of the Revised Code, or any other person not named in this 3754
division. 3755

(12) "Pharmacy" has the same meaning as in section 4729.01 3756
of the Revised Code. 3757

(13) "Physician" means a person authorized under Chapter 3758
4731. of the Revised Code to practice medicine and surgery, 3759
osteopathic medicine and surgery, or podiatric medicine and 3760
surgery. 3761

(14) "Authorized person" means a person to whom a patient 3762
has given written authorization to act on the patient's behalf 3763
regarding the patient's medical record. 3764

(B) A patient, a patient's personal representative, or an 3765
authorized person who wishes to examine or obtain a copy of part 3766
or all of a medical record shall submit to the health care 3767
provider a written request signed by the patient, personal 3768
representative, or authorized person dated not more than one 3769
year before the date on which it is submitted. The request shall 3770
indicate whether the copy is to be sent to the requestor, 3771
physician or chiropractor, or held for the requestor at the 3772
office of the health care provider. Within a reasonable time 3773
after receiving a request that meets the requirements of this 3774
division and includes sufficient information to identify the 3775
record requested, a health care provider that has the patient's 3776
medical records shall permit the patient to examine the record 3777
during regular business hours without charge or, on request, 3778
shall provide a copy of the record in accordance with section 3779
3701.741 of the Revised Code, except that if a physician, 3780
psychologist, licensed professional clinical counselor, licensed 3781
professional counselor, independent social worker, social 3782
worker, independent marriage and family therapist, marriage and 3783
family therapist, or chiropractor who has treated the patient 3784
determines for clearly stated treatment reasons that disclosure 3785

of the requested record is likely to have an adverse effect on 3786
the patient, the health care provider shall provide the record 3787
to a physician, psychologist, licensed professional clinical 3788
counselor, licensed professional counselor, independent social 3789
worker, social worker, independent marriage and family 3790
therapist, marriage and family therapist, or chiropractor 3791
designated by the patient. The health care provider shall take 3792
reasonable steps to establish the identity of the person making 3793
the request to examine or obtain a copy of the patient's record. 3794

(C) If a health care provider fails to furnish a medical 3795
record as required by division (B) of this section, the patient, 3796
personal representative, or authorized person who requested the 3797
record may bring a civil action to enforce the patient's right 3798
of access to the record. 3799

(D) (1) This section does not apply to medical records 3800
whose release is covered by section 173.20 or 3721.13 of the 3801
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 3802
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 3803
Abuse Patient Records," or by 42 C.F.R. 483.10. 3804

(2) Nothing in this section is intended to supersede the 3805
confidentiality provisions of sections 2305.24, 2305.25, 3806
2305.251, and 2305.252 of the Revised Code. 3807

Sec. 3709.161. (A) The board of health of a city or 3808
general health district may procure a policy or policies of 3809
insurance insuring the members of the board, the health 3810
commissioner, and the employees of the board against liability 3811
on account of damage or injury to persons and property resulting 3812
from any act or omission that occurs in the individual's 3813
official capacity as a member or employee of the board or 3814
resulting solely out of such membership or employment. 3815

(B) (1) As used in this division, "health care professional" means all of the following:

(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;

(b) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(c) A person licensed under Chapter 4729. of the Revised Code to practice as a pharmacist;

(d) A person authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;

(e) A person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;

(f) A psychologist licensed under Chapter 4732. of the Revised Code;

(g) A veterinarian licensed under Chapter 4741. of the Revised Code;

(h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;

(i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;

(j) A licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code;

(k) A dietitian licensed under Chapter 4759. of the Revised Code;

(1) A certified mental health assistant licensed under 3843
Chapter 4772. of the Revised Code. 3844

(2) The board of health of a city or general health 3845
district may purchase liability insurance for a health care 3846
professional with whom the board contracts for the provision of 3847
health care services against liability on account of damage or 3848
injury to persons and property arising from the health care 3849
professional's performance of services under the contract. The 3850
policy shall be purchased from an insurance company licensed to 3851
do business in this state, if such a policy is available from 3852
such a company. The board of health of a city or general health 3853
district shall report the cost of the liability insurance policy 3854
and subsequent increases in the cost to the director of health 3855
on a form prescribed by the director. 3856

Sec. 3715.872. (A) As used in this section, "health care 3857
professional" means any of the following who provide medical, 3858
dental, or other health-related diagnosis, care, or treatment: 3859

(1) Individuals authorized under Chapter 4731. of the 3860
Revised Code to practice medicine and surgery, osteopathic 3861
medicine and surgery, or podiatric medicine and surgery; 3862

(2) Registered nurses and licensed practical nurses 3863
licensed under Chapter 4723. of the Revised Code; 3864

(3) Physician assistants authorized to practice under 3865
Chapter 4730. of the Revised Code; 3866

(4) Dentists and dental hygienists licensed under Chapter 3867
4715. of the Revised Code; 3868

(5) Optometrists licensed under Chapter 4725. of the 3869
Revised Code; 3870

(6) Pharmacists licensed under Chapter 4729. of the 3871
Revised Code; 3872

(7) Certified mental health assistants licensed under 3873
Chapter 4772. of the Revised Code. 3874

(B) For matters related to donating, giving, accepting, or 3875
dispensing drugs under the drug repository program, all of the 3876
following apply: 3877

(1) Any person, including a pharmacy, drug manufacturer, 3878
or health care facility, or any government entity that donates 3879
or gives drugs to the drug repository program shall not be 3880
subject to liability in tort or other civil action for injury, 3881
death, or loss to person or property. 3882

(2) A pharmacy, hospital, or nonprofit clinic that accepts 3883
or dispenses drugs under the program shall not be subject to 3884
liability in tort or other civil action for injury, death, or 3885
loss to person or property, unless an action or omission of the 3886
pharmacy, hospital, or nonprofit clinic constitutes willful and 3887
wanton misconduct. 3888

(3) A health care professional who accepts or dispenses 3889
drugs under the program on behalf of a pharmacy, hospital, or 3890
nonprofit clinic, and the pharmacy, hospital, or nonprofit 3891
clinic that employs or otherwise uses the services of the health 3892
care professional, shall not be subject to liability in tort or 3893
other civil action for injury, death, or loss to person or 3894
property, unless an action or omission of the health care 3895
professional, pharmacy, hospital, or nonprofit clinic 3896
constitutes willful and wanton misconduct. 3897

(4) The state board of pharmacy and the director of health 3898
shall not be subject to liability in tort or other civil action 3899

for injury, death, or loss to person or property, unless an 3900
action or omission of the board or director constitutes willful 3901
and wanton misconduct. 3902

(C) In addition to the immunity granted under division (B) 3903
(1) of this section, any person, including a pharmacy, drug 3904
manufacturer, or health care facility, and any government entity 3905
that donates or gives drugs to the program shall not be subject 3906
to criminal prosecution for the donation, giving, acceptance, or 3907
dispensing of drugs under the program, unless an action or 3908
omission of the person or government entity does not comply with 3909
the provisions of this chapter or the rules adopted under it. 3910

(D) In the case of a drug manufacturer, the immunities 3911
granted under divisions (B) (1) and (C) of this section apply 3912
with respect to any drug manufactured by the drug manufacturer 3913
that is donated or given by any person or government entity 3914
under the program, including but not limited to liability for 3915
failure to transfer or communicate product or consumer 3916
information or the expiration date of the drug donated or given. 3917

Sec. 3719.06. (A) (1) A licensed health professional 3918
authorized to prescribe drugs, if acting in the course of 3919
professional practice, in accordance with the laws regulating 3920
the professional's practice, and in accordance with rules 3921
adopted by the state board of pharmacy, may, except as provided 3922
in division (A) (2) ~~or~~ (3), or (4) of this section, do the 3923
following: 3924

(a) Prescribe schedule II, III, IV, and V controlled 3925
substances; 3926

(b) Administer or personally furnish to patients schedule 3927
II, III, IV, and V controlled substances; 3928

(c) Cause schedule II, III, IV, and V controlled 3929
substances to be administered under the prescriber's direction 3930
and supervision. 3931

(2) A licensed health professional authorized to prescribe 3932
drugs who is a clinical nurse specialist, certified nurse- 3933
midwife, or certified nurse practitioner is subject to both of 3934
the following: 3935

(a) A schedule II controlled substance may be prescribed 3936
only in accordance with division (C) of section 4723.481 of the 3937
Revised Code. 3938

(b) No schedule II controlled substance shall be 3939
personally furnished to any patient. 3940

(3) A licensed health professional authorized to prescribe 3941
drugs who is a physician assistant is subject to all of the 3942
following: 3943

(a) A controlled substance may be prescribed or personally 3944
furnished only if it is included in the physician-delegated 3945
prescriptive authority granted to the physician assistant in 3946
accordance with Chapter 4730. of the Revised Code. 3947

(b) A schedule II controlled substance may be prescribed 3948
only in accordance with division (B)(4) of section 4730.41 and 3949
section 4730.411 of the Revised Code. 3950

(c) No schedule II controlled substance shall be 3951
personally furnished to any patient. 3952

(4) A licensed health professional authorized to prescribe 3953
drugs who is a certified mental health assistant is subject to 3954
both of the following: 3955

(a) A controlled substance may be prescribed or personally 3956

furnished only in accordance with sections 4772.12 and 4772.13 3957
of the Revised Code. 3958

(b) No schedule II controlled substance shall be 3959
personally furnished to any patient. 3960

(B) No licensed health professional authorized to 3961
prescribe drugs shall prescribe, administer, or personally 3962
furnish a schedule III anabolic steroid for the purpose of human 3963
muscle building or enhancing human athletic performance and no 3964
pharmacist shall dispense a schedule III anabolic steroid for 3965
either purpose, unless it has been approved for that purpose 3966
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 3967
(1938), 21 U.S.C.A. 301, as amended. 3968

(C) When issuing a prescription for a schedule II 3969
controlled substance, a licensed health professional authorized 3970
to prescribe drugs shall do so only upon an electronic 3971
prescription, except that the prescriber may issue a written 3972
prescription if any of the following apply: 3973

(1) A temporary technical, electrical, or broadband 3974
failure occurs preventing the prescriber from issuing an 3975
electronic prescription. 3976

(2) The prescription is issued for a nursing home resident 3977
or hospice care patient. 3978

(3) The prescriber is employed by or under contract with 3979
the same entity that operates the pharmacy. 3980

(4) The prescriber determines that an electronic 3981
prescription cannot be issued in a timely manner and the 3982
patient's medical condition is at risk. 3983

(5) The prescriber issues the prescription from a health 3984

care facility, which may include an emergency department, and 3985
reasonably determines that an electronic prescription would be 3986
impractical for the patient or would cause a delay that may 3987
adversely impact the patient's medical condition. 3988

(6) The prescriber issues per year not more than fifty 3989
prescriptions for schedule II controlled substances. 3990

(7) The prescriber is a veterinarian licensed under 3991
Chapter 4741. of the Revised Code. 3992

(D) Each written or electronic prescription for a 3993
controlled substance shall be properly executed, dated, and 3994
signed by the prescriber on the day when issued and shall bear 3995
the full name and address of the person for whom, or the owner 3996
of the animal for which, the controlled substance is prescribed 3997
and the full name, address, and registry number under the 3998
federal drug abuse control laws of the prescriber. If the 3999
prescription is for an animal, it shall state the species of the 4000
animal for which the controlled substance is prescribed. 4001

Sec. 3719.064. (A) As used in this section: 4002

(1) "Medication-assisted treatment" has the same meaning 4003
as in section 340.01 of the Revised Code. 4004

(2) "Prescriber" means any of the following: 4005

(a) An advanced practice registered nurse who holds a 4006
current, valid license issued under Chapter 4723. of the Revised 4007
Code and is designated as a clinical nurse specialist, certified 4008
nurse-midwife, or certified nurse practitioner; 4009

(b) A physician authorized under Chapter 4731. of the 4010
Revised Code to practice medicine and surgery or osteopathic 4011
medicine and surgery; 4012

(c) A physician assistant who is licensed under Chapter 4013
4730. of the Revised Code, holds a valid prescriber number 4014
issued by the state medical board, and has been granted 4015
physician-delegated prescriptive authority; 4016

(d) A certified mental health assistant who is licensed 4017
under Chapter 4772. of the Revised Code and has been granted 4018
physician-delegated prescriptive authority by the physician 4019
supervising the certified mental health assistant. 4020

(3) "Qualifying practitioner" has the same meaning as in 4021
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 4022
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 4023

(B) Before initiating medication-assisted treatment, a 4024
prescriber shall give the patient or the patient's 4025
representative information about all drugs approved by the 4026
United States food and drug administration for use in 4027
medication-assisted treatment. The information must be provided 4028
both orally and in writing. The prescriber or the prescriber's 4029
delegate shall note in the patient's medical record when this 4030
information was provided and make the record available to 4031
employees of the board of nursing or state medical board on 4032
their request. 4033

If the prescriber is not a qualifying practitioner and the 4034
patient's choice is opioid treatment and the prescriber 4035
determines that such treatment is clinically appropriate and 4036
meets generally accepted standards of medicine, the prescriber 4037
shall refer the patient to an opioid treatment program licensed 4038
under section 5119.37 of the Revised Code or a qualifying 4039
practitioner. The prescriber or the prescriber's delegate shall 4040
make a notation in the patient's medical record naming the 4041
program or practitioner to whom the patient was referred and 4042

specifying when the referral was made. 4043

Sec. 3719.121. (A) Except as otherwise provided in section 4044
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or~~ 4734.41, or 4045
4772.20 of the Revised Code, the license, certificate, or 4046
registration of any dentist, chiropractor, physician, 4047
podiatrist, registered nurse, advanced practice registered 4048
nurse, licensed practical nurse, physician assistant, 4049
pharmacist, pharmacy intern, pharmacy technician trainee, 4050
registered pharmacy technician, certified pharmacy technician, 4051
optometrist, ~~or~~ veterinarian, or certified mental health 4052
assistant who is or becomes addicted to the use of controlled 4053
substances shall be suspended by the board that authorized the 4054
person's license, certificate, or registration until the person 4055
offers satisfactory proof to the board that the person no longer 4056
is addicted to the use of controlled substances. 4057

(B) If the board under which a person has been issued a 4058
license, certificate, or evidence of registration determines 4059
that there is clear and convincing evidence that continuation of 4060
the person's professional practice or method of administering, 4061
prescribing, preparing, distributing, dispensing, or personally 4062
furnishing controlled substances or other dangerous drugs 4063
presents a danger of immediate and serious harm to others, the 4064
board may suspend the person's license, certificate, or 4065
registration without a hearing. Except as otherwise provided in 4066
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 4067
4734.36, and 4772.20 of the Revised Code, the board shall follow 4068
the procedure for suspension without a prior hearing in section 4069
119.07 of the Revised Code. The suspension shall remain in 4070
effect, unless removed by the board, until the board's final 4071
adjudication order becomes effective, except that if the board 4072
does not issue its final adjudication order within ninety days 4073

after the hearing, the suspension shall be void on the ninety- 4074
first day after the hearing. 4075

(C) On receiving notification pursuant to section 2929.42 4076
or 3719.12 of the Revised Code, the board under which a person 4077
has been issued a license, certificate, or evidence of 4078
registration immediately shall suspend the license, certificate, 4079
or registration of that person on a plea of guilty to, a finding 4080
by a jury or court of the person's guilt of, or conviction of a 4081
felony drug abuse offense; a finding by a court of the person's 4082
eligibility for intervention in lieu of conviction; a plea of 4083
guilty to, or a finding by a jury or court of the person's guilt 4084
of, or the person's conviction of an offense in another 4085
jurisdiction that is essentially the same as a felony drug abuse 4086
offense; or a finding by a court of the person's eligibility for 4087
treatment or intervention in lieu of conviction in another 4088
jurisdiction. The board shall notify the holder of the license, 4089
certificate, or registration of the suspension, which shall 4090
remain in effect until the board holds an adjudicatory hearing 4091
under Chapter 119. of the Revised Code. 4092

Sec. 3719.13. Prescriptions, orders, and records, required 4093
by Chapter 3719. of the Revised Code, and stocks of dangerous 4094
drugs and controlled substances, shall be open for inspection 4095
only to federal, state, county, and municipal officers, and 4096
employees of the state board of pharmacy whose duty it is to 4097
enforce the laws of this state or of the United States relating 4098
to controlled substances. Such prescriptions, orders, records, 4099
and stocks shall be open for inspection by employees of the 4100
state medical board for purposes of enforcing Chapters 4730.~~and~~ 4101
, 4731., and 4772. of the Revised Code, employees of the board 4102
of nursing for purposes of enforcing Chapter 4723. of the 4103
Revised Code, and employees of the department of mental health 4104

and addiction services for purposes of section 5119.37 of the 4105
Revised Code. No person having knowledge of any such 4106
prescription, order, or record shall divulge such knowledge, 4107
except in connection with a prosecution or proceeding in court 4108
or before a licensing or registration board or officer, to which 4109
prosecution or proceeding the person to whom such prescriptions, 4110
orders, or records relate is a party. 4111

Sec. 3719.81. (A) As used in this section, "sample drug" 4112
has the same meaning as in section 2925.01 of the Revised Code. 4113

(B) A person may furnish another a sample drug, if all of 4114
the following apply: 4115

(1) The sample drug is furnished free of charge by a 4116
manufacturer, manufacturer's representative, or wholesale dealer 4117
in pharmaceuticals to a licensed health professional authorized 4118
to prescribe drugs, or is furnished free of charge by such a 4119
professional to a patient for use as medication; 4120

(2) The sample drug is in the original container in which 4121
it was placed by the manufacturer, and the container is plainly 4122
marked as a sample; 4123

(3) Prior to its being furnished, the sample drug has been 4124
stored under the proper conditions to prevent its deterioration 4125
or contamination; 4126

(4) If the sample drug is of a type which deteriorates 4127
with time, the sample container is plainly marked with the date 4128
beyond which the sample drug is unsafe to use, and the date has 4129
not expired on the sample furnished. Compliance with the 4130
labeling requirements of the "Federal Food, Drug, and Cosmetic 4131
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 4132
be deemed compliance with this section. 4133

(5) The sample drug is distributed, stored, or discarded 4134
in such a way that the sample drug may not be acquired or used 4135
by any unauthorized person, or by any person, including a child, 4136
for whom it may present a health or safety hazard. 4137

(C) Division (B) of this section does not do any of the 4138
following: 4139

(1) Apply to or restrict the furnishing of any sample of a 4140
nonnarcotic substance if the substance may, under the "Federal 4141
Food, Drug, and Cosmetic Act" and under the laws of this state, 4142
otherwise be lawfully sold over the counter without a 4143
prescription; 4144

(2) Authorize a licensed health professional authorized to 4145
prescribe drugs who is a clinical nurse specialist, certified 4146
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 4147
physician assistant, or certified mental health assistant to 4148
furnish a sample drug that is not a drug the professional is 4149
authorized to prescribe. 4150

(3) Prohibit a licensed health professional authorized to 4151
prescribe drugs, manufacturer of dangerous drugs, wholesale 4152
distributor of dangerous drugs, or representative of a 4153
manufacturer of dangerous drugs from furnishing a sample drug to 4154
a charitable pharmacy in accordance with section 3719.811 of the 4155
Revised Code. 4156

(4) Prohibit a pharmacist working, whether or not for 4157
compensation, in a charitable pharmacy from dispensing a sample 4158
drug to a person in accordance with section 3719.811 of the 4159
Revised Code. 4160

(D) The state board of pharmacy shall, in accordance with 4161
Chapter 119. of the Revised Code, adopt rules as necessary to 4162

give effect to this section. 4163

Sec. 4729.01. As used in this chapter: 4164

(A) "Pharmacy," except when used in a context that refers 4165
to the practice of pharmacy, means any area, room, rooms, place 4166
of business, department, or portion of any of the foregoing 4167
where the practice of pharmacy is conducted. 4168

(B) "Practice of pharmacy" means providing pharmacist care 4169
requiring specialized knowledge, judgment, and skill derived 4170
from the principles of biological, chemical, behavioral, social, 4171
pharmaceutical, and clinical sciences. As used in this division, 4172
"pharmacist care" includes the following: 4173

(1) Interpreting prescriptions; 4174

(2) Dispensing drugs and drug therapy related devices; 4175

(3) Compounding drugs; 4176

(4) Counseling individuals with regard to their drug 4177
therapy, recommending drug therapy related devices, and 4178
assisting in the selection of drugs and appliances for treatment 4179
of common diseases and injuries and providing instruction in the 4180
proper use of the drugs and appliances; 4181

(5) Performing drug regimen reviews with individuals by 4182
discussing all of the drugs that the individual is taking and 4183
explaining the interactions of the drugs; 4184

(6) Performing drug utilization reviews with licensed 4185
health professionals authorized to prescribe drugs when the 4186
pharmacist determines that an individual with a prescription has 4187
a drug regimen that warrants additional discussion with the 4188
prescriber; 4189

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy; 4190
4191
4192

(8) Acting pursuant to a consult agreement, if an agreement has been established; 4193
4194

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code; 4195
4196

(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code. 4197
4198

(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances: 4199
4200
4201

(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs; 4202
4203

(2) Pursuant to the modification of a prescription made in accordance with a consult agreement; 4204
4205

(3) As an incident to research, teaching activities, or chemical analysis; 4206
4207

(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns; 4208
4209
4210

(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply: 4211
4212
4213
4214
4215

(a) At the time the request is made, the drug is not 4216

commercially available regardless of the reason that the drug is 4217
not available, including the absence of a manufacturer for the 4218
drug or the lack of a readily available supply of the drug from 4219
a manufacturer. 4220

(b) A limited quantity of the drug is compounded and 4221
provided to the professional. 4222

(c) The drug is compounded and provided to the 4223
professional as an occasional exception to the normal practice 4224
of dispensing drugs pursuant to patient-specific prescriptions. 4225

(D) "Consult agreement" means an agreement that has been 4226
entered into under section 4729.39 of the Revised Code. 4227

(E) "Drug" means: 4228

(1) Any article recognized in the United States 4229
pharmacopoeia and national formulary, or any supplement to them, 4230
intended for use in the diagnosis, cure, mitigation, treatment, 4231
or prevention of disease in humans or animals; 4232

(2) Any other article intended for use in the diagnosis, 4233
cure, mitigation, treatment, or prevention of disease in humans 4234
or animals; 4235

(3) Any article, other than food, intended to affect the 4236
structure or any function of the body of humans or animals; 4237

(4) Any article intended for use as a component of any 4238
article specified in division (E)(1), (2), or (3) of this 4239
section; but does not include devices or their components, 4240
parts, or accessories. 4241

"Drug" does not include "hemp" or a "hemp product" as 4242
those terms are defined in section 928.01 of the Revised Code. 4243

(F) "Dangerous drug" means any of the following:	4244
(1) Any drug to which either of the following applies:	4245
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	4246
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	4247
required to bear a label containing the legend "Caution: Federal	4248
law prohibits dispensing without prescription" or "Caution:	4249
Federal law restricts this drug to use by or on the order of a	4250
licensed veterinarian" or any similar restrictive statement, or	4251
the drug may be dispensed only upon a prescription;	4252
(b) Under Chapter 3715. or 3719. of the Revised Code, the	4253
drug may be dispensed only upon a prescription.	4254
(2) Any drug that contains a schedule V controlled	4255
substance and that is exempt from Chapter 3719. of the Revised	4256
Code or to which that chapter does not apply;	4257
(3) Any drug intended for administration by injection into	4258
the human body other than through a natural orifice of the human	4259
body;	4260
(4) Any drug that is a biological product, as defined in	4261
section 3715.01 of the Revised Code.	4262
(G) "Federal drug abuse control laws" has the same meaning	4263
as in section 3719.01 of the Revised Code.	4264
(H) "Prescription" means all of the following:	4265
(1) A written, electronic, or oral order for drugs or	4266
combinations or mixtures of drugs to be used by a particular	4267
individual or for treating a particular animal, issued by a	4268
licensed health professional authorized to prescribe drugs;	4269
(2) For purposes of sections 2925.61, 4723.484, 4730.434,	4270

~~and 4731.94, and 4772.16~~ of the Revised Code, a written, 4271
electronic, or oral order for an overdose reversal drug issued 4272
to and in the name of a family member, friend, or other 4273
individual in a position to assist an individual who there is 4274
reason to believe is at risk of experiencing an opioid-related 4275
overdose. 4276

(3) For purposes of section 4729.44 of the Revised Code, a 4277
written, electronic, or oral order for an overdose reversal drug 4278
issued to and in the name of either of the following: 4279

(a) An individual who there is reason to believe is at 4280
risk of experiencing an opioid-related overdose; 4281

(b) A family member, friend, or other individual in a 4282
position to assist an individual who there is reason to believe 4283
is at risk of experiencing an opioid-related overdose. 4284

(4) For purposes of sections 4723.4810, 4729.282, 4285
4730.432, and 4731.93 of the Revised Code, a written, 4286
electronic, or oral order for a drug to treat chlamydia, 4287
gonorrhea, or trichomoniasis issued to and in the name of a 4288
patient who is not the intended user of the drug but is the 4289
sexual partner of the intended user; 4290

(5) For purposes of sections 3313.7110, 3313.7111, 4291
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4292
4731.96, and 5101.76 of the Revised Code, a written, electronic, 4293
or oral order for an epinephrine autoinjector issued to and in 4294
the name of a school, school district, or camp; 4295

(6) For purposes of Chapter 3728. and sections 4723.483, 4296
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 4297
electronic, or oral order for an epinephrine autoinjector issued 4298
to and in the name of a qualified entity, as defined in section 4299

3728.01 of the Revised Code; 4300

(7) For purposes of sections 3313.7115, 3313.7116, 4301
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 4302
5101.78 of the Revised Code, a written, electronic, or oral 4303
order for injectable or nasally administered glucagon in the 4304
name of a school, school district, or camp. 4305

(I) "Licensed health professional authorized to prescribe 4306
drugs" or "prescriber" means an individual who is authorized by 4307
law to prescribe drugs or dangerous drugs or drug therapy 4308
related devices in the course of the individual's professional 4309
practice, including only the following: 4310

(1) A dentist licensed under Chapter 4715. of the Revised 4311
Code; 4312

(2) A clinical nurse specialist, certified nurse-midwife, 4313
or certified nurse practitioner who holds a current, valid 4314
license issued under Chapter 4723. of the Revised Code to 4315
practice nursing as an advanced practice registered nurse; 4316

(3) A certified registered nurse anesthetist who holds a 4317
current, valid license issued under Chapter 4723. of the Revised 4318
Code to practice nursing as an advanced practice registered 4319
nurse, but only to the extent of the nurse's authority under 4320
sections 4723.43 and 4723.434 of the Revised Code; 4321

(4) An optometrist licensed under Chapter 4725. of the 4322
Revised Code to practice optometry under a therapeutic 4323
pharmaceutical agents certificate; 4324

(5) A physician authorized under Chapter 4731. of the 4325
Revised Code to practice medicine and surgery, osteopathic 4326
medicine and surgery, or podiatric medicine and surgery; 4327

(6) A physician assistant who holds a license to practice 4328
as a physician assistant issued under Chapter 4730. of the 4329
Revised Code, holds a valid prescriber number issued by the 4330
state medical board, and has been granted physician-delegated 4331
prescriptive authority; 4332

(7) A veterinarian licensed under Chapter 4741. of the 4333
Revised Code; 4334

(8) A certified mental health assistant licensed under 4335
Chapter 4772. of the Revised Code that has been granted 4336
physician-delegated prescriptive authority by the physician 4337
supervising the certified mental health assistant. 4338

(J) "Sale" or "sell" includes any transaction made by any 4339
person, whether as principal proprietor, agent, or employee, to 4340
do or offer to do any of the following: deliver, distribute, 4341
broker, exchange, gift or otherwise give away, or transfer, 4342
whether the transfer is by passage of title, physical movement, 4343
or both. 4344

(K) "Wholesale sale" and "sale at wholesale" mean any sale 4345
in which the purpose of the purchaser is to resell the article 4346
purchased or received by the purchaser. 4347

(L) "Retail sale" and "sale at retail" mean any sale other 4348
than a wholesale sale or sale at wholesale. 4349

(M) "Retail seller" means any person that sells any 4350
dangerous drug to consumers without assuming control over and 4351
responsibility for its administration. Mere advice or 4352
instructions regarding administration do not constitute control 4353
or establish responsibility. 4354

(N) "Price information" means the price charged for a 4355
prescription for a particular drug product and, in an easily 4356

understandable manner, all of the following: 4357

(1) The proprietary name of the drug product; 4358

(2) The established (generic) name of the drug product; 4359

(3) The strength of the drug product if the product 4360
contains a single active ingredient or if the drug product 4361
contains more than one active ingredient and a relevant strength 4362
can be associated with the product without indicating each 4363
active ingredient. The established name and quantity of each 4364
active ingredient are required if such a relevant strength 4365
cannot be so associated with a drug product containing more than 4366
one ingredient. 4367

(4) The dosage form; 4368

(5) The price charged for a specific quantity of the drug 4369
product. The stated price shall include all charges to the 4370
consumer, including, but not limited to, the cost of the drug 4371
product, professional fees, handling fees, if any, and a 4372
statement identifying professional services routinely furnished 4373
by the pharmacy. Any mailing fees and delivery fees may be 4374
stated separately without repetition. The information shall not 4375
be false or misleading. 4376

(O) "Wholesale distributor of dangerous drugs" or 4377
"wholesale distributor" means a person engaged in the sale of 4378
dangerous drugs at wholesale and includes any agent or employee 4379
of such a person authorized by the person to engage in the sale 4380
of dangerous drugs at wholesale. 4381

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4382
means a person, other than a pharmacist or prescriber, who 4383
manufactures dangerous drugs and who is engaged in the sale of 4384
those dangerous drugs. 4385

(Q) "Terminal distributor of dangerous drugs" or "terminal distributor" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a manufacturer, repackager, outsourcing facility, third-party logistics provider, wholesale distributor, or pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption. "Terminal distributor" includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist, licensed health professional authorized to prescribe drugs, or other person authorized by the state board of pharmacy.

(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T) (1) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.

(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 4416
4417

(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 4418
4419

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. 4420
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"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 4425
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 4428
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 4433
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(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution. 4440
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(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is 4443
4444

registered as an outsourcing facility with the United States 4445
food and drug administration. 4446

(BB) "Laboratory" means a laboratory licensed under this 4447
chapter as a terminal distributor of dangerous drugs and 4448
entrusted to have custody of any of the following drugs and to 4449
use the drugs for scientific and clinical purposes and for 4450
purposes of instruction: dangerous drugs that are not controlled 4451
substances, as defined in section 3719.01 of the Revised Code; 4452
dangerous drugs that are controlled substances, as defined in 4453
that section; and controlled substances in schedule I, as 4454
defined in that section. 4455

(CC) "Overdose reversal drug" means both of the following: 4456

(1) Naloxone; 4457

(2) Any other drug that the state board of pharmacy, 4458
through rules adopted in accordance with Chapter 119. of the 4459
Revised Code, designates as a drug that is approved by the 4460
federal food and drug administration for the reversal of a known 4461
or suspected opioid-related overdose. 4462

Sec. 4729.29. Divisions (A) and (B) of section 4729.01 and 4463
section 4729.28 of the Revised Code do not do any of the 4464
following: 4465

(A) Apply to a licensed health professional authorized to 4466
prescribe drugs who is acting within the prescriber's scope of 4467
professional practice; 4468

(B) Prevent a prescriber from personally furnishing the 4469
prescriber's patients with drugs, within the prescriber's scope 4470
of professional practice, that seem proper to the prescriber, as 4471
long as the drugs are furnished in accordance with section 4472
4729.291 of the Revised Code; 4473

(C) Apply to an individual who personally furnishes a 4474
supply of overdose reversal drugs under authority conferred 4475
under section 4723.485, 4730.435, ~~or~~ 4731.941, or 4772.17 of the 4476
Revised Code or prevent that individual from personally 4477
furnishing the supply of overdose reversal drugs in accordance 4478
with a protocol established under section 4723.485, 4730.435, ~~or~~ 4479
4731.941, or 4772.17 of the Revised Code; 4480

(D) Apply to the sale of oxygen, the sale of peritoneal 4481
dialysis solutions, or the sale of drugs that are not dangerous 4482
drugs by a retail dealer, in original packages when labeled as 4483
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 4484
1040 (1938), 21 U.S.C.A. 301, as amended. 4485

Sec. 4729.51. (A) No person other than a licensed 4486
manufacturer of dangerous drugs, outsourcing facility, third- 4487
party logistics provider, repackager of dangerous drugs, or 4488
wholesale distributor of dangerous drugs shall possess for sale, 4489
sell, distribute, or deliver, at wholesale, dangerous drugs or 4490
investigational drugs or products, except as follows: 4491

(1) A licensed terminal distributor of dangerous drugs 4492
that is a pharmacy may make occasional sales of dangerous drugs 4493
or investigational drugs or products at wholesale. 4494

(2) A licensed terminal distributor of dangerous drugs 4495
having more than one licensed location may transfer or deliver 4496
dangerous drugs from one licensed location to another licensed 4497
location owned by the terminal distributor if the license issued 4498
for each location is in effect at the time of the transfer or 4499
delivery. 4500

(3) A licensed terminal distributor of dangerous drugs 4501
that is not a pharmacy may make occasional sales of the 4502

following at wholesale: 4503

(a) Overdose reversal drugs; 4504

(b) Dangerous drugs if the drugs being sold are in 4505
shortage, as defined in rules adopted under section 4729.26 of 4506
the Revised Code; 4507

(c) Dangerous drugs other than those described in 4508
divisions (A) (3) (a) and (b) of this section or investigational 4509
drugs or products if authorized by rules adopted under section 4510
4729.26 of the Revised Code. 4511

(B) No licensed manufacturer, outsourcing facility, third- 4512
party logistics provider, repackager, or wholesale distributor 4513
shall possess for sale, sell, or distribute, at wholesale, 4514
dangerous drugs or investigational drugs or products to any 4515
person other than the following: 4516

(1) Subject to division (D) of this section, a licensed 4517
terminal distributor of dangerous drugs; 4518

(2) Subject to division (C) of this section, any person 4519
exempt from licensure as a terminal distributor of dangerous 4520
drugs under section 4729.541 of the Revised Code; 4521

(3) A licensed manufacturer, outsourcing facility, third- 4522
party logistics provider, repackager, or wholesale distributor; 4523

(4) A terminal distributor, manufacturer, outsourcing 4524
facility, third-party logistics provider, repackager, or 4525
wholesale distributor that is located in another state, is not 4526
engaged in the sale of dangerous drugs within this state, and is 4527
actively licensed to engage in the sale of dangerous drugs by 4528
the state in which the distributor conducts business. 4529

(C) No licensed manufacturer, outsourcing facility, third- 4530

party logistics provider, repackager, or wholesale distributor 4531
shall possess for sale, sell, or distribute, at wholesale, 4532
dangerous drugs or investigational drugs or products to either 4533
of the following: 4534

(1) A prescriber who is employed by either of the 4535
following: 4536

(a) A pain management clinic that is not licensed as a 4537
terminal distributor of dangerous drugs with a pain management 4538
clinic classification issued under section 4729.552 of the 4539
Revised Code; 4540

(b) A facility, clinic, or other location that provides 4541
office-based opioid treatment but is not licensed as a terminal 4542
distributor of dangerous drugs with an office-based opioid 4543
treatment classification issued under section 4729.553 of the 4544
Revised Code if such a license is required by that section. 4545

(2) A business entity described in division (A) (2) or (3) 4546
of section 4729.541 of the Revised Code that is, or is 4547
operating, either of the following: 4548

(a) A pain management clinic without a license as a 4549
terminal distributor of dangerous drugs with a pain management 4550
clinic classification issued under section 4729.552 of the 4551
Revised Code; 4552

(b) A facility, clinic, or other location that provides 4553
office-based opioid treatment without a license as a terminal 4554
distributor of dangerous drugs with an office-based opioid 4555
treatment classification issued under section 4729.553 of the 4556
Revised Code if such a license is required by that section. 4557

(D) No licensed manufacturer, outsourcing facility, third- 4558
party logistics provider, repackager, or wholesale distributor 4559

shall possess dangerous drugs or investigational drugs or 4560
products for sale at wholesale, or sell or distribute such drugs 4561
at wholesale, to a licensed terminal distributor of dangerous 4562
drugs, except as follows: 4563

(1) In the case of a terminal distributor with a category 4564
II license, only dangerous drugs in category II, as defined in 4565
division (A)(1) of section 4729.54 of the Revised Code; 4566

(2) In the case of a terminal distributor with a category 4567
III license, dangerous drugs in category II and category III, as 4568
defined in divisions (A)(1) and (2) of section 4729.54 of the 4569
Revised Code; 4570

(3) In the case of a terminal distributor with a limited 4571
category II or III license, only the dangerous drugs specified 4572
in the license. 4573

(E)(1) Except as provided in division (E)(2) of this 4574
section, no person shall do any of the following: 4575

(a) Sell or distribute, at retail, dangerous drugs; 4576

(b) Possess for sale, at retail, dangerous drugs; 4577

(c) Possess dangerous drugs. 4578

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section 4579
do not apply to any of the following: 4580

(i) A licensed terminal distributor of dangerous drugs; 4581

(ii) A person who possesses, or possesses for sale or 4582
sells, at retail, a dangerous drug in accordance with Chapters 4583
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and 4584
4772. of the Revised Code; 4585

(iii) Any of the persons identified in divisions (A)(1) to 4586

(5) and (13) of section 4729.541 of the Revised Code, but only 4587
to the extent specified in that section. 4588

(b) Division (E)(1)(c) of this section does not apply to 4589
any of the following: 4590

(i) A licensed manufacturer, outsourcing facility, third- 4591
party logistics provider, repackager, or wholesale distributor; 4592

(ii) Any of the persons identified in divisions (A)(6) to 4593
(12) of section 4729.541 of the Revised Code, but only to the 4594
extent specified in that section. 4595

(F) No licensed terminal distributor of dangerous drugs or 4596
person that is exempt from licensure under section 4729.541 of 4597
the Revised Code shall purchase dangerous drugs or 4598
investigational drugs or products from any person other than a 4599
licensed manufacturer, outsourcing facility, third-party 4600
logistics provider, repackager, or wholesale distributor, except 4601
as follows: 4602

(1) A licensed terminal distributor of dangerous drugs or 4603
person that is exempt from licensure under section 4729.541 of 4604
the Revised Code may make occasional purchases of dangerous 4605
drugs or investigational drugs or products that are sold in 4606
accordance with division (A)(1) or (3) of this section. 4607

(2) A licensed terminal distributor of dangerous drugs 4608
having more than one licensed location may transfer or deliver 4609
dangerous drugs or investigational drugs or products from one 4610
licensed location to another licensed location if the license 4611
issued for each location is in effect at the time of the 4612
transfer or delivery. 4613

(G) No licensed terminal distributor of dangerous drugs 4614
shall engage in the retail sale or other distribution of 4615

dangerous drugs or investigational drugs or products or maintain 4616
possession, custody, or control of dangerous drugs or 4617
investigational drugs or products for any purpose other than the 4618
distributor's personal use or consumption, at any establishment 4619
or place other than that or those described in the license 4620
issued by the state board of pharmacy to such terminal 4621
distributor. 4622

(H) Nothing in this section shall be construed to 4623
interfere with the performance of official duties by any law 4624
enforcement official authorized by municipal, county, state, or 4625
federal law to collect samples of any drug, regardless of its 4626
nature or in whose possession it may be. 4627

(I) Notwithstanding anything to the contrary in this 4628
section, the board of education of a city, local, exempted 4629
village, or joint vocational school district may distribute 4630
epinephrine autoinjectors for use in accordance with section 4631
3313.7110 of the Revised Code, may distribute inhalers for use 4632
in accordance with section 3313.7113 of the Revised Code, and 4633
may distribute injectable or nasally administered glucagon for 4634
use in accordance with section 3313.7115 of the Revised Code. 4635

Sec. 4729.514. (A) As used in this section, "service 4636
entity" means a public or private entity that may provide 4637
services to or interact with individuals who there is reason to 4638
believe may be at risk of experiencing an opioid-related 4639
overdose. "Service entity" includes a church or other place of 4640
worship, college or university, school, library, health 4641
department operated by the board of health of a city or general 4642
health district, community addiction services provider, court, 4643
probation department, halfway house, prison, jail, community 4644
residential center, homeless shelter, or similar entity. 4645

(B) A service entity may procure and maintain overdose reversal drugs for either or both of the following purposes:

(1) To use in emergency situations;

(2) To permit an employee, volunteer, or contractor of the service entity to personally furnish a supply of overdose reversal drugs pursuant to a protocol established under section 3707.561, 4723.485, 4730.435, ~~or~~ 4731.941, or 4772.17 of the Revised Code.

(C) A service entity or an employee, volunteer, or contractor of a service entity is not liable for or subject to any of the following for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, using, or personally furnishing overdose reversal drugs under this section, unless the act or omission constitutes willful or wanton misconduct: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

This section does not eliminate, limit, or reduce any other immunity or defense that a service entity or an employee, volunteer, or contractor of a service entity may be entitled to under Chapter 2305. or any other provision of the Revised Code or under the common law of this state.

Sec. 4729.553. (A) As used in this section:

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(3) "Hospital" means a hospital registered with the

department of health under section 3701.07 of the Revised Code. 4674

(4) "Office-based opioid treatment" means the treatment of 4675
opioid dependence or addiction using a controlled substance. 4676

(5) "Physician" means an individual who is authorized 4677
under Chapter 4731. of the Revised Code to practice medicine and 4678
surgery or osteopathic medicine and surgery. 4679

(6) "Physician assistant" means an individual who is 4680
licensed under Chapter 4730. of the Revised Code. 4681

(7) "Certified mental health assistant" means an 4682
individual who is licensed under Chapter 4772. of the Revised 4683
Code. 4684

(B) (1) Except as provided in divisions (B) (2) and (3) of 4685
this section, no person shall knowingly operate a facility, 4686
clinic, or other location where a prescriber provides office- 4687
based opioid treatment to more than thirty patients or that 4688
meets any other identifying criteria established in rules 4689
adopted under this section without holding a category III 4690
terminal distributor of dangerous drugs license with an office- 4691
based opioid treatment classification. 4692

(2) Division (B) (1) of this section does not apply to any 4693
of the following: 4694

(a) A hospital; 4695

(b) A facility for the treatment of opioid dependence or 4696
addiction that is operated by a hospital; 4697

(c) A physician practice owned or controlled, in whole or 4698
in part, by a hospital or by an entity that owns or controls, in 4699
whole or in part, one or more hospitals; 4700

(d) A facility that conducts only clinical research and 4701
uses controlled substances in studies approved by a hospital- 4702
based institutional review board or an institutional review 4703
board that is accredited by the association for the 4704
accreditation of human research protection programs, inc.; 4705

(e) A facility that holds a category III terminal 4706
distributor of dangerous drugs license in accordance with 4707
section 4729.54 of the Revised Code for the purpose of treating 4708
drug dependence or addiction as part of an opioid treatment 4709
program and is the subject of a current, valid certification 4710
from the substance abuse and mental health services 4711
administration of the United States department of health and 4712
human services pursuant to 42 C.F.R. 8.11; 4713

(f) A program or facility that holds a license or 4714
certification issued by the department of mental health and 4715
addiction services under Chapter 5119. of the Revised Code if 4716
the license or certification is approved by the state board of 4717
pharmacy; 4718

(g) A federally qualified health center or federally 4719
qualified health center look-alike, as defined in section 4720
3701.047 of the Revised Code; 4721

(h) A state or local correctional facility, as defined in 4722
section 5163.45 of the Revised Code; 4723

(i) A facility in which patients are treated on-site for 4724
opioid dependence or addiction exclusively through direct 4725
administration by a physician, physician assistant, ~~or~~ advanced 4726
practice registered nurse, or certified mental health assistant 4727
of drugs that are used for treatment of opioid dependence or 4728
addiction and are neither dispensed nor personally furnished to 4729

patients for off-site self-administration; 4730

(j) Any other facility specified in rules adopted under 4731
this section. 4732

(3) A patient who receives treatment on-site for opioid 4733
dependence or addiction through direct administration of a drug 4734
by a physician, physician assistant, ~~or~~ advanced practice 4735
registered nurse, or certified mental health assistant shall not 4736
be included in determining whether more than thirty patients are 4737
being provided office-based opioid treatment in a particular 4738
facility, clinic, or other location that is subject to division 4739
(B) (1) of this section. 4740

(C) To be eligible to receive a license as a category III 4741
terminal distributor of dangerous drugs with an office-based 4742
opioid treatment classification, an applicant shall submit 4743
evidence satisfactory to the state board of pharmacy that the 4744
applicant's office-based opioid treatment will be operated in 4745
accordance with the requirements specified in division (D) of 4746
this section and that the applicant meets any other applicable 4747
requirements of this chapter. 4748

If the board determines that an applicant meets all of the 4749
requirements, the board shall issue to the applicant a license 4750
as a category III terminal distributor of dangerous drugs with 4751
an office-based opioid treatment classification. 4752

(D) The holder of a category III terminal distributor 4753
license with an office-based opioid treatment classification 4754
shall do all of the following: 4755

(1) Be in control of a facility that is owned and operated 4756
solely by one or more physicians, unless the state board of 4757
pharmacy waives this requirement for the holder; 4758

(2) Comply with the requirements for conducting office-based opioid treatment, as established by the state medical board in rules adopted under section 4731.056 of the Revised Code;

(3) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code;

(4) Require each person employed by or seeking employment with the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code;

(5) Ensure that a person is not employed by the facility if the person, within the ten years immediately preceding the date the person applied for employment, was convicted of or pleaded guilty to either of the following, unless the state board of pharmacy permits the person to be employed by waiving this requirement for the facility:

(a) A theft offense, described in division (K) (3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States;

(b) A felony drug offense, as defined in section 2925.01 of the Revised Code.

(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list.

(E) No person subject to licensure as a category III terminal distributor of dangerous drugs with an office-based

opioid treatment classification shall knowingly fail to remain 4788
in compliance with the requirements of division (D) of this 4789
section and any other applicable requirements of this chapter. 4790

(F) The state board of pharmacy may impose a fine of not 4791
more than five thousand dollars on a person who violates 4792
division (B) or (E) of this section. A separate fine may be 4793
imposed for each day the violation continues. In imposing the 4794
fine, the board's actions shall be taken in accordance with 4795
Chapter 119. of the Revised Code. 4796

(G) The state board of pharmacy shall adopt rules as it 4797
considers necessary to implement and administer this section. 4798
The rules shall be adopted in accordance with Chapter 119. of 4799
the Revised Code. 4800

Sec. 4731.051. The state medical board shall adopt rules 4801
in accordance with Chapter 119. of the Revised Code establishing 4802
universal blood and body fluid precautions that shall be used by 4803
each person who performs exposure prone invasive procedures and 4804
is authorized to practice by this chapter or Chapter 4730., 4805
4759., 4760., 4761., 4762., 4772., or 4774. of the Revised Code. 4806
The rules shall define and establish requirements for universal 4807
blood and body fluid precautions that include the following: 4808

- (A) Appropriate use of hand washing; 4809
- (B) Disinfection and sterilization of equipment; 4810
- (C) Handling and disposal of needles and other sharp 4811
instruments; 4812
- (D) Wearing and disposal of gloves and other protective 4813
garments and devices. 4814

Sec. 4731.07. (A) The state medical board shall keep a 4815

record of its proceedings. The minutes of a meeting of the board 4816
shall, on approval by the board, constitute an official record 4817
of its proceedings. 4818

(B) The board shall keep a register of applicants for 4819
licenses and certificates issued under this chapter; licenses 4820
issued under Chapters 4730., 4760., 4762., 4772., 4774., and 4821
4778.; and licenses and limited permits issued under Chapters 4822
4759. and 4761. of the Revised Code. The register shall show the 4823
name of the applicant and whether the applicant was granted or 4824
refused the license, certificate, or limited permit being 4825
sought. 4826

With respect to applicants to practice medicine and 4827
surgery or osteopathic medicine and surgery, the register shall 4828
show the name of the institution that granted the applicant the 4829
degree of doctor of medicine or osteopathic medicine. With 4830
respect to applicants to practice respiratory care, the register 4831
shall show the addresses of the person's last known place of 4832
business and residence, the effective date and identification 4833
number of the license or limited permit, and, if applicable, the 4834
name and location of the institution that granted the person's 4835
degree or certificate of completion of respiratory care 4836
educational requirements and the date the degree or certificate 4837
of completion was issued. 4838

(C) The books and records of the board shall be prima- 4839
facie evidence of matters therein contained. 4840

Sec. 4731.22. (A) The state medical board, by an 4841
affirmative vote of not fewer than six of its members, may 4842
limit, revoke, or suspend a license or certificate to practice 4843
or certificate to recommend, refuse to grant a license or 4844
certificate, refuse to renew a license or certificate, refuse to 4845

reinstate a license or certificate, or reprimand or place on 4846
probation the holder of a license or certificate if the 4847
individual applying for or holding the license or certificate is 4848
found by the board to have committed fraud during the 4849
administration of the examination for a license or certificate 4850
to practice or to have committed fraud, misrepresentation, or 4851
deception in applying for, renewing, or securing any license or 4852
certificate to practice or certificate to recommend issued by 4853
the board. 4854

(B) Except as provided in division (P) of this section, 4855
the board, by an affirmative vote of not fewer than six members, 4856
shall, to the extent permitted by law, limit, revoke, or suspend 4857
a license or certificate to practice or certificate to 4858
recommend, refuse to issue a license or certificate, refuse to 4859
renew a license or certificate, refuse to reinstate a license or 4860
certificate, or reprimand or place on probation the holder of a 4861
license or certificate for one or more of the following reasons: 4862

(1) Permitting one's name or one's license or certificate 4863
to practice to be used by a person, group, or corporation when 4864
the individual concerned is not actually directing the treatment 4865
given; 4866

(2) Failure to maintain minimal standards applicable to 4867
the selection or administration of drugs, or failure to employ 4868
acceptable scientific methods in the selection of drugs or other 4869
modalities for treatment of disease; 4870

(3) Except as provided in section 4731.97 of the Revised 4871
Code, selling, giving away, personally furnishing, prescribing, 4872
or administering drugs for other than legal and legitimate 4873
therapeutic purposes or a plea of guilty to, a judicial finding 4874
of guilt of, or a judicial finding of eligibility for 4875

intervention in lieu of conviction of, a violation of any 4876
federal or state law regulating the possession, distribution, or 4877
use of any drug; 4878

(4) Willfully betraying a professional confidence. 4879

For purposes of this division, "willfully betraying a 4880
professional confidence" does not include providing any 4881
information, documents, or reports under sections 307.621 to 4882
307.629 of the Revised Code to a child fatality review board; 4883
does not include providing any information, documents, or 4884
reports under sections 307.631 to 307.6410 of the Revised Code 4885
to a drug overdose fatality review committee, a suicide fatality 4886
review committee, or hybrid drug overdose fatality and suicide 4887
fatality review committee; does not include providing any 4888
information, documents, or reports to the director of health 4889
pursuant to guidelines established under section 3701.70 of the 4890
Revised Code; does not include written notice to a mental health 4891
professional under section 4731.62 of the Revised Code; and does 4892
not include the making of a report of an employee's use of a 4893
drug of abuse, or a report of a condition of an employee other 4894
than one involving the use of a drug of abuse, to the employer 4895
of the employee as described in division (B) of section 2305.33 4896
of the Revised Code. Nothing in this division affects the 4897
immunity from civil liability conferred by section 2305.33 or 4898
4731.62 of the Revised Code upon a physician who makes a report 4899
in accordance with section 2305.33 or notifies a mental health 4900
professional in accordance with section 4731.62 of the Revised 4901
Code. As used in this division, "employee," "employer," and 4902
"physician" have the same meanings as in section 2305.33 of the 4903
Revised Code. 4904

(5) Making a false, fraudulent, deceptive, or misleading 4905

statement in the solicitation of or advertising for patients; in 4906
relation to the practice of medicine and surgery, osteopathic 4907
medicine and surgery, podiatric medicine and surgery, or a 4908
limited branch of medicine; or in securing or attempting to 4909
secure any license or certificate to practice issued by the 4910
board. 4911

As used in this division, "false, fraudulent, deceptive, 4912
or misleading statement" means a statement that includes a 4913
misrepresentation of fact, is likely to mislead or deceive 4914
because of a failure to disclose material facts, is intended or 4915
is likely to create false or unjustified expectations of 4916
favorable results, or includes representations or implications 4917
that in reasonable probability will cause an ordinarily prudent 4918
person to misunderstand or be deceived. 4919

(6) A departure from, or the failure to conform to, 4920
minimal standards of care of similar practitioners under the 4921
same or similar circumstances, whether or not actual injury to a 4922
patient is established; 4923

(7) Representing, with the purpose of obtaining 4924
compensation or other advantage as personal gain or for any 4925
other person, that an incurable disease or injury, or other 4926
incurable condition, can be permanently cured; 4927

(8) The obtaining of, or attempting to obtain, money or 4928
anything of value by fraudulent misrepresentations in the course 4929
of practice; 4930

(9) A plea of guilty to, a judicial finding of guilt of, 4931
or a judicial finding of eligibility for intervention in lieu of 4932
conviction for, a felony; 4933

(10) Commission of an act that constitutes a felony in 4934

this state, regardless of the jurisdiction in which the act was 4935
committed; 4936

(11) A plea of guilty to, a judicial finding of guilt of, 4937
or a judicial finding of eligibility for intervention in lieu of 4938
conviction for, a misdemeanor committed in the course of 4939
practice; 4940

(12) Commission of an act in the course of practice that 4941
constitutes a misdemeanor in this state, regardless of the 4942
jurisdiction in which the act was committed; 4943

(13) A plea of guilty to, a judicial finding of guilt of, 4944
or a judicial finding of eligibility for intervention in lieu of 4945
conviction for, a misdemeanor involving moral turpitude; 4946

(14) Commission of an act involving moral turpitude that 4947
constitutes a misdemeanor in this state, regardless of the 4948
jurisdiction in which the act was committed; 4949

(15) Violation of the conditions of limitation placed by 4950
the board upon a license or certificate to practice; 4951

(16) Failure to pay license renewal fees specified in this 4952
chapter; 4953

(17) Except as authorized in section 4731.31 of the 4954
Revised Code, engaging in the division of fees for referral of 4955
patients, or the receiving of a thing of value in return for a 4956
specific referral of a patient to utilize a particular service 4957
or business; 4958

(18) Subject to section 4731.226 of the Revised Code, 4959
violation of any provision of a code of ethics of the American 4960
medical association, the American osteopathic association, the 4961
American podiatric medical association, or any other national 4962

professional organizations that the board specifies by rule. The 4963
state medical board shall obtain and keep on file current copies 4964
of the codes of ethics of the various national professional 4965
organizations. The individual whose license or certificate is 4966
being suspended or revoked shall not be found to have violated 4967
any provision of a code of ethics of an organization not 4968
appropriate to the individual's profession. 4969

For purposes of this division, a "provision of a code of 4970
ethics of a national professional organization" does not include 4971
any provision that would preclude the making of a report by a 4972
physician of an employee's use of a drug of abuse, or of a 4973
condition of an employee other than one involving the use of a 4974
drug of abuse, to the employer of the employee as described in 4975
division (B) of section 2305.33 of the Revised Code. Nothing in 4976
this division affects the immunity from civil liability 4977
conferred by that section upon a physician who makes either type 4978
of report in accordance with division (B) of that section. As 4979
used in this division, "employee," "employer," and "physician" 4980
have the same meanings as in section 2305.33 of the Revised 4981
Code. 4982

(19) Inability to practice according to acceptable and 4983
prevailing standards of care by reason of mental illness or 4984
physical illness, including, but not limited to, physical 4985
deterioration that adversely affects cognitive, motor, or 4986
perceptive skills. 4987

In enforcing this division, the board, upon a showing of a 4988
possible violation, may compel any individual authorized to 4989
practice by this chapter or who has submitted an application 4990
pursuant to this chapter to submit to a mental examination, 4991
physical examination, including an HIV test, or both a mental 4992

and a physical examination. The expense of the examination is 4993
the responsibility of the individual compelled to be examined. 4994
Failure to submit to a mental or physical examination or consent 4995
to an HIV test ordered by the board constitutes an admission of 4996
the allegations against the individual unless the failure is due 4997
to circumstances beyond the individual's control, and a default 4998
and final order may be entered without the taking of testimony 4999
or presentation of evidence. If the board finds an individual 5000
unable to practice because of the reasons set forth in this 5001
division, the board shall require the individual to submit to 5002
care, counseling, or treatment by physicians approved or 5003
designated by the board, as a condition for initial, continued, 5004
reinstated, or renewed authority to practice. An individual 5005
affected under this division shall be afforded an opportunity to 5006
demonstrate to the board the ability to resume practice in 5007
compliance with acceptable and prevailing standards under the 5008
provisions of the individual's license or certificate. For the 5009
purpose of this division, any individual who applies for or 5010
receives a license or certificate to practice under this chapter 5011
accepts the privilege of practicing in this state and, by so 5012
doing, shall be deemed to have given consent to submit to a 5013
mental or physical examination when directed to do so in writing 5014
by the board, and to have waived all objections to the 5015
admissibility of testimony or examination reports that 5016
constitute a privileged communication. 5017

(20) Except as provided in division (F)(1)(b) of section 5018
4731.282 of the Revised Code or when civil penalties are imposed 5019
under section 4731.225 of the Revised Code, and subject to 5020
section 4731.226 of the Revised Code, violating or attempting to 5021
violate, directly or indirectly, or assisting in or abetting the 5022
violation of, or conspiring to violate, any provisions of this 5023

chapter or any rule promulgated by the board. 5024

This division does not apply to a violation or attempted 5025
violation of, assisting in or abetting the violation of, or a 5026
conspiracy to violate, any provision of this chapter or any rule 5027
adopted by the board that would preclude the making of a report 5028
by a physician of an employee's use of a drug of abuse, or of a 5029
condition of an employee other than one involving the use of a 5030
drug of abuse, to the employer of the employee as described in 5031
division (B) of section 2305.33 of the Revised Code. Nothing in 5032
this division affects the immunity from civil liability 5033
conferred by that section upon a physician who makes either type 5034
of report in accordance with division (B) of that section. As 5035
used in this division, "employee," "employer," and "physician" 5036
have the same meanings as in section 2305.33 of the Revised 5037
Code. 5038

(21) The violation of section 3701.79 of the Revised Code 5039
or of any abortion rule adopted by the director of health 5040
pursuant to section 3701.341 of the Revised Code; 5041

(22) Any of the following actions taken by an agency 5042
responsible for authorizing, certifying, or regulating an 5043
individual to practice a health care occupation or provide 5044
health care services in this state or another jurisdiction, for 5045
any reason other than the nonpayment of fees: the limitation, 5046
revocation, or suspension of an individual's license to 5047
practice; acceptance of an individual's license surrender; 5048
denial of a license; refusal to renew or reinstate a license; 5049
imposition of probation; or issuance of an order of censure or 5050
other reprimand; 5051

(23) The violation of section 2919.12 of the Revised Code 5052
or the performance or inducement of an abortion upon a pregnant 5053

woman with actual knowledge that the conditions specified in 5054
division (B) of section 2317.56 of the Revised Code have not 5055
been satisfied or with a heedless indifference as to whether 5056
those conditions have been satisfied, unless an affirmative 5057
defense as specified in division (H) (2) of that section would 5058
apply in a civil action authorized by division (H) (1) of that 5059
section; 5060

(24) The revocation, suspension, restriction, reduction, 5061
or termination of clinical privileges by the United States 5062
department of defense or department of veterans affairs or the 5063
termination or suspension of a certificate of registration to 5064
prescribe drugs by the drug enforcement administration of the 5065
United States department of justice; 5066

(25) Termination or suspension from participation in the 5067
medicare or medicaid programs by the department of health and 5068
human services or other responsible agency; 5069

(26) Impairment of ability to practice according to 5070
acceptable and prevailing standards of care because of habitual 5071
or excessive use or abuse of drugs, alcohol, or other substances 5072
that impair ability to practice. 5073

For the purposes of this division, any individual 5074
authorized to practice by this chapter accepts the privilege of 5075
practicing in this state subject to supervision by the board. By 5076
filing an application for or holding a license or certificate to 5077
practice under this chapter, an individual shall be deemed to 5078
have given consent to submit to a mental or physical examination 5079
when ordered to do so by the board in writing, and to have 5080
waived all objections to the admissibility of testimony or 5081
examination reports that constitute privileged communications. 5082

If it has reason to believe that any individual authorized 5083
to practice by this chapter or any applicant for licensure or 5084
certification to practice suffers such impairment, the board may 5085
compel the individual to submit to a mental or physical 5086
examination, or both. The expense of the examination is the 5087
responsibility of the individual compelled to be examined. Any 5088
mental or physical examination required under this division 5089
shall be undertaken by a treatment provider or physician who is 5090
qualified to conduct the examination and who is chosen by the 5091
board. 5092

Failure to submit to a mental or physical examination 5093
ordered by the board constitutes an admission of the allegations 5094
against the individual unless the failure is due to 5095
circumstances beyond the individual's control, and a default and 5096
final order may be entered without the taking of testimony or 5097
presentation of evidence. If the board determines that the 5098
individual's ability to practice is impaired, the board shall 5099
suspend the individual's license or certificate or deny the 5100
individual's application and shall require the individual, as a 5101
condition for initial, continued, reinstated, or renewed 5102
licensure or certification to practice, to submit to treatment. 5103

Before being eligible to apply for reinstatement of a 5104
license or certificate suspended under this division, the 5105
impaired practitioner shall demonstrate to the board the ability 5106
to resume practice in compliance with acceptable and prevailing 5107
standards of care under the provisions of the practitioner's 5108
license or certificate. The demonstration shall include, but 5109
shall not be limited to, the following: 5110

(a) Certification from a treatment provider approved under 5111
section 4731.25 of the Revised Code that the individual has 5112

successfully completed any required inpatient treatment; 5113

(b) Evidence of continuing full compliance with an 5114
aftercare contract or consent agreement; 5115

(c) Two written reports indicating that the individual's 5116
ability to practice has been assessed and that the individual 5117
has been found capable of practicing according to acceptable and 5118
prevailing standards of care. The reports shall be made by 5119
individuals or providers approved by the board for making the 5120
assessments and shall describe the basis for their 5121
determination. 5122

The board may reinstate a license or certificate suspended 5123
under this division after that demonstration and after the 5124
individual has entered into a written consent agreement. 5125

When the impaired practitioner resumes practice, the board 5126
shall require continued monitoring of the individual. The 5127
monitoring shall include, but not be limited to, compliance with 5128
the written consent agreement entered into before reinstatement 5129
or with conditions imposed by board order after a hearing, and, 5130
upon termination of the consent agreement, submission to the 5131
board for at least two years of annual written progress reports 5132
made under penalty of perjury stating whether the individual has 5133
maintained sobriety. 5134

(27) A second or subsequent violation of section 4731.66 5135
or 4731.69 of the Revised Code; 5136

(28) Except as provided in division (N) of this section: 5137

(a) Waiving the payment of all or any part of a deductible 5138
or copayment that a patient, pursuant to a health insurance or 5139
health care policy, contract, or plan that covers the 5140
individual's services, otherwise would be required to pay if the 5141

waiver is used as an enticement to a patient or group of 5142
patients to receive health care services from that individual; 5143

(b) Advertising that the individual will waive the payment 5144
of all or any part of a deductible or copayment that a patient, 5145
pursuant to a health insurance or health care policy, contract, 5146
or plan that covers the individual's services, otherwise would 5147
be required to pay. 5148

(29) Failure to use universal blood and body fluid 5149
precautions established by rules adopted under section 4731.051 5150
of the Revised Code; 5151

(30) Failure to provide notice to, and receive 5152
acknowledgment of the notice from, a patient when required by 5153
section 4731.143 of the Revised Code prior to providing 5154
nonemergency professional services, or failure to maintain that 5155
notice in the patient's medical record; 5156

(31) Failure of a physician supervising a physician 5157
assistant to maintain supervision in accordance with the 5158
requirements of Chapter 4730. of the Revised Code and the rules 5159
adopted under that chapter; 5160

(32) Failure of a physician or podiatrist to enter into a 5161
standard care arrangement with a clinical nurse specialist, 5162
certified nurse-midwife, or certified nurse practitioner with 5163
whom the physician or podiatrist is in collaboration pursuant to 5164
section 4731.27 of the Revised Code or failure to fulfill the 5165
responsibilities of collaboration after entering into a standard 5166
care arrangement; 5167

(33) Failure to comply with the terms of a consult 5168
agreement entered into with a pharmacist pursuant to section 5169
4729.39 of the Revised Code; 5170

(34) Failure to cooperate in an investigation conducted by 5171
the board under division (F) of this section, including failure 5172
to comply with a subpoena or order issued by the board or 5173
failure to answer truthfully a question presented by the board 5174
in an investigative interview, an investigative office 5175
conference, at a deposition, or in written interrogatories, 5176
except that failure to cooperate with an investigation shall not 5177
constitute grounds for discipline under this section if a court 5178
of competent jurisdiction has issued an order that either 5179
quashes a subpoena or permits the individual to withhold the 5180
testimony or evidence in issue; 5181

(35) Failure to supervise an acupuncturist in accordance 5182
with Chapter 4762. of the Revised Code and the board's rules for 5183
providing that supervision; 5184

(36) Failure to supervise an anesthesiologist assistant in 5185
accordance with Chapter 4760. of the Revised Code and the 5186
board's rules for supervision of an anesthesiologist assistant; 5187

(37) Assisting suicide, as defined in section 3795.01 of 5188
the Revised Code; 5189

(38) Failure to comply with the requirements of section 5190
2317.561 of the Revised Code; 5191

(39) Failure to supervise a radiologist assistant in 5192
accordance with Chapter 4774. of the Revised Code and the 5193
board's rules for supervision of radiologist assistants; 5194

(40) Performing or inducing an abortion at an office or 5195
facility with knowledge that the office or facility fails to 5196
post the notice required under section 3701.791 of the Revised 5197
Code; 5198

(41) Failure to comply with the standards and procedures 5199

established in rules under section 4731.054 of the Revised Code 5200
for the operation of or the provision of care at a pain 5201
management clinic; 5202

(42) Failure to comply with the standards and procedures 5203
established in rules under section 4731.054 of the Revised Code 5204
for providing supervision, direction, and control of individuals 5205
at a pain management clinic; 5206

(43) Failure to comply with the requirements of section 5207
4729.79 or 4731.055 of the Revised Code, unless the state board 5208
of pharmacy no longer maintains a drug database pursuant to 5209
section 4729.75 of the Revised Code; 5210

(44) Failure to comply with the requirements of section 5211
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 5212
to submit to the department of health in accordance with a court 5213
order a complete report as described in section 2919.171 or 5214
2919.202 of the Revised Code; 5215

(45) Practicing at a facility that is subject to licensure 5216
as a category III terminal distributor of dangerous drugs with a 5217
pain management clinic classification unless the person 5218
operating the facility has obtained and maintains the license 5219
with the classification; 5220

(46) Owning a facility that is subject to licensure as a 5221
category III terminal distributor of dangerous drugs with a pain 5222
management clinic classification unless the facility is licensed 5223
with the classification; 5224

(47) Failure to comply with any of the requirements 5225
regarding making or maintaining medical records or documents 5226
described in division (A) of section 2919.192, division (C) of 5227
section 2919.193, division (B) of section 2919.195, or division 5228

(A) of section 2919.196 of the Revised Code; 5229

(48) Failure to comply with the requirements in section 5230
3719.061 of the Revised Code before issuing for a minor a 5231
prescription for an opioid analgesic, as defined in section 5232
3719.01 of the Revised Code; 5233

(49) Failure to comply with the requirements of section 5234
4731.30 of the Revised Code or rules adopted under section 5235
4731.301 of the Revised Code when recommending treatment with 5236
medical marijuana; 5237

(50) Practicing at a facility, clinic, or other location 5238
that is subject to licensure as a category III terminal 5239
distributor of dangerous drugs with an office-based opioid 5240
treatment classification unless the person operating that place 5241
has obtained and maintains the license with the classification; 5242

(51) Owning a facility, clinic, or other location that is 5243
subject to licensure as a category III terminal distributor of 5244
dangerous drugs with an office-based opioid treatment 5245
classification unless that place is licensed with the 5246
classification; 5247

(52) A pattern of continuous or repeated violations of 5248
division (E) (2) or (3) of section 3963.02 of the Revised Code; 5249

(53) Failure to fulfill the responsibilities of a 5250
collaboration agreement entered into with an athletic trainer as 5251
described in section 4755.621 of the Revised Code; 5252

(54) Failure to take the steps specified in section 5253
4731.911 of the Revised Code following an abortion or attempted 5254
abortion in an ambulatory surgical facility or other location 5255
that is not a hospital when a child is born alive; 5256

(55) Failure of a physician supervising a certified mental 5257
health assistant to maintain supervision in accordance with the 5258
requirements of Chapter 4772. of the Revised Code and the rules 5259
adopted under that chapter. 5260

(C) Disciplinary actions taken by the board under 5261
divisions (A) and (B) of this section shall be taken pursuant to 5262
an adjudication under Chapter 119. of the Revised Code, except 5263
that in lieu of an adjudication, the board may enter into a 5264
consent agreement with an individual to resolve an allegation of 5265
a violation of this chapter or any rule adopted under it. A 5266
consent agreement, when ratified by an affirmative vote of not 5267
fewer than six members of the board, shall constitute the 5268
findings and order of the board with respect to the matter 5269
addressed in the agreement. If the board refuses to ratify a 5270
consent agreement, the admissions and findings contained in the 5271
consent agreement shall be of no force or effect. 5272

A telephone conference call may be utilized for 5273
ratification of a consent agreement that revokes or suspends an 5274
individual's license or certificate to practice or certificate 5275
to recommend. The telephone conference call shall be considered 5276
a special meeting under division (F) of section 121.22 of the 5277
Revised Code. 5278

If the board takes disciplinary action against an 5279
individual under division (B) of this section for a second or 5280
subsequent plea of guilty to, or judicial finding of guilt of, a 5281
violation of section 2919.123 or 2919.124 of the Revised Code, 5282
the disciplinary action shall consist of a suspension of the 5283
individual's license or certificate to practice for a period of 5284
at least one year or, if determined appropriate by the board, a 5285
more serious sanction involving the individual's license or 5286

certificate to practice. Any consent agreement entered into 5287
under this division with an individual that pertains to a second 5288
or subsequent plea of guilty to, or judicial finding of guilt 5289
of, a violation of that section shall provide for a suspension 5290
of the individual's license or certificate to practice for a 5291
period of at least one year or, if determined appropriate by the 5292
board, a more serious sanction involving the individual's 5293
license or certificate to practice. 5294

(D) For purposes of divisions (B) (10), (12), and (14) of 5295
this section, the commission of the act may be established by a 5296
finding by the board, pursuant to an adjudication under Chapter 5297
119. of the Revised Code, that the individual committed the act. 5298
The board does not have jurisdiction under those divisions if 5299
the trial court renders a final judgment in the individual's 5300
favor and that judgment is based upon an adjudication on the 5301
merits. The board has jurisdiction under those divisions if the 5302
trial court issues an order of dismissal upon technical or 5303
procedural grounds. 5304

(E) The sealing of conviction records by any court shall 5305
have no effect upon a prior board order entered under this 5306
section or upon the board's jurisdiction to take action under 5307
this section if, based upon a plea of guilty, a judicial finding 5308
of guilt, or a judicial finding of eligibility for intervention 5309
in lieu of conviction, the board issued a notice of opportunity 5310
for a hearing prior to the court's order to seal the records. 5311
The board shall not be required to seal, destroy, redact, or 5312
otherwise modify its records to reflect the court's sealing of 5313
conviction records. 5314

(F) (1) The board shall investigate evidence that appears 5315
to show that a person has violated any provision of this chapter 5316

or any rule adopted under it. Any person may report to the board 5317
in a signed writing any information that the person may have 5318
that appears to show a violation of any provision of this 5319
chapter or any rule adopted under it. In the absence of bad 5320
faith, any person who reports information of that nature or who 5321
testifies before the board in any adjudication conducted under 5322
Chapter 119. of the Revised Code shall not be liable in damages 5323
in a civil action as a result of the report or testimony. Each 5324
complaint or allegation of a violation received by the board 5325
shall be assigned a case number and shall be recorded by the 5326
board. 5327

(2) Investigations of alleged violations of this chapter 5328
or any rule adopted under it shall be supervised by the 5329
supervising member elected by the board in accordance with 5330
section 4731.02 of the Revised Code and by the secretary as 5331
provided in section 4731.39 of the Revised Code. The president 5332
may designate another member of the board to supervise the 5333
investigation in place of the supervising member. No member of 5334
the board who supervises the investigation of a case shall 5335
participate in further adjudication of the case. 5336

(3) In investigating a possible violation of this chapter 5337
or any rule adopted under this chapter, or in conducting an 5338
inspection under division (E) of section 4731.054 of the Revised 5339
Code, the board may question witnesses, conduct interviews, 5340
administer oaths, order the taking of depositions, inspect and 5341
copy any books, accounts, papers, records, or documents, issue 5342
subpoenas, and compel the attendance of witnesses and production 5343
of books, accounts, papers, records, documents, and testimony, 5344
except that a subpoena for patient record information shall not 5345
be issued without consultation with the attorney general's 5346
office and approval of the secretary and supervising member of 5347

the board. 5348

(a) Before issuance of a subpoena for patient record 5349
information, the secretary and supervising member shall 5350
determine whether there is probable cause to believe that the 5351
complaint filed alleges a violation of this chapter or any rule 5352
adopted under it and that the records sought are relevant to the 5353
alleged violation and material to the investigation. The 5354
subpoena may apply only to records that cover a reasonable 5355
period of time surrounding the alleged violation. 5356

(b) On failure to comply with any subpoena issued by the 5357
board and after reasonable notice to the person being 5358
subpoenaed, the board may move for an order compelling the 5359
production of persons or records pursuant to the Rules of Civil 5360
Procedure. 5361

(c) A subpoena issued by the board may be served by a 5362
sheriff, the sheriff's deputy, or a board employee or agent 5363
designated by the board. Service of a subpoena issued by the 5364
board may be made by delivering a copy of the subpoena to the 5365
person named therein, reading it to the person, or leaving it at 5366
the person's usual place of residence, usual place of business, 5367
or address on file with the board. When serving a subpoena to an 5368
applicant for or the holder of a license or certificate issued 5369
under this chapter, service of the subpoena may be made by 5370
certified mail, return receipt requested, and the subpoena shall 5371
be deemed served on the date delivery is made or the date the 5372
person refuses to accept delivery. If the person being served 5373
refuses to accept the subpoena or is not located, service may be 5374
made to an attorney who notifies the board that the attorney is 5375
representing the person. 5376

(d) A sheriff's deputy who serves a subpoena shall receive 5377

the same fees as a sheriff. Each witness who appears before the 5378
board in obedience to a subpoena shall receive the fees and 5379
mileage provided for under section 119.094 of the Revised Code. 5380

(4) All hearings, investigations, and inspections of the 5381
board shall be considered civil actions for the purposes of 5382
section 2305.252 of the Revised Code. 5383

(5) A report required to be submitted to the board under 5384
this chapter, a complaint, or information received by the board 5385
pursuant to an investigation or pursuant to an inspection under 5386
division (E) of section 4731.054 of the Revised Code is 5387
confidential and not subject to discovery in any civil action. 5388

The board shall conduct all investigations or inspections 5389
and proceedings in a manner that protects the confidentiality of 5390
patients and persons who file complaints with the board. The 5391
board shall not make public the names or any other identifying 5392
information about patients or complainants unless proper consent 5393
is given or, in the case of a patient, a waiver of the patient 5394
privilege exists under division (B) of section 2317.02 of the 5395
Revised Code, except that consent or a waiver of that nature is 5396
not required if the board possesses reliable and substantial 5397
evidence that no bona fide physician-patient relationship 5398
exists. 5399

The board may share any information it receives pursuant 5400
to an investigation or inspection, including patient records and 5401
patient record information, with law enforcement agencies, other 5402
licensing boards, and other governmental agencies that are 5403
prosecuting, adjudicating, or investigating alleged violations 5404
of statutes or administrative rules. An agency or board that 5405
receives the information shall comply with the same requirements 5406
regarding confidentiality as those with which the state medical 5407

board must comply, notwithstanding any conflicting provision of 5408
the Revised Code or procedure of the agency or board that 5409
applies when it is dealing with other information in its 5410
possession. In a judicial proceeding, the information may be 5411
admitted into evidence only in accordance with the Rules of 5412
Evidence, but the court shall require that appropriate measures 5413
are taken to ensure that confidentiality is maintained with 5414
respect to any part of the information that contains names or 5415
other identifying information about patients or complainants 5416
whose confidentiality was protected by the state medical board 5417
when the information was in the board's possession. Measures to 5418
ensure confidentiality that may be taken by the court include 5419
sealing its records or deleting specific information from its 5420
records. 5421

(6) On a quarterly basis, the board shall prepare a report 5422
that documents the disposition of all cases during the preceding 5423
three months. The report shall contain the following information 5424
for each case with which the board has completed its activities: 5425

(a) The case number assigned to the complaint or alleged 5426
violation; 5427

(b) The type of license or certificate to practice, if 5428
any, held by the individual against whom the complaint is 5429
directed; 5430

(c) A description of the allegations contained in the 5431
complaint; 5432

(d) The disposition of the case. 5433

The report shall state how many cases are still pending 5434
and shall be prepared in a manner that protects the identity of 5435
each person involved in each case. The report shall be a public 5436

record under section 149.43 of the Revised Code. 5437

(G) If the secretary and supervising member determine both 5438
of the following, they may recommend that the board suspend an 5439
individual's license or certificate to practice or certificate 5440
to recommend without a prior hearing: 5441

(1) That there is clear and convincing evidence that an 5442
individual has violated division (B) of this section; 5443

(2) That the individual's continued practice presents a 5444
danger of immediate and serious harm to the public. 5445

Written allegations shall be prepared for consideration by 5446
the board. The board, upon review of those allegations and by an 5447
affirmative vote of not fewer than six of its members, excluding 5448
the secretary and supervising member, may suspend a license or 5449
certificate without a prior hearing. A telephone conference call 5450
may be utilized for reviewing the allegations and taking the 5451
vote on the summary suspension. 5452

The board shall issue a written order of suspension by 5453
certified mail or in person in accordance with section 119.07 of 5454
the Revised Code. The order shall not be subject to suspension 5455
by the court during pendency of any appeal filed under section 5456
119.12 of the Revised Code. If the individual subject to the 5457
summary suspension requests an adjudicatory hearing by the 5458
board, the date set for the hearing shall be within fifteen 5459
days, but not earlier than seven days, after the individual 5460
requests the hearing, unless otherwise agreed to by both the 5461
board and the individual. 5462

Any summary suspension imposed under this division shall 5463
remain in effect, unless reversed on appeal, until a final 5464
adjudicative order issued by the board pursuant to this section 5465

and Chapter 119. of the Revised Code becomes effective. The 5466
board shall issue its final adjudicative order within seventy- 5467
five days after completion of its hearing. A failure to issue 5468
the order within seventy-five days shall result in dissolution 5469
of the summary suspension order but shall not invalidate any 5470
subsequent, final adjudicative order. 5471

(H) If the board takes action under division (B) (9), (11), 5472
or (13) of this section and the judicial finding of guilt, 5473
guilty plea, or judicial finding of eligibility for intervention 5474
in lieu of conviction is overturned on appeal, upon exhaustion 5475
of the criminal appeal, a petition for reconsideration of the 5476
order may be filed with the board along with appropriate court 5477
documents. Upon receipt of a petition of that nature and 5478
supporting court documents, the board shall reinstate the 5479
individual's license or certificate to practice. The board may 5480
then hold an adjudication under Chapter 119. of the Revised Code 5481
to determine whether the individual committed the act in 5482
question. Notice of an opportunity for a hearing shall be given 5483
in accordance with Chapter 119. of the Revised Code. If the 5484
board finds, pursuant to an adjudication held under this 5485
division, that the individual committed the act or if no hearing 5486
is requested, the board may order any of the sanctions 5487
identified under division (B) of this section. 5488

(I) The license or certificate to practice issued to an 5489
individual under this chapter and the individual's practice in 5490
this state are automatically suspended as of the date of the 5491
individual's second or subsequent plea of guilty to, or judicial 5492
finding of guilt of, a violation of section 2919.123 or 2919.124 5493
of the Revised Code. In addition, the license or certificate to 5494
practice or certificate to recommend issued to an individual 5495
under this chapter and the individual's practice in this state 5496

are automatically suspended as of the date the individual pleads 5497
guilty to, is found by a judge or jury to be guilty of, or is 5498
subject to a judicial finding of eligibility for intervention in 5499
lieu of conviction in this state or treatment or intervention in 5500
lieu of conviction in another jurisdiction for any of the 5501
following criminal offenses in this state or a substantially 5502
equivalent criminal offense in another jurisdiction: aggravated 5503
murder, murder, voluntary manslaughter, felonious assault, 5504
kidnapping, rape, sexual battery, gross sexual imposition, 5505
aggravated arson, aggravated robbery, or aggravated burglary. 5506
Continued practice after suspension shall be considered 5507
practicing without a license or certificate. 5508

The board shall notify the individual subject to the 5509
suspension by certified mail or in person in accordance with 5510
section 119.07 of the Revised Code. If an individual whose 5511
license or certificate is automatically suspended under this 5512
division fails to make a timely request for an adjudication 5513
under Chapter 119. of the Revised Code, the board shall do 5514
whichever of the following is applicable: 5515

(1) If the automatic suspension under this division is for 5516
a second or subsequent plea of guilty to, or judicial finding of 5517
guilt of, a violation of section 2919.123 or 2919.124 of the 5518
Revised Code, the board shall enter an order suspending the 5519
individual's license or certificate to practice for a period of 5520
at least one year or, if determined appropriate by the board, 5521
imposing a more serious sanction involving the individual's 5522
license or certificate to practice. 5523

(2) In all circumstances in which division (I)(1) of this 5524
section does not apply, enter a final order permanently revoking 5525
the individual's license or certificate to practice. 5526

(J) If the board is required by Chapter 119. of the 5527
Revised Code to give notice of an opportunity for a hearing and 5528
if the individual subject to the notice does not timely request 5529
a hearing in accordance with section 119.07 of the Revised Code, 5530
the board is not required to hold a hearing, but may adopt, by 5531
an affirmative vote of not fewer than six of its members, a 5532
final order that contains the board's findings. In that final 5533
order, the board may order any of the sanctions identified under 5534
division (A) or (B) of this section. 5535

(K) Any action taken by the board under division (B) of 5536
this section resulting in a suspension from practice shall be 5537
accompanied by a written statement of the conditions under which 5538
the individual's license or certificate to practice may be 5539
reinstated. The board shall adopt rules governing conditions to 5540
be imposed for reinstatement. Reinstatement of a license or 5541
certificate suspended pursuant to division (B) of this section 5542
requires an affirmative vote of not fewer than six members of 5543
the board. 5544

(L) When the board refuses to grant or issue a license or 5545
certificate to practice to an applicant, revokes an individual's 5546
license or certificate to practice, refuses to renew an 5547
individual's license or certificate to practice, or refuses to 5548
reinstate an individual's license or certificate to practice, 5549
the board may specify that its action is permanent. An 5550
individual subject to a permanent action taken by the board is 5551
forever thereafter ineligible to hold a license or certificate 5552
to practice and the board shall not accept an application for 5553
reinstatement of the license or certificate or for issuance of a 5554
new license or certificate. 5555

(M) Notwithstanding any other provision of the Revised 5556

Code, all of the following apply: 5557

(1) The surrender of a license or certificate issued under 5558
this chapter shall not be effective unless or until accepted by 5559
the board. A telephone conference call may be utilized for 5560
acceptance of the surrender of an individual's license or 5561
certificate to practice. The telephone conference call shall be 5562
considered a special meeting under division (F) of section 5563
121.22 of the Revised Code. Reinstatement of a license or 5564
certificate surrendered to the board requires an affirmative 5565
vote of not fewer than six members of the board. 5566

(2) An application for a license or certificate made under 5567
the provisions of this chapter may not be withdrawn without 5568
approval of the board. 5569

(3) Failure by an individual to renew a license or 5570
certificate to practice in accordance with this chapter or a 5571
certificate to recommend in accordance with rules adopted under 5572
section 4731.301 of the Revised Code shall not remove or limit 5573
the board's jurisdiction to take any disciplinary action under 5574
this section against the individual. 5575

(4) At the request of the board, a license or certificate 5576
holder shall immediately surrender to the board a license or 5577
certificate that the board has suspended, revoked, or 5578
permanently revoked. 5579

(N) Sanctions shall not be imposed under division (B) (28) 5580
of this section against any person who waives deductibles and 5581
copayments as follows: 5582

(1) In compliance with the health benefit plan that 5583
expressly allows such a practice. Waiver of the deductibles or 5584
copayments shall be made only with the full knowledge and 5585

consent of the plan purchaser, payer, and third-party 5586
administrator. Documentation of the consent shall be made 5587
available to the board upon request. 5588

(2) For professional services rendered to any other person 5589
authorized to practice pursuant to this chapter, to the extent 5590
allowed by this chapter and rules adopted by the board. 5591

(0) Under the board's investigative duties described in 5592
this section and subject to division (F) of this section, the 5593
board shall develop and implement a quality intervention program 5594
designed to improve through remedial education the clinical and 5595
communication skills of individuals authorized under this 5596
chapter to practice medicine and surgery, osteopathic medicine 5597
and surgery, and podiatric medicine and surgery. In developing 5598
and implementing the quality intervention program, the board may 5599
do all of the following: 5600

(1) Offer in appropriate cases as determined by the board 5601
an educational and assessment program pursuant to an 5602
investigation the board conducts under this section; 5603

(2) Select providers of educational and assessment 5604
services, including a quality intervention program panel of case 5605
reviewers; 5606

(3) Make referrals to educational and assessment service 5607
providers and approve individual educational programs 5608
recommended by those providers. The board shall monitor the 5609
progress of each individual undertaking a recommended individual 5610
educational program. 5611

(4) Determine what constitutes successful completion of an 5612
individual educational program and require further monitoring of 5613
the individual who completed the program or other action that 5614

the board determines to be appropriate; 5615

(5) Adopt rules in accordance with Chapter 119. of the 5616
Revised Code to further implement the quality intervention 5617
program. 5618

An individual who participates in an individual 5619
educational program pursuant to this division shall pay the 5620
financial obligations arising from that educational program. 5621

(P) The board shall not refuse to issue a license to an 5622
applicant because of a conviction, plea of guilty, judicial 5623
finding of guilt, judicial finding of eligibility for 5624
intervention in lieu of conviction, or the commission of an act 5625
that constitutes a criminal offense, unless the refusal is in 5626
accordance with section 9.79 of the Revised Code. 5627

Sec. 4731.224. (A) Within sixty days after the imposition 5628
of any formal disciplinary action taken by any health care 5629
facility, including a hospital, health care facility operated by 5630
a health insuring corporation, ambulatory surgical center, or 5631
similar facility, against any individual holding a valid license 5632
or certificate to practice issued pursuant to this chapter, the 5633
chief administrator or executive officer of the facility shall 5634
report to the state medical board the name of the individual, 5635
the action taken by the facility, and a summary of the 5636
underlying facts leading to the action taken. Upon request, the 5637
board shall be provided certified copies of the patient records 5638
that were the basis for the facility's action. Prior to release 5639
to the board, the summary shall be approved by the peer review 5640
committee that reviewed the case or by the governing board of 5641
the facility. As used in this division, "formal disciplinary 5642
action" means any action resulting in the revocation, 5643
restriction, reduction, or termination of clinical privileges 5644

for violations of professional ethics, or for reasons of medical 5645
incompetence or medical malpractice. "Formal disciplinary 5646
action" includes a summary action, an action that takes effect 5647
notwithstanding any appeal rights that may exist, and an action 5648
that results in an individual surrendering clinical privileges 5649
while under investigation and during proceedings regarding the 5650
action being taken or in return for not being investigated or 5651
having proceedings held. "Formal disciplinary action" does not 5652
include any action taken for the sole reason of failure to 5653
maintain records on a timely basis or failure to attend staff or 5654
section meetings. 5655

The filing or nonfiling of a report with the board, 5656
investigation by the board, or any disciplinary action taken by 5657
the board, shall not preclude any action by a health care 5658
facility to suspend, restrict, or revoke the individual's 5659
clinical privileges. 5660

In the absence of fraud or bad faith, no individual or 5661
entity that provides patient records to the board shall be 5662
liable in damages to any person as a result of providing the 5663
records. 5664

(B) (1) Except as provided in division (B) (2) of this 5665
section, if any individual authorized to practice under this 5666
chapter or any professional association or society of such 5667
individuals believes that a violation of any provision of this 5668
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4772., 5669
4774., or 4778. of the Revised Code, or any rule of the board 5670
has occurred, the individual, association, or society shall 5671
report to the board the information upon which the belief is 5672
based. 5673

(2) If any individual authorized to practice under this 5674

chapter or any professional association or society of such 5675
individuals believes that a violation of division (B) (26) of 5676
section 4731.22 of the Revised Code has occurred, the 5677
individual, association, or society shall report the information 5678
upon which the belief is based to the monitoring organization 5679
conducting the program established by the board under section 5680
4731.251 of the Revised Code. If any such report is made to the 5681
board, it shall be referred to the monitoring organization 5682
unless the board is aware that the individual who is the subject 5683
of the report does not meet the program eligibility requirements 5684
of section 4731.252 of the Revised Code. 5685

(C) Any professional association or society composed 5686
primarily of doctors of medicine and surgery, doctors of 5687
osteopathic medicine and surgery, doctors of podiatric medicine 5688
and surgery, or practitioners of limited branches of medicine 5689
that suspends or revokes an individual's membership for 5690
violations of professional ethics, or for reasons of 5691
professional incompetence or professional malpractice, within 5692
sixty days after a final decision shall report to the board, on 5693
forms prescribed and provided by the board, the name of the 5694
individual, the action taken by the professional organization, 5695
and a summary of the underlying facts leading to the action 5696
taken. 5697

The filing of a report with the board or decision not to 5698
file a report, investigation by the board, or any disciplinary 5699
action taken by the board, does not preclude a professional 5700
organization from taking disciplinary action against an 5701
individual. 5702

(D) Any insurer providing professional liability insurance 5703
to an individual authorized to practice under this chapter, or 5704

any other entity that seeks to indemnify the professional 5705
liability of such an individual, shall notify the board within 5706
thirty days after the final disposition of any written claim for 5707
damages where such disposition results in a payment exceeding 5708
twenty-five thousand dollars. The notice shall contain the 5709
following information: 5710

(1) The name and address of the person submitting the 5711
notification; 5712

(2) The name and address of the insured who is the subject 5713
of the claim; 5714

(3) The name of the person filing the written claim; 5715

(4) The date of final disposition; 5716

(5) If applicable, the identity of the court in which the 5717
final disposition of the claim took place. 5718

(E) The board may investigate possible violations of this 5719
chapter or the rules adopted under it that are brought to its 5720
attention as a result of the reporting requirements of this 5721
section, except that the board shall conduct an investigation if 5722
a possible violation involves repeated malpractice. As used in 5723
this division, "repeated malpractice" means three or more claims 5724
for medical malpractice within the previous five-year period, 5725
each resulting in a judgment or settlement in excess of twenty- 5726
five thousand dollars in favor of the claimant, and each 5727
involving negligent conduct by the practicing individual. 5728

(F) All summaries, reports, and records received and 5729
maintained by the board pursuant to this section shall be held 5730
in confidence and shall not be subject to discovery or 5731
introduction in evidence in any federal or state civil action 5732
involving a health care professional or facility arising out of 5733

matters that are the subject of the reporting required by this 5734
section. The board may use the information obtained only as the 5735
basis for an investigation, as evidence in a disciplinary 5736
hearing against an individual whose practice is regulated under 5737
this chapter, or in any subsequent trial or appeal of a board 5738
action or order. 5739

The board may disclose the summaries and reports it 5740
receives under this section only to health care facility 5741
committees within or outside this state that are involved in 5742
credentialing or recredentialing the individual or in reviewing 5743
the individual's clinical privileges. The board shall indicate 5744
whether or not the information has been verified. Information 5745
transmitted by the board shall be subject to the same 5746
confidentiality provisions as when maintained by the board. 5747

(G) Except for reports filed by an individual pursuant to 5748
division (B) of this section, the board shall send a copy of any 5749
reports or summaries it receives pursuant to this section to the 5750
individual who is the subject of the reports or summaries. The 5751
individual shall have the right to file a statement with the 5752
board concerning the correctness or relevance of the 5753
information. The statement shall at all times accompany that 5754
part of the record in contention. 5755

(H) An individual or entity that, pursuant to this 5756
section, reports to the board, reports to the monitoring 5757
organization described in section 4731.251 of the Revised Code, 5758
or refers an impaired practitioner to a treatment provider 5759
approved by the board under section 4731.25 of the Revised Code 5760
shall not be subject to suit for civil damages as a result of 5761
the report, referral, or provision of the information. 5762

(I) In the absence of fraud or bad faith, no professional 5763

association or society of individuals authorized to practice 5764
under this chapter that sponsors a committee or program to 5765
provide peer assistance to practitioners with substance abuse 5766
problems, no representative or agent of such a committee or 5767
program, no representative or agent of the monitoring 5768
organization described in section 4731.251 of the Revised Code, 5769
and no member of the state medical board shall be held liable in 5770
damages to any person by reason of actions taken to refer a 5771
practitioner to a treatment provider approved under section 5772
4731.25 of the Revised Code for examination or treatment. 5773

Sec. 4731.24. Except as provided in sections 4731.281 and 5774
4731.40 of the Revised Code, all receipts of the state medical 5775
board, from any source, shall be deposited in the state 5776
treasury. The funds shall be deposited to the credit of the 5777
state medical board operating fund, which is hereby created. 5778
Except as provided in sections 4730.252, 4731.225, 4731.24, 5779
4759.071, 4760.133, 4761.091, 4762.133, 4772.203, 4774.133, and 5780
4778.141 of the Revised Code, all funds deposited into the state 5781
treasury under this section shall be used solely for the 5782
administration and enforcement of this chapter and Chapters 5783
4730., 4759., 4760., 4761., 4762., 4772., 4774., and 4778. of 5784
the Revised Code by the board. 5785

Sec. 4731.25. The state medical board, in accordance with 5786
Chapter 119. of the Revised Code, shall adopt and may amend and 5787
rescind rules establishing standards for approval of physicians 5788
and facilities as treatment providers for practitioners 5789
suffering or showing evidence of suffering impairment as 5790
described in division (B) (5) of section 4730.25, division (B) 5791
(26) of section 4731.22, division (A) (18) of section 4759.07, 5792
division (B) (6) of section 4760.13, division (A) (18) of section 5793
4761.09, division (B) (6) of section 4762.13, division (B) (6) of 5794

section 4772.20, division (B) (6) of section 4774.13, or division 5795
(B) (6) of section 4778.14 of the Revised Code. The rules shall 5796
include standards for both inpatient and outpatient treatment 5797
and for care and monitoring that continues after treatment. The 5798
rules shall provide that in order to be approved, a treatment 5799
provider must have the capability of making an initial 5800
examination to determine what type of treatment an impaired 5801
practitioner requires. Subject to the rules, the board shall 5802
review and approve treatment providers on a regular basis. The 5803
board, at its discretion, may withdraw or deny approval subject 5804
to the rules. 5805

An approved impaired practitioner treatment provider shall 5806
do all of the following: 5807

(A) Report to the board the name of any practitioner 5808
suffering or showing evidence of suffering impairment who fails 5809
to comply within one week with a referral for examination; 5810

(B) Report to the board the name of any impaired 5811
practitioner who fails to enter treatment within forty-eight 5812
hours following the provider's determination that the 5813
practitioner needs treatment; 5814

(C) Require every practitioner who enters treatment to 5815
agree to a treatment contract establishing the terms of 5816
treatment and aftercare, including any required supervision or 5817
restrictions of practice during treatment or aftercare; 5818

(D) Require a practitioner to suspend practice upon entry 5819
into any required inpatient treatment; 5820

(E) Report to the board any failure by an impaired 5821
practitioner to comply with the terms of the treatment contract 5822
during inpatient or outpatient treatment or aftercare; 5823

(F) Report to the board the resumption of practice of any 5824
impaired practitioner before the treatment provider has made a 5825
clear determination that the practitioner is capable of 5826
practicing according to acceptable and prevailing standards of 5827
care; 5828

(G) Require a practitioner who resumes practice after 5829
completion of treatment to comply with an aftercare contract 5830
that meets the requirements of rules adopted by the board for 5831
approval of treatment providers; 5832

(H) Report the identity of any practitioner practicing 5833
under the terms of an aftercare contract to hospital 5834
administrators, medical chiefs of staff, and chairpersons of 5835
impaired practitioner committees of all health care institutions 5836
at which the practitioner holds clinical privileges or otherwise 5837
practices. If the practitioner does not hold clinical privileges 5838
at any health care institution, the treatment provider shall 5839
report the practitioner's identity to the impaired practitioner 5840
committee of the county medical society, osteopathic academy, or 5841
podiatric medical association in every county in which the 5842
practitioner practices. If there are no impaired practitioner 5843
committees in the county, the treatment provider shall report 5844
the practitioner's identity to the president or other designated 5845
member of the county medical society, osteopathic academy, or 5846
podiatric medical association. 5847

(I) Report to the board the identity of any practitioner 5848
who suffers a relapse at any time during or following aftercare. 5849

Any individual authorized to practice under this chapter 5850
who enters into treatment by an approved treatment provider 5851
shall be deemed to have waived any confidentiality requirements 5852
that would otherwise prevent the treatment provider from making 5853

reports required under this section. 5854

In the absence of fraud or bad faith, no person or 5855
organization that conducts an approved impaired practitioner 5856
treatment program, no member of such an organization, and no 5857
employee, representative, or agent of the treatment provider 5858
shall be held liable in damages to any person by reason of 5859
actions taken or recommendations made by the treatment provider 5860
or its employees, representatives, or agents. 5861

Sec. 4731.251. (A) As used in this section and in sections 5862
4731.252 to 4731.254 of the Revised Code: 5863

(1) "Applicant" means an individual who has applied under 5864
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., 5865
or 4778. of the Revised Code for a license, training or other 5866
certificate, limited permit, or other authority to practice as 5867
any one of the following practitioners: a physician assistant, 5868
physician, podiatrist, limited branch of medicine practitioner, 5869
dietitian, anesthesiologist assistant, respiratory care 5870
professional, acupuncturist, certified mental health assistant, 5871
radiologist assistant, or genetic counselor. "Applicant" may 5872
include an individual who has been granted authority by the 5873
state medical board to practice as one type of practitioner, but 5874
has applied for authority to practice as another type of 5875
practitioner. 5876

(2) "Impaired" or "impairment" has the same meaning as in 5877
division (B)(5) of section 4730.25, division (B)(26) of section 5878
4731.22, division (A)(18) of section 4759.07, division (B)(6) of 5879
section 4760.13, division (A)(18) of section 4761.09, division 5880
(B)(6) of section 4762.13, division (B)(6) of section 4772.20, 5881
division (B)(6) of section 4774.13, or division (B)(6) of 5882
section 4778.14 of the Revised Code. 5883

(3) "Practitioner" means any of the following: 5884

(a) An individual authorized under this chapter to 5885
practice medicine and surgery, osteopathic medicine and surgery, 5886
podiatric medicine and surgery, or a limited branch of medicine; 5887

(b) An individual licensed under Chapter 4730. of the 5888
Revised Code to practice as a physician assistant; 5889

(c) An individual authorized under Chapter 4759. of the 5890
Revised Code to practice as a dietitian; 5891

(d) An individual authorized under Chapter 4760. of the 5892
Revised Code to practice as an anesthesiologist assistant; 5893

(e) An individual authorized under Chapter 4761. of the 5894
Revised Code to practice respiratory care; 5895

(f) An individual authorized under Chapter 4762. of the 5896
Revised Code to practice as an acupuncturist; 5897

(g) An individual licensed under Chapter 4772. of the 5898
Revised Code to practice as a certified mental health assistant; 5899

(h) An individual authorized under Chapter 4774. of the 5900
Revised Code to practice as a radiologist assistant; 5901

~~(h)~~ (i) An individual licensed under Chapter 4778. of the 5902
Revised Code to practice as a genetic counselor. 5903

(B) The state medical board shall establish a confidential 5904
program for the treatment of impaired practitioners and 5905
applicants, which shall be known as the one-bite program. The 5906
board shall contract with one organization to conduct the 5907
program and perform monitoring services. 5908

To be qualified to contract with the board under this 5909
section, an organization must meet all of the following 5910

requirements: 5911

(1) Be sponsored by one or more professional associations 5912
or societies of practitioners; 5913

(2) Be organized as a not-for-profit entity and exempt 5914
from federal income taxation under subsection 501(c)(3) of the 5915
Internal Revenue Code; 5916

(3) Contract with or employ to serve as the organization's 5917
medical director an individual who is authorized under this 5918
chapter to practice medicine and surgery or osteopathic medicine 5919
and surgery and specializes or has training and expertise in 5920
addiction medicine; 5921

(4) Contract with or employ one or more of the following 5922
as necessary for the organization's operation: 5923

(a) An individual licensed under Chapter 4758. of the 5924
Revised Code as an independent chemical dependency counselor- 5925
clinical supervisor, independent chemical dependency counselor, 5926
chemical dependency counselor III, or chemical dependency 5927
counselor II; 5928

(b) An individual licensed under Chapter 4757. of the 5929
Revised Code as an independent social worker, social worker, 5930
licensed professional clinical counselor, or licensed 5931
professional counselor; 5932

(c) An individual licensed under Chapter 4732. of the 5933
Revised Code as a psychologist. 5934

(C) The monitoring organization shall do all of the 5935
following pursuant to the contract: 5936

(1) Receive any report of suspected practitioner 5937
impairment, including a report made under division (B)(2) of 5938

section 4730.32, division (B) (2) of section 4731.224, section 5939
4759.13, division (B) (2) of section 4760.16, section 4761.19, 5940
division (B) (2) of section 4762.16, division (B) (2) of section 5941
4772.23, division (B) (2) of section 4774.16, or section 4778.17 5942
of the Revised Code; 5943

(2) Notify a practitioner who is the subject of a report 5944
received under division (C) (1) of this section that the report 5945
has been made and that the practitioner may be eligible to 5946
participate in the program conducted under this section; 5947

(3) Receive from the board a referral regarding an 5948
applicant, as described in section 4731.253 of the Revised Code; 5949

(4) Evaluate the records of an applicant who is the 5950
subject of a referral received under division (C) (3) of this 5951
section, in particular records from another jurisdiction 5952
regarding the applicant's prior treatment for impairment or 5953
current monitoring; 5954

(5) Determine whether a practitioner reported or applicant 5955
referred to the monitoring organization is eligible to 5956
participate in the program and notify the practitioner or 5957
applicant of the determination; 5958

(6) In the case of a practitioner reported by a treatment 5959
provider, notify the treatment provider of the eligibility 5960
determination; 5961

(7) Report to the board any practitioner or applicant who 5962
is determined ineligible to participate in the program; 5963

(8) Refer an eligible practitioner who chooses to 5964
participate in the program for evaluation by a treatment 5965
provider approved by the board under section 4731.25 of the 5966
Revised Code, unless the report received by the monitoring 5967

organization was made by an approved treatment provider and the 5968
practitioner has already been evaluated by the treatment 5969
provider; 5970

(9) Monitor the evaluation of an eligible practitioner; 5971

(10) Refer an eligible practitioner who chooses to 5972
participate in the program to a treatment provider approved by 5973
the board under section 4731.25 of the Revised Code; 5974

(11) Establish, in consultation with the treatment 5975
provider to which a practitioner is referred, the terms and 5976
conditions with which the practitioner must comply for continued 5977
participation in and successful completion of the program; 5978

(12) Report to the board any practitioner who does not 5979
complete evaluation or treatment or does not comply with any of 5980
the terms and conditions established by the monitoring 5981
organization and the treatment provider; 5982

(13) Perform any other activities specified in the 5983
contract with the board or that the monitoring organization 5984
considers necessary to comply with this section and sections 5985
4731.252 to 4731.254 of the Revised Code. 5986

(D) The monitoring organization shall not disclose to the 5987
board the name of a practitioner or applicant or any records 5988
relating to a practitioner or applicant, unless any of the 5989
following occurs: 5990

(1) The practitioner or applicant is determined to be 5991
ineligible to participate in the program. 5992

(2) The practitioner or applicant requests the disclosure. 5993

(3) The practitioner or applicant is unwilling or unable 5994
to complete or comply with any part of the program, including 5995

evaluation, treatment, or monitoring. 5996

(4) The practitioner or applicant presents an imminent 5997
danger to the public or to the practitioner, as a result of the 5998
practitioner's or applicant's impairment. 5999

(5) The practitioner has relapsed or the practitioner's 6000
impairment has not been substantially alleviated by 6001
participation in the program. 6002

(E) (1) The monitoring organization shall develop 6003
procedures governing each of the following: 6004

(a) Receiving reports of practitioner impairment; 6005

(b) Notifying practitioners of reports and eligibility 6006
determinations; 6007

(c) Receiving applicant referrals as described in section 6008
4731.253 of the Revised Code; 6009

(d) Evaluating records of referred applicants, in 6010
particular records from other jurisdictions regarding prior 6011
treatment for impairment or continued monitoring; 6012

(e) Notifying applicants of eligibility determinations; 6013

(f) Referring eligible practitioners for evaluation or 6014
treatment; 6015

(g) Establishing individualized treatment plans for 6016
eligible practitioners, as recommended by treatment providers; 6017

(h) Establishing individualized terms and conditions with 6018
which eligible practitioners or applicants must comply for 6019
continued participation in and successful completion of the 6020
program. 6021

(2) The monitoring organization, in consultation with the 6022

board, shall develop procedures governing each of the following: 6023

(a) Providing reports to the board on a periodic basis on 6024
the total number of practitioners or applicants participating in 6025
the program, without disclosing the names or records of any 6026
program participants other than those about whom reports are 6027
required by this section; 6028

(b) Reporting to the board any practitioner or applicant 6029
who due to impairment presents an imminent danger to the public 6030
or to the practitioner or applicant; 6031

(c) Reporting to the board any practitioner or applicant 6032
who is unwilling or unable to complete or comply with any part 6033
of the program, including evaluation, treatment, or monitoring; 6034

(d) Reporting to the board any practitioner or applicant 6035
whose impairment was not substantially alleviated by 6036
participation in the program or who has relapsed. 6037

(F) The board may adopt any rules it considers necessary 6038
to implement this section and sections 4731.252 to 4731.254 of 6039
the Revised Code, including rules regarding the monitoring 6040
organization and treatment providers that provide treatment to 6041
practitioners referred by the monitoring organization. Any such 6042
rules shall be adopted in accordance with Chapter 119. of the 6043
Revised Code. 6044

Sec. 4734.99. (A) Whoever violates section 4734.14 or 6045
4734.141 of the Revised Code is guilty of a felony of the fifth 6046
degree on a first offense, unless the offender previously has 6047
been convicted of or has pleaded guilty to a violation of 6048
section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 6049
2913.40, 2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 6050
4725.02, 4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 6051

4730.02, 4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 6052
4741.18, 4741.19, 4755.48, 4757.02, 4759.02, 4761.10, 4772.02, 6053
or 4773.02 of the Revised Code or an offense under an existing 6054
or former law of this state, another state, or the United States 6055
that is or was substantially equivalent to a violation of any of 6056
those sections, in which case the offender is guilty of a felony 6057
of the fourth degree. For each subsequent offense, the offender 6058
is guilty of a felony of the fourth degree. 6059

(B) Whoever violates section 4734.161 of the Revised Code 6060
is guilty of a misdemeanor of the first degree. 6061

(C) Whoever violates division (A), (B), (C), or (D) of 6062
section 4734.32 of the Revised Code is guilty of a minor 6063
misdemeanor on a first offense; on each subsequent offense, the 6064
person is guilty of a misdemeanor of the fourth degree, except 6065
that an individual guilty of a subsequent offense shall not be 6066
subject to imprisonment, but to a fine alone of up to one 6067
thousand dollars for each offense. 6068

Sec. 4743.09. (A) As used in this section: 6069

(1) "Durable medical equipment" means a type of equipment, 6070
such as a remote monitoring device utilized by a physician, 6071
physician assistant, or advanced practice registered nurse in 6072
accordance with this section, that can withstand repeated use, 6073
is primarily and customarily used to serve a medical purpose, 6074
and generally is not useful to a person in the absence of 6075
illness or injury and, in addition, includes repair and 6076
replacement parts for the equipment. 6077

(2) "Facility fee" means any fee charged or billed for 6078
telehealth services provided in a facility that is intended to 6079
compensate the facility for its operational expenses and is 6080

separate and distinct from a professional fee. 6081

(3) "Health care professional" means: 6082

(a) An advanced practice registered nurse, as defined in 6083
section 4723.01 of the Revised Code; 6084

(b) An optometrist licensed under Chapter 4725. of the 6085
Revised Code to practice optometry under a therapeutic 6086
pharmaceutical agents certificate; 6087

(c) A pharmacist licensed under Chapter 4729. of the 6088
Revised Code; 6089

(d) A physician assistant licensed under Chapter 4730. of 6090
the Revised Code; 6091

(e) A physician licensed under Chapter 4731. of the 6092
Revised Code to practice medicine and surgery, osteopathic 6093
medicine and surgery, or podiatric medicine and surgery; 6094

(f) A psychologist or school psychologist licensed under 6095
Chapter 4732. of the Revised Code or under rules adopted in 6096
accordance with sections 3301.07 and 3319.22 of the Revised 6097
Code; 6098

(g) A chiropractor licensed under Chapter 4734. of the 6099
Revised Code; 6100

(h) An audiologist or speech-language pathologist licensed 6101
under Chapter 4753. of the Revised Code; 6102

(i) An occupational therapist or physical therapist 6103
licensed under Chapter 4755. of the Revised Code; 6104

(j) An occupational therapy assistant or physical 6105
therapist assistant licensed under Chapter 4755. of the Revised 6106
Code; 6107

(k) A professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code;	6108 6109 6110
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	6111 6112
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	6113 6114
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	6115 6116
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	6117 6118
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	6119 6120
<u>(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6121 6122
(4) "Health care professional licensing board" means any of the following:	6123 6124
(a) The board of nursing;	6125
(b) The state vision professionals board;	6126
(c) The state board of pharmacy;	6127
(d) The state medical board;	6128
(e) The state board of psychology;	6129
(f) The state board of education with respect to the licensure of school psychologists;	6130 6131
(g) The state chiropractic board;	6132

(h) The state speech and hearing professionals board; 6133

(i) The Ohio occupational therapy, physical therapy, and 6134
athletic trainers board; 6135

(j) The counselor, social worker, and marriage and family 6136
therapist board; 6137

(k) The chemical dependency professionals board. 6138

(5) "Health plan issuer" has the same meaning as in 6139
section 3922.01 of the Revised Code. 6140

(6) "Telehealth services" means health care services 6141
provided through the use of information and communication 6142
technology by a health care professional, within the 6143
professional's scope of practice, who is located at a site other 6144
than the site where either of the following is located: 6145

(a) The patient receiving the services; 6146

(b) Another health care professional with whom the 6147
provider of the services is consulting regarding the patient. 6148

(B) (1) Each health care professional licensing board shall 6149
permit a health care professional under its jurisdiction to 6150
provide the professional's services as telehealth services in 6151
accordance with this section. Subject to division (B) (2) of this 6152
section, a board may adopt any rules it considers necessary to 6153
implement this section. All rules adopted under this section 6154
shall be adopted in accordance with Chapter 119. of the Revised 6155
Code. Any such rules adopted by a board are not subject to the 6156
requirements of division (F) of section 121.95 of the Revised 6157
Code. 6158

(2) (a) Except as provided in division (B) (2) (b) of this 6159
section, the rules adopted by a health care professional 6160

licensing board under this section shall establish a standard of 6161
care for telehealth services that is equal to the standard of 6162
care for in-person services. 6163

(b) Subject to division (B)(2)(c) of this section, a board 6164
may require an initial in-person visit prior to prescribing a 6165
schedule II controlled substance to a new patient, equivalent to 6166
applicable state and federal requirements. 6167

(c)(i) A board shall not require an initial in-person 6168
visit for a new patient whose medical record indicates that the 6169
patient is receiving hospice or palliative care, who is 6170
receiving medication-assisted treatment or any other medication 6171
for opioid-use disorder, who is a patient with a mental health 6172
condition, or who, as determined by the clinical judgment of a 6173
health care professional, is in an emergency situation. 6174

(ii) Notwithstanding division (B) of section 3796.01 of 6175
the Revised Code, medical marijuana shall not be considered a 6176
schedule II controlled substance. 6177

(C) With respect to the provision of telehealth services, 6178
all of the following apply: 6179

(1) A health care professional may use synchronous or 6180
asynchronous technology to provide telehealth services to a 6181
patient during an initial visit if the appropriate standard of 6182
care for an initial visit is satisfied. 6183

(2) A health care professional may deny a patient 6184
telehealth services and, instead, require the patient to undergo 6185
an in-person visit. 6186

(3) When providing telehealth services in accordance with 6187
this section, a health care professional shall comply with all 6188
requirements under state and federal law regarding the 6189

protection of patient information. A health care professional 6190
shall ensure that any username or password information and any 6191
electronic communications between the professional and a patient 6192
are securely transmitted and stored. 6193

(4) A health care professional may use synchronous or 6194
asynchronous technology to provide telehealth services to a 6195
patient during an annual visit if the appropriate standard of 6196
care for an annual visit is satisfied. 6197

(5) In the case of a health care professional who is a 6198
physician, physician assistant, or advanced practice registered 6199
nurse, both of the following apply: 6200

(a) The professional may provide telehealth services to a 6201
patient located outside of this state if permitted by the laws 6202
of the state in which the patient is located. 6203

(b) The professional may provide telehealth services 6204
through the use of medical devices that enable remote 6205
monitoring, including such activities as monitoring a patient's 6206
blood pressure, heart rate, or glucose level. 6207

(D) When a patient has consented to receiving telehealth 6208
services, the health care professional who provides those 6209
services is not liable in damages under any claim made on the 6210
basis that the services do not meet the same standard of care 6211
that would apply if the services were provided in-person. 6212

(E) (1) A health care professional providing telehealth 6213
services shall not charge a patient or a health plan issuer 6214
covering telehealth services under section 3902.30 of the 6215
Revised Code any of the following: a facility fee, an 6216
origination fee, or any fee associated with the cost of the 6217
equipment used at the provider site to provide telehealth 6218

services. 6219

A health care professional providing telehealth services 6220
may charge a health plan issuer for durable medical equipment 6221
used at a patient or client site. 6222

(2) A health care professional may negotiate with a health 6223
plan issuer to establish a reimbursement rate for fees 6224
associated with the administrative costs incurred in providing 6225
telehealth services as long as a patient is not responsible for 6226
any portion of the fee. 6227

(3) A health care professional providing telehealth 6228
services shall obtain a patient's consent before billing for the 6229
cost of providing the services, but the requirement to do so 6230
applies only once. 6231

(F) Nothing in this section limits or otherwise affects 6232
any other provision of the Revised Code that requires a health 6233
care professional who is not a physician to practice under the 6234
supervision of, in collaboration with, in consultation with, or 6235
pursuant to the referral of another health care professional. 6236

(G) It is the intent of the general assembly, through the 6237
amendments to this section, to expand access to and investment 6238
in telehealth services in this state in congruence with the 6239
expansion and investment in telehealth services made during the 6240
COVID-19 pandemic. 6241

Sec. 4755.48. (A) No person shall employ fraud or 6242
deception in applying for or securing a license to practice 6243
physical therapy or to be a physical therapist assistant. 6244

(B) No person shall practice or in any way imply or claim 6245
to the public by words, actions, or the use of letters as 6246
described in division (C) of this section to be able to practice 6247

physical therapy or to provide physical therapy services, 6248
including practice as a physical therapist assistant, unless the 6249
person holds a valid license under sections 4755.40 to 4755.56 6250
of the Revised Code or except for submission of claims as 6251
provided in section 4755.56 of the Revised Code. 6252

(C) No person shall use the words or letters, physical 6253
therapist, physical therapy, physical therapy services, 6254
physiotherapist, physiotherapy, physiotherapy services, licensed 6255
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 6256
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 6257
therapist assistant, physical therapy technician, licensed 6258
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 6259
letters, words, abbreviations, or insignia, indicating or 6260
implying that the person is a physical therapist or physical 6261
therapist assistant without a valid license under sections 6262
4755.40 to 4755.56 of the Revised Code. 6263

(D) No person who practices physical therapy or assists in 6264
the provision of physical therapy treatments under the 6265
supervision of a physical therapist shall fail to display the 6266
person's current license granted under sections 4755.40 to 6267
4755.56 of the Revised Code in a conspicuous location in the 6268
place where the person spends the major part of the person's 6269
time so engaged. 6270

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 6271
Code shall affect or interfere with the performance of the 6272
duties of any physical therapist or physical therapist assistant 6273
in active service in the army, navy, coast guard, marine corps, 6274
air force, public health service, or marine hospital service of 6275
the United States, while so serving. 6276

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 6277

Code shall prevent or restrict the activities or services of a 6278
person pursuing a course of study leading to a degree in 6279
physical therapy in an accredited or approved educational 6280
program if the activities or services constitute a part of a 6281
supervised course of study and the person is designated by a 6282
title that clearly indicates the person's status as a student. 6283

(G) (1) Subject to division (G) (2) of this section, nothing 6284
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 6285
or restrict the activities or services of any person who holds a 6286
current, unrestricted license to practice physical therapy in 6287
another state when that person, pursuant to contract or 6288
employment with an athletic team located in the state in which 6289
the person holds the license, provides physical therapy to any 6290
of the following while the team is traveling to or from or 6291
participating in a sporting event in this state: 6292

(a) A member of the athletic team; 6293

(b) A member of the athletic team's coaching, 6294
communications, equipment, or sports medicine staff; 6295

(c) A member of a band or cheerleading squad accompanying 6296
the athletic team; 6297

(d) The athletic team's mascot. 6298

(2) In providing physical therapy pursuant to division (G) 6299
(1) of this section, the person shall not do either of the 6300
following: 6301

(a) Provide physical therapy at a health care facility; 6302

(b) Provide physical therapy for more than sixty days in a 6303
calendar year. 6304

(3) The limitations described in divisions (G) (1) and (2) 6305

of this section do not apply to a person who is practicing in 6306
accordance with the compact privilege granted by this state 6307
through the "Physical Therapy Licensure Compact" entered into 6308
under section 4755.57 of the Revised Code. 6309

(H) (1) Except as provided in division (H) (2) of this 6310
section and subject to division (I) of this section, no person 6311
shall practice physical therapy other than on the prescription 6312
of, or the referral of a patient by, a person who is licensed in 6313
this or another state to do at least one of the following: 6314

(a) Practice medicine and surgery, chiropractic, 6315
dentistry, osteopathic medicine and surgery, podiatric medicine 6316
and surgery; 6317

(b) Practice as a physician assistant; 6318

(c) Practice nursing as an advanced practice registered 6319
nurse; 6320

(d) Practice as a certified mental health assistant. 6321

(2) The prohibition in division (H) (1) of this section on 6322
practicing physical therapy other than on the prescription of, 6323
or the referral of a patient by, any of the persons described in 6324
that division does not apply if either of the following applies 6325
to the person: 6326

(a) The person holds a master's or doctorate degree from a 6327
professional physical therapy program that is accredited by a 6328
national physical therapy accreditation agency approved by the 6329
physical therapy section of the Ohio occupational therapy, 6330
physical therapy, and athletic trainers board. 6331

(b) On or before December 31, 2004, the person has 6332
completed at least two years of practical experience as a 6333

licensed physical therapist. 6334

(I) To be authorized to prescribe physical therapy or 6335
refer a patient to a physical therapist for physical therapy, a 6336
person described in division (H)(1) of this section must be in 6337
good standing with the relevant licensing board in this state or 6338
the state in which the person is licensed and must act only 6339
within the person's scope of practice. 6340

(J) In the prosecution of any person for violation of 6341
division (B) or (C) of this section, it is not necessary to 6342
allege or prove want of a valid license to practice physical 6343
therapy or to practice as a physical therapist assistant, but 6344
such matters shall be a matter of defense to be established by 6345
the accused. 6346

Sec. 4755.623. (A) A person licensed as an athletic 6347
trainer pursuant to this chapter shall engage in the activities 6348
described in section 4755.621 or 4755.622 of the Revised Code 6349
only if the person acts upon the referral of one or more of the 6350
following: 6351

(1) A physician; 6352

(2) A dentist licensed under Chapter 4715. of the Revised 6353
Code; 6354

(3) A physical therapist licensed under this chapter; 6355

(4) A chiropractor licensed under Chapter 4734. of the 6356
Revised Code; 6357

(5) Subject to division (B) of this section, an athletic 6358
trainer licensed under this chapter; 6359

(6) A physician assistant licensed under Chapter 4730. of 6360
the Revised Code; 6361

(7) A certified nurse practitioner licensed under Chapter 6362
4723. of the Revised Code; 6363

(8) A certified mental health assistant licensed under 6364
Chapter 4772. of the Revised Code. 6365

(B) A person licensed as an athletic trainer pursuant to 6366
this chapter may practice upon the referral of an athletic 6367
trainer described in division (A) of this section only if 6368
athletic training has already been recommended and referred by a 6369
health care provider described in division (A) of this section 6370
who is not an athletic trainer. 6371

Sec. 4765.51. Nothing in this chapter prevents or 6372
restricts the practice, services, or activities of any 6373
registered nurse practicing within the scope of the registered 6374
nurse's practice. 6375

Nothing in this chapter prevents or restricts the 6376
practice, services, or activities of any physician assistant 6377
practicing in accordance with a supervision agreement entered 6378
into under section 4730.19 of the Revised Code, including, if 6379
applicable, the policies of the health care facility in which 6380
the physician assistant is practicing. 6381

Nothing in this chapter prevents or restricts the 6382
practice, services, or activities of any certified mental health 6383
assistant practicing in accordance with a supervision agreement 6384
entered into under section 4772.10 of the Revised Code. 6385

Sec. 4769.01. As used in this chapter: 6386

(A) "Medicare" means the program established by Title 6387
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 6388
U.S.C.A. 301, as amended. 6389

(B) "Balance billing" means charging or collecting from a medicare beneficiary an amount in excess of the medicare reimbursement rate for medicare-covered services or supplies provided to a medicare beneficiary, except when medicare is the secondary insurer. When medicare is the secondary insurer, the health care practitioner may pursue full reimbursement under the terms and conditions of the primary coverage and, if applicable, the charge allowed under the terms and conditions of the appropriate provider contract, from the primary insurer, but the medicare beneficiary cannot be balance billed above the medicare reimbursement rate for a medicare-covered service or supply. "Balance billing" does not include charging or collecting deductibles or coinsurance required by the program.

(C) "Health care practitioner" means all of the following:

(1) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;

(2) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(3) An optometrist licensed under Chapter 4725. of the Revised Code;

(4) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;

(5) A pharmacist licensed under Chapter 4729. of the Revised Code;

(6) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;

- (7) A physician assistant authorized under Chapter 4730. 6419
of the Revised Code to practice as a physician assistant; 6420
- (8) A practitioner of a limited branch of medicine issued 6421
a certificate under Chapter 4731. of the Revised Code; 6422
- (9) A psychologist licensed under Chapter 4732. of the 6423
Revised Code; 6424
- (10) A chiropractor licensed under Chapter 4734. of the 6425
Revised Code; 6426
- (11) A hearing aid dealer or fitter licensed under Chapter 6427
4747. of the Revised Code; 6428
- (12) A speech-language pathologist or audiologist licensed 6429
under Chapter 4753. of the Revised Code; 6430
- (13) An occupational therapist or occupational therapy 6431
assistant licensed under Chapter 4755. of the Revised Code; 6432
- (14) A physical therapist or physical therapy assistant 6433
licensed under Chapter 4755. of the Revised Code; 6434
- (15) A licensed professional clinical counselor, licensed 6435
professional counselor, social worker, or independent social 6436
worker licensed, or a social work assistant registered, under 6437
Chapter 4757. of the Revised Code; 6438
- (16) A dietitian licensed under Chapter 4759. of the 6439
Revised Code; 6440
- (17) A respiratory care professional licensed under 6441
Chapter 4761. of the Revised Code; 6442
- (18) An emergency medical technician-basic, emergency 6443
medical technician-intermediate, or emergency medical 6444
technician-paramedic certified under Chapter 4765. of the 6445

Revised Code; 6446

(19) A certified mental health assistant licensed under 6447
Chapter 4772. of the Revised Code. 6448

Sec. 4772.01. As used in this chapter: 6449

(A) "Certified mental health assistant" means an 6450
individual who, under physician supervision, provides mental 6451
health care by engaging in any of the activities authorized 6452
under section 4772.09 of the Revised Code. 6453

(B) "Controlled substance" has the same meaning as in 6454
section 3719.01 of the Revised Code. 6455

(C) "Drug database" means the database established and 6456
maintained by the state board of pharmacy pursuant to section 6457
4729.75 of the Revised Code. 6458

(D) "Medication assisted treatment" has the same meaning 6459
as in section 340.01 of the Revised Code. 6460

(E) "Physician" means an individual authorized under 6461
Chapter 4731. of the Revised Code to practice medicine and 6462
surgery or osteopathic medicine and surgery. 6463

Sec. 4772.02. (A) No person shall hold that person out as 6464
being able to function as a certified mental health assistant, 6465
or use any words or letters indicating or implying that the 6466
person is a certified mental health assistant, without a 6467
current, valid license to practice as a certified mental health 6468
assistant issued pursuant to this chapter. 6469

(B) No person shall practice as a certified mental health 6470
assistant without the supervision, control, and direction of a 6471
physician. 6472

(C) No person shall practice as a certified mental health assistant without having entered into a supervision agreement with a supervising physician under section 4772.10 of the Revised Code. 6473
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(D) No person acting as the supervising physician of a certified mental health assistant shall authorize the certified mental health assistant to perform services if either of the following is the case: 6477
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(1) The services are not within the physician's normal course of practice and expertise. 6481
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(2) The services are inconsistent with the supervision agreement under which the certified mental health assistant is being supervised. 6483
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(E) No person shall advertise to provide services as a certified mental health assistant, except for the purpose of seeking employment. 6486
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(F) No person practicing as a certified mental health assistant shall fail to wear at all times when on duty a placard, plate, or other device identifying that person as a "certified mental health assistant." 6489
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Sec. 4772.03. Nothing in this chapter shall: 6493

(A) Be construed to affect or interfere with the performance of duties of any medical personnel who are either of the following: 6494
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(1) In active service in the army, navy, coast guard, marine corps, air force, public health service, or marine hospital service of the United States while so serving; 6497
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(2) Employed by the veterans administration of the United 6500

States while so employed. 6501

(B) Prevent any person from performing any of the services 6502
a certified mental health assistant may be authorized to 6503
perform, if the person's professional scope of practice 6504
established under any other chapter of the Revised Code 6505
authorizes the person to perform the services; 6506

(C) Prohibit a physician from delegating responsibilities 6507
to any nurse or other qualified person who does not hold a 6508
license to practice as a certified mental health assistant, 6509
provided that the physician does not hold the nurse or other 6510
qualified person out to be a certified mental health assistant; 6511

(D) Be construed as authorizing a certified mental health 6512
assistant independently to order or direct the execution of 6513
procedures or techniques by a registered nurse or licensed 6514
practical nurse in the care and treatment of a person in any 6515
setting, except to the extent that the certified mental health 6516
assistant is authorized to do so by a physician who is 6517
responsible for supervising the certified mental health 6518
assistant. 6519

Sec. 4772.04. (A) An individual seeking a license to 6520
practice as a certified mental health assistant shall file with 6521
the state medical board a written application on a form 6522
prescribed and supplied by the board. The application shall 6523
include all the information the board considers necessary to 6524
process the application, including evidence satisfactory to the 6525
board that the applicant meets the requirements specified in 6526
division (B) of this section. 6527

At the time an application is submitted, the applicant 6528
shall pay the board the application fee specified by the board 6529

in rules adopted under section 4772.19 of the Revised Code. No 6530
part of the fee shall be returned. 6531

(B) To be eligible to receive a license to practice as a 6532
certified mental health assistant, an applicant shall meet both 6533
of the following requirements: 6534

(1) Be at least eighteen years of age; 6535

(2) Meet either of the following educational requirements: 6536

(a) Hold a master's or higher degree obtained from a 6537
program approved by the board pursuant to section 4772.05 of the 6538
Revised Code; 6539

(b) Meet both of the following requirements: 6540

(i) Hold a diploma from a medical school or osteopathic 6541
medical school that, at the time the diploma was issued, was a 6542
medical school accredited by the liaison committee on medical 6543
education or an osteopathic medical school accredited by the 6544
American osteopathic association; 6545

(ii) Have completed twelve months of coursework from a 6546
program approved by the board pursuant to section 4772.05 of the 6547
Revised Code. 6548

(C) The board shall review all applications received under 6549
this section. Not later than sixty days after receiving an 6550
application the board considers to be complete, the board shall 6551
determine whether the applicant meets the requirements to 6552
receive a license to practice as a certified mental health 6553
assistant. 6554

Sec. 4772.041. In addition to any other eligibility 6555
requirement set forth in this chapter, each applicant for a 6556
license to practice as a certified mental health assistant shall 6557

comply with sections 4776.01 to 4776.04 of the Revised Code. 6558

Sec. 4772.05. (A) The state medical board shall establish 6559
a process by which a person who seeks to operate an education 6560
program for certified mental health assistants shall apply to 6561
the board for approval of the program. Applications shall be 6562
submitted in accordance with rules adopted under section 4772.19 6563
of the Revised Code. The person shall include with the 6564
application the fee prescribed in those rules. 6565

(B) To be eligible for approval by the board, an education 6566
program shall meet all of the following: 6567

(1) Be accredited by an organization recognized by the 6568
board; 6569

(2) Include courses in each of the following areas for at 6570
least the number of hours established by the board's rules: 6571

(a) Psychiatric diagnoses included in the diagnostic and 6572
statistical manual of mental disorders published by the American 6573
psychiatric association, or a similar publication if designated 6574
by the board; 6575

(b) Laboratory studies used in diagnosing or managing 6576
psychiatric conditions; 6577

(c) Medical conditions that mimic or present as 6578
psychiatric conditions; 6579

(d) Medical conditions associated with psychiatric 6580
conditions or treatment; 6581

(e) Psychopharmacology, including treatment of psychiatric 6582
conditions, interactions, and recognition and management of drug 6583
side effects and complications; 6584

- (f) Psychosocial interventions; 6585
- (g) Conducting suicide and homicide risk assessments; 6586
- (h) Forensic issues in psychiatry, including involuntary 6587
hospitalization and mandated treatment; 6588
- (i) Basic behavioral health counseling; 6589
- (j) Clinical experiences in inpatient psychiatric units, 6590
outpatient mental health clinics, psychiatric consultation and 6591
liaison services, and addiction services; 6592
- (k) Any other area established by the board's rules. 6593
- (3) Meet any other standards established by the board's 6594
rules. 6595
- (C) If the program meets the requirements for approval as 6596
specified in this section and the board's rules, the board shall 6597
approve the program. The board's rules shall specify any reasons 6598
for which an approval shall be denied or withdrawn and may 6599
require a program to periodically apply for reapproval. 6600
- Sec. 4772.06.** If the state medical board determines under 6601
section 4772.04 of the Revised Code that an applicant meets the 6602
requirements for a license to practice as a certified mental 6603
health assistant, the secretary of the board shall register the 6604
applicant as a certified mental health assistant and issue to 6605
the applicant a license to practice as a certified mental health 6606
assistant. The license shall be valid for a two-year period 6607
unless revoked or suspended, shall expire on the date that is 6608
two years after the date of issuance, and may be renewed for 6609
additional two-year periods in accordance with section 4772.08 6610
of the Revised Code. 6611
- Sec. 4772.07.** On application by the holder of a license to 6612

practice as a certified mental health assistant, the state 6613
medical board shall issue a duplicate license to replace one 6614
that is missing or damaged, to reflect a name change, or for any 6615
other reasonable cause. The fee for a duplicate license is 6616
thirty-five dollars. 6617

Sec. 4772.08. (A) An individual seeking to renew a license 6618
to practice as a certified mental health assistant shall, on or 6619
before the license's expiration date, apply to the state medical 6620
board for renewal. The board shall provide renewal notices to 6621
license holders at least one month prior to the expiration date. 6622

Renewal applications shall be submitted to the board in a 6623
manner prescribed by the board. Each application shall be 6624
accompanied by a biennial renewal fee specified by the board in 6625
rules adopted under section 4772.19 of the Revised Code. 6626

The applicant shall report any criminal offense that 6627
constitutes grounds for refusing to issue a license under 6628
section 4772.20 of the Revised Code to which the applicant has 6629
pleaded guilty, of which the applicant has been found guilty, or 6630
for which the applicant has been found eligible for intervention 6631
in lieu of conviction, since last signing an application for a 6632
license to practice as a certified mental health assistant. 6633

(B) To be eligible for renewal, a certified mental health 6634
assistant shall certify to the board that the assistant has 6635
complied with the renewal eligibility requirements established 6636
under section 4772.081 of the Revised Code that pertain to the 6637
applicant. 6638

(C) If an applicant submits a renewal application that the 6639
board considers to be complete and qualifies for renewal 6640
pursuant to division (B) of this section, the board shall issue 6641

to the applicant a renewed license to practice as a certified
mental health assistant.

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(D) The board may require a random sample of license
holders to submit materials documenting that the continuing
education requirements of section 4772.081 of the Revised Code,
and any other continuing education required by the board's
rules, have been satisfied.

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Division (D) of this section does not limit the board's
authority to conduct investigations pursuant to section 4772.20
of the Revised Code.

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(E) A license that is not renewed on or before its
expiration date is automatically suspended on its expiration
date, subject to the provisions of section 119.06 of the Revised
Code specifying that an applicant who appropriately files a
renewal application is not required to discontinue practicing
merely because the board has failed to act on the application.

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If a license has been suspended pursuant to this division
for two years or less, the board shall reinstate the license
upon an applicant's submission of a renewal application, the
biennial renewal fee, and the applicable monetary penalty. The
penalty for reinstatement is twenty-five dollars.

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If a license has been suspended pursuant to this division
for more than two years, it may be restored. Subject to section
4772.082 of the Revised Code, the board may restore the license
upon an applicant's submission of a restoration application, the
biennial renewal fee, the applicable monetary penalty, and
compliance with sections 4776.01 to 4776.04 of the Revised Code.
The board shall not restore a license unless the board, in its
discretion, decides that the results of the criminal records

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check do not make the applicant ineligible for a certificate 6671
issued pursuant to section 4772.06 of the Revised Code. The 6672
penalty for restoration is fifty dollars. 6673

(F)(1) If, through a random sample conducted under 6674
division (D) of this section or any other means, the board finds 6675
that an individual who certified completion of the continuing 6676
education required to renew, reinstate, or restore a license to 6677
practice did not complete the requisite continuing medical 6678
education, the board may do either of the following: 6679

(a) Take disciplinary action against the individual under 6680
section 4772.20 of the Revised Code, impose a civil penalty, or 6681
both; 6682

(b) Permit the individual to agree in writing to complete 6683
the continuing medical education and pay a civil penalty. 6684

(2) The board's finding in any disciplinary action taken 6685
under division (F)(1)(a) of this section shall be made pursuant 6686
to an adjudication under Chapter 119. of the Revised Code and by 6687
an affirmative vote of not fewer than six of its members. 6688

(3) A civil penalty imposed under division (F)(1)(a) of 6689
this section or paid under division (F)(1)(b) of this section 6690
shall be in an amount specified by the board of not more than 6691
five thousand dollars. The board shall deposit civil penalties 6692
in accordance with section 4731.24 of the Revised Code. 6693

Sec. 4772.081. (A) To be eligible for renewal of a license 6694
to practice as a certified mental health assistant, an applicant 6695
who has been granted physician-delegated prescriptive authority 6696
by the physician supervising the certified mental health 6697
assistant is subject to both of the following: 6698

(1) The applicant shall complete every two years at least 6699

twelve hours of continuing education in pharmacology obtained 6700
through a program or course approved by the state medical board 6701
or a person the board has authorized to approve continuing 6702
pharmacology education programs and courses. Except as provided 6703
in section 5903.12 of the Revised Code, the continuing education 6704
shall be completed not later than the date on which the 6705
applicant's license expires. 6706

(2) (a) Except as provided in division (A) (2) (b) of this 6707
section, in the case of an applicant who prescribes opioid 6708
analgesics or benzodiazepines, as defined in section 3719.01 of 6709
the Revised Code, the applicant shall certify to the board 6710
whether the applicant has been granted access to the drug 6711
database. 6712

(b) The requirement described in division (A) (2) (a) of 6713
this section does not apply if any of the following is the case: 6714

(i) The state board of pharmacy notifies the state medical 6715
board pursuant to section 4729.861 of the Revised Code that the 6716
applicant has been restricted from obtaining further information 6717
from the drug database. 6718

(ii) The state board of pharmacy no longer maintains the 6719
drug database. 6720

(iii) The applicant does not practice as a certified 6721
mental health assistant in this state. 6722

(c) If an applicant certifies to the state medical board 6723
that the applicant has been granted access to the drug database 6724
and the board finds through an audit or other means that the 6725
applicant has not been granted access, the board may take action 6726
under section 4772.20 of the Revised Code. 6727

(B) The state medical board shall provide for pro rata 6728

reductions by month of the number of hours of continuing 6729
education in pharmacology that is required to be completed for 6730
certified mental health assistants who have been disabled due to 6731
illness or accident or have been absent from the country. The 6732
board shall adopt rules, in accordance with Chapter 119. of the 6733
Revised Code, as necessary to implement this division. 6734

(C) The continuing education required by this section is 6735
in addition to any other continuing education required by the 6736
board's rules. 6737

(D) If the board chooses to authorize persons to approve 6738
continuing pharmacology education programs and courses, it shall 6739
establish standards for granting that authority and grant the 6740
authority in accordance with the standards. 6741

Sec. 4772.082. (A) This section applies to both of the 6742
following: 6743

(1) An applicant seeking restoration of a license issued 6744
under this chapter that has been in a suspended or inactive 6745
state for any cause for more than two years; 6746

(2) An applicant seeking issuance of a license pursuant to 6747
this chapter who for more than two years has not been practicing 6748
as a certified mental health assistant as either of the 6749
following: 6750

(a) An active practitioner; 6751

(b) A student in an academic program as described in 6752
section 4772.04 of the Revised Code. 6753

(B) Before issuing a license to an applicant subject to 6754
this section or restoring a license to good standing for an 6755
applicant subject to this section, the state medical board may 6756

impose terms and conditions including any one or more of the 6757
following: 6758

(1) Requiring the applicant to pass an oral or written 6759
examination, or both, to determine the applicant's present 6760
fitness to resume practice; 6761

(2) Requiring the applicant to obtain additional training 6762
and to pass an examination upon completion of such training; 6763

(3) Requiring an assessment of the applicant's physical 6764
skills for purposes of determining whether the applicant's 6765
coordination, fine motor skills, and dexterity are sufficient 6766
for performing evaluations and procedures in a manner that meets 6767
the minimal standards of care; 6768

(4) Requiring an assessment of the applicant's skills in 6769
recognizing and understanding diseases and conditions; 6770

(5) Requiring the applicant to undergo a comprehensive 6771
physical examination, which may include an assessment of 6772
physical abilities, evaluation of sensory capabilities, or 6773
screening for the presence of neurological disorders; 6774

(6) Restricting or limiting the extent, scope, or type of 6775
practice of the applicant. 6776

The board shall consider the moral background and the 6777
activities of the applicant during the period of suspension or 6778
inactivity. The board shall not issue or restore a license under 6779
this section unless the applicant complies with sections 4776.01 6780
to 4776.04 of the Revised Code. 6781

Sec. 4772.09. A license to practice as a certified mental 6782
health assistant issued under this chapter authorizes the holder 6783
to practice as a certified mental health assistant as follows: 6784

(A) The certified mental health assistant shall practice 6785
only under the supervision, control, and direction of a 6786
physician with whom the certified mental health assistant has 6787
entered into a supervision agreement under section 4772.10 of 6788
the Revised Code. 6789

(B) The certified mental health assistant shall practice 6790
in accordance with the supervision agreement entered into with 6791
the physician who is responsible for supervising the certified 6792
mental health assistant. 6793

(C) Subject to division (D) of this section, a certified 6794
mental health assistant licensed under this chapter may perform 6795
any of the following services authorized by the supervising 6796
physician that are part of the supervising physician's normal 6797
course of practice and expertise: 6798

(1) Ordering diagnostic, therapeutic, and other medical 6799
services as appropriate based on a patient's diagnosis that has 6800
been made in accordance with division (D) of this section; 6801

(2) Ordering, prescribing, personally furnishing, and 6802
administering drugs and medical devices in accordance with 6803
sections 4772.12 to 4772.18 of the Revised Code; 6804

(3) Prescribing physical therapy or referring a patient to 6805
a physical therapist for physical therapy, if related to a 6806
diagnosis that has been made in accordance with division (D) of 6807
this section; 6808

(4) Ordering occupational therapy or referring a patient 6809
to an occupational therapist for occupational therapy, if 6810
related to a diagnosis that has been made in accordance with 6811
division (D) of this section; 6812

(5) Referring a patient to emergency medical services for 6813

acute safety concerns, provided the certified mental health 6814
assistant consults with the assistant's supervising physician as 6815
soon as possible thereafter; 6816

(6) Referring a patient for voluntary or involuntary 6817
admission for substance use disorder treatment or inpatient 6818
psychiatric care, but only after consulting with the certified 6819
mental health assistant's supervising physician; 6820

(7) Any other services specified by the state medical 6821
board in rules adopted under section 4772.19 of the Revised 6822
Code. 6823

(D) A certified mental health assistant shall not do any 6824
of the following: 6825

(1) Make an initial diagnosis; 6826

(2) Treat a patient for any diagnosis or condition not 6827
found in the most recent edition of the diagnostic and 6828
statistical manual of mental disorders published by the American 6829
psychiatric association, or a similar publication if designated 6830
by the board; 6831

(3) Engage in electroconvulsive therapy, transcranial 6832
magnetic stimulation, or any other intervention designated as 6833
invasive by the board's rules. 6834

Sec. 4772.091. A certified mental health assistant may 6835
provide telehealth services in accordance with section 4743.09 6836
of the Revised Code. 6837

Sec. 4772.092. (A) Acting pursuant to a supervision 6838
agreement, a certified mental health assistant may delegate 6839
performance of a task to implement a patient's plan of care or, 6840
if the conditions in division (C) of this section are met, may 6841

delegate administration of a drug. Subject to division (D) of 6842
section 4772.03 of the Revised Code, delegation may be to any 6843
person. The certified mental health assistant must be physically 6844
present at the location where the task is performed or the drug 6845
administered. 6846

(B) Prior to delegating a task or administration of a 6847
drug, a certified mental health assistant shall determine that 6848
the task or drug is appropriate for the patient and the person 6849
to whom the delegation is to be made may safely perform the task 6850
or administer the drug. 6851

(C) A certified mental health assistant may delegate 6852
administration of a drug only if all of the following conditions 6853
are met: 6854

(1) The certified mental health assistant has been granted 6855
physician-delegated prescriptive authority by the physician 6856
supervising the certified mental health assistant and is 6857
authorized to prescribe the drug. 6858

(2) The drug is not a controlled substance. 6859

(3) The drug will not be administered intravenously. 6860

(4) The drug will not be administered in a hospital 6861
inpatient care unit, as defined in section 3727.50 of the 6862
Revised Code; a hospital emergency department; a freestanding 6863
emergency department; or an ambulatory surgical facility 6864
licensed under section 3702.30 of the Revised Code. 6865

(D) A person not otherwise authorized to administer a drug 6866
or perform a specific task may do so in accordance with a 6867
certified mental health assistant's delegation under this 6868
section. 6869

Sec. 4772.10. (A) Before initiating supervision of one or 6870
more certified mental health assistants licensed under this 6871
chapter, a physician shall enter into a supervision agreement 6872
with each certified mental health assistant who will be 6873
supervised. A supervision agreement may apply to one or more 6874
certified mental health assistants, but, except as provided in 6875
division (B) (5) of this section, may apply to not more than one 6876
physician. The supervision agreement shall specify that the 6877
physician agrees to supervise the certified mental health 6878
assistant and the certified mental health assistant agrees to 6879
practice under that physician's supervision. 6880

The agreement shall clearly state that the supervising 6881
physician is legally responsible and assumes legal liability for 6882
the services provided by the certified mental health assistant. 6883
The agreement shall be signed by the physician and the certified 6884
mental health assistant. 6885

(B) A supervision agreement shall include terms that 6886
specify all of the following: 6887

(1) The responsibilities to be fulfilled by the physician 6888
in supervising the certified mental health assistant; 6889

(2) The responsibilities to be fulfilled by the certified 6890
mental health assistant when performing services under the 6891
physician's supervision; 6892

(3) Any limitations on the responsibilities to be 6893
fulfilled by the certified mental health assistant; 6894

(4) The circumstances under which the certified mental 6895
health assistant is required to refer a patient to the 6896
supervising physician; 6897

(5) If the supervising physician chooses to designate 6898

physicians to act as alternate supervising physicians, the 6899
names, business addresses, and business telephone numbers of the 6900
physicians who have agreed to act in that capacity. 6901

(C) A supervision agreement may be amended to modify the 6902
responsibilities of one or more certified mental health 6903
assistants or to include one or more additional certified mental 6904
health assistants. 6905

(D) The supervising physician who entered into a 6906
supervision agreement shall retain a copy of the agreement in 6907
the records maintained by the supervising physician. Each 6908
certified mental health assistant who entered into the 6909
supervision agreement shall retain a copy of the agreement in 6910
the records maintained by the certified mental health assistant. 6911

(E) (1) If the board finds, through a review conducted 6912
under this section or through any other means, any of the 6913
following, the board may take disciplinary action against the 6914
individual under section 4772.20 or 4731.22 of the Revised Code, 6915
impose a civil penalty, or both: 6916

(a) That a certified mental health assistant has practiced 6917
in a manner that departs from, or fails to conform to, the terms 6918
of a supervision agreement entered into under this section; 6919

(b) That a physician has supervised a certified mental 6920
health assistant in a manner that departs from, or fails to 6921
conform to, the terms of a supervision agreement entered into 6922
under this section; 6923

(c) That a physician or certified mental health assistant 6924
failed to comply with division (A) or (B) of this section. 6925

(2) If the board finds, through a review conducted under 6926
this section or through any other means, that a physician or 6927

certified mental health assistant failed to comply with division 6928
(D) of this section, the board may do either of the following: 6929

(a) Take disciplinary action against the individual under 6930
section 4772.20 or 4731.22 of the Revised Code, impose a civil 6931
penalty, or both; 6932

(b) Permit the individual to agree in writing to update 6933
the records to comply with division (D) of this section and pay 6934
a civil penalty. 6935

(3) The board's finding in any disciplinary action taken 6936
under division (E) of this section shall be made pursuant to an 6937
adjudication conducted under Chapter 119. of the Revised Code. 6938

(4) A civil penalty imposed under division (E) (1) or (2) 6939
(a) of this section or paid under division (E) (2) (b) of this 6940
section shall be in an amount specified by the board of not more 6941
than five thousand dollars and shall be deposited in accordance 6942
with section 4731.24 of the Revised Code. 6943

Sec. 4772.11. (A) The supervising physician of a certified 6944
mental health assistant exercises supervision, control, and 6945
direction of the certified mental health assistant. A certified 6946
mental health assistant may practice in any setting within which 6947
the supervising physician has supervision, control, and 6948
direction of the certified mental health assistant. 6949

In supervising a certified mental health assistant, all of 6950
the following apply: 6951

(1) (a) Except as provided in division (A) (1) (b) of this 6952
section, the supervising physician shall be continuously 6953
available for direct communication with the certified mental 6954
health assistant by either of the following means: 6955

(i) Being physically present at the location where the 6956
certified mental health assistant is practicing; 6957

(ii) Being readily available to the certified mental 6958
health assistant through some means of telecommunication and 6959
being in a location that is a distance from the location where 6960
the certified mental health assistant is practicing that 6961
reasonably allows the physician to assure proper care of 6962
patients. 6963

(b) During the first five hundred hours of a certified 6964
mental health assistant's practice, the supervising physician 6965
shall be continuously available for direct communication with 6966
the certified mental health assistant only by being physically 6967
present at the location where the certified mental health 6968
assistant is practicing. This division does not require that the 6969
supervising physician be in the same room as the certified 6970
mental health assistant. 6971

(2) Prior to a certified mental health assistant providing 6972
services to a patient, the supervising physician must have 6973
evaluated the patient and diagnosed the patient with a diagnosis 6974
or condition found in the most recent edition of the diagnostic 6975
and statistical manual of mental disorders published by the 6976
American psychiatric association, or a similar publication if 6977
designated by the board. 6978

(3) (a) After the initial diagnosis, the supervising 6979
physician shall personally and actively review the certified 6980
mental health assistant's professional activities, on not less 6981
than a weekly basis. 6982

(b) (i) Except as provided in division (A) (3) (b) (ii) of 6983
this section, the supervising physician must reevaluate the 6984

patient not less than every two years, and sooner if there is a 6985
significant change in the patient's condition or possible change 6986
in the patient's diagnosis. 6987

(ii) The supervising physician shall reevaluate a patient 6988
annually if the patient has been prescribed by a certified 6989
mental health assistant, in accordance with section 4772.13 of 6990
the Revised Code, a controlled substance related to a diagnosis 6991
or condition found in the most recent edition of the diagnostic 6992
and statistical manual of mental disorders published by the 6993
American psychiatric association, or a similar publication if 6994
designated by the board. 6995

(4) The supervising physician shall ensure that the 6996
quality assurance system established pursuant to division (E) of 6997
this section is implemented and maintained. 6998

(5) The supervising physician shall regularly perform any 6999
other reviews of the certified mental health assistant that the 7000
supervising physician considers necessary. 7001

(B) A physician may enter into supervision agreements with 7002
any number of certified mental health assistants, but the 7003
physician may not supervise more than five certified mental 7004
health assistants at any one time. A certified mental health 7005
assistant may enter into supervision agreements with any number 7006
of supervising physicians. 7007

(C) A supervising physician may authorize a certified 7008
mental health assistant to perform a service only if the 7009
physician is satisfied that the certified mental health 7010
assistant is capable of competently performing the service. A 7011
supervising physician shall not authorize a certified mental 7012
health assistant to perform any service that is beyond the 7013

physician's or the certified mental health assistant's normal 7014
course of practice and expertise. 7015

(D) Each time a certified mental health assistant writes a 7016
medical order, including prescriptions written in the exercise 7017
of physician-delegated prescriptive authority, the certified 7018
mental health assistant shall sign the form on which the order 7019
is written and record on the form the time and date that the 7020
order is written. 7021

(E) (1) The supervising physician of a certified mental 7022
health assistant shall establish a quality assurance system to 7023
be used in supervising the certified mental health assistant. 7024
All or part of the system may be applied to other certified 7025
mental health assistants who are supervised by the supervising 7026
physician. The system shall be developed in consultation with 7027
each certified mental health assistant to be supervised by the 7028
physician. 7029

(2) In establishing the quality assurance system, the 7030
supervising physician shall describe a process to be used for 7031
all of the following: 7032

(a) Routine review by the physician of selected patient 7033
record entries made by the certified mental health assistant and 7034
selected medical orders issued by the certified mental health 7035
assistant; 7036

(b) Discussion of complex cases; 7037

(c) Discussion of new medical developments relevant to the 7038
practice of the physician and certified mental health assistant; 7039

(d) Performance of any quality assurance activities 7040
required in rules adopted by the state medical board; 7041

(e) Performance of any other quality assurance activities 7042
that the supervising physician considers to be appropriate. 7043

(3) The supervising physician and certified mental health 7044
assistant shall keep records of their quality assurance 7045
activities. On request, the records shall be made available to 7046
the board. 7047

(F) When performing authorized services, a certified 7048
mental health assistant acts as the agent of the certified 7049
mental health assistant's supervising physician. The supervising 7050
physician is legally responsible and assumes legal liability for 7051
the services provided by the certified mental health assistant. 7052

The physician is not responsible or liable for any 7053
services provided by the certified mental health assistant after 7054
their supervision agreement expires or is terminated. 7055

Sec. 4772.12. (A) A license issued by the state medical 7056
board under section 4772.06 of the Revised Code authorizes the 7057
license holder to prescribe and personally furnish drugs and 7058
therapeutic devices in the exercise of physician-delegated 7059
prescriptive authority. 7060

(B) In exercising physician-delegated prescriptive 7061
authority, a certified mental health assistant is subject to 7062
section 4772.13 of the Revised Code and all of the following: 7063

(1) The certified mental health assistant shall exercise 7064
physician-delegated prescriptive authority only to the extent 7065
that the physician supervising the certified mental health 7066
assistant has granted that authority. 7067

(2) (a) The certified mental health assistant shall comply 7068
with all conditions placed on the physician-delegated 7069
prescriptive authority, as specified by the supervising 7070

physician who is supervising the certified mental health 7071
assistant in the exercise of physician-delegated prescriptive 7072
authority. If conditions are placed on that authority, the 7073
supervising physician shall maintain a written record of the 7074
conditions and make the record available to the state medical 7075
board on request. 7076

(b) The conditions that a supervising physician may place 7077
on the physician-delegated prescriptive authority granted to a 7078
certified mental health assistant include the following: 7079

(i) Identification by class and specific generic 7080
nomenclature of drugs and therapeutic devices that the physician 7081
chooses not to permit the certified mental health assistant to 7082
prescribe; 7083

(ii) Limitations on the dosage units or refills that the 7084
certified mental health assistant is authorized to prescribe; 7085

(iii) Specification of circumstances under which the 7086
certified mental health assistant is required to refer patients 7087
to the supervising physician or another physician when 7088
exercising physician-delegated prescriptive authority; 7089

(iv) Responsibilities to be fulfilled by the physician in 7090
supervising the certified mental health assistant that are not 7091
otherwise specified in the supervision agreement or otherwise 7092
required by this chapter. 7093

(3) If the certified mental health assistant possesses 7094
physician-delegated prescriptive authority for controlled 7095
substances, both of the following apply: 7096

(a) The certified mental health assistant shall register 7097
with the federal drug enforcement administration. 7098

(b) The certified mental health assistant shall comply 7099
with section 4772.13 of the Revised Code. 7100

(4) If the certified mental health assistant possesses 7101
physician-delegated prescriptive authority to prescribe for a 7102
minor an opioid analgesic, as those terms are defined in 7103
sections 3719.01 and 3719.061 of the Revised Code, respectively, 7104
the certified mental health assistant shall comply with section 7105
3719.061 of the Revised Code. 7106

(C) A certified mental health assistant shall not 7107
prescribe any drug in violation of state or federal law. 7108

Sec. 4772.13. (A) Subject to division (B) of this section, 7109
a certified mental health assistant may prescribe to a patient a 7110
controlled substance only if the controlled substance is one of 7111
the following: 7112

(1) Buprenorphine, but only for a patient that is actively 7113
engaged in opioid use disorder treatment; 7114

(2) A benzodiazepine, but only in the following 7115
circumstances: 7116

(a) For a patient diagnosed by the supervising physician 7117
as having a chronic anxiety disorder; 7118

(b) For a patient with acute anxiety or agitation, but 7119
only in an amount indicated for a period not to exceed seven 7120
days. 7121

(3) A stimulant that has been approved by the federal food 7122
and drug administration for the treatment of attention deficit 7123
hyperactivity disorder, but only if the supervising physician 7124
has diagnosed the patient with, or confirmed the patient's 7125
diagnosis of, attention deficit hyper activity disorder. 7126

(B) Except as provided in division (C) of this section, a 7127
certified mental health assistant licensed under this chapter 7128
who has been granted physician-delegated prescriptive authority 7129
by the physician supervising the certified mental health 7130
assistant shall comply with all of the following as conditions 7131
of prescribing a controlled substance identified in division (A) 7132
of this section as part of a patient's course of treatment for a 7133
particular condition: 7134

(1) Before initially prescribing the drug, the certified 7135
mental health assistant or the certified mental health 7136
assistant's delegate shall request from the drug database a 7137
report of information related to the patient that covers at 7138
least the twelve months immediately preceding the date of the 7139
request. If the certified mental health assistant practices 7140
primarily in a county of this state that adjoins another state, 7141
the certified mental health assistant or delegate also shall 7142
request a report of any information available in the drug 7143
database that pertains to prescriptions issued or drugs 7144
furnished to the patient in the state adjoining that county. 7145

(2) If the patient's course of treatment for the condition 7146
continues for more than ninety days after the initial report is 7147
requested, the certified mental health assistant or delegate 7148
shall make periodic requests for reports of information from the 7149
drug database until the course of treatment has ended. The 7150
requests shall be made at intervals not exceeding ninety days, 7151
determined according to the date the initial request was made. 7152
The request shall be made in the same manner provided in 7153
division (B)(1) of this section for requesting the initial 7154
report of information from the drug database. 7155

(3) On receipt of a report under division (B)(1) or (2) of 7156

this section, the certified mental health assistant shall assess 7157
the information in the report. The certified mental health 7158
assistant shall document in the patient's record that the report 7159
was received and the information was assessed. 7160

(C) Division (B) of this section does not apply in any of 7161
the following circumstances: 7162

(1) A drug database report regarding the patient is not 7163
available, in which case the certified mental health assistant 7164
shall document in the patient's record the reason that the 7165
report is not available. 7166

(2) The drug is prescribed in an amount indicated for a 7167
period not to exceed seven days. 7168

(3) The drug is prescribed to a hospice patient in a 7169
hospice care program, as those terms are defined in section 7170
3712.01 of the Revised Code, or any other patient diagnosed as 7171
terminally ill. 7172

(4) The drug is prescribed for administration in a 7173
hospital, nursing home, or residential care facility. 7174

(5) If the state board of pharmacy no longer maintains the 7175
drug database. 7176

(D) The state medical board shall adopt rules in 7177
accordance with Chapter 119. of the Revised Code to implement 7178
this section, including both of the following: 7179

(1) Standards and procedures to be followed by a certified 7180
mental health assistant who has been granted physician-delegated 7181
prescriptive authority regarding the review of patient 7182
information available through the drug database under division 7183
(A) (5) of section 4729.80 of the Revised Code. 7184

The rules adopted under this division do not apply if the 7185
state board of pharmacy no longer maintains the drug database. 7186

(2) Standards and procedures to be followed by a certified 7187
mental health assistant in the use of buprenorphine for use in 7188
medication-assisted treatment, including regarding 7189
detoxification, relapse prevention, patient assessment, 7190
individual treatment planning, counseling and recovery supports, 7191
diversion control, and other topics selected by the board after 7192
considering best practices in medication-assisted treatment. 7193

The board may apply the rules to all circumstances in 7194
which a certified mental health assistant prescribes drugs for 7195
use in medication-assisted treatment or limit the application of 7196
the rules to prescriptions for medication-assisted treatment 7197
issued for patients being treated in office-based practices or 7198
other practice types or locations specified by the board. 7199

The rules adopted under this division shall be consistent 7200
with this chapter and, to the extent consistent with this 7201
chapter, rules adopted under sections 4723.51, 4730.55, and 7202
4731.056 of the Revised Code. 7203

Sec. 4772.14. (A) A certified mental health assistant who 7204
has been granted physician-delegated prescriptive authority by 7205
the physician supervising the certified mental health assistant 7206
may personally furnish to a patient samples of drugs and 7207
therapeutic devices that are included in the certified mental 7208
health assistant's physician-delegated prescriptive authority, 7209
subject to all of the following: 7210

(1) The amount of the sample furnished shall not exceed a 7211
seventy-two-hour supply, except when the minimum available 7212
quantity of the sample is packaged in an amount that is greater 7213

than a seventy-two-hour supply, in which case the certified 7214
mental health assistant may furnish the sample in the package 7215
amount. 7216

(2) No charge may be imposed for the sample or for 7217
furnishing it. 7218

(3) Samples of controlled substances may not be personally 7219
furnished. 7220

(B) A certified mental health assistant who has been 7221
granted physician-delegated prescriptive authority by the 7222
physician supervising the certified mental health assistant may 7223
personally furnish to a patient a complete or partial supply of 7224
the drugs and therapeutic devices that are included in the 7225
certified mental health assistant's physician-delegated 7226
prescriptive authority, subject to all of the following: 7227

(1) The certified mental health assistant shall not 7228
furnish the drugs and devices in locations other than the 7229
following: 7230

(a) A health department operated by the board of health of 7231
a city or general health district or the authority having the 7232
duties of a board of health under section 3709.05 of the Revised 7233
Code; 7234

(b) A federally funded comprehensive primary care clinic; 7235

(c) A nonprofit health care clinic or program; 7236

(d) An employer-based clinic that provides health care 7237
services to the employer's employees. 7238

(2) The certified mental health assistant shall comply 7239
with all standards and procedures for personally furnishing 7240
supplies of drugs and devices, as established in rules adopted 7241

under this section. 7242

(3) Complete or partial supplies of controlled substances 7243
may not be personally furnished. 7244

(C) The state medical board shall adopt rules establishing 7245
standards and procedures to be followed by a certified mental 7246
health assistant in personally furnishing samples of drugs or 7247
complete or partial supplies of drugs to patients under this 7248
section. Rules adopted under this section shall be adopted in 7249
accordance with Chapter 119. of the Revised Code. 7250

Sec. 4772.15. (A) As used in this section, "community 7251
addiction services provider" has the same meaning as in section 7252
5119.01 of the Revised Code. 7253

(B) A certified mental health assistant shall comply with 7254
section 3719.064 of the Revised Code and rules adopted under 7255
section 4772.13 of the Revised Code when treating a patient with 7256
medication-assisted treatment or proposing to initiate such 7257
treatment. 7258

(C) A certified mental health assistant who fails to 7259
comply with this section shall treat not more than thirty 7260
patients at any one time with medication-assisted treatment even 7261
if the facility or location at which the treatment is provided 7262
is either of the following: 7263

(1) Exempted by divisions (B)(2)(a) to (d) or (i) of 7264
section 4729.553 of the Revised Code from being required to 7265
possess a category III terminal distributor of dangerous drugs 7266
license with an office-based opioid treatment classification; 7267

(2) A community addiction services provider that provides 7268
alcohol and drug addiction services that are certified by the 7269
department of mental health and addiction services under section 7270

5119.36 of the Revised Code.

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Sec. 4772.16. (A) Notwithstanding any provision of this
chapter or rule adopted by the state medical board, a certified
mental health assistant who has been granted physician-delegated
prescriptive authority by the physician supervising the
certified mental health assistant may personally furnish a
supply of naloxone, or issue a prescription for naloxone,
without having examined the individual to whom it may be
administered if both of the following conditions are met:

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(1) The naloxone supply is furnished to, or the
prescription is issued to and in the name of, a family member,
friend, or other individual in a position to assist an
individual who there is reason to believe is at risk of
experiencing an opioid-related overdose.

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(2) The certified mental health assistant instructs the
individual receiving the naloxone supply or prescription to
summon emergency services as soon as practicable either before
or after administering naloxone to an individual apparently
experiencing an opioid-related overdose.

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(B) A certified mental health assistant who under division
(A) of this section in good faith furnishes a supply of naloxone
or issues a prescription for naloxone is not liable for or
subject to any of the following for any action or omission of
the individual to whom the naloxone is furnished or the
prescription is issued: damages in any civil action, prosecution
in any criminal proceeding, or professional disciplinary action.

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Sec. 4772.17. (A) (1) A certified mental health assistant
who has been granted physician-delegated prescriptive authority
by the physician supervising the certified mental health

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assistant and who has established a protocol that meets the 7300
requirements of division (C) of this section may authorize one 7301
or more other individuals to personally furnish a supply of 7302
naloxone pursuant to the protocol to either of the following: 7303

(a) An individual who there is reason to believe is 7304
experiencing or at risk of experiencing an opioid-related 7305
overdose; 7306

(b) A family member, friend, or other person in a position 7307
to assist an individual who there is reason to believe is at 7308
risk of experiencing an opioid-related overdose. 7309

(2) An individual authorized under this section to 7310
personally furnish naloxone may do so without having examined 7311
the individual to whom it may be administered. 7312

(B) An individual authorized by a certified mental health 7313
assistant under this section may personally furnish naloxone to 7314
an individual described in division (A)(1)(a) or (b) of this 7315
section if both of the following conditions are met: 7316

(1) The authorized individual complies with the protocol 7317
established by the authorizing certified mental health 7318
assistant, including having completed the training required by 7319
the protocol. 7320

(2) The authorized individual instructs the individual to 7321
whom naloxone is furnished to summon emergency services as soon 7322
as practicable either before or after administering naloxone. 7323

(C) A protocol established by a certified mental health 7324
assistant for purposes of this section shall be established in 7325
writing and include all of the following: 7326

(1) A description of the clinical pharmacology of 7327

naloxone; 7328

(2) Precautions and contraindications concerning 7329
furnishing naloxone; 7330

(3) Any limitations the certified mental health assistant 7331
specifies concerning the individuals to whom naloxone may be 7332
furnished; 7333

(4) The naloxone dosage that may be furnished and any 7334
variation in the dosage based on circumstances specified in the 7335
protocol; 7336

(5) Labeling, storage, recordkeeping, and administrative 7337
requirements; 7338

(6) Training requirements that must be met before an 7339
individual will be authorized to furnish naloxone; 7340

(7) Any instructions or training that the authorized 7341
individual must provide to an individual to whom naloxone is 7342
furnished. 7343

(D) A certified mental health assistant who in good faith 7344
authorizes another individual to personally furnish naloxone in 7345
accordance with a protocol established by the certified mental 7346
health assistant under this section is not liable for or subject 7347
to any of the following for any action or omission of the 7348
individual to whom the naloxone is furnished: damages in any 7349
civil action, prosecution in any criminal proceeding, or 7350
professional disciplinary action. 7351

An individual authorized under this section to personally 7352
furnish naloxone who does so in good faith is not liable for or 7353
subject to any of the following for any action or omission of 7354
the individual to whom the naloxone is furnished: damages in any 7355

civil action, prosecution in any criminal proceeding, or 7356
professional disciplinary action. 7357

Sec. 4772.18. (A) As used in this section, "service 7358
entity" has the same meaning as in section 4729.514 of the 7359
Revised Code. 7360

(B) A certified mental health assistant who has been 7361
granted physician-delegated prescriptive authority by the 7362
physician supervising the certified mental health assistant and 7363
who has established a protocol under division (D) of this 7364
section may authorize an individual who is an employee, 7365
volunteer, or contractor of a service entity to administer 7366
naloxone to an individual who is apparently experiencing an 7367
opioid-related overdose. 7368

(C) An individual authorized by a certified mental health 7369
assistant under this section may administer naloxone to an 7370
individual who is apparently experiencing an opioid-related 7371
overdose if all of the following conditions are met: 7372

(1) The naloxone is obtained from a service entity of 7373
which the authorized individual is an employee, volunteer, or 7374
contractor. 7375

(2) The authorized individual complies with the protocol 7376
established by the authorizing certified mental health 7377
assistant. 7378

(3) The authorized individual summons emergency services 7379
as soon as practicable either before or after administering the 7380
naloxone. 7381

(D) A protocol established by a certified mental health 7382
assistant for purposes of this section must be in writing and 7383
include all of the following: 7384

(1) A description of the clinical pharmacology of 7385
naloxone; 7386

(2) Precautions and contraindications concerning the 7387
administration of naloxone; 7388

(3) Any limitations the certified mental health assistant 7389
specifies concerning the individuals to whom naloxone may be 7390
administered; 7391

(4) The naloxone dosage that may be administered and any 7392
variation in the dosage based on circumstances specified in the 7393
protocol; 7394

(5) Labeling, storage, recordkeeping, and administrative 7395
requirements; 7396

(6) Training requirements that must be met before an 7397
individual can be authorized to administer naloxone. 7398

(E) A certified mental health assistant who in good faith 7399
authorizes an individual to administer naloxone under this 7400
section is not liable for or subject to any of the following for 7401
any act or omission of the authorized individual: damages in any 7402
civil action, prosecution in any criminal proceeding, or 7403
professional disciplinary action. 7404

A service entity or an employee, volunteer, or contractor 7405
of a service entity is not liable for or subject to any of the 7406
following for injury, death, or loss to person or property that 7407
allegedly arises from an act or omission associated with 7408
procuring, maintaining, accessing, or administering naloxone 7409
under this section, unless the act or omission constitutes 7410
willful or wanton misconduct: damages in any civil action, 7411
prosecution in any criminal proceeding, or professional 7412
disciplinary action. 7413

This section does not eliminate, limit, or reduce any 7414
other immunity or defense that a service entity or an employee, 7415
volunteer, or contractor of a service entity may be entitled to 7416
under Chapter 2305. or any other provision of the Revised Code 7417
or under the common law of this state. 7418

Sec. 4772.19. (A) The state medical board shall adopt 7419
rules in accordance with Chapter 119. of the Revised Code to 7420
implement and administer this chapter. 7421

(B) The rules adopted under this section shall include all 7422
of the following: 7423

(1) Standards and procedures for issuing and renewing 7424
licenses to practice as a certified mental health assistant; 7425

(2) Application fees for an initial or renewed license; 7426

(3) Regarding certified mental health assistant education 7427
programs, rules regarding the application process, fees, 7428
requirements for approval, reapproval, and withdrawing approval, 7429
and curriculum standards; 7430

(4) Any additional services that certified mental health 7431
assistants may perform pursuant to division (C) (7) of section 7432
4772.09 of the Revised Code; 7433

(5) Rules governing physician-delegated prescriptive 7434
authority for certified mental health assistants; 7435

(6) Any other standards and procedures the board considers 7436
necessary to govern the practice of certified mental health 7437
assistants, the supervisory relationship between certified 7438
mental health assistants and supervising physicians, and the 7439
administration and enforcement of this chapter. 7440

Sec. 4772.20. (A) The state medical board, by an 7441

affirmative vote of not fewer than six members, may revoke or 7442
may refuse to grant a license to practice as a certified mental 7443
health assistant to an individual found by the board to have 7444
committed fraud, misrepresentation, or deception in applying for 7445
or securing the license. 7446

(B) The board, by an affirmative vote of not fewer than 7447
six members, shall, except as provided in division (C) of this 7448
section, and to the extent permitted by law, limit, revoke, or 7449
suspend an individual's license to practice as a certified 7450
mental health assistant, refuse to issue a license to an 7451
applicant, refuse to renew a license, refuse to reinstate a 7452
license, or reprimand or place on probation the holder of a 7453
license for any of the following reasons: 7454

(1) Permitting the holder's name or license to be used by 7455
another person; 7456

(2) Failure to comply with the requirements of this 7457
chapter, Chapter 4731. of the Revised Code, or any rules adopted 7458
by the board; 7459

(3) Violating or attempting to violate, directly or 7460
indirectly, or assisting in or abetting the violation of, or 7461
conspiring to violate, any provision of this chapter, Chapter 7462
4731. of the Revised Code, or the rules adopted by the board; 7463

(4) A departure from, or failure to conform to, minimal 7464
standards of care of similar practitioners under the same or 7465
similar circumstances whether or not actual injury to the 7466
patient is established; 7467

(5) Inability to practice according to acceptable and 7468
prevailing standards of care by reason of mental illness or 7469
physical illness, including physical deterioration that 7470

adversely affects cognitive, motor, or perceptive skills; 7471

(6) Impairment of ability to practice according to 7472
acceptable and prevailing standards of care because of habitual 7473
or excessive use or abuse of drugs, alcohol, or other substances 7474
that impair ability to practice; 7475

(7) Willfully betraying a professional confidence; 7476

(8) Making a false, fraudulent, deceptive, or misleading 7477
statement in securing or attempting to secure a license to 7478
practice as a certified mental health assistant. 7479

As used in this division, "false, fraudulent, deceptive, 7480
or misleading statement" means a statement that includes a 7481
misrepresentation of fact, is likely to mislead or deceive 7482
because of a failure to disclose material facts, is intended or 7483
is likely to create false or unjustified expectations of 7484
favorable results, or includes representations or implications 7485
that in reasonable probability will cause an ordinarily prudent 7486
person to misunderstand or be deceived. 7487

(9) The obtaining of, or attempting to obtain, money or a 7488
thing of value by fraudulent misrepresentations in the course of 7489
practice; 7490

(10) A plea of guilty to, a judicial finding of guilt of, 7491
or a judicial finding of eligibility for intervention in lieu of 7492
conviction for, a felony; 7493

(11) Commission of an act that constitutes a felony in 7494
this state, regardless of the jurisdiction in which the act was 7495
committed; 7496

(12) A plea of guilty to, a judicial finding of guilt of, 7497
or a judicial finding of eligibility for intervention in lieu of 7498

conviction for, a misdemeanor committed in the course of 7499
practice; 7500

(13) A plea of guilty to, a judicial finding of guilt of, 7501
or a judicial finding of eligibility for intervention in lieu of 7502
conviction for, a misdemeanor involving moral turpitude; 7503

(14) Commission of an act in the course of practice that 7504
constitutes a misdemeanor in this state, regardless of the 7505
jurisdiction in which the act was committed; 7506

(15) Commission of an act involving moral turpitude that 7507
constitutes a misdemeanor in this state, regardless of the 7508
jurisdiction in which the act was committed; 7509

(16) A plea of guilty to, a judicial finding of guilt of, 7510
or a judicial finding of eligibility for intervention in lieu of 7511
conviction for violating any state or federal law regulating the 7512
possession, distribution, or use of any drug, including 7513
trafficking in drugs; 7514

(17) Any of the following actions taken by the state 7515
agency responsible for regulating the practice of certified 7516
mental health assistants in another jurisdiction, for any reason 7517
other than the nonpayment of fees: the limitation, revocation, 7518
or suspension of an individual's license to practice; acceptance 7519
of an individual's license surrender; denial of a license; 7520
refusal to renew or reinstate a license; imposition of 7521
probation; or issuance of an order of censure or other 7522
reprimand; 7523

(18) Violation of the conditions placed by the board on a 7524
license to practice as a certified mental health assistant; 7525

(19) Failure to use universal blood and body fluid 7526
precautions established by rules adopted under section 4731.051 7527

of the Revised Code; 7528

(20) Failure to cooperate in an investigation conducted by 7529
the board under section 4772.21 of the Revised Code, including 7530
failure to comply with a subpoena or order issued by the board 7531
or failure to answer truthfully a question presented by the 7532
board at a deposition or in written interrogatories, except that 7533
failure to cooperate with an investigation shall not constitute 7534
grounds for discipline under this section if a court of 7535
competent jurisdiction has issued an order that either quashes a 7536
subpoena or permits the individual to withhold the testimony or 7537
evidence in issue; 7538

(21) Failure to practice in accordance with the 7539
supervising physician's supervision agreement with the certified 7540
mental health assistant; 7541

(22) Administering drugs for purposes other than those 7542
authorized under this chapter; 7543

(23) Failure to comply with section 4772.13 of the Revised 7544
Code, unless the board no longer maintains a drug database 7545
pursuant to section 4729.75 of the Revised Code; 7546

(24) Assisting suicide, as defined in section 3795.01 of 7547
the Revised Code. 7548

(C) The board shall not refuse to issue a license to an 7549
applicant because of a plea of guilty to, a judicial finding of 7550
guilt of, or a judicial finding of eligibility for intervention 7551
in lieu of conviction for an offense unless the refusal is in 7552
accordance with section 9.79 of the Revised Code. 7553

(D) Disciplinary actions taken by the board under 7554
divisions (A) and (B) of this section shall be taken pursuant to 7555
an adjudication under Chapter 119. of the Revised Code, except 7556

that in lieu of an adjudication, the board may enter into a 7557
consent agreement with a certified mental health assistant or 7558
applicant to resolve an allegation of a violation of this 7559
chapter or any rule adopted under it. A consent agreement, when 7560
ratified by an affirmative vote of not fewer than six members of 7561
the board, shall constitute the findings and order of the board 7562
with respect to the matter addressed in the agreement. If the 7563
board refuses to ratify a consent agreement, the admissions and 7564
findings contained in the consent agreement shall be of no force 7565
or effect. 7566

(E) For purposes of divisions (B) (11), (14), and (15) of 7567
this section, the commission of the act may be established by a 7568
finding by the board, pursuant to an adjudication under Chapter 7569
119. of the Revised Code, that the applicant or license holder 7570
committed the act in question. The board shall have no 7571
jurisdiction under these divisions in cases where the trial 7572
court renders a final judgment in the license holder's favor and 7573
that judgment is based upon an adjudication on the merits. The 7574
board shall have jurisdiction under these divisions in cases 7575
where the trial court issues an order of dismissal on technical 7576
or procedural grounds. 7577

(F) The sealing of conviction records by any court shall 7578
have no effect on a prior board order entered under the 7579
provisions of this section or on the board's jurisdiction to 7580
take action under the provisions of this section if, based upon 7581
a plea of guilty, a judicial finding of guilt, or a judicial 7582
finding of eligibility for intervention in lieu of conviction, 7583
the board issued a notice of opportunity for a hearing prior to 7584
the court's order to seal the records. The board shall not be 7585
required to seal, destroy, redact, or otherwise modify its 7586
records to reflect the court's sealing of conviction records. 7587

(G) For purposes of this division, any individual who 7588
holds a license to practice as a certified mental health 7589
assistant issued under this chapter, or applies for a license, 7590
shall be deemed to have given consent to submit to a mental or 7591
physical examination when directed to do so in writing by the 7592
board and to have waived all objections to the admissibility of 7593
testimony or examination reports that constitute a privileged 7594
communication. 7595

(1) In enforcing division (B) (5) of this section, the 7596
board, on a showing of a possible violation, may compel any 7597
individual who holds a license to practice as a certified mental 7598
health assistant issued under this chapter or who has applied 7599
for a license to submit to a mental or physical examination, or 7600
both. A physical examination may include an HIV test. The 7601
expense of the examination is the responsibility of the 7602
individual compelled to be examined. Failure to submit to a 7603
mental or physical examination or consent to an HIV test ordered 7604
by the board constitutes an admission of the allegations against 7605
the individual unless the failure is due to circumstances beyond 7606
the individual's control, and a default and final order may be 7607
entered without the taking of testimony or presentation of 7608
evidence. If the board finds a certified mental health assistant 7609
unable to practice because of the reasons set forth in division 7610
(B) (5) of this section, the board shall require the certified 7611
mental health assistant to submit to care, counseling, or 7612
treatment by physicians approved or designated by the board, as 7613
a condition for an initial, continued, reinstated, or renewed 7614
license. An individual affected by this division shall be 7615
afforded an opportunity to demonstrate to the board the ability 7616
to resume practicing in compliance with acceptable and 7617
prevailing standards of care. 7618

(2) For purposes of division (B)(6) of this section, if 7619
the board has reason to believe that any individual who holds a 7620
license to practice as a certified mental health assistant 7621
issued under this chapter or any applicant for a license suffers 7622
such impairment, the board may compel the individual to submit 7623
to a mental or physical examination, or both. The expense of the 7624
examination is the responsibility of the individual compelled to 7625
be examined. Any mental or physical examination required under 7626
this division shall be undertaken by a treatment provider or 7627
physician qualified to conduct such examination and chosen by 7628
the board. 7629

Failure to submit to a mental or physical examination 7630
ordered by the board constitutes an admission of the allegations 7631
against the individual unless the failure is due to 7632
circumstances beyond the individual's control, and a default and 7633
final order may be entered without the taking of testimony or 7634
presentation of evidence. If the board determines that the 7635
individual's ability to practice is impaired, the board shall 7636
suspend the individual's license or deny the individual's 7637
application and shall require the individual, as a condition for 7638
an initial, continued, reinstated, or renewed license to 7639
practice, to submit to treatment. 7640

Before being eligible to apply for reinstatement of a 7641
license suspended under this division, the certified mental 7642
health assistant shall demonstrate to the board the ability to 7643
resume practice in compliance with acceptable and prevailing 7644
standards of care. The demonstration shall include the 7645
following: 7646

(a) Certification from a treatment provider approved under 7647
section 4731.25 of the Revised Code that the individual has 7648

successfully completed any required inpatient treatment; 7649

(b) Evidence of continuing full compliance with an 7650
aftercare contract or consent agreement; 7651

(c) Two written reports indicating that the individual's 7652
ability to practice has been assessed and that the individual 7653
has been found capable of practicing according to acceptable and 7654
prevailing standards of care. The reports shall be made by 7655
individuals or providers approved by the board for making such 7656
assessments and shall describe the basis for their 7657
determination. 7658

The board may reinstate a license suspended under this 7659
division after such demonstration and after the individual has 7660
entered into a written consent agreement. 7661

When the impaired certified mental health assistant 7662
resumes practice, the board shall require continued monitoring 7663
of the certified mental health assistant. The monitoring shall 7664
include monitoring of compliance with the written consent 7665
agreement entered into before reinstatement or with conditions 7666
imposed by board order after a hearing, and, on termination of 7667
the consent agreement, submission to the board for at least two 7668
years of annual written progress reports made under penalty of 7669
falsification stating whether the certified mental health 7670
assistant has maintained sobriety. 7671

(H) If the secretary and supervising member determine that 7672
there is clear and convincing evidence that a certified mental 7673
health assistant has violated division (B) of this section and 7674
that the individual's continued practice presents a danger of 7675
immediate and serious harm to the public, they may recommend 7676
that the board suspend the individual's license to practice 7677

without a prior hearing. Written allegations shall be prepared 7678
for consideration by the board. 7679

The board, on review of the allegations and by an 7680
affirmative vote of not fewer than six of its members, excluding 7681
the secretary and supervising member, may suspend a license 7682
without a prior hearing. A telephone conference call may be 7683
utilized for reviewing the allegations and taking the vote on 7684
the summary suspension. 7685

The board shall issue a written order of suspension by 7686
certified mail or in person in accordance with section 119.07 of 7687
the Revised Code. The order shall not be subject to suspension 7688
by the court during pendency of any appeal filed under section 7689
119.12 of the Revised Code. If the certified mental health 7690
assistant requests an adjudicatory hearing by the board, the 7691
date set for the hearing shall be within fifteen days, but not 7692
earlier than seven days, after the certified mental health 7693
assistant requests the hearing, unless otherwise agreed to by 7694
both the board and the license holder. 7695

A summary suspension imposed under this division shall 7696
remain in effect, unless reversed on appeal, until a final 7697
adjudicative order issued by the board pursuant to this section 7698
and Chapter 119. of the Revised Code becomes effective. The 7699
board shall issue its final adjudicative order within sixty days 7700
after completion of its hearing. Failure to issue the order 7701
within sixty days shall result in dissolution of the summary 7702
suspension order, but shall not invalidate any subsequent, final 7703
adjudicative order. 7704

(I) If the board takes action under division (B) (10), 7705
(12), or (13) of this section, and the judicial finding of 7706
guilt, guilty plea, or judicial finding of eligibility for 7707

intervention in lieu of conviction is overturned on appeal, on 7708
exhaustion of the criminal appeal, a petition for 7709
reconsideration of the order may be filed with the board along 7710
with appropriate court documents. On receipt of a petition and 7711
supporting court documents, the board shall reinstate the 7712
license to practice as a certified mental health assistant. The 7713
board may then hold an adjudication under Chapter 119. of the 7714
Revised Code to determine whether the individual committed the 7715
act in question. Notice of opportunity for hearing shall be 7716
given in accordance with Chapter 119. of the Revised Code. If 7717
the board finds, pursuant to an adjudication held under this 7718
division, that the individual committed the act, or if no 7719
hearing is requested, it may order any of the sanctions 7720
specified in division (B) of this section. 7721

(J) The license to practice of a certified mental health 7722
assistant and the assistant's practice in this state are 7723
automatically suspended as of the date the certified mental 7724
health assistant pleads guilty to, is found by a judge or jury 7725
to be guilty of, or is subject to a judicial finding of 7726
eligibility for intervention in lieu of conviction in this state 7727
or treatment of intervention in lieu of conviction in another 7728
jurisdiction for any of the following criminal offenses in this 7729
state or a substantially equivalent criminal offense in another 7730
jurisdiction: aggravated murder, murder, voluntary manslaughter, 7731
felonious assault, kidnapping, rape, sexual battery, gross 7732
sexual imposition, aggravated arson, aggravated robbery, or 7733
aggravated burglary. Continued practice after the suspension 7734
shall be considered practicing without a license. 7735

The board shall notify the individual subject to the 7736
suspension by certified mail or in person in accordance with 7737
section 119.07 of the Revised Code. If an individual whose 7738

license is suspended under this division fails to make a timely 7739
request for an adjudication under Chapter 119. of the Revised 7740
Code, the board shall enter a final order permanently revoking 7741
the individual's license. 7742

(K) In any instance in which the board is required by 7743
Chapter 119. of the Revised Code to give notice of opportunity 7744
for hearing and the individual subject to the notice does not 7745
timely request a hearing in accordance with section 119.07 of 7746
the Revised Code, the board is not required to hold a hearing, 7747
but may adopt, by an affirmative vote of not fewer than six of 7748
its members, a final order that contains the board's findings. 7749
In the final order, the board may order any of the sanctions 7750
identified under division (A) or (B) of this section. 7751

(L) Any action taken by the board under division (B) of 7752
this section resulting in a suspension shall be accompanied by a 7753
written statement of the conditions under which the certified 7754
mental health assistant's license may be reinstated. The board 7755
shall adopt rules in accordance with Chapter 119. of the Revised 7756
Code governing conditions to be imposed for reinstatement. 7757
Reinstatement of a license suspended pursuant to division (B) of 7758
this section requires an affirmative vote of not fewer than six 7759
members of the board. 7760

(M) When the board refuses to grant or issue a license to 7761
practice as a certified mental health assistant to an applicant, 7762
revokes an individual's license, refuses to renew an 7763
individual's license, or refuses to reinstate an individual's 7764
license, the board may specify that its action is permanent. An 7765
individual subject to a permanent action taken by the board is 7766
forever thereafter ineligible to hold a license to practice as a 7767
certified mental health assistant and the board shall not accept 7768

an application for reinstatement of the license or for issuance 7769
of a new license. 7770

(N) Notwithstanding any other provision of the Revised 7771
Code, all of the following apply: 7772

(1) The surrender of a license to practice as a certified 7773
mental health assistant issued under this chapter is not 7774
effective unless or until accepted by the board. Reinstatement 7775
of a license surrendered to the board requires an affirmative 7776
vote of not fewer than six members of the board. 7777

(2) An application made under this chapter for a license 7778
to practice may not be withdrawn without approval of the board. 7779

(3) Failure by an individual to renew a license to 7780
practice in accordance with section 4772.08 of the Revised Code 7781
shall not remove or limit the board's jurisdiction to take 7782
disciplinary action under this section against the individual. 7783

Sec. 4772.201. On receipt of a notice pursuant to section 7784
3123.43 of the Revised Code, the state medical board shall 7785
comply with sections 3123.41 to 3123.50 of the Revised Code and 7786
any applicable rules adopted under section 3123.63 of the 7787
Revised Code with respect to a license to practice as a 7788
certified mental health assistant issued under this chapter. 7789

Sec. 4772.202. If the state medical board has reason to 7790
believe that any person who has been granted a license to 7791
practice as a certified mental health assistant under this 7792
chapter is mentally ill or mentally incompetent, it may file in 7793
the probate court of the county in which the person has a legal 7794
residence an affidavit in the form prescribed in section 5122.11 7795
of the Revised Code and signed by the board secretary or a 7796
member of the board secretary's staff, whereupon the same 7797

proceedings shall be had as provided in Chapter 5122. of the 7798
Revised Code. The attorney general may represent the board in 7799
any proceeding commenced under this section. 7800

If any person who has been granted a license is adjudged 7801
by a probate court to be mentally ill or mentally incompetent, 7802
the person's license shall be automatically suspended until the 7803
person has filed with the state medical board a certified copy 7804
of an adjudication by a probate court of the person's subsequent 7805
restoration to competency or has submitted to the board proof, 7806
satisfactory to the board, that the person has been discharged 7807
as having a restoration to competency in the manner and form 7808
provided in section 5122.38 of the Revised Code. The judge of 7809
the probate court shall forthwith notify the state medical board 7810
of an adjudication of mental illness or mental incompetence, and 7811
shall note any suspension of a license in the margin of the 7812
court's record of such license. 7813

Sec. 4772.203. (A) (1) If a certified mental health 7814
assistant violates any section of this chapter or any rule 7815
adopted under this chapter, the state medical board may, 7816
pursuant to an adjudication under Chapter 119. of the Revised 7817
Code and an affirmative vote of not fewer than six of its 7818
members, impose a civil penalty. The amount of the civil penalty 7819
shall be determined by the board in accordance with the 7820
guidelines adopted under division (A) (2) of this section. The 7821
civil penalty may be in addition to any other action the board 7822
may take under section 4772.20 of the Revised Code. 7823

(2) The board shall adopt and may amend guidelines 7824
regarding the amounts of civil penalties to be imposed under 7825
this section. Adoption or amendment of the guidelines requires 7826
the approval of not fewer than six board members. 7827

Under the guidelines, no civil penalty amount shall exceed 7828
twenty thousand dollars. 7829

(B) Amounts received from payment of civil penalties 7830
imposed under this section shall be deposited by the board in 7831
accordance with section 4731.24 of the Revised Code. Amounts 7832
received from payment of civil penalties imposed for violations 7833
of division (B) (6) of section 4772.20 of the Revised Code shall 7834
be used by the board solely for investigations, enforcement, and 7835
compliance monitoring. 7836

Sec. 4772.21. (A) The state medical board shall 7837
investigate evidence that appears to show that any person has 7838
violated this chapter or the rules adopted under it. Any person 7839
may report to the board in a signed writing any information the 7840
person has that appears to show a violation of any provision of 7841
this chapter or the rules adopted under it. In the absence of 7842
bad faith, a person who reports such information or testifies 7843
before the board in an adjudication conducted under Chapter 119. 7844
of the Revised Code shall not be liable for civil damages as a 7845
result of reporting the information or providing testimony. Each 7846
complaint or allegation of a violation received by the board 7847
shall be assigned a case number and be recorded by the board. 7848

(B) Investigations of alleged violations of this chapter 7849
or rules adopted under it shall be supervised by the supervising 7850
member elected by the board in accordance with section 4731.02 7851
of the Revised Code and by the secretary as provided in section 7852
4772.24 of the Revised Code. The board's president may designate 7853
another member of the board to supervise the investigation in 7854
place of the supervising member. A member of the board who 7855
supervises the investigation of a case shall not participate in 7856
further adjudication of the case. 7857

(C) In investigating a possible violation of this chapter 7858
or the rules adopted under it, the board may administer oaths, 7859
order the taking of depositions, issue subpoenas, and compel the 7860
attendance of witnesses and production of books, accounts, 7861
papers, records, documents, and testimony, except that a 7862
subpoena for patient record information shall not be issued 7863
without consultation with the attorney general's office and 7864
approval of the secretary and supervising member of the board. 7865
Before issuance of a subpoena for patient record information, 7866
the secretary and supervising member shall determine whether 7867
there is probable cause to believe that the complaint filed 7868
alleges a violation of this chapter or the rules adopted under 7869
it and that the records sought are relevant to the alleged 7870
violation and material to the investigation. The subpoena may 7871
apply only to records that cover a reasonable period of time 7872
surrounding the alleged violation. 7873

On failure to comply with any subpoena issued by the board 7874
and after reasonable notice to the person being subpoenaed, the 7875
board may move for an order compelling the production of persons 7876
or records pursuant to the Rules of Civil Procedure. 7877

A subpoena issued by the board may be served by a sheriff, 7878
the sheriff's deputy, or a board employee designated by the 7879
board. Service of a subpoena issued by the board may be made by 7880
delivering a copy of the subpoena to the person named therein, 7881
reading it to the person, or leaving it at the person's usual 7882
place of residence. When the person being served is a certified 7883
mental health assistant, service of the subpoena may be made by 7884
certified mail, restricted delivery, return receipt requested, 7885
and the subpoena shall be deemed served on the date delivery is 7886
made or the date the person refuses to accept delivery. 7887

A sheriff's deputy who serves a subpoena shall receive the 7888
same fees as a sheriff. Each witness who appears before the 7889
board in obedience to a subpoena shall receive the fees and 7890
mileage provided for witnesses in civil cases in the courts of 7891
common pleas. 7892

(D) All hearings and investigations of the board shall be 7893
considered civil actions for the purposes of section 2305.252 of 7894
the Revised Code. 7895

(E) Information received by the board pursuant to an 7896
investigation is confidential and not subject to discovery in 7897
any civil action. 7898

The board shall conduct all investigations and proceedings 7899
in a manner that protects the confidentiality of patients and 7900
persons who file complaints with the board. The board shall not 7901
make public the names or any other identifying information about 7902
patients or complainants unless proper consent is given. 7903

The board may share any information it receives pursuant 7904
to an investigation, including patient records and patient 7905
record information, with law enforcement agencies, other 7906
licensing boards, and other governmental agencies that are 7907
prosecuting, adjudicating, or investigating alleged violations 7908
of statutes or administrative rules. An agency or board that 7909
receives the information shall comply with the same requirements 7910
regarding confidentiality as those with which the state medical 7911
board must comply, notwithstanding any conflicting provision of 7912
the Revised Code or procedure of the agency or board that 7913
applies when it is dealing with other information in its 7914
possession. In a judicial proceeding, the information may be 7915
admitted into evidence only in accordance with the Rules of 7916
Evidence, but the court shall require that appropriate measures 7917

are taken to ensure that confidentiality is maintained with 7918
respect to any part of the information that contains names or 7919
other identifying information about patients or complainants 7920
whose confidentiality was protected by the state medical board 7921
when the information was in the board's possession. Measures to 7922
ensure confidentiality that may be taken by the court include 7923
sealing its records or deleting specific information from its 7924
records. 7925

(F) On a quarterly basis, the board shall prepare a report 7926
that documents the disposition of all cases during the preceding 7927
three months. The report shall contain the following information 7928
for each case with which the board has completed its activities: 7929

(1) The case number assigned to the complaint or alleged 7930
violation; 7931

(2) The type of license, if any, held by the individual 7932
against whom the complaint is directed; 7933

(3) A description of the allegations contained in the 7934
complaint; 7935

(4) The disposition of the case. 7936

The report shall state how many cases are still pending, 7937
and shall be prepared in a manner that protects the identity of 7938
each person involved in each case. The report is a public record 7939
for purposes of section 149.43 of the Revised Code. 7940

Sec. 4772.22. (A) As used in this section, "prosecutor" 7941
has the same meaning as in section 2935.01 of the Revised Code. 7942

(B) Whenever any person holding a valid license to 7943
practice as a certified mental health assistant issued under 7944
this chapter pleads guilty to, is subject to a judicial finding 7945

of guilt of, or is subject to a judicial finding of eligibility 7946
for intervention in lieu of conviction for a violation of 7947
Chapter 2907., 2925., or 3719. of the Revised Code or of any 7948
substantively comparable ordinance of a municipal corporation in 7949
connection with the person's practice, the prosecutor in the 7950
case, on forms prescribed and provided by the state medical 7951
board, shall promptly notify the board of the conviction. Within 7952
thirty days of receipt of that information, the board shall 7953
initiate action in accordance with Chapter 119. of the Revised 7954
Code to determine whether to suspend or revoke the license under 7955
section 4772.20 of the Revised Code. 7956

(C) The prosecutor in any case against any person holding 7957
a valid license issued under this chapter, on forms prescribed 7958
and provided by the state medical board, shall notify the board 7959
of any of the following: 7960

(1) A plea of guilty to, a finding of guilt by a jury or 7961
court of, or judicial finding of eligibility for intervention in 7962
lieu of conviction for a felony, or a case in which the trial 7963
court issues an order of dismissal upon technical or procedural 7964
grounds of a felony charge; 7965

(2) A plea of guilty to, a finding of guilt by a jury or 7966
court of, or judicial finding of eligibility for intervention in 7967
lieu of conviction for a misdemeanor committed in the course of 7968
practice, or a case in which the trial court issues an order of 7969
dismissal upon technical or procedural grounds of a charge of a 7970
misdemeanor, if the alleged act was committed in the course of 7971
practice; 7972

(3) A plea of guilty to, a finding of guilt by a jury or 7973
court of, or judicial finding of eligibility for intervention in 7974
lieu of conviction for a misdemeanor involving moral turpitude, 7975

or a case in which the trial court issues an order of dismissal 7976
upon technical or procedural grounds of a charge of a 7977
misdemeanor involving moral turpitude. 7978

The report shall include the name and address of the 7979
license holder, the nature of the offense for which the action 7980
was taken, and the certified court documents recording the 7981
action. 7982

Sec. 4772.23. (A) Within sixty days after the imposition 7983
of any formal disciplinary action taken by any health care 7984
facility, including a hospital, health care facility operated by 7985
a health insuring corporation, ambulatory surgical facility, or 7986
similar facility, against any individual holding a valid license 7987
to practice as a certified mental health assistant, the chief 7988
administrator or executive officer of the facility shall report 7989
to the state medical board the name of the individual, the 7990
action taken by the facility, and a summary of the underlying 7991
facts leading to the action taken. On request, the board shall 7992
be provided certified copies of the patient records that were 7993
the basis for the facility's action. Prior to release to the 7994
board, the summary shall be approved by the peer review 7995
committee that reviewed the case or by the governing board of 7996
the facility. 7997

The filing of a report with the board or decision not to 7998
file a report, investigation by the board, or any disciplinary 7999
action taken by the board, does not preclude a health care 8000
facility from taking disciplinary action against a certified 8001
mental health assistant. 8002

In the absence of fraud or bad faith, no individual or 8003
entity that provides patient records to the board shall be 8004
liable in damages to any person as a result of providing the 8005

records. 8006

(B) (1) Except as provided in division (B) (2) of this 8007
section, a certified mental health assistant, professional 8008
association or society of certified mental health assistants, 8009
physician, or professional association or society of physicians 8010
that believes a violation of any provision of this chapter, 8011
Chapter 4731. of the Revised Code, or rule of the board has 8012
occurred shall report to the board the information on which the 8013
belief is based. 8014

(2) A certified mental health assistant, professional 8015
association or society of certified mental health assistants, 8016
physician, or professional association or society of physicians 8017
that believes a violation of division (B) (6) of section 4772.20 8018
of the Revised Code has occurred shall report the information 8019
upon which the belief is based to the monitoring organization 8020
conducting the program established by the board under section 8021
4731.251 of the Revised Code. If any such report is made to the 8022
board, it shall be referred to the monitoring organization 8023
unless the board is aware that the individual who is the subject 8024
of the report does not meet the program eligibility requirements 8025
of section 4731.252 of the Revised Code. 8026

(C) Any professional association or society composed 8027
primarily of certified mental health assistants that suspends or 8028
revokes an individual's membership for violations of 8029
professional ethics, or for reasons of professional incompetence 8030
or professional malpractice, within sixty days after a final 8031
decision, shall report to the board, on forms prescribed and 8032
provided by the board, the name of the individual, the action 8033
taken by the professional organization, and a summary of the 8034
underlying facts leading to the action taken. 8035

The filing of a report with the board or decision not to 8036
file a report, investigation by the board, or any disciplinary 8037
action taken by the board, does not preclude a professional 8038
organization from taking disciplinary action against a certified 8039
mental health assistant. 8040

(D) Any insurer providing professional liability insurance 8041
to any person holding a valid license to practice as a certified 8042
mental health assistant or any other entity that seeks to 8043
indemnify the professional liability of a certified mental 8044
health assistant shall notify the board within thirty days after 8045
the final disposition of any written claim for damages where 8046
such disposition results in a payment exceeding twenty-five 8047
thousand dollars. The notice shall contain the following 8048
information: 8049

(1) The name and address of the person submitting the 8050
notification; 8051

(2) The name and address of the insured who is the subject 8052
of the claim; 8053

(3) The name of the person filing the written claim; 8054

(4) The date of final disposition; 8055

(5) If applicable, the identity of the court in which the 8056
final disposition of the claim took place. 8057

(E) The board may investigate possible violations of this 8058
chapter or the rules adopted under it that are brought to its 8059
attention as a result of the reporting requirements of this 8060
section, except that the board shall conduct an investigation if 8061
a possible violation involves repeated malpractice. As used in 8062
this division, "repeated malpractice" means three or more claims 8063
for malpractice within the previous five-year period, each 8064

resulting in a judgment or settlement in excess of twenty-five 8065
thousand dollars in favor of the claimant, and each involving 8066
negligent conduct by the certified mental health assistant. 8067

(F) All summaries, reports, and records received and 8068
maintained by the board pursuant to this section shall be held 8069
in confidence and shall not be subject to discovery or 8070
introduction in evidence in any federal or state civil action 8071
involving a certified mental health assistant, supervising 8072
physician, or health care facility arising out of matters that 8073
are the subject of the reporting required by this section. The 8074
board may use the information obtained only as the basis for an 8075
investigation, as evidence in a disciplinary hearing against a 8076
certified mental health assistant or supervising physician, or 8077
in any subsequent trial or appeal of a board action or order. 8078

The board may disclose the summaries and reports it 8079
receives under this section only to health care facility 8080
committees within or outside this state that are involved in 8081
credentialing or recredentialing a certified mental health 8082
assistant or supervising physician, if applicable, or reviewing 8083
their privilege to practice within a particular facility. The 8084
board shall indicate whether or not the information has been 8085
verified. Information transmitted by the board shall be subject 8086
to the same confidentiality provisions as when maintained by the 8087
board. 8088

(G) Except for reports filed by an individual pursuant to 8089
division (B) of this section, the board shall send a copy of any 8090
reports or summaries it receives pursuant to this section to the 8091
certified mental health assistant. The certified mental health 8092
assistant shall have the right to file a statement with the 8093
board concerning the correctness or relevance of the 8094

information. The statement shall at all times accompany that 8095
part of the record in contention. 8096

(H) An individual or entity that reports to the board, 8097
reports to the monitoring organization described in section 8098
4731.251 of the Revised Code, or refers an impaired certified 8099
mental health assistant to a treatment provider approved by the 8100
board under section 4731.25 of the Revised Code shall not be 8101
subject to suit for civil damages as a result of the report, 8102
referral, or provision of the information. 8103

(I) In the absence of fraud or bad faith, a professional 8104
association or society of certified mental health assistants 8105
that sponsors a committee or program to provide peer assistance 8106
to a certified mental health assistant with substance abuse 8107
problems, a representative or agent of such a committee or 8108
program, a representative or agent of the monitoring 8109
organization described in section 4731.251 of the Revised Code, 8110
and a member of the state medical board shall not be held liable 8111
in damages to any person by reason of actions taken to refer a 8112
certified mental health assistant to a treatment provider 8113
approved under section 4731.25 of the Revised Code for 8114
examination or treatment. 8115

Sec. 4772.24. The secretary of the state medical board 8116
shall enforce the laws relating to the practice of certified 8117
mental health assistants. If the secretary has knowledge or 8118
notice of a violation of this chapter or the rules adopted under 8119
it, the secretary shall investigate the matter, and, upon 8120
probable cause appearing, file a complaint and prosecute the 8121
offender. When requested by the secretary, the prosecuting 8122
attorney of the proper county shall take charge of and conduct 8123
the prosecution. 8124

Sec. 4772.25. The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person engaged either directly or by complicity in practicing as a certified mental health assistant without having first obtained under this chapter a license to practice as a certified mental health assistant, may, in accordance with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in unlawfully practicing as a certified mental health assistant by applying for an injunction in any court of competent jurisdiction. 8125
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Prior to application for an injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful practice by registered mail that the secretary has received information indicating that this person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section. 8138
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Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. 8151
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Injunction proceedings shall be in addition to, and not in 8156
lieu of, all penalties and other remedies provided in this 8157
chapter. 8158

Sec. 4772.26. The state medical board, subject to the 8159
approval of the controlling board, may establish fees in excess 8160
of the amounts specified in this chapter, except that the fees 8161
may not exceed the specified amounts by more than fifty per 8162
cent. 8163

All fees, penalties, and other funds received by the board 8164
under this chapter shall be deposited in accordance with section 8165
4731.24 of the Revised Code. 8166

Sec. 4772.27. In the absence of fraud or bad faith, the 8167
state medical board, a current or former board member, an agent 8168
of the board, a person formally requested by the board to be the 8169
board's representative, or an employee of the board shall not be 8170
held liable in damages to any person as the result of any act, 8171
omission, proceeding, conduct, or decision related to official 8172
duties undertaken or performed pursuant to this chapter. If any 8173
such person asks to be defended by the state against any claim 8174
or action arising out of any act, omission, proceeding, conduct, 8175
or decision related to the person's official duties, and if the 8176
request is made in writing at a reasonable time before trial and 8177
the person requesting defense cooperates in good faith in the 8178
defense of the claim or action, the state shall provide and pay 8179
for the person's defense and shall pay any resulting judgment, 8180
compromise, or settlement. At no time shall the state pay any 8181
part of a claim or judgment that is for punitive or exemplary 8182
damages. 8183

Sec. 4772.28. The state medical board shall comply with 8184
section 4776.20 of the Revised Code. 8185

Sec. 4772.99. (A) Whoever violates section 4772.02 of the 8186
Revised Code is guilty of a misdemeanor of the first degree on a 8187
first offense; on each subsequent offense, the person is guilty 8188
of a felony of the fourth degree. 8189

(B) Whoever violates division (A), (B), (C), or (D) of 8190
section 4772.23 of the Revised Code is guilty of a minor 8191
misdemeanor on a first offense; on each subsequent offense the 8192
person is guilty of a misdemeanor of the fourth degree, except 8193
that an individual guilty of a subsequent offense shall not be 8194
subject to imprisonment, but to a fine alone of up to one 8195
thousand dollars for each offense. 8196

Sec. 4776.01. As used in this chapter: 8197

(A) "License" means an authorization evidenced by a 8198
license, certificate, registration, permit, card, or other 8199
authority that is issued or conferred by a licensing agency to a 8200
licensee or to an applicant for an initial license by which the 8201
licensee or initial license applicant has or claims the 8202
privilege to engage in a profession, occupation, or occupational 8203
activity, or, except in the case of the state dental board, to 8204
have control of and operate certain specific equipment, 8205
machinery, or premises, over which the licensing agency has 8206
jurisdiction. 8207

(B) Except as provided in section 4776.20 of the Revised 8208
Code, "licensee" means the person to whom the license is issued 8209
by a licensing agency. "Licensee" includes a person who, for 8210
purposes of section 3796.13 of the Revised Code, has complied 8211
with sections 4776.01 to 4776.04 of the Revised Code and has 8212
been determined by the department of commerce or state board of 8213
pharmacy, as the applicable licensing agency, to meet the 8214
requirements for employment. 8215

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

(3) The department of commerce or state board of pharmacy, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons seeking restoration of a license under section 4730.14, 4730.28, 4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061,

4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 8245
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 8246
"Applicant for a restored license" does not include a person 8247
seeking restoration of a license under section 4751.33 of the 8248
Revised Code. 8249

(F) "Criminal records check" has the same meaning as in 8250
section 109.572 of the Revised Code. 8251

Sec. 5123.47. (A) As used in this section: 8252

(1) "In-home care" means the supportive services provided 8253
within the home of an individual with a developmental disability 8254
who receives funding for the services through a county board of 8255
developmental disabilities, including any recipient of 8256
residential services funded as home and community-based 8257
services, family support services provided under section 5126.11 8258
of the Revised Code, or supported living provided in accordance 8259
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 8260
care" includes care that is provided outside an individual's 8261
home in places incidental to the home, and while traveling to 8262
places incidental to the home, except that "in-home care" does 8263
not include care provided in the facilities of a county board of 8264
developmental disabilities or care provided in schools. 8265

(2) "Parent" means either parent of a child, including an 8266
adoptive parent but not a foster parent. 8267

(3) "Unlicensed in-home care worker" means an individual 8268
who provides in-home care but is not a health care professional. 8269

(4) "Family member" means a parent, sibling, spouse, son, 8270
daughter, grandparent, aunt, uncle, cousin, or guardian of the 8271
individual with a developmental disability if the individual 8272
with a developmental disability lives with the person and is 8273

dependent on the person to the extent that, if the supports were 8274
withdrawn, another living arrangement would have to be found. 8275

(5) "Health care professional" means any of the following: 8276

(a) A dentist who holds a valid license issued under 8277
Chapter 4715. of the Revised Code; 8278

(b) A registered or licensed practical nurse who holds a 8279
valid license issued under Chapter 4723. of the Revised Code; 8280

(c) An optometrist who holds a valid license issued under 8281
Chapter 4725. of the Revised Code; 8282

(d) A pharmacist who holds a valid license issued under 8283
Chapter 4729. of the Revised Code; 8284

(e) A person who holds a valid license or certificate 8285
issued under Chapter 4731. of the Revised Code to practice 8286
medicine and surgery, osteopathic medicine and surgery, 8287
podiatric medicine and surgery, or a limited brand of medicine; 8288

(f) A physician assistant who holds a valid license issued 8289
under Chapter 4730. of the Revised Code; 8290

(g) An occupational therapist or occupational therapy 8291
assistant or a physical therapist or physical therapist 8292
assistant who holds a valid license issued under Chapter 4755. 8293
of the Revised Code; 8294

(h) A respiratory care professional who holds a valid 8295
license issued under Chapter 4761. of the Revised Code; 8296

(i) A certified mental health assistant who holds a valid 8297
license issued under Chapter 4772. of the Revised Code. 8298

(6) "Health care task" means a task that is prescribed, 8299
ordered, delegated, or otherwise directed by a health care 8300

professional acting within the scope of the professional's 8301
practice. "Health care task" includes the administration of oral 8302
and topical prescribed medications; administration of nutrition 8303
and medications through gastrostomy and jejunostomy tubes that 8304
are stable and labeled; administration of oxygen and metered 8305
dose inhaled medications; administration of insulin through 8306
subcutaneous injections, inhalation, and insulin pumps; and 8307
administration of prescribed medications for the treatment of 8308
metabolic glycemic disorders through subcutaneous injections. 8309

(B) Except as provided in division (E) of this section, a 8310
family member of an individual with a developmental disability 8311
may authorize an unlicensed in-home care worker to perform 8312
health care tasks as part of the in-home care the worker 8313
provides to the individual, if all of the following apply: 8314

(1) The family member is the primary supervisor of the 8315
care. 8316

(2) The unlicensed in-home care worker has been selected 8317
by the family member or the individual receiving care and is 8318
under the direct supervision of the family member. 8319

(3) The unlicensed in-home care worker is providing the 8320
care through an employment or other arrangement entered into 8321
directly with the family member and is not otherwise employed by 8322
or under contract with a person or government entity to provide 8323
services to individuals with developmental disabilities. 8324

(4) The health care task is completed in accordance with 8325
standard, written instructions. 8326

(5) Performance of the health care task requires no 8327
judgment based on specialized health care knowledge or 8328
expertise. 8329

(6) The outcome of the health care task is reasonably 8330
predictable. 8331

(7) Performance of the health care task requires no 8332
complex observation of the individual receiving the care. 8333

(8) Improper performance of the health care task will 8334
result in only minimal complications that are not life- 8335
threatening. 8336

(C) A family member shall obtain a prescription, if 8337
applicable, and written instructions from a health care 8338
professional for the care to be provided to the individual. The 8339
family member shall authorize the unlicensed in-home care worker 8340
to provide the care by preparing a written document granting the 8341
authority. The family member shall provide the unlicensed in- 8342
home care worker with appropriate training and written 8343
instructions in accordance with the instructions obtained from 8344
the health care professional. The family member or a health care 8345
professional shall be available to communicate with the 8346
unlicensed in-home care worker either in person or by 8347
telecommunication while the in-home care worker performs a 8348
health care task. 8349

(D) A family member who authorizes an unlicensed in-home 8350
care worker to administer oral and topical prescribed 8351
medications or perform other health care tasks retains full 8352
responsibility for the health and safety of the individual 8353
receiving the care and for ensuring that the worker provides the 8354
care appropriately and safely. No entity that funds or monitors 8355
the provision of in-home care may be held liable for the results 8356
of the care provided under this section by an unlicensed in-home 8357
care worker, including such entities as the county board of 8358
developmental disabilities and the department of developmental 8359

disabilities. 8360

An unlicensed in-home care worker who is authorized under 8361
this section by a family member to provide care to an individual 8362
may not be held liable for any injury caused in providing the 8363
care, unless the worker provides the care in a manner that is 8364
not in accordance with the training and instructions received or 8365
the worker acts in a manner that constitutes willful or wanton 8366
misconduct. 8367

(E) A county board of developmental disabilities may 8368
evaluate the authority granted by a family member under this 8369
section to an unlicensed in-home care worker at any time it 8370
considers necessary and shall evaluate the authority on receipt 8371
of a complaint. If the board determines that a family member has 8372
acted in a manner that is inappropriate for the health and 8373
safety of the individual receiving the care, the authorization 8374
granted by the family member to an unlicensed in-home care 8375
worker is void, and the family member may not authorize other 8376
unlicensed in-home care workers to provide the care. In making 8377
such a determination, the board shall use appropriately licensed 8378
health care professionals and shall provide the family member an 8379
opportunity to file a complaint under section 5126.06 of the 8380
Revised Code. 8381

Sec. 5164.95. (A) As used in this section, "telehealth 8382
service" means a health care service delivered to a patient 8383
through the use of interactive audio, video, or other 8384
telecommunications or electronic technology from a site other 8385
than the site where the patient is located. 8386

(B) The department of medicaid shall establish standards 8387
for medicaid payments for health care services the department 8388
determines are appropriate to be covered by the medicaid program 8389

when provided as telehealth services. The standards shall be 8390
established in rules adopted under section 5164.02 of the 8391
Revised Code. 8392

In accordance with section 5162.021 of the Revised Code, 8393
the medicaid director shall adopt rules authorizing the 8394
directors of other state agencies to adopt rules regarding the 8395
medicaid coverage of telehealth services under programs 8396
administered by the other state agencies. Any such rules adopted 8397
by the medicaid director or the directors of other state 8398
agencies are not subject to the requirements of division (F) of 8399
section 121.95 of the Revised Code. 8400

(C) (1) To the extent permitted under rules adopted under 8401
section 5164.02 of the Revised Code and applicable federal law, 8402
the following practitioners are eligible to provide telehealth 8403
services covered pursuant to this section: 8404

(a) A physician licensed under Chapter 4731. of the 8405
Revised Code to practice medicine and surgery, osteopathic 8406
medicine and surgery, or podiatric medicine and surgery; 8407

(b) A psychologist or school psychologist licensed under 8408
Chapter 4732. of the Revised Code or under rules adopted in 8409
accordance with sections 3301.07 and 3319.22 of the Revised 8410
Code; 8411

(c) A physician assistant licensed under Chapter 4730. of 8412
the Revised Code; 8413

(d) A clinical nurse specialist, certified nurse-midwife, 8414
or certified nurse practitioner licensed under Chapter 4723. of 8415
the Revised Code; 8416

(e) An independent social worker, independent marriage and 8417
family therapist, or professional clinical counselor licensed 8418

under Chapter 4757. of the Revised Code;	8419
(f) An independent chemical dependency counselor licensed	8420
under Chapter 4758. of the Revised Code;	8421
(g) A supervised practitioner or supervised trainee;	8422
(h) An audiologist or speech-language pathologist licensed	8423
under Chapter 4753. of the Revised Code;	8424
(i) An audiology aide or speech-language pathology aide,	8425
as defined in section 4753.072 of the Revised Code, or an	8426
individual holding a conditional license under section 4753.071	8427
of the Revised Code;	8428
(j) An occupational therapist or physical therapist	8429
licensed under Chapter 4755. of the Revised Code;	8430
(k) An occupational therapy assistant or physical	8431
therapist assistant licensed under Chapter 4755. of the Revised	8432
Code.	8433
(l) A dietitian licensed under Chapter 4759. of the	8434
Revised Code;	8435
(m) A chiropractor licensed under Chapter 4734. of the	8436
Revised Code;	8437
(n) A pharmacist licensed under Chapter 4729. of the	8438
Revised Code;	8439
(o) A genetic counselor licensed under Chapter 4778. of	8440
the Revised Code;	8441
(p) An optometrist licensed under Chapter 4725. of the	8442
Revised Code to practice optometry under a therapeutic	8443
pharmaceutical agents certificate;	8444
(q) A respiratory care professional licensed under Chapter	8445

4761. of the Revised Code; 8446

(r) A certified Ohio behavior analyst certified under 8447
Chapter 4783. of the Revised Code; 8448

(s) A practitioner who provides services through a 8449
medicaid school program; 8450

(t) Subject to section 5119.368 of the Revised Code, a 8451
practitioner authorized to provide services and supports 8452
certified under section 5119.36 of the Revised Code through a 8453
community mental health services provider or community addiction 8454
services provider; 8455

(u) A certified mental health assistant licensed under 8456
Chapter 4772. of the Revised Code; 8457

(v) Any other practitioner the medicaid director considers 8458
eligible to provide telehealth services. 8459

(2) In accordance with division (B) of this section and to 8460
the extent permitted under rules adopted under section 5164.02 8461
of the Revised Code and applicable federal law, the following 8462
provider types are eligible to submit claims for medicaid 8463
payments for providing telehealth services: 8464

(a) Any practitioner described in division (C) (1) of this 8465
section, except for those described in divisions (C) (1) (g), (i), 8466
and (k) of this section; 8467

(b) A professional medical group; 8468

(c) A federally qualified health center or federally 8469
qualified health center look-alike, as defined in section 8470
3701.047 of the Revised Code; 8471

(d) A rural health clinic; 8472

(e) An ambulatory health care clinic; 8473

(f) An outpatient hospital; 8474

(g) A medicaid school program; 8475

(h) Subject to section 5119.368 of the Revised Code, a 8476
community mental health services provider or community addiction 8477
services provider that offers services and supports certified 8478
under section 5119.36 of the Revised Code; 8479

(i) Any other provider type the medicaid director 8480
considers eligible to submit the claims for payment. 8481

(D) (1) When providing telehealth services under this 8482
section, a practitioner shall comply with all requirements under 8483
state and federal law regarding the protection of patient 8484
information. A practitioner shall ensure that any username or 8485
password information and any electronic communications between 8486
the practitioner and a patient are securely transmitted and 8487
stored. 8488

(2) When providing telehealth services under this section, 8489
every practitioner site shall have access to the medical records 8490
of the patient at the time telehealth services are provided. 8491

Sec. 5903.12. (A) As used in this section: 8492

"Continuing education" means continuing education required 8493
of a licensee by law and includes, but is not limited to, the 8494
continuing education required of licensees under sections 8495
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 8496
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 8497
4735.141, 4736.11, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 8498
4757.33, 4759.06, 4761.06, ~~and 4763.07,~~ and 4772.081 of the 8499
Revised Code. 8500

"Reporting period" means the period of time during which a
licensee must complete the number of hours of continuing
education required of the licensee by law.

(B) A licensee may submit an application to a licensing
agency, stating that the licensee requires an extension of the
current reporting period because the licensee has served on
active duty during the current or a prior reporting period. The
licensee shall submit proper documentation certifying the active
duty service and the length of that active duty service. Upon
receiving the application and proper documentation, the
licensing agency shall extend the current reporting period by an
amount of time equal to the total number of months that the
licensee spent on active duty during the current reporting
period. For purposes of this division, any portion of a month
served on active duty shall be considered one full month.

Section 2. That existing sections 2305.234, 2305.51,
2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23,
2925.36, 2925.55, 2925.56, 2925.61, 2929.42, 3701.048, 3701.74,
3709.161, 3715.872, 3719.06, 3719.064, 3719.121, 3719.13,
3719.81, 4729.01, 4729.29, 4729.51, 4729.514, 4729.553,
4731.051, 4731.07, 4731.22, 4731.224, 4731.24, 4731.25,
4731.251, 4734.99, 4743.09, 4755.48, 4755.623, 4765.51, 4769.01,
4776.01, 5123.47, 5164.95, and 5903.12 of the Revised Code are
hereby repealed.

Section 3. The General Assembly, applying the principle
stated in division (B) of section 1.52 of the Revised Code that
amendments are to be harmonized if reasonably capable of
simultaneous operation, finds that the following sections,
presented in this act as composites of the sections as amended
by the acts indicated, are the resulting versions of the

sections in effect prior to the effective date of the sections 8531
as presented in this act: 8532

Section 2925.02 of the Revised Code as amended by both 8533
S.B. 1 and S.B. 201 of the 132nd General Assembly. 8534

Section 2925.11 of the Revised Code as amended by S.B. 1, 8535
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 8536

Section 3701.74 of the Revised Code as amended by both 8537
H.B. 232 and H.B. 483 of the 130th General Assembly. 8538

Section 3719.121 of the Revised Code as amended by both 8539
H.B. 216 and S.B. 319 of the 131st General Assembly. 8540

Section 4776.01 of the Revised Code as amended by both 8541
H.B. 166 and S.B. 57 of the 133rd General Assembly. 8542