

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 230

Representatives Abrams, Swearingen

A BILL

To amend sections 2925.01, 2925.03, 2925.11,
2929.14, 2941.1422, and 3705.08 and to enact
sections 2905.321 and 2941.1427 of the Revised
Code to increase penalties for drug trafficking
above certain amounts and to prohibit organized
trafficking of persons.

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

Section 1. That sections 2925.01, 2925.03, 2925.11,
2929.14, 2941.1422, and 3705.08 be amended and sections 2905.321
and 2941.1427 of the Revised Code be enacted to read as follows:

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Sec. 2905.321. (A) (1) No person shall knowingly organize,
manage, direct, supervise, coordinate, facilitate, lead, assist,
participate in, or finance an organization for trafficking in
persons or an operation that furthers the criminal objectives of
an organization or operation for trafficking in persons.

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(2) No person shall knowingly furnish advice or direction
in the conduct, financing, or management of an organization or
operation for trafficking in persons's affairs with the intent
to promote or further the criminal objectives of an organization
or operation for trafficking in persons.

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(B) No person shall knowingly direct or instruct others to 20
engage in violence or intimidation to promote or further the 21
criminal objectives of an organization or operation for 22
trafficking in persons. 23

(C) No person shall intentionally promote or further the 24
criminal objectives of an organization or operation for 25
trafficking in persons by inducing or committing any act or 26
omission by a public servant in violation of the public 27
servant's official duty. 28

(D) No person shall knowingly assist an organization or 29
operation for trafficking in persons by transporting a person, 30
or procuring the transportation for a person with the intent to 31
do either of the following: 32

(1) Conceal the person from a peace officer; 33

(2) Assist the person in fleeing from a peace officer who 34
is attempting to lawfully arrest or detain the person. 35

(E) Whoever violates this section is guilty of 36
participating in an organization or operation for trafficking in 37
persons, a felony of the first degree. 38

(F) A prosecution for a violation of this section does not 39
preclude a prosecution of a violation of any other section of 40
the Revised Code. One or more acts, a series of acts, or a 41
course of behavior that can be prosecuted under this section or 42
any other section of the Revised Code may be prosecuted under 43
this section, the other section of the Revised Code, or both 44
sections. 45

Sec. 2925.01. As used in this chapter: 46

(A) "Administer," "controlled substance," "controlled 47

substance analog," "dispense," "distribute," "hypodermic," 48
"manufacturer," "official written order," "person," 49
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 50
"schedule III," "schedule IV," "schedule V," and "wholesaler" 51
have the same meanings as in section 3719.01 of the Revised 52
Code. 53

(B) "Drug of abuse" and "person with a drug dependency" 54
have the same meanings as in section 3719.011 of the Revised 55
Code. 56

(C) "Drug," "dangerous drug," "licensed health 57
professional authorized to prescribe drugs," and "prescription" 58
have the same meanings as in section 4729.01 of the Revised 59
Code. 60

(D) "Bulk amount" of a controlled substance means any of 61
the following: 62

(1) For any compound, mixture, preparation, or substance 63
included in schedule I, schedule II, or schedule III, with the 64
exception of any controlled substance analog, marihuana, 65
cocaine, L.S.D., heroin, any fentanyl-related compound, and 66
hashish and except as provided in division (D) (2) or (5) ~~or~~ 67
~~(6)~~ of this section, whichever of the following is applicable: 68

(a) An amount equal to or exceeding ten grams or twenty- 69
five unit doses of a compound, mixture, preparation, or 70
substance that is or contains any amount of a schedule I opiate 71
or opium derivative; 72

(b) An amount equal to or exceeding ten grams of a 73
compound, mixture, preparation, or substance that is or contains 74
any amount of raw or gum opium; 75

(c) An amount equal to or exceeding thirty grams or ten 76

unit doses of a compound, mixture, preparation, or substance 77
that is or contains any amount of a schedule I hallucinogen 78
other than tetrahydrocannabinol or lysergic acid amide, or a 79
schedule I stimulant or depressant; 80

(d) An amount equal to or exceeding twenty grams or five 81
times the maximum daily dose in the usual dose range specified 82
in a standard pharmaceutical reference manual of a compound, 83
mixture, preparation, or substance that is or contains any 84
amount of a schedule II opiate or opium derivative; 85

(e) An amount equal to or exceeding five grams or ten unit 86
doses of a compound, mixture, preparation, or substance that is 87
or contains any amount of phencyclidine; 88

(f) An amount equal to or exceeding one hundred twenty 89
grams or thirty times the maximum daily dose in the usual dose 90
range specified in a standard pharmaceutical reference manual of 91
a compound, mixture, preparation, or substance that is or 92
contains any amount of a schedule II stimulant that is in a 93
final dosage form manufactured by a person authorized by the 94
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 95
U.S.C.A. 301, as amended, and the federal drug abuse control 96
laws, as defined in section 3719.01 of the Revised Code, that is 97
or contains any amount of a schedule II depressant substance or 98
a schedule II hallucinogenic substance; 99

(g) An amount equal to or exceeding three grams of a 100
compound, mixture, preparation, or substance that is or contains 101
any amount of a schedule II stimulant, or any of its salts or 102
isomers, that is not in a final dosage form manufactured by a 103
person authorized by the Federal Food, Drug, and Cosmetic Act 104
and the federal drug abuse control laws. 105

(2) An amount equal to or exceeding one hundred twenty 106
grams or thirty times the maximum daily dose in the usual dose 107
range specified in a standard pharmaceutical reference manual of 108
a compound, mixture, preparation, or substance that is or 109
contains any amount of a schedule III or IV substance other than 110
an anabolic steroid or a schedule III opiate or opium 111
derivative; 112

(3) An amount equal to or exceeding twenty grams or five 113
times the maximum daily dose in the usual dose range specified 114
in a standard pharmaceutical reference manual of a compound, 115
mixture, preparation, or substance that is or contains any 116
amount of a schedule III opiate or opium derivative; 117

(4) An amount equal to or exceeding two hundred fifty 118
milliliters or two hundred fifty grams of a compound, mixture, 119
preparation, or substance that is or contains any amount of a 120
schedule V substance; 121

(5) An amount equal to or exceeding two hundred solid 122
dosage units, sixteen grams, or sixteen milliliters of a 123
compound, mixture, preparation, or substance that is or contains 124
any amount of a schedule III anabolic steroid; 125

~~(6) For any compound, mixture, preparation, or substance 126~~
~~that is a combination of a fentanyl-related compound and any 127~~
~~other compound, mixture, preparation, or substance included in 128~~
~~schedule III, schedule IV, or schedule V, if the defendant is 129~~
~~charged with a violation of section 2925.11 of the Revised Code 130~~
~~and the sentencing provisions set forth in divisions (C) (10) (b) 131~~
~~and (C) (11) of that section will not apply regarding the 132~~
~~defendant and the violation, the bulk amount of the controlled 133~~
~~substance for purposes of the violation is the amount specified 134~~
~~in division (D) (1), (2), (3), (4), or (5) of this section for 135~~

~~the other schedule III, IV, or V controlled substance that is~~ 136
~~combined with the fentanyl-related compound.~~ 137

(E) "Unit dose" means an amount or unit of a compound, 138
mixture, or preparation containing a controlled substance that 139
is separately identifiable and in a form that indicates that it 140
is the amount or unit by which the controlled substance is 141
separately administered to or taken by an individual. 142

(F) "Cultivate" includes planting, watering, fertilizing, 143
or tilling. 144

(G) "Drug abuse offense" means any of the following: 145

(1) A violation of division (A) of section 2913.02 that 146
constitutes theft of drugs, or a violation of section 2925.02, 147
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 148
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 149
or 2925.37 of the Revised Code; 150

(2) A violation of an existing or former law of this or 151
any other state or of the United States that is substantially 152
equivalent to any section listed in division (G) (1) of this 153
section; 154

(3) An offense under an existing or former law of this or 155
any other state, or of the United States, of which planting, 156
cultivating, harvesting, processing, making, manufacturing, 157
producing, shipping, transporting, delivering, acquiring, 158
possessing, storing, distributing, dispensing, selling, inducing 159
another to use, administering to another, using, or otherwise 160
dealing with a controlled substance is an element; 161

(4) A conspiracy to commit, attempt to commit, or 162
complicity in committing or attempting to commit any offense 163
under division (G) (1), (2), or (3) of this section. 164

(H) "Felony drug abuse offense" means any drug abuse 165
offense that would constitute a felony under the laws of this 166
state, any other state, or the United States. 167

(I) "Harmful intoxicant" does not include beer or 168
intoxicating liquor but means any of the following: 169

(1) Any compound, mixture, preparation, or substance the 170
gas, fumes, or vapor of which when inhaled can induce 171
intoxication, excitement, giddiness, irrational behavior, 172
depression, stupefaction, paralysis, unconsciousness, 173
asphyxiation, or other harmful physiological effects, and 174
includes, but is not limited to, any of the following: 175

(a) Any volatile organic solvent, plastic cement, model 176
cement, fingernail polish remover, lacquer thinner, cleaning 177
fluid, gasoline, or other preparation containing a volatile 178
organic solvent; 179

(b) Any aerosol propellant; 180

(c) Any fluorocarbon refrigerant; 181

(d) Any anesthetic gas. 182

(2) Gamma Butyrolactone; 183

(3) 1,4 Butanediol. 184

(J) "Manufacture" means to plant, cultivate, harvest, 185
process, make, prepare, or otherwise engage in any part of the 186
production of a drug, by propagation, extraction, chemical 187
synthesis, or compounding, or any combination of the same, and 188
includes packaging, repackaging, labeling, and other activities 189
incident to production. 190

(K) "Possess" or "possession" means having control over a 191

thing or substance, but may not be inferred solely from mere 192
access to the thing or substance through ownership or occupation 193
of the premises upon which the thing or substance is found. 194

(L) "Sample drug" means a drug or pharmaceutical 195
preparation that would be hazardous to health or safety if used 196
without the supervision of a licensed health professional 197
authorized to prescribe drugs, or a drug of abuse, and that, at 198
one time, had been placed in a container plainly marked as a 199
sample by a manufacturer. 200

(M) "Standard pharmaceutical reference manual" means the 201
current edition, with cumulative changes if any, of references 202
that are approved by the state board of pharmacy. 203

(N) "Juvenile" means a person under eighteen years of age. 204

(O) "Counterfeit controlled substance" means any of the 205
following: 206

(1) Any drug that bears, or whose container or label 207
bears, a trademark, trade name, or other identifying mark used 208
without authorization of the owner of rights to that trademark, 209
trade name, or identifying mark; 210

(2) Any unmarked or unlabeled substance that is 211
represented to be a controlled substance manufactured, 212
processed, packed, or distributed by a person other than the 213
person that manufactured, processed, packed, or distributed it; 214

(3) Any substance that is represented to be a controlled 215
substance but is not a controlled substance or is a different 216
controlled substance; 217

(4) Any substance other than a controlled substance that a 218
reasonable person would believe to be a controlled substance 219

because of its similarity in shape, size, and color, or its 220
markings, labeling, packaging, distribution, or the price for 221
which it is sold or offered for sale. 222

(P) An offense is "committed in the vicinity of a school" 223
if the offender commits the offense on school premises, in a 224
school building, or within one thousand feet of the boundaries 225
of any school premises, regardless of whether the offender knows 226
the offense is being committed on school premises, in a school 227
building, or within one thousand feet of the boundaries of any 228
school premises. 229

(Q) "School" means any school operated by a board of 230
education, any community school established under Chapter 3314. 231
of the Revised Code, or any nonpublic school for which the state 232
board of education prescribes minimum standards under section 233
3301.07 of the Revised Code, whether or not any instruction, 234
extracurricular activities, or training provided by the school 235
is being conducted at the time a criminal offense is committed. 236

(R) "School premises" means either of the following: 237

(1) The parcel of real property on which any school is 238
situated, whether or not any instruction, extracurricular 239
activities, or training provided by the school is being 240
conducted on the premises at the time a criminal offense is 241
committed; 242

(2) Any other parcel of real property that is owned or 243
leased by a board of education of a school, the governing 244
authority of a community school established under Chapter 3314. 245
of the Revised Code, or the governing body of a nonpublic school 246
for which the state board of education prescribes minimum 247
standards under section 3301.07 of the Revised Code and on which 248

some of the instruction, extracurricular activities, or training 249
of the school is conducted, whether or not any instruction, 250
extracurricular activities, or training provided by the school 251
is being conducted on the parcel of real property at the time a 252
criminal offense is committed. 253

(S) "School building" means any building in which any of 254
the instruction, extracurricular activities, or training 255
provided by a school is conducted, whether or not any 256
instruction, extracurricular activities, or training provided by 257
the school is being conducted in the school building at the time 258
a criminal offense is committed. 259

(T) "Disciplinary counsel" means the disciplinary counsel 260
appointed by the board of commissioners on grievances and 261
discipline of the supreme court under the Rules for the 262
Government of the Bar of Ohio. 263

(U) "Certified grievance committee" means a duly 264
constituted and organized committee of the Ohio state bar 265
association or of one or more local bar associations of the 266
state of Ohio that complies with the criteria set forth in Rule 267
V, section 6 of the Rules for the Government of the Bar of Ohio. 268

(V) "Professional license" means any license, permit, 269
certificate, registration, qualification, admission, temporary 270
license, temporary permit, temporary certificate, or temporary 271
registration that is described in divisions (W) (1) to (37) of 272
this section and that qualifies a person as a professionally 273
licensed person. 274

(W) "Professionally licensed person" means any of the 275
following: 276

(1) A person who has received a certificate or temporary 277

certificate as a certified public accountant or who has 278
registered as a public accountant under Chapter 4701. of the 279
Revised Code and who holds an Ohio permit issued under that 280
chapter; 281

(2) A person who holds a certificate of qualification to 282
practice architecture issued or renewed and registered under 283
Chapter 4703. of the Revised Code; 284

(3) A person who is registered as a landscape architect 285
under Chapter 4703. of the Revised Code or who holds a permit as 286
a landscape architect issued under that chapter; 287

(4) A person licensed under Chapter 4707. of the Revised 288
Code; 289

(5) A person who has been issued a certificate of 290
registration as a registered barber under Chapter 4709. of the 291
Revised Code; 292

(6) A person licensed and regulated to engage in the 293
business of a debt pooling company by a legislative authority, 294
under authority of Chapter 4710. of the Revised Code; 295

(7) A person who has been issued a cosmetologist's 296
license, hair designer's license, manicurist's license, 297
esthetician's license, natural hair stylist's license, advanced 298
cosmetologist's license, advanced hair designer's license, 299
advanced manicurist's license, advanced esthetician's license, 300
advanced natural hair stylist's license, cosmetology 301
instructor's license, hair design instructor's license, 302
manicurist instructor's license, esthetics instructor's license, 303
natural hair style instructor's license, independent 304
contractor's license, or tanning facility permit under Chapter 305
4713. of the Revised Code; 306

(8) A person who has been issued a license to practice 307
dentistry, a general anesthesia permit, a conscious sedation 308
permit, a limited resident's license, a limited teaching 309
license, a dental hygienist's license, or a dental hygienist's 310
teacher's certificate under Chapter 4715. of the Revised Code; 311

(9) A person who has been issued an embalmer's license, a 312
funeral director's license, a funeral home license, or a 313
crematory license, or who has been registered for an embalmer's 314
or funeral director's apprenticeship under Chapter 4717. of the 315
Revised Code; 316

(10) A person who has been licensed as a registered nurse 317
or practical nurse, or who has been issued a certificate for the 318
practice of nurse-midwifery under Chapter 4723. of the Revised 319
Code; 320

(11) A person who has been licensed to practice optometry 321
or to engage in optical dispensing under Chapter 4725. of the 322
Revised Code; 323

(12) A person licensed to act as a pawnbroker under 324
Chapter 4727. of the Revised Code; 325

(13) A person licensed to act as a precious metals dealer 326
under Chapter 4728. of the Revised Code; 327

(14) A person licensed under Chapter 4729. of the Revised 328
Code as a pharmacist or pharmacy intern or registered under that 329
chapter as a registered pharmacy technician, certified pharmacy 330
technician, or pharmacy technician trainee; 331

(15) A person licensed under Chapter 4729. of the Revised 332
Code as a manufacturer of dangerous drugs, outsourcing facility, 333
third-party logistics provider, repackager of dangerous drugs, 334
wholesale distributor of dangerous drugs, or terminal 335

distributor of dangerous drugs;	336
(16) A person who is authorized to practice as a physician	337
assistant under Chapter 4730. of the Revised Code;	338
(17) A person who has been issued a license to practice	339
medicine and surgery, osteopathic medicine and surgery, or	340
podiatric medicine and surgery under Chapter 4731. of the	341
Revised Code or has been issued a certificate to practice a	342
limited branch of medicine under that chapter;	343
(18) A person licensed as a psychologist, independent	344
school psychologist, or school psychologist under Chapter 4732.	345
of the Revised Code;	346
(19) A person registered to practice the profession of	347
engineering or surveying under Chapter 4733. of the Revised	348
Code;	349
(20) A person who has been issued a license to practice	350
chiropractic under Chapter 4734. of the Revised Code;	351
(21) A person licensed to act as a real estate broker or	352
real estate salesperson under Chapter 4735. of the Revised Code;	353
(22) A person registered as a registered environmental	354
health specialist under Chapter 4736. of the Revised Code;	355
(23) A person licensed to operate or maintain a junkyard	356
under Chapter 4737. of the Revised Code;	357
(24) A person who has been issued a motor vehicle salvage	358
dealer's license under Chapter 4738. of the Revised Code;	359
(25) A person who has been licensed to act as a steam	360
engineer under Chapter 4739. of the Revised Code;	361
(26) A person who has been issued a license or temporary	362

permit to practice veterinary medicine or any of its branches, 363
or who is registered as a graduate animal technician under 364
Chapter 4741. of the Revised Code; 365

(27) A person who has been issued a hearing aid dealer's 366
or fitter's license or trainee permit under Chapter 4747. of the 367
Revised Code; 368

(28) A person who has been issued a class A, class B, or 369
class C license or who has been registered as an investigator or 370
security guard employee under Chapter 4749. of the Revised Code; 371

(29) A person licensed to practice as a nursing home 372
administrator under Chapter 4751. of the Revised Code; 373

(30) A person licensed to practice as a speech-language 374
pathologist or audiologist under Chapter 4753. of the Revised 375
Code; 376

(31) A person issued a license as an occupational 377
therapist or physical therapist under Chapter 4755. of the 378
Revised Code; 379

(32) A person who is licensed as a licensed professional 380
clinical counselor, licensed professional counselor, social 381
worker, independent social worker, independent marriage and 382
family therapist, or marriage and family therapist, or 383
registered as a social work assistant under Chapter 4757. of the 384
Revised Code; 385

(33) A person issued a license to practice dietetics under 386
Chapter 4759. of the Revised Code; 387

(34) A person who has been issued a license or limited 388
permit to practice respiratory therapy under Chapter 4761. of 389
the Revised Code; 390

- (35) A person who has been issued a real estate appraiser
certificate under Chapter 4763. of the Revised Code; 391 392
- (36) A person who has been issued a home inspector license
under Chapter 4764. of the Revised Code; 393 394
- (37) A person who has been admitted to the bar by order of
the supreme court in compliance with its prescribed and 395 396
published rules. 397
- (X) "Cocaine" means any of the following: 398
- (1) A cocaine salt, isomer, or derivative, a salt of a
cocaine isomer or derivative, or the base form of cocaine; 399 400
- (2) Coca leaves or a salt, compound, derivative, or
preparation of coca leaves, including ecgonine, a salt, isomer,
or derivative of ecgonine, or a salt of an isomer or derivative
of ecgonine; 401 402 403 404
- (3) A salt, compound, derivative, or preparation of a
substance identified in division (X)(1) or (2) of this section
that is chemically equivalent to or identical with any of those
substances, except that the substances shall not include
decocainized coca leaves or extraction of coca leaves if the
extractions do not contain cocaine or ecgonine. 405 406 407 408 409 410
- (Y) "L.S.D." means lysergic acid diethylamide. 411
- (Z) "Hashish" means a resin or a preparation of a resin to
which both of the following apply: 412 413
- (1) It is contained in or derived from any part of the
plant of the genus cannabis, whether in solid form or in a
liquid concentrate, liquid extract, or liquid distillate form. 414 415 416
- (2) It has a delta-9 tetrahydrocannabinol concentration of 417

more than three-tenths per cent. 418

"Hashish" does not include a hemp byproduct in the 419
possession of a licensed hemp processor under Chapter 928. of 420
the Revised Code, provided that the hemp byproduct is being 421
produced, stored, and disposed of in accordance with rules 422
adopted under section 928.03 of the Revised Code. 423

(AA) "Marihuana" has the same meaning as in section 424
3719.01 of the Revised Code, except that it does not include 425
hashish. 426

(BB) An offense is "committed in the vicinity of a 427
juvenile" if the offender commits the offense within one hundred 428
feet of a juvenile or within the view of a juvenile, regardless 429
of whether the offender knows the age of the juvenile, whether 430
the offender knows the offense is being committed within one 431
hundred feet of or within view of the juvenile, or whether the 432
juvenile actually views the commission of the offense. 433

(CC) "Presumption for a prison term" or "presumption that 434
a prison term shall be imposed" means a presumption, as 435
described in division (D) of section 2929.13 of the Revised 436
Code, that a prison term is a necessary sanction for a felony in 437
order to comply with the purposes and principles of sentencing 438
under section 2929.11 of the Revised Code. 439

(DD) "Major drug offender" has the same meaning as in 440
section 2929.01 of the Revised Code. 441

(EE) "Minor drug possession offense" means either of the 442
following: 443

(1) A violation of section 2925.11 of the Revised Code as 444
it existed prior to July 1, 1996; 445

(2) A violation of section 2925.11 of the Revised Code as 446
it exists on and after July 1, 1996, that is a misdemeanor or a 447
felony of the fifth degree. 448

(FF) "Mandatory prison term" has the same meaning as in 449
section 2929.01 of the Revised Code. 450

(GG) "Adulterate" means to cause a drug to be adulterated 451
as described in section 3715.63 of the Revised Code. 452

(HH) "Public premises" means any hotel, restaurant, 453
tavern, store, arena, hall, or other place of public 454
accommodation, business, amusement, or resort. 455

(II) "Methamphetamine" means methamphetamine, any salt, 456
isomer, or salt of an isomer of methamphetamine, or any 457
compound, mixture, preparation, or substance containing 458
methamphetamine or any salt, isomer, or salt of an isomer of 459
methamphetamine. 460

(JJ) "Deception" has the same meaning as in section 461
2913.01 of the Revised Code. 462

(KK) "Fentanyl-related compound" means any of the 463
following: 464

(1) Fentanyl; 465

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 466
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 467
phenylethyl)-4-(N-propanilido) piperidine); 468

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 469
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 470

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 471
piperidinyl] -N-phenylpropanamide); 472

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

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

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

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

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

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(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:

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

(i) A five, six, or seven member ring structure containing

a nitrogen, whether or not further substituted; 500

(ii) An attached nitrogen to the ring, whether or not that 501
nitrogen is enclosed in a ring structure, including an attached 502
aromatic ring or other lipophilic group to that nitrogen. 503

(b) A polar functional group attached to the chemical 504
scaffold, including but not limited to a hydroxyl, ketone, 505
amide, or ester; 506

(c) An alkyl or aryl substitution off the ring nitrogen of 507
the chemical scaffold; and 508

(d) The compound has not been approved for medical use by 509
the United States food and drug administration. 510

(LL) "First degree felony mandatory prison term" means one 511
of the definite prison terms prescribed in division (A) (1) (b) of 512
section 2929.14 of the Revised Code for a felony of the first 513
degree, except that if the violation for which sentence is being 514
imposed is committed on or after March 22, 2019, it means one of 515
the minimum prison terms prescribed in division (A) (1) (a) of 516
that section for a felony of the first degree. 517

(MM) "Second degree felony mandatory prison term" means 518
one of the definite prison terms prescribed in division (A) (2) 519
(b) of section 2929.14 of the Revised Code for a felony of the 520
second degree, except that if the violation for which sentence 521
is being imposed is committed on or after March 22, 2019, it 522
means one of the minimum prison terms prescribed in division (A) 523
(2) (a) of that section for a felony of the second degree. 524

(NN) "Maximum first degree felony mandatory prison term" 525
means the maximum definite prison term prescribed in division 526
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 527
the first degree, except that if the violation for which 528

sentence is being imposed is committed on or after March 22, 529
2019, it means the longest minimum prison term prescribed in 530
division (A) (1) (a) of that section for a felony of the first 531
degree. 532

(OO) "Maximum second degree felony mandatory prison term" 533
means the maximum definite prison term prescribed in division 534
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 535
the second degree, except that if the violation for which 536
sentence is being imposed is committed on or after March 22, 537
2019, it means the longest minimum prison term prescribed in 538
division (A) (2) (a) of that section for a felony of the second 539
degree. 540

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 541
as in section 928.01 of the Revised Code. 542

(QQ) An offense is "committed in the vicinity of a 543
substance addiction services provider or a recovering addict" if 544
either of the following apply: 545

(1) The offender commits the offense on the premises of a 546
substance addiction services provider's facility, including a 547
facility licensed prior to June 29, 2019, under section 5119.391 548
of the Revised Code to provide methadone treatment or an opioid 549
treatment program licensed on or after that date under section 550
5119.37 of the Revised Code, or within five hundred feet of the 551
premises of a substance addiction services provider's facility 552
and the offender knows or should know that the offense is being 553
committed within the vicinity of the substance addiction 554
services provider's facility. 555

(2) The offender sells, offers to sell, delivers, or 556
distributes the controlled substance or controlled substance 557

analog to a person who is receiving treatment at the time of the 558
commission of the offense, or received treatment within thirty 559
days prior to the commission of the offense, from a substance 560
addiction services provider and the offender knows that the 561
person is receiving or received that treatment. 562

(RR) "Substance addiction services provider" means an 563
agency, association, corporation or other legal entity, 564
individual, or program that provides one or more of the 565
following at a facility: 566

(1) Either alcohol addiction services, or drug addiction 567
services, or both such services that are certified by the 568
director of mental health and addiction services under section 569
5119.36 of the Revised Code; 570

(2) Recovery supports that are related to either alcohol 571
addiction services, or drug addiction services, or both such 572
services and paid for with federal, state, or local funds 573
administered by the department of mental health and addiction 574
services or a board of alcohol, drug addiction, and mental 575
health services. 576

(SS) "Premises of a substance addiction services 577
provider's facility" means the parcel of real property on which 578
any substance addiction service provider's facility is situated. 579

(TT) "Alcohol and drug addiction services" has the same 580
meaning as in section 5119.01 of the Revised Code. 581

Sec. 2925.03. (A) No person shall knowingly do any of the 582
following: 583

(1) Sell or offer to sell a controlled substance or a 584
controlled substance analog; 585

(2) Prepare for shipment, ship, transport, deliver, 586
prepare for distribution, or distribute a controlled substance 587
or a controlled substance analog, when the offender knows or has 588
reasonable cause to believe that the controlled substance or a 589
controlled substance analog is intended for sale or resale by 590
the offender or another person. 591

(B) This section does not apply to any of the following: 592

(1) Manufacturers, licensed health professionals 593
authorized to prescribe drugs, pharmacists, owners of 594
pharmacies, and other persons whose conduct is in accordance 595
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 596
4741. of the Revised Code; 597

(2) If the offense involves an anabolic steroid, any 598
person who is conducting or participating in a research project 599
involving the use of an anabolic steroid if the project has been 600
approved by the United States food and drug administration; 601

(3) Any person who sells, offers for sale, prescribes, 602
dispenses, or administers for livestock or other nonhuman 603
species an anabolic steroid that is expressly intended for 604
administration through implants to livestock or other nonhuman 605
species and approved for that purpose under the "Federal Food, 606
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 607
as amended, and is sold, offered for sale, prescribed, 608
dispensed, or administered for that purpose in accordance with 609
that act. 610

(C) Whoever violates division (A) of this section is 611
guilty of one of the following: 612

(1) If the drug involved in the violation is any compound, 613
mixture, preparation, or substance included in schedule I or 614

schedule II, with the exception of marihuana, cocaine, L.S.D.,
heroin, any fentanyl-related compound, hashish, methamphetamine,
and any controlled substance analog, whoever violates division
(A) of this section is guilty of aggravated trafficking in
drugs. The penalty for the offense shall be determined as
follows:

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

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

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

If the amount of the drug involved is within that range and if 645
the offense was committed in the vicinity of a school, in the 646
vicinity of a juvenile, or in the vicinity of a substance 647
addiction services provider or a recovering addict, aggravated 648
trafficking in drugs is a felony of the second degree, and the 649
court shall impose as a mandatory prison term a second degree 650
felony mandatory prison term. 651

(d) Except as otherwise provided in this division, if the 652
amount of the drug involved equals or exceeds five times the 653
bulk amount but is less than fifty times the bulk amount, 654
aggravated trafficking in drugs is a felony of the second 655
degree, and the court shall impose as a mandatory prison term a 656
second degree felony mandatory prison term. If the amount of the 657
drug involved is within that range and if the offense was 658
committed in the vicinity of a school, in the vicinity of a 659
juvenile, or in the vicinity of a substance addiction services 660
provider or a recovering addict, aggravated trafficking in drugs 661
is a felony of the first degree, and the court shall impose as a 662
mandatory prison term a first degree felony mandatory prison 663
term. 664

(e) If the amount of the drug involved equals or exceeds 665
fifty times the bulk amount but is less than one hundred times 666
the bulk amount and regardless of whether the offense was 667
committed in the vicinity of a school, in the vicinity of a 668
juvenile, or in the vicinity of a substance addiction services 669
provider or a recovering addict, aggravated trafficking in drugs 670
is a felony of the first degree, and the court shall impose as a 671
mandatory prison term a first degree felony mandatory prison 672
term. 673

(f) If the amount of the drug involved equals or exceeds 674

one hundred times the bulk amount and regardless of whether the 675
offense was committed in the vicinity of a school, in the 676
vicinity of a juvenile, or in the vicinity of a substance 677
addiction services provider or a recovering addict, aggravated 678
trafficking in drugs is a felony of the first degree, the 679
offender is a major drug offender, and the court shall impose as 680
a mandatory prison term a maximum first degree felony mandatory 681
prison term. 682

(2) If the drug involved in the violation is any compound, 683
mixture, preparation, or substance included in schedule III, IV, 684
or V, whoever violates division (A) of this section is guilty of 685
trafficking in drugs. The penalty for the offense shall be 686
determined as follows: 687

(a) Except as otherwise provided in division (C) (2) (b), 688
(c), (d), or (e) of this section, trafficking in drugs is a 689
felony of the fifth degree, and division (B) of section 2929.13 690
of the Revised Code applies in determining whether to impose a 691
prison term on the offender. 692

(b) Except as otherwise provided in division (C) (2) (c), 693
(d), or (e) of this section, if the offense was committed in the 694
vicinity of a school or in the vicinity of a juvenile, 695
trafficking in drugs is a felony of the fourth degree, and 696
division (C) of section 2929.13 of the Revised Code applies in 697
determining whether to impose a prison term on the offender. 698

(c) Except as otherwise provided in this division, if the 699
amount of the drug involved equals or exceeds the bulk amount 700
but is less than five times the bulk amount, trafficking in 701
drugs is a felony of the fourth degree, and division (B) of 702
section 2929.13 of the Revised Code applies in determining 703
whether to impose a prison term for the offense. If the amount 704

of the drug involved is within that range and if the offense was 705
committed in the vicinity of a school or in the vicinity of a 706
juvenile, trafficking in drugs is a felony of the third degree, 707
and there is a presumption for a prison term for the offense. 708

(d) Except as otherwise provided in this division, if the 709
amount of the drug involved equals or exceeds five times the 710
bulk amount but is less than fifty times the bulk amount, 711
trafficking in drugs is a felony of the third degree, and there 712
is a presumption for a prison term for the offense. If the 713
amount of the drug involved is within that range and if the 714
offense was committed in the vicinity of a school or in the 715
vicinity of a juvenile, trafficking in drugs is a felony of the 716
second degree, and there is a presumption for a prison term for 717
the offense. 718

(e) Except as otherwise provided in this division, if the 719
amount of the drug involved equals or exceeds fifty times the 720
bulk amount, trafficking in drugs is a felony of the second 721
degree, and the court shall impose as a mandatory prison term a 722
second degree felony mandatory prison term. If the amount of the 723
drug involved equals or exceeds fifty times the bulk amount and 724
if the offense was committed in the vicinity of a school or in 725
the vicinity of a juvenile, trafficking in drugs is a felony of 726
the first degree, and the court shall impose as a mandatory 727
prison term a first degree felony mandatory prison term. 728

(3) If the drug involved in the violation is marihuana or 729
a compound, mixture, preparation, or substance containing 730
marihuana other than hashish, whoever violates division (A) of 731
this section is guilty of trafficking in marihuana. The penalty 732
for the offense shall be determined as follows: 733

(a) Except as otherwise provided in division (C) (3) (b), 734

(c), (d), (e), (f), (g), or (h) of this section, trafficking in 735
marihuana is a felony of the fifth degree, and division (B) of 736
section 2929.13 of the Revised Code applies in determining 737
whether to impose a prison term on the offender. 738

(b) Except as otherwise provided in division (C) (3) (c), 739
(d), (e), (f), (g), or (h) of this section, if the offense was 740
committed in the vicinity of a school or in the vicinity of a 741
juvenile, trafficking in marihuana is a felony of the fourth 742
degree, and division (B) of section 2929.13 of the Revised Code 743
applies in determining whether to impose a prison term on the 744
offender. 745

(c) Except as otherwise provided in this division, if the 746
amount of the drug involved equals or exceeds two hundred grams 747
but is less than one thousand grams, trafficking in marihuana is 748
a felony of the fourth degree, and division (B) of section 749
2929.13 of the Revised Code applies in determining whether to 750
impose a prison term on the offender. If the amount of the drug 751
involved is within that range and if the offense was committed 752
in the vicinity of a school or in the vicinity of a juvenile, 753
trafficking in marihuana is a felony of the third degree, and 754
division (C) of section 2929.13 of the Revised Code applies in 755
determining whether to impose a prison term on the offender. 756

(d) Except as otherwise provided in this division, if the 757
amount of the drug involved equals or exceeds one thousand grams 758
but is less than five thousand grams, trafficking in marihuana 759
is a felony of the third degree, and division (C) of section 760
2929.13 of the Revised Code applies in determining whether to 761
impose a prison term on the offender. If the amount of the drug 762
involved is within that range and if the offense was committed 763
in the vicinity of a school or in the vicinity of a juvenile, 764

trafficking in marihuana is a felony of the second degree, and 765
there is a presumption that a prison term shall be imposed for 766
the offense. 767

(e) Except as otherwise provided in this division, if the 768
amount of the drug involved equals or exceeds five thousand 769
grams but is less than twenty thousand grams, trafficking in 770
marihuana is a felony of the third degree, and there is a 771
presumption that a prison term shall be imposed for the offense. 772
If the amount of the drug involved is within that range and if 773
the offense was committed in the vicinity of a school or in the 774
vicinity of a juvenile, trafficking in marihuana is a felony of 775
the second degree, and there is a presumption that a prison term 776
shall be imposed for the offense. 777

(f) Except as otherwise provided in this division, if the 778
amount of the drug involved equals or exceeds twenty thousand 779
grams but is less than forty thousand grams, trafficking in 780
marihuana is a felony of the second degree, and the court shall 781
impose as a mandatory prison term a second degree felony 782
mandatory prison term of five, six, seven, or eight years. If 783
the amount of the drug involved is within that range and if the 784
offense was committed in the vicinity of a school or in the 785
vicinity of a juvenile, trafficking in marihuana is a felony of 786
the first degree, and the court shall impose as a mandatory 787
prison term a maximum first degree felony mandatory prison term. 788

(g) Except as otherwise provided in this division, if the 789
amount of the drug involved equals or exceeds forty thousand 790
grams, trafficking in marihuana is a felony of the second 791
degree, and the court shall impose as a mandatory prison term a 792
maximum second degree felony mandatory prison term. If the 793
amount of the drug involved equals or exceeds forty thousand 794

grams and if the offense was committed in the vicinity of a 795
school or in the vicinity of a juvenile, trafficking in 796
marihuana is a felony of the first degree, and the court shall 797
impose as a mandatory prison term a maximum first degree felony 798
mandatory prison term. 799

(h) Except as otherwise provided in this division, if the 800
offense involves a gift of twenty grams or less of marihuana, 801
trafficking in marihuana is a minor misdemeanor upon a first 802
offense and a misdemeanor of the third degree upon a subsequent 803
offense. If the offense involves a gift of twenty grams or less 804
of marihuana and if the offense was committed in the vicinity of 805
a school or in the vicinity of a juvenile, trafficking in 806
marihuana is a misdemeanor of the third degree. 807

(4) If the drug involved in the violation is cocaine or a 808
compound, mixture, preparation, or substance containing cocaine, 809
whoever violates division (A) of this section is guilty of 810
trafficking in cocaine. The penalty for the offense shall be 811
determined as follows: 812

(a) Except as otherwise provided in division (C) (4) (b), 813
(c), (d), (e), or (f), ~~or (g)~~ of this section, trafficking in 814
cocaine is a felony of the fifth degree, and division (B) of 815
section 2929.13 of the Revised Code applies in determining 816
whether to impose a prison term on the offender. 817

(b) Except as otherwise provided in division (C) (4) (c), 818
(d), (e), or (f), ~~or (g)~~ of this section, if the offense was 819
committed in the vicinity of a school, in the vicinity of a 820
juvenile, or in the vicinity of a substance addiction services 821
provider or a recovering addict, trafficking in cocaine is a 822
felony of the fourth degree, and division (C) of section 2929.13 823
of the Revised Code applies in determining whether to impose a 824

prison term on the offender.

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(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds five grams but is
less than ten grams of cocaine, trafficking in cocaine 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 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 cocaine is a felony of the
third degree, and there is a presumption for a prison term for
the offense.

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

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(e) ~~Except as otherwise provided in this division, if~~ 855
the amount of the drug involved equals or exceeds twenty grams 856
but is less than ~~twenty-seven~~ one hundred grams of cocaine and 857
regardless of whether the offense was committed in the vicinity 858
of a school, in the vicinity of a juvenile, or in the vicinity 859
of a substance addiction services provider or a recovering 860
addict, trafficking in cocaine is a felony of the ~~second~~ first 861
degree, and the court shall impose as a mandatory prison term a 862
~~second~~ first degree felony mandatory prison term. ~~If the amount~~ 863
~~of the drug involved is within that range and if the offense was~~ 864
~~committed in the vicinity of a school, in the vicinity of a~~ 865
~~juvenile, or in the vicinity of a substance addiction services~~ 866
~~provider or a recovering addict, trafficking in cocaine is a~~ 867
~~felony of the first degree, and the court shall impose as a~~ 868
~~mandatory prison term a first degree felony mandatory prison~~ 869
~~term.~~ 870

(f) ~~If the amount of the drug involved equals or exceeds~~ 871
~~twenty-seven grams but is less than one hundred grams of cocaine~~ 872
~~and regardless of whether the offense was committed in the~~ 873
~~vicinity of a school, in the vicinity of a juvenile, or in the~~ 874
~~vicinity of a substance addiction services provider or a~~ 875
~~recovering addict, trafficking in cocaine is a felony of the~~ 876
~~first degree, and the court shall impose as a mandatory prison~~ 877
~~term a first degree felony mandatory prison term.~~ 878

~~(g)~~ If the amount of the drug involved equals or exceeds 879
one hundred grams of cocaine and regardless of whether the 880
offense was committed in the vicinity of a school, in the 881
vicinity of a juvenile, or in the vicinity of a substance 882
addiction services provider or a recovering addict, trafficking 883
in cocaine is a felony of the first degree, the offender is a 884
major drug offender, and the court shall impose as a mandatory 885

prison term a maximum first degree felony mandatory prison term. 886

(5) If the drug involved in the violation is L.S.D. or a 887
compound, mixture, preparation, or substance containing L.S.D., 888
whoever violates division (A) of this section is guilty of 889
trafficking in L.S.D. The penalty for the offense shall be 890
determined as follows: 891

(a) Except as otherwise provided in division (C) (5) (b), 892
(c), (d), (e), (f), or (g) of this section, trafficking in 893
L.S.D. is a felony of the fifth degree, and division (B) of 894
section 2929.13 of the Revised Code applies in determining 895
whether to impose a prison term on the offender. 896

(b) Except as otherwise provided in division (C) (5) (c), 897
(d), (e), (f), or (g) of this section, if the offense was 898
committed in the vicinity of a school, in the vicinity of a 899
juvenile, or in the vicinity of a substance addiction services 900
provider or a recovering addict, trafficking in L.S.D. is a 901
felony of the fourth degree, and division (C) of section 2929.13 902
of the Revised Code applies in determining whether to impose a 903
prison term on the offender. 904

(c) Except as otherwise provided in this division, if the 905
amount of the drug involved equals or exceeds ten unit doses but 906
is less than fifty unit doses of L.S.D. in a solid form or 907
equals or exceeds one gram but is less than five grams of L.S.D. 908
in a liquid concentrate, liquid extract, or liquid distillate 909
form, trafficking in L.S.D. is a felony of the fourth degree, 910
and division (B) of section 2929.13 of the Revised Code applies 911
in determining whether to impose a prison term for the offense. 912
If the amount of the drug involved is within that range and if 913
the offense was committed in the vicinity of a school, in the 914
vicinity of a juvenile, or in the vicinity of a substance 915

addiction services provider or a recovering addict, trafficking 916
in L.S.D. is a felony of the third degree, and there is a 917
presumption for a prison term for the offense. 918

(d) Except as otherwise provided in this division, if the 919
amount of the drug involved equals or exceeds fifty unit doses 920
but is less than two hundred fifty unit doses of L.S.D. in a 921
solid form or equals or exceeds five grams but is less than 922
twenty-five grams of L.S.D. in a liquid concentrate, liquid 923
extract, or liquid distillate form, trafficking in L.S.D. is a 924
felony of the third degree, and, except as otherwise provided in 925
this division, there is a presumption for a prison term for the 926
offense. If trafficking in L.S.D. is a felony of the third 927
degree under this division and if the offender two or more times 928
previously has been convicted of or pleaded guilty to a felony 929
drug abuse offense, the court shall impose as a mandatory prison 930
term one of the prison terms prescribed for a felony of the 931
third degree. If the amount of the drug involved is within that 932
range and if the offense was committed in the vicinity of a 933
school, in the vicinity of a juvenile, or in the vicinity of a 934
substance addiction services provider or a recovering addict, 935
trafficking in L.S.D. is a felony of the second degree, and the 936
court shall impose as a mandatory prison term a second degree 937
felony mandatory prison term. 938

(e) Except as otherwise provided in this division, if the 939
amount of the drug involved equals or exceeds two hundred fifty 940
unit doses but is less than one thousand unit doses of L.S.D. in 941
a solid form or equals or exceeds twenty-five grams but is less 942
than one hundred grams of L.S.D. in a liquid concentrate, liquid 943
extract, or liquid distillate form, trafficking in L.S.D. is a 944
felony of the second degree, and the court shall impose as a 945
mandatory prison term a second degree felony mandatory prison 946

term. If the amount of the drug involved is within that range 947
and if the offense was committed in the vicinity of a school, in 948
the vicinity of a juvenile, or in the vicinity of a substance 949
addiction services provider or a recovering addict, trafficking 950
in L.S.D. is a felony of the first degree, and the court shall 951
impose as a mandatory prison term a first degree felony 952
mandatory prison term. 953

(f) If the amount of the drug involved equals or exceeds 954
one thousand unit doses but is less than five thousand unit 955
doses of L.S.D. in a solid form or equals or exceeds one hundred 956
grams but is less than five hundred grams of L.S.D. in a liquid 957
concentrate, liquid extract, or liquid distillate form and 958
regardless of whether the offense was committed in the vicinity 959
of a school, in the vicinity of a juvenile, or in the vicinity 960
of a substance addiction services provider or a recovering 961
addict, trafficking in L.S.D. is a felony of the first degree, 962
and the court shall impose as a mandatory prison term a first 963
degree felony mandatory prison term. 964

(g) If the amount of the drug involved equals or exceeds 965
five thousand unit doses of L.S.D. in a solid form or equals or 966
exceeds five hundred grams of L.S.D. in a liquid concentrate, 967
liquid extract, or liquid distillate form and regardless of 968
whether the offense was committed in the vicinity of a school, 969
in the vicinity of a juvenile, or in the vicinity of a substance 970
addiction services provider or a recovering addict, trafficking 971
in L.S.D. is a felony of the first degree, the offender is a 972
major drug offender, and the court shall impose as a mandatory 973
prison term a maximum first degree felony mandatory prison term. 974

(6) If the drug involved in the violation is heroin or a 975
compound, mixture, preparation, or substance containing heroin, 976

whoever violates division (A) of this section is guilty of 977
trafficking in heroin. The penalty for the offense shall be 978
determined as follows: 979

(a) Except as otherwise provided in division (C) (6) (b), 980
(c), (d), (e), or (f), ~~or (g)~~ of this section, trafficking in 981
heroin is a felony of the fifth degree, and division (B) of 982
section 2929.13 of the Revised Code applies in determining 983
whether to impose a prison term on the offender. 984

(b) Except as otherwise provided in division (C) (6) (c), 985
(d), (e), or (f), ~~or (g)~~ of this section, if the offense was 986
committed in the vicinity of a school, in the vicinity of a 987
juvenile, or in the vicinity of a substance addiction services 988
provider or a recovering addict, trafficking in heroin is a 989
felony of the fourth degree, and division (C) of section 2929.13 990
of the Revised Code applies in determining whether to impose a 991
prison term on the offender. 992

(c) Except as otherwise provided in this division, if the 993
amount of the drug involved equals or exceeds ten unit doses but 994
is less than fifty unit doses or equals or exceeds one gram but 995
is less than five grams, trafficking in heroin is a felony of 996
the ~~fourth~~ second degree, ~~and division (B) of section 2929.13 of~~ 997
~~the Revised Code applies in determining whether to impose a~~ 998
~~prison term for the offense.~~ If the amount of the drug involved 999
is within that range and if the offense was committed in the 1000
vicinity of a school, in the vicinity of a juvenile, or in the 1001
vicinity of a substance addiction services provider or a 1002
recovering addict, trafficking in heroin is a felony of the 1003
~~third~~ first degree, and there is a presumption for a prison term 1004
for the offense. 1005

(d) ~~Except as otherwise provided in this division, if~~ If 1006

the amount of the drug involved equals or exceeds fifty unit 1007
doses but is less than one hundred unit doses or equals or 1008
exceeds five grams but is less than ten grams and regardless of 1009
whether the offense was committed in the vicinity of a school, 1010
in the vicinity of a juvenile, or in the vicinity of a substance 1011
addiction services provider or a recovering addict, trafficking 1012
in heroin is a felony of the ~~third~~first degree, and there is a 1013
presumption for a prison term for the offense. ~~If the amount of~~ 1014
~~the drug involved is within that range and if the offense was~~ 1015
~~committed in the vicinity of a school, in the vicinity of a~~ 1016
~~juvenile, or in the vicinity of a substance addiction services~~ 1017
~~provider or a recovering addict, trafficking in heroin is a~~ 1018
~~felony of the second degree, and there is a presumption for a~~ 1019
~~prison term for the offense.~~ 1020

(e) ~~Except as otherwise provided in this division, if~~ If 1021
the amount of the drug involved equals or exceeds one hundred 1022
unit doses but is less than ~~five hundred~~one thousand unit doses 1023
or equals or exceeds ten grams but is less than ~~fifty~~one 1024
hundred grams and regardless of whether the offense was 1025
committed in the vicinity of a school, in the vicinity of a 1026
juvenile, or in the vicinity of a substance addiction services 1027
provider or a recovering addict, trafficking in heroin is a 1028
felony of the ~~second~~first degree, and the court shall impose as 1029
a mandatory prison term a ~~second~~first degree felony mandatory 1030
prison term. ~~If the amount of the drug involved is within that~~ 1031
~~range and if the offense was committed in the vicinity of a~~ 1032
~~school, in the vicinity of a juvenile, or in the vicinity of a~~ 1033
~~substance addiction services provider or a recovering addict,~~ 1034
~~trafficking in heroin is a felony of the first degree, and the~~ 1035
~~court shall impose as a mandatory prison term a first degree~~ 1036
~~felony mandatory prison term.~~ 1037

~~(f) If the amount of the drug involved equals or exceeds
five hundred unit doses but is less than one thousand unit doses
or equals or exceeds fifty grams but is less than one hundred
grams and regardless of whether the offense was committed in the
vicinity of a school, 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
term a first degree felony mandatory prison term.~~

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

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

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

(b) Except as otherwise provided in division (C) (7) (c),
(d), (e), (f), or (g) of this section, if the offense was

committed in the vicinity of a school, in the vicinity of a 1068
juvenile, or in the vicinity of a substance addiction services 1069
provider or a recovering addict, trafficking in hashish is a 1070
felony of the fourth degree, and division (B) of section 2929.13 1071
of the Revised Code applies in determining whether to impose a 1072
prison term on the offender. 1073

(c) Except as otherwise provided in this division, if the 1074
amount of the drug involved equals or exceeds ten grams but is 1075
less than fifty grams of hashish in a solid form or equals or 1076
exceeds two grams but is less than ten grams of hashish in a 1077
liquid concentrate, liquid extract, or liquid distillate form, 1078
trafficking in hashish is a felony of the fourth degree, and 1079
division (B) of section 2929.13 of the Revised Code applies in 1080
determining whether to impose a prison term on the offender. If 1081
the amount of the drug involved is within that range and if the 1082
offense was committed in the vicinity of a school, in the 1083
vicinity of a juvenile, or in the vicinity of a substance 1084
addiction services provider or a recovering addict, trafficking 1085
in hashish is a felony of the third degree, and division (C) of 1086
section 2929.13 of the Revised Code applies in determining 1087
whether to impose a prison term on the offender. 1088

(d) Except as otherwise provided in this division, if the 1089
amount of the drug involved equals or exceeds fifty grams but is 1090
less than two hundred fifty grams of hashish in a solid form or 1091
equals or exceeds ten grams but is less than fifty grams of 1092
hashish in a liquid concentrate, liquid extract, or liquid 1093
distillate form, trafficking in hashish is a felony of the third 1094
degree, and division (C) of section 2929.13 of the Revised Code 1095
applies in determining whether to impose a prison term on the 1096
offender. If the amount of the drug involved is within that 1097
range and if the offense was committed in the vicinity of a 1098

school, in the vicinity of a juvenile, or in the vicinity of a 1099
substance addiction services provider or a recovering addict, 1100
trafficking in hashish is a felony of the second degree, and 1101
there is a presumption that a prison term shall be imposed for 1102
the offense. 1103

(e) Except as otherwise provided in this division, if the 1104
amount of the drug involved equals or exceeds two hundred fifty 1105
grams but is less than one thousand grams of hashish in a solid 1106
form or equals or exceeds fifty grams but is less than two 1107
hundred grams of hashish in a liquid concentrate, liquid 1108
extract, or liquid distillate form, trafficking in hashish is a 1109
felony of the third degree, and there is a presumption that a 1110
prison term shall be imposed for the offense. If the amount of 1111
the drug involved is within that range and if the offense was 1112
committed in the vicinity of a school, in the vicinity of a 1113
juvenile, or in the vicinity of a substance addiction services 1114
provider or a recovering addict, trafficking in hashish is a 1115
felony of the second degree, and there is a presumption that a 1116
prison term shall be imposed for the offense. 1117

(f) Except as otherwise provided in this division, if the 1118
amount of the drug involved equals or exceeds one thousand grams 1119
but is less than two thousand grams of hashish in a solid form 1120
or equals or exceeds two hundred grams but is less than four 1121
hundred grams of hashish in a liquid concentrate, liquid 1122
extract, or liquid distillate form, trafficking in hashish is a 1123
felony of the second degree, and the court shall impose as a 1124
mandatory prison term a second degree felony mandatory prison 1125
term of five, six, seven, or eight years. If the amount of the 1126
drug involved is within that range and if the offense was 1127
committed in the vicinity of a school, in the vicinity of a 1128
juvenile, or in the vicinity of a substance addiction services 1129

provider or a recovering addict, trafficking in hashish is a 1130
felony of the first degree, and the court shall impose as a 1131
mandatory prison term a maximum first degree felony mandatory 1132
prison term. 1133

(g) Except as otherwise provided in this division, if the 1134
amount of the drug involved equals or exceeds two thousand grams 1135
of hashish in a solid form or equals or exceeds four hundred 1136
grams of hashish in a liquid concentrate, liquid extract, or 1137
liquid distillate form, trafficking in hashish is a felony of 1138
the second degree, and the court shall impose as a mandatory 1139
prison term a maximum second degree felony mandatory prison 1140
term. If the amount of the drug involved equals or exceeds two 1141
thousand grams of hashish in a solid form or equals or exceeds 1142
four hundred grams of hashish in a liquid concentrate, liquid 1143
extract, or liquid distillate form and if the offense was 1144
committed in the vicinity of a school, in the vicinity of a 1145
juvenile, or in the vicinity of a substance addiction services 1146
provider or a recovering addict, trafficking in hashish is a 1147
felony of the first degree, and the court shall impose as a 1148
mandatory prison term a maximum first degree felony mandatory 1149
prison term. 1150

(8) If the drug involved in the violation is a controlled 1151
substance analog or compound, mixture, preparation, or substance 1152
that contains a controlled substance analog, whoever violates 1153
division (A) of this section is guilty of trafficking in a 1154
controlled substance analog. The penalty for the offense shall 1155
be determined as follows: 1156

(a) Except as otherwise provided in division (C) (8) (b), 1157
(c), (d), (e), (f), or (g) of this section, trafficking in a 1158
controlled substance analog is a felony of the fifth degree, and 1159

division (C) of section 2929.13 of the Revised Code applies in 1160
determining whether to impose a prison term on the offender. 1161

(b) Except as otherwise provided in division (C) (8) (c), 1162
(d), (e), (f), or (g) of this section, if the offense was 1163
committed in the vicinity of a school, in the vicinity of a 1164
juvenile, or in the vicinity of a substance addiction services 1165
provider or a recovering addict, trafficking in a controlled 1166
substance analog is a felony of the fourth degree, and division 1167
(C) of section 2929.13 of the Revised Code applies in 1168
determining whether to impose a prison term on the offender. 1169

(c) Except as otherwise provided in this division, if the 1170
amount of the drug involved equals or exceeds ten grams but is 1171
less than twenty grams, trafficking in a controlled substance 1172
analog is a felony of the fourth degree, and division (B) of 1173
section 2929.13 of the Revised Code applies in determining 1174
whether to impose a prison term for the offense. If the amount 1175
of the drug involved is within that range and if the offense was 1176
committed in the vicinity of a school, in the vicinity of a 1177
juvenile, or in the vicinity of a substance addiction services 1178
provider or a recovering addict, trafficking in a controlled 1179
substance analog is a felony of the third degree, and there is a 1180
presumption for a prison term for the offense. 1181

(d) Except as otherwise provided in this division, if the 1182
amount of the drug involved equals or exceeds twenty grams but 1183
is less than thirty grams, trafficking in a controlled substance 1184
analog is a felony of the third degree, and there is a 1185
presumption for a prison term for the offense. If the amount of 1186
the drug involved is within that range and if the offense was 1187
committed in the vicinity of a school, in the vicinity of a 1188
juvenile, or in the vicinity of a substance addiction services 1189

provider or a recovering addict, trafficking in a controlled 1190
substance analog is a felony of the second degree, and there is 1191
a presumption for a prison term for the offense. 1192

(e) Except as otherwise provided in this division, if the 1193
amount of the drug involved equals or exceeds thirty grams but 1194
is less than forty grams, trafficking in a controlled substance 1195
analog is a felony of the second degree, and the court shall 1196
impose as a mandatory prison term a second degree felony 1197
mandatory prison term. If the amount of the drug involved is 1198
within that range and if the offense was committed in the 1199
vicinity of a school, in the vicinity of a juvenile, or in the 1200
vicinity of a substance addiction services provider or a 1201
recovering addict, trafficking in a controlled substance analog 1202
is a felony of the first degree, and the court shall impose as a 1203
mandatory prison term a first degree felony mandatory prison 1204
term. 1205

(f) If the amount of the drug involved equals or exceeds 1206
forty grams but is less than fifty grams and regardless of 1207
whether the offense was committed in the vicinity of a school, 1208
in the vicinity of a juvenile, or in the vicinity of a substance 1209
addiction services provider or a recovering addict, trafficking 1210
in a controlled substance analog is a felony of the first 1211
degree, and the court shall impose as a mandatory prison term a 1212
first degree felony mandatory prison term. 1213

(g) If the amount of the drug involved equals or exceeds 1214
fifty grams and regardless of whether the offense was committed 1215
in the vicinity of a school, in the vicinity of a juvenile, or 1216
in the vicinity of a substance addiction services provider or a 1217
recovering addict, trafficking in a controlled substance analog 1218
is a felony of the first degree, the offender is a major drug 1219

offender, and the court shall impose as a mandatory prison term 1220
a maximum first degree felony mandatory prison term. 1221

(9) If the drug involved in the violation is a fentanyl- 1222
related compound or a compound, mixture, preparation, or 1223
substance containing a fentanyl-related compound and division 1224
(C) (10) (a) of this section does not apply to the drug involved, 1225
whoever violates division (A) of this section is guilty of 1226
trafficking in a fentanyl-related compound. The penalty for the 1227
offense shall be determined as follows: 1228

(a) Except as otherwise provided in division (C) (9) (b), 1229
(c), (d), (e), (f), or (g), ~~or (h)~~ of this section, trafficking 1230
in a fentanyl-related compound is a felony of the fifth-second 1231
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 1232
~~applies in determining whether to impose a prison term on the~~ 1233
~~offender.~~ 1234

(b) Except as otherwise provided in division (C) (9) (c), 1235
(d), (e), (f), or (g), ~~or (h)~~ of this section, if the offense 1236
was committed in the vicinity of a school, in the vicinity of a 1237
juvenile, or in the vicinity of a substance addiction services 1238
provider or a recovering addict, trafficking in a fentanyl- 1239
related compound is a felony of the fourth-first degree, and 1240
division (C) of section 2929.13 of the Revised Code applies in 1241
determining whether to impose a prison term on the offender. 1242

(c) ~~Except as otherwise provided in this division, if~~ If 1243
the amount of the drug involved equals or exceeds ten unit doses 1244
but is less than fifty unit doses or equals or exceeds one gram 1245
but is less than five grams and regardless of whether the 1246
offense was committed in the vicinity of a school, in the 1247
vicinity of a juvenile, or in the vicinity of a substance 1248
addiction services provider or a recovering addict, trafficking 1249

in a fentanyl-related compound is a felony of the ~~fourth~~first 1250
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 1251
~~applies in determining whether to impose a prison term for the~~ 1252
~~offense. If the amount of the drug involved is within that range~~ 1253
~~and if the offense was committed in the vicinity of a school, in~~ 1254
~~the vicinity of a juvenile, or in the vicinity of a substance~~ 1255
~~addiction services provider or a recovering addict, trafficking~~ 1256
~~in a fentanyl related compound is a felony of the third degree,~~ 1257
~~and there is a presumption for a prison term for the offense.~~ 1258

(d) ~~Except as otherwise provided in this division, if~~ 1259
the amount of the drug involved equals or exceeds fifty unit 1260
doses but is less than one hundred unit doses or equals or 1261
exceeds five grams but is less than ten grams and regardless of 1262
whether the offense was committed in the vicinity of a school, 1263
in the vicinity of a juvenile, or in the vicinity of a substance 1264
addiction services provider or a recovering addict, trafficking 1265
in a fentanyl-related compound is a felony of the ~~third~~first 1266
degree, and there is a presumption for a prison term for the 1267
offense. ~~If the amount of the drug involved is within that range~~ 1268
~~and if the offense was committed in the vicinity of a school, in~~ 1269
~~the vicinity of a juvenile, or in the vicinity of a substance~~ 1270
~~addiction services provider or a recovering addict, trafficking~~ 1271
~~in a fentanyl related compound is a felony of the second degree,~~ 1272
~~and there is a presumption for a prison term for the offense.~~ 1273

(e) ~~Except as otherwise provided in this division, if~~ 1274
the amount of the drug involved equals or exceeds one hundred 1275
unit doses but is less than ~~two~~five hundred unit doses or 1276
equals or exceeds ten grams but is less than ~~twenty~~fifty grams 1277
and regardless of whether the offense was committed in the 1278
vicinity of a school, in the vicinity of a juvenile, or in the 1279
vicinity of a substance addiction services provider or a 1280

~~recovering addict, trafficking in a fentanyl-related compound is~~ 1281
~~a felony of the ~~second~~-first degree, and the court shall impose~~ 1282
~~as a mandatory prison term one of the prison terms prescribed~~ 1283
~~for a felony of the ~~second~~-first degree. If the amount of the~~ 1284
~~drug involved is within that range and if the offense was~~ 1285
~~committed in the vicinity of a school, in the vicinity of a~~ 1286
~~juvenile, or in the vicinity of a substance addiction services~~ 1287
~~provider or a recovering addict, trafficking in a fentanyl-~~ 1288
~~related compound is a felony of the first degree, and the court~~ 1289
~~shall impose as a mandatory prison term one of the prison terms~~ 1290
~~prescribed for a felony of the first degree.~~ 1291

~~(f) If the amount of the drug involved equals or exceeds~~ 1292
~~two hundred unit doses but is less than five hundred unit doses~~ 1293
~~or equals or exceeds twenty grams but is less than fifty grams~~ 1294
~~and regardless of whether the offense was committed in the~~ 1295
~~vicinity of a school, in the vicinity of a juvenile, or in the~~ 1296
~~vicinity of a substance addiction services provider or a~~ 1297
~~recovering addict, trafficking in a fentanyl-related compound is~~ 1298
~~a felony of the first degree, and the court shall impose as a~~ 1299
~~mandatory prison term one of the prison terms prescribed for a~~ 1300
~~felony of the first degree.~~ 1301

~~(g) If the amount of the drug involved equals or exceeds~~ 1302
~~five hundred unit doses but is less than one thousand unit doses~~ 1303
~~or equals or exceeds fifty grams but is less than one hundred~~ 1304
~~grams and regardless of whether the offense was committed in the~~ 1305
~~vicinity of a school, in the vicinity of a juvenile, or in the~~ 1306
~~vicinity of a substance addiction services provider or a~~ 1307
~~recovering addict, trafficking in a fentanyl-related compound is~~ 1308
~~a felony of the first degree, and the court shall impose as a~~ 1309
~~mandatory prison term the maximum prison term prescribed for a~~ 1310
~~felony of the first degree.~~ 1311

~~(h)~~ (g) If the amount of the drug involved equals or 1312
exceeds one thousand unit doses or equals or exceeds one hundred 1313
grams and regardless of whether the offense was committed in the 1314
vicinity of a school, in the vicinity of a juvenile, or in the 1315
vicinity of a substance addiction services provider or a 1316
recovering addict, trafficking in a fentanyl-related compound is 1317
a felony of the first degree, the offender is a major drug 1318
offender, and the court shall impose as a mandatory prison term 1319
the maximum prison term prescribed for a felony of the first 1320
degree. 1321

(10) If the drug involved in the violation is a compound, 1322
mixture, preparation, or substance that is a combination of a 1323
fentanyl-related compound and marihuana, one of the following 1324
applies: 1325

(a) Except as otherwise provided in division (C) (10) (b) of 1326
this section, the offender is guilty of trafficking in marihuana 1327
and shall be punished under division (C) (3) of this section. The 1328
offender is not guilty of trafficking in a fentanyl-related 1329
compound and shall not be charged with, convicted of, or 1330
punished under division (C) (9) of this section for trafficking 1331
in a fentanyl-related compound. 1332

(b) If the offender knows or has reason to know that the 1333
compound, mixture, preparation, or substance that is the drug 1334
involved contains a fentanyl-related compound, the offender is 1335
guilty of trafficking in a fentanyl-related compound and shall 1336
be punished under division (C) (9) of this section. 1337

(11) If the drug involved in the violation is 1338
methamphetamine or a compound, mixture, preparation, or 1339
substance containing methamphetamine, whoever violates division 1340
(A) of this section is guilty of trafficking in methamphetamine. 1341

The penalty for the offense shall be determined as follows: 1342

(a) Except as otherwise provided in division (C) (11) (b), 1343
(c), (d), (e), or (f) of this section, trafficking in 1344
methamphetamine is a felony of the fourth degree, and division 1345
(B) of section 2929.13 of the Revised Code applies in 1346
determining whether to impose a prison term on the offender. 1347

(b) Except as otherwise provided in division (C) (11) (c), 1348
(d), (e), or (f) of this section, if the offense was committed 1349
in the vicinity of a school, in the vicinity of a juvenile, or 1350
in the vicinity of a substance addiction services provider or a 1351
recovering addict, trafficking in methamphetamine is a felony of 1352
the third degree, and division (C) of section 2929.13 of the 1353
Revised Code applies in determining whether to impose a prison 1354
term on the offender. 1355

(c) Except as otherwise provided in this division, if the 1356
amount of the drug involved equals or exceeds three grams but is 1357
less than ten grams of methamphetamine, trafficking in 1358
methamphetamine is a felony of the third degree and, except as 1359
otherwise provided in this division, there is a presumption for 1360
a prison term for the offense. If trafficking in methamphetamine 1361
is a felony of the third degree and if the offender two or more 1362
times previously has been convicted of or pleaded guilty to a 1363
felony drug abuse offense, the court shall impose as a mandatory 1364
prison term one of the prison terms prescribed for a felony of 1365
the third degree. If the amount of the drug involved is within 1366
that range and if the offense was committed in the vicinity of a 1367
school, in the vicinity of a juvenile, or in the vicinity of a 1368
substance addiction services provider or a recovering addict, 1369
trafficking in methamphetamine is a felony of the second degree, 1370
and the court shall impose as a mandatory prison term one of the 1371

prison terms prescribed for a felony of the second degree.

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(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten grams but is
less than twenty grams of methamphetamine, trafficking in
methamphetamine is a felony of the second degree and there is a
presumption for a prison term for the offense. If trafficking in
methamphetamine is a felony of the second degree under this
division and if the offender two or more times previously has
been convicted of or pleaded guilty to a felony drug abuse
offense, the court shall impose as a mandatory prison term one
of the prison terms prescribed for a felony of the second
degree. If the amount of the drug involved is within that range
and if the offense was committed in the vicinity of a school, in
the vicinity of a juvenile, or in the vicinity of a substance
addiction services provider or a recovering addict, trafficking
in methamphetamine is a felony of the first degree, and the
court shall impose as a mandatory prison term a first degree
felony mandatory prison term.

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(e) If the amount of the drug involved equals or exceeds
twenty grams but is less than one hundred grams of
methamphetamine and regardless of whether 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 methamphetamine
is a felony of the first degree, and the court shall impose as a
mandatory prison term a first degree felony mandatory prison
term.

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(f) If the amount of the drug involved equals or exceeds
one hundred grams of methamphetamine and regardless of whether
the offense was committed in the vicinity of a school, in the

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vicinity of a juvenile, or in the vicinity of a substance 1402
addiction services provider or a recovering addict, trafficking 1403
in methamphetamine is a felony of the first degree, the offender 1404
is a major drug offender, and the court shall impose as a 1405
mandatory prison term a maximum first degree felony mandatory 1406
prison term. 1407

(D) In addition to any prison term authorized or required 1408
by division (C) of this section and sections 2929.13 and 2929.14 1409
of the Revised Code, and in addition to any other sanction 1410
imposed for the offense under this section or sections 2929.11 1411
to 2929.18 of the Revised Code, the court that sentences an 1412
offender who is convicted of or pleads guilty to a violation of 1413
division (A) of this section may suspend the driver's or 1414
commercial driver's license or permit of the offender in 1415
accordance with division (G) of this section. However, if the 1416
offender pleaded guilty to or was convicted of a violation of 1417
section 4511.19 of the Revised Code or a substantially similar 1418
municipal ordinance or the law of another state or the United 1419
States arising out of the same set of circumstances as the 1420
violation, the court shall suspend the offender's driver's or 1421
commercial driver's license or permit in accordance with 1422
division (G) of this section. If applicable, the court also 1423
shall do the following: 1424

(1) If the violation of division (A) of this section is a 1425
felony of the first, second, or third degree, the court shall 1426
impose upon the offender the mandatory fine specified for the 1427
offense under division (B)(1) of section 2929.18 of the Revised 1428
Code unless, as specified in that division, the court determines 1429
that the offender is indigent. Except as otherwise provided in 1430
division (H)(1) of this section, a mandatory fine or any other 1431
fine imposed for a violation of this section is subject to 1432

division (F) of this section. If a person is charged with a 1433
violation of this section that is a felony of the first, second, 1434
or third degree, posts bail, and forfeits the bail, the clerk of 1435
the court shall pay the forfeited bail pursuant to divisions (D) 1436
(1) and (F) of this section, as if the forfeited bail was a fine 1437
imposed for a violation of this section. If any amount of the 1438
forfeited bail remains after that payment and if a fine is 1439
imposed under division (H)(1) of this section, the clerk of the 1440
court shall pay the remaining amount of the forfeited bail 1441
pursuant to divisions (H)(2) and (3) of this section, as if that 1442
remaining amount was a fine imposed under division (H)(1) of 1443
this section. 1444

(2) If the offender is a professionally licensed person, 1445
the court immediately shall comply with section 2925.38 of the 1446
Revised Code. 1447

(E) When a person is charged with the sale of or offer to 1448
sell a bulk amount or a multiple of a bulk amount of a 1449
controlled substance, the jury, or the court trying the accused, 1450
shall determine the amount of the controlled substance involved 1451
at the time of the offense and, if a guilty verdict is returned, 1452
shall return the findings as part of the verdict. In any such 1453
case, it is unnecessary to find and return the exact amount of 1454
the controlled substance involved, and it is sufficient if the 1455
finding and return is to the effect that the amount of the 1456
controlled substance involved is the requisite amount, or that 1457
the amount of the controlled substance involved is less than the 1458
requisite amount. 1459

(F)(1) Notwithstanding any contrary provision of section 1460
3719.21 of the Revised Code and except as provided in division 1461
(H) of this section, the clerk of the court shall pay any 1462

mandatory fine imposed pursuant to division (D) (1) of this 1463
section and any fine other than a mandatory fine that is imposed 1464
for a violation of this section pursuant to division (A) or (B) 1465
(5) of section 2929.18 of the Revised Code to the county, 1466
township, municipal corporation, park district, as created 1467
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1468
state law enforcement agencies in this state that primarily were 1469
responsible for or involved in making the arrest of, and in 1470
prosecuting, the offender. However, the clerk shall not pay a 1471
mandatory fine so imposed to a law enforcement agency unless the 1472
agency has adopted a written internal control policy under 1473
division (F) (2) of this section that addresses the use of the 1474
fine moneys that it receives. Each agency shall use the 1475
mandatory fines so paid to subsidize the agency's law 1476
enforcement efforts that pertain to drug offenses, in accordance 1477
with the written internal control policy adopted by the 1478
recipient agency under division (F) (2) of this section. 1479

(2) Prior to receiving any fine moneys under division (F) 1480
(1) of this section or division (B) of section 2925.42 of the 1481
Revised Code, a law enforcement agency shall adopt a written 1482
internal control policy that addresses the agency's use and 1483
disposition of all fine moneys so received and that provides for 1484
the keeping of detailed financial records of the receipts of 1485
those fine moneys, the general types of expenditures made out of 1486
those fine moneys, and the specific amount of each general type 1487
of expenditure. The policy shall not provide for or permit the 1488
identification of any specific expenditure that is made in an 1489
ongoing investigation. All financial records of the receipts of 1490
those fine moneys, the general types of expenditures made out of 1491
those fine moneys, and the specific amount of each general type 1492
of expenditure by an agency are public records open for 1493

inspection under section 149.43 of the Revised Code. 1494
Additionally, a written internal control policy adopted under 1495
this division is such a public record, and the agency that 1496
adopted it shall comply with it. 1497

(3) As used in division (F) of this section: 1498

(a) "Law enforcement agencies" includes, but is not 1499
limited to, the state board of pharmacy and the office of a 1500
prosecutor. 1501

(b) "Prosecutor" has the same meaning as in section 1502
2935.01 of the Revised Code. 1503

(G) (1) If the sentencing court suspends the offender's 1504
driver's or commercial driver's license or permit under division 1505
(D) of this section or any other provision of this chapter, the 1506
court shall suspend the license, by order, for not more than 1507
five years. If an offender's driver's or commercial driver's 1508
license or permit is suspended pursuant to this division, the 1509
offender, at any time after the expiration of two years from the 1510
day on which the offender's sentence was imposed or from the day 1511
on which the offender finally was released from a prison term 1512
under the sentence, whichever is later, may file a motion with 1513
the sentencing court requesting termination of the suspension; 1514
upon the filing of such a motion and the court's finding of good 1515
cause for the termination, the court may terminate the 1516
suspension. 1517

(2) Any offender who received a mandatory suspension of 1518
the offender's driver's or commercial driver's license or permit 1519
under this section prior to September 13, 2016, may file a 1520
motion with the sentencing court requesting the termination of 1521
the suspension. However, an offender who pleaded guilty to or 1522

was convicted of a violation of section 4511.19 of the Revised 1523
Code or a substantially similar municipal ordinance or law of 1524
another state or the United States that arose out of the same 1525
set of circumstances as the violation for which the offender's 1526
license or permit was suspended under this section shall not 1527
file such a motion. 1528

Upon the filing of a motion under division (G)(2) of this 1529
section, the sentencing court, in its discretion, may terminate 1530
the suspension. 1531

(H)(1) In addition to any prison term authorized or 1532
required by division (C) of this section and sections 2929.13 1533
and 2929.14 of the Revised Code, in addition to any other 1534
penalty or sanction imposed for the offense under this section 1535
or sections 2929.11 to 2929.18 of the Revised Code, and in 1536
addition to the forfeiture of property in connection with the 1537
offense as prescribed in Chapter 2981. of the Revised Code, the 1538
court that sentences an offender who is convicted of or pleads 1539
guilty to a violation of division (A) of this section may impose 1540
upon the offender an additional fine specified for the offense 1541
in division (B)(4) of section 2929.18 of the Revised Code. A 1542
fine imposed under division (H)(1) of this section is not 1543
subject to division (F) of this section and shall be used solely 1544
for the support of one or more eligible community addiction 1545
services providers in accordance with divisions (H)(2) and (3) 1546
of this section. 1547

(2) The court that imposes a fine under division (H)(1) of 1548
this section shall specify in the judgment that imposes the fine 1549
one or more eligible community addiction services providers for 1550
the support of which the fine money is to be used. No community 1551
addiction services provider shall receive or use money paid or 1552

collected in satisfaction of a fine imposed under division (H) 1553
(1) of this section unless the services provider is specified in 1554
the judgment that imposes the fine. No community addiction 1555
services provider shall be specified in the judgment unless the 1556
services provider is an eligible community addiction services 1557
provider and, except as otherwise provided in division (H) (2) of 1558
this section, unless the services provider is located in the 1559
county in which the court that imposes the fine is located or in 1560
a county that is immediately contiguous to the county in which 1561
that court is located. If no eligible community addiction 1562
services provider is located in any of those counties, the 1563
judgment may specify an eligible community addiction services 1564
provider that is located anywhere within this state. 1565

(3) Notwithstanding any contrary provision of section 1566
3719.21 of the Revised Code, the clerk of the court shall pay 1567
any fine imposed under division (H) (1) of this section to the 1568
eligible community addiction services provider specified 1569
pursuant to division (H) (2) of this section in the judgment. The 1570
eligible community addiction services provider that receives the 1571
fine moneys shall use the moneys only for the alcohol and drug 1572
addiction services identified in the application for 1573
certification of services under section 5119.36 of the Revised 1574
Code or in the application for a license under section 5119.37 1575
of the Revised Code filed with the department of mental health 1576
and addiction services by the community addiction services 1577
provider specified in the judgment. 1578

(4) Each community addiction services provider that 1579
receives in a calendar year any fine moneys under division (H) 1580
(3) of this section shall file an annual report covering that 1581
calendar year with the court of common pleas and the board of 1582
county commissioners of the county in which the services 1583

provider is located, with the court of common pleas and the 1584
board of county commissioners of each county from which the 1585
services provider received the moneys if that county is 1586
different from the county in which the services provider is 1587
located, and with the attorney general. The community addiction 1588
services provider shall file the report no later than the first 1589
day of March in the calendar year following the calendar year in 1590
which the services provider received the fine moneys. The report 1591
shall include statistics on the number of persons served by the 1592
community addiction services provider, identify the types of 1593
alcohol and drug addiction services provided to those persons, 1594
and include a specific accounting of the purposes for which the 1595
fine moneys received were used. No information contained in the 1596
report shall identify, or enable a person to determine the 1597
identity of, any person served by the community addiction 1598
services provider. Each report received by a court of common 1599
pleas, a board of county commissioners, or the attorney general 1600
is a public record open for inspection under section 149.43 of 1601
the Revised Code. 1602

(5) As used in divisions (H) (1) to (5) of this section: 1603

(a) "Community addiction services provider" and "alcohol 1604
and drug addiction services" have the same meanings as in 1605
section 5119.01 of the Revised Code. 1606

(b) "Eligible community addiction services provider" means 1607
a community addiction services provider, including a community 1608
addiction services provider that operates an opioid treatment 1609
program licensed under section 5119.37 of the Revised Code. 1610

(I) As used in this section, "drug" includes any substance 1611
that is represented to be a drug. 1612

(J) It is an affirmative defense to a charge of 1613
trafficking in a controlled substance analog under division (C) 1614
(8) of this section that the person charged with violating that 1615
offense sold or offered to sell, or prepared for shipment, 1616
shipped, transported, delivered, prepared for distribution, or 1617
distributed one of the following items that are excluded from 1618
the meaning of "controlled substance analog" under section 1619
3719.01 of the Revised Code: 1620

(1) A controlled substance; 1621

(2) Any substance for which there is an approved new drug 1622
application; 1623

(3) With respect to a particular person, any substance if 1624
an exemption is in effect for investigational use for that 1625
person pursuant to federal law to the extent that conduct with 1626
respect to that substance is pursuant to that exemption. 1627

Sec. 2925.11. (A) No person shall knowingly obtain, 1628
possess, or use a controlled substance or a controlled substance 1629
analog. 1630

(B) (1) This section does not apply to any of the 1631
following: 1632

(a) Manufacturers, licensed health professionals 1633
authorized to prescribe drugs, pharmacists, owners of 1634
pharmacies, and other persons whose conduct was in accordance 1635
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1636
4741. of the Revised Code; 1637

(b) If the offense involves an anabolic steroid, any 1638
person who is conducting or participating in a research project 1639
involving the use of an anabolic steroid if the project has been 1640
approved by the United States food and drug administration; 1641

(c) Any person who sells, offers for sale, prescribes, 1642
dispenses, or administers for livestock or other nonhuman 1643
species an anabolic steroid that is expressly intended for 1644
administration through implants to livestock or other nonhuman 1645
species and approved for that purpose under the "Federal Food, 1646
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1647
as amended, and is sold, offered for sale, prescribed, 1648
dispensed, or administered for that purpose in accordance with 1649
that act; 1650

(d) Any person who obtained the controlled substance 1651
pursuant to a prescription issued by a licensed health 1652
professional authorized to prescribe drugs if the prescription 1653
was issued for a legitimate medical purpose and not altered, 1654
forged, or obtained through deception or commission of a theft 1655
offense. 1656

As used in division (B) (1) (d) of this section, "deception" 1657
and "theft offense" have the same meanings as in section 2913.01 1658
of the Revised Code. 1659

(2) (a) As used in division (B) (2) of this section: 1660

(i) "Community addiction services provider" has the same 1661
meaning as in section 5119.01 of the Revised Code. 1662

(ii) "Community control sanction" and "drug treatment 1663
program" have the same meanings as in section 2929.01 of the 1664
Revised Code. 1665

(iii) "Health care facility" has the same meaning as in 1666
section 2919.16 of the Revised Code. 1667

(iv) "Minor drug possession offense" means a violation of 1668
this section that is a misdemeanor or a felony of the fifth 1669
degree. 1670

(v) "Post-release control sanction" has the same meaning 1671
as in section 2967.28 of the Revised Code. 1672

(vi) "Peace officer" has the same meaning as in section 1673
2935.01 of the Revised Code. 1674

(vii) "Public agency" has the same meaning as in section 1675
2930.01 of the Revised Code. 1676

(viii) "Qualified individual" means a person who is acting 1677
in good faith who seeks or obtains medical assistance for 1678
another person who is experiencing a drug overdose, a person who 1679
experiences a drug overdose and who seeks medical assistance for 1680
that overdose, or a person who is the subject of another person 1681
seeking or obtaining medical assistance for that overdose as 1682
described in division (B) (2) (b) of this section. 1683

(ix) "Seek or obtain medical assistance" includes, but is 1684
not limited to making a 9-1-1 call, contacting in person or by 1685
telephone call an on-duty peace officer, or transporting or 1686
presenting a person to a health care facility. 1687

(b) Subject to division (B) (2) (e) of this section, a 1688
qualified individual shall not be arrested, charged, prosecuted, 1689
convicted, or penalized pursuant to this chapter for a minor 1690
drug possession offense or a violation of section 2925.12, 1691
division (C) (1) of section 2925.14, or section 2925.141 of the 1692
Revised Code if all of the following apply: 1693

(i) The evidence of the obtaining, possession, or use of 1694
the controlled substance or controlled substance analog, drug 1695
abuse instruments, or drug paraphernalia that would be the basis 1696
of the offense was obtained as a result of the qualified 1697
individual seeking the medical assistance or experiencing an 1698
overdose and needing medical assistance. 1699

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

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

(c) If a person who is serving a community control
sanction or is under a sanction on post-release control acts
pursuant to division (B) (2) (b) of this section, then division
(B) of section 2929.141, division (B) (2) of section 2929.15,
division (D) (3) of section 2929.25, or division (F) (3) of
section 2967.28 of the Revised Code applies to the person with
respect to any violation of the sanction or post-release control
sanction based on a minor drug possession offense, as defined in
section 2925.11 of the Revised Code, or a violation of section
2925.12, division (C) (1) of section 2925.14, or section 2925.141
of the Revised Code.

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

(i) Limit the admissibility of any evidence in connection
with the investigation or prosecution of a crime with regards to
a defendant who does not qualify for the protections of division

(B) (2) (b) of this section or with regards to any crime other 1730
than a minor drug possession offense or a violation of section 1731
2925.12, division (C) (1) of section 2925.14, or section 2925.141 1732
of the Revised Code committed by a person who qualifies for 1733
protection pursuant to division (B) (2) (b) of this section; 1734

(ii) Limit any seizure of evidence or contraband otherwise 1735
permitted by law; 1736

(iii) Limit or abridge the authority of a peace officer to 1737
detain or take into custody a person in the course of an 1738
investigation or to effectuate an arrest for any offense except 1739
as provided in that division; 1740

(iv) Limit, modify, or remove any immunity from liability 1741
available pursuant to law in effect prior to September 13, 2016, 1742
to any public agency or to an employee of any public agency. 1743

(e) Division (B) (2) (b) of this section does not apply to 1744
any person who twice previously has been granted an immunity 1745
under division (B) (2) (b) of this section. No person shall be 1746
granted an immunity under division (B) (2) (b) of this section 1747
more than two times. 1748

(f) Nothing in this section shall compel any qualified 1749
individual to disclose protected health information in a way 1750
that conflicts with the requirements of the "Health Insurance 1751
Portability and Accountability Act of 1996," 104 Pub. L. No. 1752
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1753
regulations promulgated by the United States department of 1754
health and human services to implement the act or the 1755
requirements of 42 C.F.R. Part 2. 1756

(C) Whoever violates division (A) of this section is 1757
guilty of one of the following: 1758

(1) If the drug involved in the violation is a compound, 1759
mixture, preparation, or substance included in schedule I or II, 1760
with the exception of marihuana, cocaine, L.S.D., heroin, any 1761
fentanyl-related compound, hashish, and any controlled substance 1762
analog, whoever violates division (A) of this section is guilty 1763
of aggravated possession of drugs. The penalty for the offense 1764
shall be determined as follows: 1765

(a) Except as otherwise provided in division (C) (1) (b), 1766
(c), (d), or (e) of this section, aggravated possession of drugs 1767
is a felony of the fifth degree, and division (B) of section 1768
2929.13 of the Revised Code applies in determining whether to 1769
impose a prison term on the offender. 1770

(b) If the amount of the drug involved equals or exceeds 1771
the bulk amount but is less than five times the bulk amount, 1772
aggravated possession of drugs is a felony of the third degree, 1773
and there is a presumption for a prison term for the offense. 1774

(c) If the amount of the drug involved equals or exceeds 1775
five times the bulk amount but is less than fifty times the bulk 1776
amount, aggravated possession of drugs is a felony of the second 1777
degree, and the court shall impose as a mandatory prison term a 1778
second degree felony mandatory prison term. 1779

(d) If the amount of the drug involved equals or exceeds 1780
fifty times the bulk amount but is less than one hundred times 1781
the bulk amount, aggravated possession of drugs is a felony of 1782
the first degree, and the court shall impose as a mandatory 1783
prison term a first degree felony mandatory prison term. 1784

(e) If the amount of the drug involved equals or exceeds 1785
one hundred times the bulk amount, aggravated possession of 1786
drugs is a felony of the first degree, the offender is a major 1787

drug offender, and the court shall impose as a mandatory prison 1788
term a maximum first degree felony mandatory prison term. 1789

(2) If the drug involved in the violation is a compound, 1790
mixture, preparation, or substance included in schedule III, IV, 1791
or V, whoever violates division (A) of this section is guilty of 1792
possession of drugs. The penalty for the offense shall be 1793
determined as follows: 1794

(a) Except as otherwise provided in division (C) (2) (b), 1795
(c), or (d) of this section, possession of drugs is a 1796
misdemeanor of the first degree or, if the offender previously 1797
has been convicted of a drug abuse offense, a felony of the 1798
fifth degree. 1799

(b) If the amount of the drug involved equals or exceeds 1800
the bulk amount but is less than five times the bulk amount, 1801
possession of drugs is a felony of the fourth degree, and 1802
division (C) of section 2929.13 of the Revised Code applies in 1803
determining whether to impose a prison term on the offender. 1804

(c) If the amount of the drug involved equals or exceeds 1805
five times the bulk amount but is less than fifty times the bulk 1806
amount, possession of drugs is a felony of the third degree, and 1807
there is a presumption for a prison term for the offense. 1808

(d) If the amount of the drug involved equals or exceeds 1809
fifty times the bulk amount, possession of drugs is a felony of 1810
the second degree, and the court shall impose upon the offender 1811
as a mandatory prison term a second degree felony mandatory 1812
prison term. 1813

(3) If the drug involved in the violation is marihuana or 1814
a compound, mixture, preparation, or substance containing 1815
marihuana other than hashish, whoever violates division (A) of 1816

this section is guilty of possession of marihuana. The penalty 1817
for the offense shall be determined as follows: 1818

(a) Except as otherwise provided in division (C) (3) (b), 1819
(c), (d), (e), (f), or (g) of this section, possession of 1820
marihuana is a minor misdemeanor. 1821

(b) If the amount of the drug involved equals or exceeds 1822
one hundred grams but is less than two hundred grams, possession 1823
of marihuana is a misdemeanor of the fourth degree. 1824

(c) If the amount of the drug involved equals or exceeds 1825
two hundred grams but is less than one thousand grams, 1826
possession of marihuana is a felony of the fifth degree, and 1827
division (B) of section 2929.13 of the Revised Code applies in 1828
determining whether to impose a prison term on the offender. 1829

(d) If the amount of the drug involved equals or exceeds 1830
one thousand grams but is less than five thousand grams, 1831
possession of marihuana is a felony of the third degree, and 1832
division (C) of section 2929.13 of the Revised Code applies in 1833
determining whether to impose a prison term on the offender. 1834

(e) If the amount of the drug involved equals or exceeds 1835
five thousand grams but is less than twenty thousand grams, 1836
possession of marihuana is a felony of the third degree, and 1837
there is a presumption that a prison term shall be imposed for 1838
the offense. 1839

(f) If the amount of the drug involved equals or exceeds 1840
twenty thousand grams but is less than forty thousand grams, 1841
possession of marihuana is a felony of the second degree, and 1842
the court shall impose as a mandatory prison term a second 1843
degree felony mandatory prison term of five, six, seven, or 1844
eight years. 1845

(g) If the amount of the drug involved equals or exceeds 1846
forty thousand grams, possession of marihuana is a felony of the 1847
second degree, and the court shall impose as a mandatory prison 1848
term a maximum second degree felony mandatory prison term. 1849

(4) If the drug involved in the violation is cocaine or a 1850
compound, mixture, preparation, or substance containing cocaine, 1851
whoever violates division (A) of this section is guilty of 1852
possession of cocaine. The penalty for the offense shall be 1853
determined as follows: 1854

(a) Except as otherwise provided in division (C) (4) (b), 1855
(c), (d), (e), or (f) of this section, possession of cocaine is 1856
a felony of the fifth degree, and division (B) of section 1857
2929.13 of the Revised Code applies in determining whether to 1858
impose a prison term on the offender. 1859

(b) If the amount of the drug involved equals or exceeds 1860
five grams but is less than ten grams of cocaine, possession of 1861
cocaine is a felony of the fourth degree, and division (B) of 1862
section 2929.13 of the Revised Code applies in determining 1863
whether to impose a prison term on the offender. 1864

(c) If the amount of the drug involved equals or exceeds 1865
ten grams but is less than twenty grams of cocaine, possession 1866
of cocaine is a felony of the third degree, and, except as 1867
otherwise provided in this division, there is a presumption for 1868
a prison term for the offense. If possession of cocaine is a 1869
felony of the third degree under this division and if the 1870
offender two or more times previously has been convicted of or 1871
pleaded guilty to a felony drug abuse offense, the court shall 1872
impose as a mandatory prison term one of the prison terms 1873
prescribed for a felony of the third degree. 1874

(d) If the amount of the drug involved equals or exceeds 1875
twenty grams but is less than twenty-seven grams of cocaine, 1876
possession of cocaine is a felony of the second degree, and the 1877
court shall impose as a mandatory prison term a second degree 1878
felony mandatory prison term. 1879

(e) If the amount of the drug involved equals or exceeds 1880
twenty-seven grams but is less than one hundred grams of 1881
cocaine, possession of cocaine is a felony of the first degree, 1882
and the court shall impose as a mandatory prison term a first 1883
degree felony mandatory prison term. 1884

(f) If the amount of the drug involved equals or exceeds 1885
one hundred grams of cocaine, possession of cocaine is a felony 1886
of the first degree, the offender is a major drug offender, and 1887
the court shall impose as a mandatory prison term a maximum 1888
first degree felony mandatory prison term. 1889

(5) If the drug involved in the violation is L.S.D., 1890
whoever violates division (A) of this section is guilty of 1891
possession of L.S.D. The penalty for the offense shall be 1892
determined as follows: 1893

(a) Except as otherwise provided in division (C) (5) (b), 1894
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1895
felony of the fifth degree, and division (B) of section 2929.13 1896
of the Revised Code applies in determining whether to impose a 1897
prison term on the offender. 1898

(b) If the amount of L.S.D. involved equals or exceeds ten 1899
unit doses but is less than fifty unit doses of L.S.D. in a 1900
solid form or equals or exceeds one gram but is less than five 1901
grams of L.S.D. in a liquid concentrate, liquid extract, or 1902
liquid distillate form, possession of L.S.D. is a felony of the 1903

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

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

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

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

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D.

is a felony of the first degree, the offender is a major drug 1934
offender, and the court shall impose as a mandatory prison term 1935
a maximum first degree felony mandatory prison term. 1936

(6) If the drug involved in the violation is heroin or a 1937
compound, mixture, preparation, or substance containing heroin, 1938
whoever violates division (A) of this section is guilty of 1939
possession of heroin. The penalty for the offense shall be 1940
determined as follows: 1941

(a) Except as otherwise provided in division (C) (6) (b), 1942
(c), (d), (e), or (f) of this section, possession of heroin is a 1943
felony of the fifth degree, and division (B) of section 2929.13 1944
of the Revised Code applies in determining whether to impose a 1945
prison term on the offender. 1946

(b) If the amount of the drug involved equals or exceeds 1947
ten unit doses but is less than fifty unit doses or equals or 1948
exceeds one gram but is less than five grams, possession of 1949
heroin is a felony of the fourth degree, and division (C) of 1950
section 2929.13 of the Revised Code applies in determining 1951
whether to impose a prison term on the offender. 1952

(c) If the amount of the drug involved equals or exceeds 1953
fifty unit doses but is less than one hundred unit doses or 1954
equals or exceeds five grams but is less than ten grams, 1955
possession of heroin is a felony of the third degree, and there 1956
is a presumption for a prison term for the offense. 1957

(d) If the amount of the drug involved equals or exceeds 1958
one hundred unit doses but is less than five hundred unit doses 1959
or equals or exceeds ten grams but is less than fifty grams, 1960
possession of heroin is a felony of the second degree, and the 1961
court shall impose as a mandatory prison term a second degree 1962

felony mandatory prison term. 1963

(e) If the amount of the drug involved equals or exceeds 1964
five hundred unit doses but is less than one thousand unit doses 1965
or equals or exceeds fifty grams but is less than one hundred 1966
grams, possession of heroin is a felony of the first degree, and 1967
the court shall impose as a mandatory prison term a first degree 1968
felony mandatory prison term. 1969

(f) If the amount of the drug involved equals or exceeds 1970
one thousand unit doses or equals or exceeds one hundred grams, 1971
possession of heroin is a felony of the first degree, the 1972
offender is a major drug offender, and the court shall impose as 1973
a mandatory prison term a maximum first degree felony mandatory 1974
prison term. 1975

(7) If the drug involved in the violation is hashish or a 1976
compound, mixture, preparation, or substance containing hashish, 1977
whoever violates division (A) of this section is guilty of 1978
possession of hashish. The penalty for the offense shall be 1979
determined as follows: 1980

(a) Except as otherwise provided in division (C) (7) (b), 1981
(c), (d), (e), (f), or (g) of this section, possession of 1982
hashish is a minor misdemeanor. 1983

(b) If the amount of the drug involved equals or exceeds 1984
five grams but is less than ten grams of hashish in a solid form 1985
or equals or exceeds one gram but is less than two grams of 1986
hashish in a liquid concentrate, liquid extract, or liquid 1987
distillate form, possession of hashish is a misdemeanor of the 1988
fourth degree. 1989

(c) If the amount of the drug involved equals or exceeds 1990
ten grams but is less than fifty grams of hashish in a solid 1991

form or equals or exceeds two grams but is less than ten grams 1992
of hashish in a liquid concentrate, liquid extract, or liquid 1993
distillate form, possession of hashish is a felony of the fifth 1994
degree, and division (B) of section 2929.13 of the Revised Code 1995
applies in determining whether to impose a prison term on the 1996
offender. 1997

(d) If the amount of the drug involved equals or exceeds 1998
fifty grams but is less than two hundred fifty grams of hashish 1999
in a solid form or equals or exceeds ten grams but is less than 2000
fifty grams of hashish in a liquid concentrate, liquid extract, 2001
or liquid distillate form, possession of hashish is a felony of 2002
the third degree, and division (C) of section 2929.13 of the 2003
Revised Code applies in determining whether to impose a prison 2004
term on the offender. 2005

(e) If the amount of the drug involved equals or exceeds 2006
two hundred fifty grams but is less than one thousand grams of 2007
hashish in a solid form or equals or exceeds fifty grams but is 2008
less than two hundred grams of hashish in a liquid concentrate, 2009
liquid extract, or liquid distillate form, possession of hashish 2010
is a felony of the third degree, and there is a presumption that 2011
a prison term shall be imposed for the offense. 2012

(f) If the amount of the drug involved equals or exceeds 2013
one thousand grams but is less than two thousand grams of 2014
hashish in a solid form or equals or exceeds two hundred grams 2015
but is less than four hundred grams of hashish in a liquid 2016
concentrate, liquid extract, or liquid distillate form, 2017
possession of hashish is a felony of the second degree, and the 2018
court shall impose as a mandatory prison term a second degree 2019
felony mandatory prison term of five, six, seven, or eight 2020
years. 2021

(g) If the amount of the drug involved equals or exceeds 2022
two thousand grams of hashish in a solid form or equals or 2023
exceeds four hundred grams of hashish in a liquid concentrate, 2024
liquid extract, or liquid distillate form, possession of hashish 2025
is a felony of the second degree, and the court shall impose as 2026
a mandatory prison term a maximum second degree felony mandatory 2027
prison term. 2028

(8) If the drug involved is a controlled substance analog 2029
or compound, mixture, preparation, or substance that contains a 2030
controlled substance analog, whoever violates division (A) of 2031
this section is guilty of possession of a controlled substance 2032
analog. The penalty for the offense shall be determined as 2033
follows: 2034

(a) Except as otherwise provided in division (C) (8) (b), 2035
(c), (d), (e), or (f) of this section, possession of a 2036
controlled substance analog is a felony of the fifth degree, and 2037
division (B) of section 2929.13 of the Revised Code applies in 2038
determining whether to impose a prison term on the offender. 2039

(b) If the amount of the drug involved equals or exceeds 2040
ten grams but is less than twenty grams, possession of a 2041
controlled substance analog is a felony of the fourth degree, 2042
and there is a presumption for a prison term for the offense. 2043

(c) If the amount of the drug involved equals or exceeds 2044
twenty grams but is less than thirty grams, possession of a 2045
controlled substance analog is a felony of the third degree, and 2046
there is a presumption for a prison term for the offense. 2047

(d) If the amount of the drug involved equals or exceeds 2048
thirty grams but is less than forty grams, possession of a 2049
controlled substance analog is a felony of the second degree, 2050

and the court shall impose as a mandatory prison term a second 2051
degree felony mandatory prison term. 2052

(e) If the amount of the drug involved equals or exceeds 2053
forty grams but is less than fifty grams, possession of a 2054
controlled substance analog is a felony of the first degree, and 2055
the court shall impose as a mandatory prison term a first degree 2056
felony mandatory prison term. 2057

(f) If the amount of the drug involved equals or exceeds 2058
fifty grams, possession of a controlled substance analog is a 2059
felony of the first degree, the offender is a major drug 2060
offender, and the court shall impose as a mandatory prison term 2061
a maximum first degree felony mandatory prison term. 2062

(9) If the drug involved in the violation is a compound, 2063
mixture, preparation, or substance that is a combination of a 2064
fentanyl-related compound and marihuana, one of the following 2065
applies: 2066

(a) Except as otherwise provided in division (C) (9) (b) of 2067
this section, the offender is guilty of possession of marihuana 2068
and shall be punished as provided in division (C) (3) of this 2069
section. Except as otherwise provided in division (C) (9) (b) of 2070
this section, the offender is not guilty of possession of a 2071
fentanyl-related compound under division ~~(C) (11)~~ (C) (10) of this 2072
section and shall not be charged with, convicted of, or punished 2073
under division ~~(C) (11)~~ (C) (10) of this section for possession of 2074
a fentanyl-related compound. 2075

(b) If the offender knows or has reason to know that the 2076
compound, mixture, preparation, or substance that is the drug 2077
involved contains a fentanyl-related compound, the offender is 2078
guilty of possession of a fentanyl-related compound and shall be 2079

punished under division ~~(C) (11)~~ (C) (10) of this section.

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

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

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

~~(11)~~ If the drug involved in the violation is a fentanyl-related compound and ~~neither division (C) (9) (a) nor division (C) (10) (a)~~ of this section ~~applies~~ does not apply to the drug involved, or is a compound, mixture, preparation, or substance that contains a fentanyl-related compound or is a combination of a fentanyl-related compound and any other controlled substance and ~~neither division (C) (9) (a) nor division (C) (10) (a)~~ of this section ~~applies~~ does not apply to the drug involved, whoever violates division (A) of this section is guilty of possession of a fentanyl-related compound. The penalty for the offense shall

be determined as follows:

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(a) Except as otherwise provided in division ~~(C) (11) (b)~~ (C) (10) (b), (c), (d), (e), (f), or (g) of this section, possession of a fentanyl-related compound 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.

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

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(c) 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, possession of a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense.

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

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(e) If the amount of the drug involved equals or exceeds two hundred unit doses but is less than five hundred unit doses or equals or exceeds twenty grams but is less than fifty grams, possession of a fentanyl-related compound is a felony of the

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first degree, and the court shall impose as a mandatory prison 2139
term one of the prison terms prescribed for a felony of the 2140
first degree. 2141

(f) If the amount of the drug involved equals or exceeds 2142
five hundred unit doses but is less than one thousand unit doses 2143
or equals or exceeds fifty grams but is less than one hundred 2144
grams, possession of a fentanyl-related compound is a felony of 2145
the first degree, and the court shall impose as a mandatory 2146
prison term the maximum prison term prescribed for a felony of 2147
the first degree. 2148

(g) If the amount of the drug involved equals or exceeds 2149
one thousand unit doses or equals or exceeds one hundred grams, 2150
possession of a fentanyl-related compound is a felony of the 2151
first degree, the offender is a major drug offender, and the 2152
court shall impose as a mandatory prison term the maximum prison 2153
term prescribed for a felony of the first degree. 2154

(D) Arrest or conviction for a minor misdemeanor violation 2155
of this section does not constitute a criminal record and need 2156
not be reported by the person so arrested or convicted in 2157
response to any inquiries about the person's criminal record, 2158
including any inquiries contained in any application for 2159
employment, license, or other right or privilege, or made in 2160
connection with the person's appearance as a witness. 2161

(E) In addition to any prison term or jail term authorized 2162
or required by division (C) of this section and sections 2163
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2164
Code and in addition to any other sanction that is imposed for 2165
the offense under this section, sections 2929.11 to 2929.18, or 2166
sections 2929.21 to 2929.28 of the Revised Code, the court that 2167
sentences an offender who is convicted of or pleads guilty to a 2168

violation of division (A) of this section may suspend the 2169
offender's driver's or commercial driver's license or permit for 2170
not more than five years. However, if the offender pleaded 2171
guilty to or was convicted of a violation of section 4511.19 of 2172
the Revised Code or a substantially similar municipal ordinance 2173
or the law of another state or the United States arising out of 2174
the same set of circumstances as the violation, the court shall 2175
suspend the offender's driver's or commercial driver's license 2176
or permit for not more than five years. If applicable, the court 2177
also shall do the following: 2178

(1) (a) If the violation is a felony of the first, second, 2179
or third degree, the court shall impose upon the offender the 2180
mandatory fine specified for the offense under division (B) (1) 2181
of section 2929.18 of the Revised Code unless, as specified in 2182
that division, the court determines that the offender is 2183
indigent. 2184

(b) Notwithstanding any contrary provision of section 2185
3719.21 of the Revised Code, the clerk of the court shall pay a 2186
mandatory fine or other fine imposed for a violation of this 2187
section pursuant to division (A) of section 2929.18 of the 2188
Revised Code in accordance with and subject to the requirements 2189
of division (F) of section 2925.03 of the Revised Code. The 2190
agency that receives the fine shall use the fine as specified in 2191
division (F) of section 2925.03 of the Revised Code. 2192

(c) If a person is charged with a violation of this 2193
section that is a felony of the first, second, or third degree, 2194
posts bail, and forfeits the bail, the clerk shall pay the 2195
forfeited bail pursuant to division (E) (1) (b) of this section as 2196
if it were a mandatory fine imposed under division (E) (1) (a) of 2197
this section. 2198

(2) If the offender is a professionally licensed person, 2199
in addition to any other sanction imposed for a violation of 2200
this section, the court immediately shall comply with section 2201
2925.38 of the Revised Code. 2202

(F) It is an affirmative defense, as provided in section 2203
2901.05 of the Revised Code, to a charge of a fourth degree 2204
felony violation under this section that the controlled 2205
substance that gave rise to the charge is in an amount, is in a 2206
form, is prepared, compounded, or mixed with substances that are 2207
not controlled substances in a manner, or is possessed under any 2208
other circumstances, that indicate that the substance was 2209
possessed solely for personal use. Notwithstanding any contrary 2210
provision of this section, if, in accordance with section 2211
2901.05 of the Revised Code, an accused who is charged with a 2212
fourth degree felony violation of division (C) (2), (4), (5), or 2213
(6) of this section sustains the burden of going forward with 2214
evidence of and establishes by a preponderance of the evidence 2215
the affirmative defense described in this division, the accused 2216
may be prosecuted for and may plead guilty to or be convicted of 2217
a misdemeanor violation of division (C) (2) of this section or a 2218
fifth degree felony violation of division (C) (4), (5), or (6) of 2219
this section respectively. 2220

(G) When a person is charged with possessing a bulk amount 2221
or multiple of a bulk amount, division (E) of section 2925.03 of 2222
the Revised Code applies regarding the determination of the 2223
amount of the controlled substance involved at the time of the 2224
offense. 2225

(H) It is an affirmative defense to a charge of possession 2226
of a controlled substance analog under division (C) (8) of this 2227
section that the person charged with violating that offense 2228

obtained, possessed, or used one of the following items that are 2229
excluded from the meaning of "controlled substance analog" under 2230
section 3719.01 of the Revised Code: 2231

(1) A controlled substance; 2232

(2) Any substance for which there is an approved new drug 2233
application; 2234

(3) With respect to a particular person, any substance if 2235
an exemption is in effect for investigational use for that 2236
person pursuant to federal law to the extent that conduct with 2237
respect to that substance is pursuant to that exemption. 2238

(I) Any offender who received a mandatory suspension of 2239
the offender's driver's or commercial driver's license or permit 2240
under this section prior to September 13, 2016, may file a 2241
motion with the sentencing court requesting the termination of 2242
the suspension. However, an offender who pleaded guilty to or 2243
was convicted of a violation of section 4511.19 of the Revised 2244
Code or a substantially similar municipal ordinance or law of 2245
another state or the United States that arose out of the same 2246
set of circumstances as the violation for which the offender's 2247
license or permit was suspended under this section shall not 2248
file such a motion. 2249

Upon the filing of a motion under division (I) of this 2250
section, the sentencing court, in its discretion, may terminate 2251
the suspension. 2252

Sec. 2929.14. (A) Except as provided in division (B) (1), 2253
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 2254
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 2255
in division (D) (6) of section 2919.25 of the Revised Code and 2256
except in relation to an offense for which a sentence of death 2257

or life imprisonment is to be imposed, if the court imposing a 2258
sentence upon an offender for a felony elects or is required to 2259
impose a prison term on the offender pursuant to this chapter, 2260
the court shall impose a prison term that shall be one of the 2261
following: 2262

(1) (a) For a felony of the first degree committed on or 2263
after March 22, 2019, the prison term shall be an indefinite 2264
prison term with a stated minimum term selected by the court of 2265
three, four, five, six, seven, eight, nine, ten, or eleven years 2266
and a maximum term that is determined pursuant to section 2267
2929.144 of the Revised Code, except that if the section that 2268
criminalizes the conduct constituting the felony specifies a 2269
different minimum term or penalty for the offense, the specific 2270
language of that section shall control in determining the 2271
minimum term or otherwise sentencing the offender but the 2272
minimum term or sentence imposed under that specific language 2273
shall be considered for purposes of the Revised Code as if it 2274
had been imposed under this division. 2275

(b) For a felony of the first degree committed prior to 2276
March 22, 2019, the prison term shall be a definite prison term 2277
of three, four, five, six, seven, eight, nine, ten, or eleven 2278
years. 2279

(2) (a) For a felony of the second degree committed on or 2280
after March 22, 2019, the prison term shall be an indefinite 2281
prison term with a stated minimum term selected by the court of 2282
two, three, four, five, six, seven, or eight years and a maximum 2283
term that is determined pursuant to section 2929.144 of the 2284
Revised Code, except that if the section that criminalizes the 2285
conduct constituting the felony specifies a different minimum 2286
term or penalty for the offense, the specific language of that 2287

section shall control in determining the minimum term or 2288
otherwise sentencing the offender but the minimum term or 2289
sentence imposed under that specific language shall be 2290
considered for purposes of the Revised Code as if it had been 2291
imposed under this division. 2292

(b) For a felony of the second degree committed prior to 2293
March 22, 2019, the prison term shall be a definite term of two, 2294
three, four, five, six, seven, or eight years. 2295

(3) (a) For a felony of the third degree that is a 2296
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2297
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 2298
Code, that is a violation of division (A) of section 4511.19 of 2299
the Revised Code if the offender previously has been convicted 2300
of or pleaded guilty to a violation of division (A) of that 2301
section that was a felony, or that is a violation of section 2302
2911.02 or 2911.12 of the Revised Code if the offender 2303
previously has been convicted of or pleaded guilty in two or 2304
more separate proceedings to two or more violations of section 2305
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 2306
prison term shall be a definite term of twelve, eighteen, 2307
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 2308
four, or sixty months. 2309

(b) For a felony of the third degree that is not an 2310
offense for which division (A) (3) (a) of this section applies, 2311
the prison term shall be a definite term of nine, twelve, 2312
eighteen, twenty-four, thirty, or thirty-six months. 2313

(4) For a felony of the fourth degree, the prison term 2314
shall be a definite term of six, seven, eight, nine, ten, 2315
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 2316
or eighteen months. 2317

(5) For a felony of the fifth degree, the prison term 2318
shall be a definite term of six, seven, eight, nine, ten, 2319
eleven, or twelve months. 2320

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2321
section, if an offender who is convicted of or pleads guilty to 2322
a felony also is convicted of or pleads guilty to a 2323
specification of the type described in section 2941.141, 2324
2941.144, or 2941.145 of the Revised Code, the court shall 2325
impose on the offender one of the following prison terms: 2326

(i) A prison term of six years if the specification is of 2327
the type described in division (A) of section 2941.144 of the 2328
Revised Code that charges the offender with having a firearm 2329
that is an automatic firearm or that was equipped with a firearm 2330
muffler or suppressor on or about the offender's person or under 2331
the offender's control while committing the offense; 2332

(ii) A prison term of three years if the specification is 2333
of the type described in division (A) of section 2941.145 of the 2334
Revised Code that charges the offender with having a firearm on 2335
or about the offender's person or under the offender's control 2336
while committing the offense and displaying the firearm, 2337
brandishing the firearm, indicating that the offender possessed 2338
the firearm, or using it to facilitate the offense; 2339

(iii) A prison term of one year if the specification is of 2340
the type described in division (A) of section 2941.141 of the 2341
Revised Code that charges the offender with having a firearm on 2342
or about the offender's person or under the offender's control 2343
while committing the offense; 2344

(iv) A prison term of nine years if the specification is 2345
of the type described in division (D) of section 2941.144 of the 2346

Revised Code that charges the offender with having a firearm 2347
that is an automatic firearm or that was equipped with a firearm 2348
muffler or suppressor on or about the offender's person or under 2349
the offender's control while committing the offense and 2350
specifies that the offender previously has been convicted of or 2351
pleaded guilty to a specification of the type described in 2352
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2353
the Revised Code; 2354

(v) A prison term of fifty-four months if the 2355
specification is of the type described in division (D) of 2356
section 2941.145 of the Revised Code that charges the offender 2357
with having a firearm on or about the offender's person or under 2358
the offender's control while committing the offense and 2359
displaying the firearm, brandishing the firearm, indicating that 2360
the offender possessed the firearm, or using the firearm to 2361
facilitate the offense and that the offender previously has been 2362
convicted of or pleaded guilty to a specification of the type 2363
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2364
2941.1412 of the Revised Code; 2365

(vi) A prison term of eighteen months if the specification 2366
is of the type described in division (D) of section 2941.141 of 2367
the Revised Code that charges the offender with having a firearm 2368
on or about the offender's person or under the offender's 2369
control while committing the offense and that the offender 2370
previously has been convicted of or pleaded guilty to a 2371
specification of the type described in section 2941.141, 2372
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2373

(b) If a court imposes a prison term on an offender under 2374
division (B) (1) (a) of this section, the prison term shall not be 2375
reduced pursuant to section 2929.20, division (A) (2) or (3) of 2376

section 2967.193 or 2967.194, or any other provision of Chapter 2377
2967. or Chapter 5120. of the Revised Code. Except as provided 2378
in division (B)(1)(g) of this section, a court shall not impose 2379
more than one prison term on an offender under division (B)(1) 2380
(a) of this section for felonies committed as part of the same 2381
act or transaction. 2382

(c)(i) Except as provided in division (B)(1)(e) of this 2383
section, if an offender who is convicted of or pleads guilty to 2384
a violation of section 2923.161 of the Revised Code or to a 2385
felony that includes, as an essential element, purposely or 2386
knowingly causing or attempting to cause the death of or 2387
physical harm to another, also is convicted of or pleads guilty 2388
to a specification of the type described in division (A) of 2389
section 2941.146 of the Revised Code that charges the offender 2390
with committing the offense by discharging a firearm from a 2391
motor vehicle other than a manufactured home, the court, after 2392
imposing a prison term on the offender for the violation of 2393
section 2923.161 of the Revised Code or for the other felony 2394
offense under division (A), (B)(2), or (B)(3) of this section, 2395
shall impose an additional prison term of five years upon the 2396
offender that shall not be reduced pursuant to section 2929.20, 2397
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 2398
other provision of Chapter 2967. or Chapter 5120. of the Revised 2399
Code. 2400

(ii) Except as provided in division (B)(1)(e) of this 2401
section, if an offender who is convicted of or pleads guilty to 2402
a violation of section 2923.161 of the Revised Code or to a 2403
felony that includes, as an essential element, purposely or 2404
knowingly causing or attempting to cause the death of or 2405
physical harm to another, also is convicted of or pleads guilty 2406
to a specification of the type described in division (C) of 2407

section 2941.146 of the Revised Code that charges the offender 2408
with committing the offense by discharging a firearm from a 2409
motor vehicle other than a manufactured home and that the 2410
offender previously has been convicted of or pleaded guilty to a 2411
specification of the type described in section 2941.141, 2412
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2413
the court, after imposing a prison term on the offender for the 2414
violation of section 2923.161 of the Revised Code or for the 2415
other felony offense under division (A), (B) (2), or (3) of this 2416
section, shall impose an additional prison term of ninety months 2417
upon the offender that shall not be reduced pursuant to section 2418
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 2419
or any other provision of Chapter 2967. or Chapter 5120. of the 2420
Revised Code. 2421

(iii) A court shall not impose more than one additional 2422
prison term on an offender under division (B) (1) (c) of this 2423
section for felonies committed as part of the same act or 2424
transaction. If a court imposes an additional prison term on an 2425
offender under division (B) (1) (c) of this section relative to an 2426
offense, the court also shall impose a prison term under 2427
division (B) (1) (a) of this section relative to the same offense, 2428
provided the criteria specified in that division for imposing an 2429
additional prison term are satisfied relative to the offender 2430
and the offense. 2431

(d) If an offender who is convicted of or pleads guilty to 2432
an offense of violence that is a felony also is convicted of or 2433
pleads guilty to a specification of the type described in 2434
section 2941.1411 of the Revised Code that charges the offender 2435
with wearing or carrying body armor while committing the felony 2436
offense of violence, the court shall impose on the offender an 2437
additional prison term of two years. The prison term so imposed 2438

shall not be reduced pursuant to section 2929.20, division (A) 2439
(2) or (3) of section 2967.193 or 2967.194, or any other 2440
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2441
A court shall not impose more than one prison term on an 2442
offender under division (B)(1)(d) of this section for felonies 2443
committed as part of the same act or transaction. If a court 2444
imposes an additional prison term under division (B)(1)(a) or 2445
(c) of this section, the court is not precluded from imposing an 2446
additional prison term under division (B)(1)(d) of this section. 2447

(e) The court shall not impose any of the prison terms 2448
described in division (B)(1)(a) of this section or any of the 2449
additional prison terms described in division (B)(1)(c) of this 2450
section upon an offender for a violation of section 2923.12 or 2451
2923.123 of the Revised Code. The court shall not impose any of 2452
the prison terms described in division (B)(1)(a) or (b) of this 2453
section upon an offender for a violation of section 2923.122 2454
that involves a deadly weapon that is a firearm other than a 2455
dangerous ordnance, section 2923.16, or section 2923.121 of the 2456
Revised Code. The court shall not impose any of the prison terms 2457
described in division (B)(1)(a) of this section or any of the 2458
additional prison terms described in division (B)(1)(c) of this 2459
section upon an offender for a violation of section 2923.13 of 2460
the Revised Code unless all of the following apply: 2461

(i) The offender previously has been convicted of 2462
aggravated murder, murder, or any felony of the first or second 2463
degree. 2464

(ii) Less than five years have passed since the offender 2465
was released from prison or post-release control, whichever is 2466
later, for the prior offense. 2467

(f)(i) If an offender is convicted of or pleads guilty to 2468

a felony that includes, as an essential element, causing or 2469
attempting to cause the death of or physical harm to another and 2470
also is convicted of or pleads guilty to a specification of the 2471
type described in division (A) of section 2941.1412 of the 2472
Revised Code that charges the offender with committing the 2473
offense by discharging a firearm at a peace officer as defined 2474
in section 2935.01 of the Revised Code or a corrections officer, 2475
as defined in section 2941.1412 of the Revised Code, the court, 2476
after imposing a prison term on the offender for the felony 2477
offense under division (A), (B) (2), or (B) (3) of this section, 2478
shall impose an additional prison term of seven years upon the 2479
offender that shall not be reduced pursuant to section 2929.20, 2480
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2481
other provision of Chapter 2967. or Chapter 5120. of the Revised 2482
Code. 2483

(ii) If an offender is convicted of or pleads guilty to a 2484
felony that includes, as an essential element, causing or 2485
attempting to cause the death of or physical harm to another and 2486
also is convicted of or pleads guilty to a specification of the 2487
type described in division (B) of section 2941.1412 of the 2488
Revised Code that charges the offender with committing the 2489
offense by discharging a firearm at a peace officer, as defined 2490
in section 2935.01 of the Revised Code, or a corrections 2491
officer, as defined in section 2941.1412 of the Revised Code, 2492
and that the offender previously has been convicted of or 2493
pleaded guilty to a specification of the type described in 2494
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2495
the Revised Code, the court, after imposing a prison term on the 2496
offender for the felony offense under division (A), (B) (2), or 2497
(3) of this section, shall impose an additional prison term of 2498
one hundred twenty-six months upon the offender that shall not 2499

be reduced pursuant to section 2929.20, division (A)(2) or (3) 2500
of section 2967.193 or 2967.194, or any other provision of 2501
Chapter 2967. or 5120. of the Revised Code. 2502

(iii) If an offender is convicted of or pleads guilty to 2503
two or more felonies that include, as an essential element, 2504
causing or attempting to cause the death or physical harm to 2505
another and also is convicted of or pleads guilty to a 2506
specification of the type described under division (B)(1)(f) of 2507
this section in connection with two or more of the felonies of 2508
which the offender is convicted or to which the offender pleads 2509
guilty, the sentencing court shall impose on the offender the 2510
prison term specified under division (B)(1)(f) of this section 2511
for each of two of the specifications of which the offender is 2512
convicted or to which the offender pleads guilty and, in its 2513
discretion, also may impose on the offender the prison term 2514
specified under that division for any or all of the remaining 2515
specifications. If a court imposes an additional prison term on 2516
an offender under division (B)(1)(f) of this section relative to 2517
an offense, the court shall not impose a prison term under 2518
division (B)(1)(a) or (c) of this section relative to the same 2519
offense. 2520

(g) If an offender is convicted of or pleads guilty to two 2521
or more felonies, if one or more of those felonies are 2522
aggravated murder, murder, attempted aggravated murder, 2523
attempted murder, aggravated robbery, felonious assault, or 2524
rape, and if the offender is convicted of or pleads guilty to a 2525
specification of the type described under division (B)(1)(a) of 2526
this section in connection with two or more of the felonies, the 2527
sentencing court shall impose on the offender the prison term 2528
specified under division (B)(1)(a) of this section for each of 2529
the two most serious specifications of which the offender is 2530

convicted or to which the offender pleads guilty and, in its 2531
discretion, also may impose on the offender the prison term 2532
specified under that division for any or all of the remaining 2533
specifications. 2534

(2) (a) If division (B) (2) (b) of this section does not 2535
apply, the court may impose on an offender, in addition to the 2536
longest prison term authorized or required for the offense or, 2537
for offenses for which division (A) (1) (a) or (2) (a) of this 2538
section applies, in addition to the longest minimum prison term 2539
authorized or required for the offense, an additional definite 2540
prison term of one, two, three, four, five, six, seven, eight, 2541
nine, or ten years if all of the following criteria are met: 2542

(i) The offender is convicted of or pleads guilty to a 2543
specification of the type described in section 2941.149 of the 2544
Revised Code that the offender is a repeat violent offender. 2545

(ii) The offense of which the offender currently is 2546
convicted or to which the offender currently pleads guilty is 2547
aggravated murder and the court does not impose a sentence of 2548
death or life imprisonment without parole, murder, terrorism and 2549
the court does not impose a sentence of life imprisonment 2550
without parole, any felony of the first degree that is an 2551
offense of violence and the court does not impose a sentence of 2552
life imprisonment without parole, or any felony of the second 2553
degree that is an offense of violence and the trier of fact 2554
finds that the offense involved an attempt to cause or a threat 2555
to cause serious physical harm to a person or resulted in 2556
serious physical harm to a person. 2557

(iii) The court imposes the longest prison term for the 2558
offense or the longest minimum prison term for the offense, 2559
whichever is applicable, that is not life imprisonment without 2560

parole. 2561

(iv) The court finds that the prison terms imposed 2562
pursuant to division (B)(2)(a)(iii) of this section and, if 2563
applicable, division (B)(1) or (3) of this section are 2564
inadequate to punish the offender and protect the public from 2565
future crime, because the applicable factors under section 2566
2929.12 of the Revised Code indicating a greater likelihood of 2567
recidivism outweigh the applicable factors under that section 2568
indicating a lesser likelihood of recidivism. 2569

(v) The court finds that the prison terms imposed pursuant 2570
to division (B)(2)(a)(iii) of this section and, if applicable, 2571
division (B)(1) or (3) of this section are demeaning to the 2572
seriousness of the offense, because one or more of the factors 2573
under section 2929.12 of the Revised Code indicating that the 2574
offender's conduct is more serious than conduct normally 2575
constituting the offense are present, and they outweigh the 2576
applicable factors under that section indicating that the 2577
offender's conduct is less serious than conduct normally 2578
constituting the offense. 2579

(b) The court shall impose on an offender the longest 2580
prison term authorized or required for the offense or, for 2581
offenses for which division (A)(1)(a) or (2)(a) of this section 2582
applies, the longest minimum prison term authorized or required 2583
for the offense, and shall impose on the offender an additional 2584
definite prison term of one, two, three, four, five, six, seven, 2585
eight, nine, or ten years if all of the following criteria are 2586
met: 2587

(i) The offender is convicted of or pleads guilty to a 2588
specification of the type described in section 2941.149 of the 2589
Revised Code that the offender is a repeat violent offender. 2590

(ii) The offender within the preceding twenty years has 2591
been convicted of or pleaded guilty to three or more offenses 2592
described in division (CC) (1) of section 2929.01 of the Revised 2593
Code, including all offenses described in that division of which 2594
the offender is convicted or to which the offender pleads guilty 2595
in the current prosecution and all offenses described in that 2596
division of which the offender previously has been convicted or 2597
to which the offender previously pleaded guilty, whether 2598
prosecuted together or separately. 2599

(iii) The offense or offenses of which the offender 2600
currently is convicted or to which the offender currently pleads 2601
guilty is aggravated murder and the court does not impose a 2602
sentence of death or life imprisonment without parole, murder, 2603
terrorism and the court does not impose a sentence of life 2604
imprisonment without parole, any felony of the first degree that 2605
is an offense of violence and the court does not impose a 2606
sentence of life imprisonment without parole, or any felony of 2607
the second degree that is an offense of violence and the trier 2608
of fact finds that the offense involved an attempt to cause or a 2609
threat to cause serious physical harm to a person or resulted in 2610
serious physical harm to a person. 2611

(c) For purposes of division (B) (2) (b) of this section, 2612
two or more offenses committed at the same time or as part of 2613
the same act or event shall be considered one offense, and that 2614
one offense shall be the offense with the greatest penalty. 2615

(d) A sentence imposed under division (B) (2) (a) or (b) of 2616
this section shall not be reduced pursuant to section 2929.20, 2617
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2618
other provision of Chapter 2967. or Chapter 5120. of the Revised 2619
Code. The offender shall serve an additional prison term imposed 2620

under division (B) (2) (a) or (b) of this section consecutively to 2621
and prior to the prison term imposed for the underlying offense. 2622

(e) When imposing a sentence pursuant to division (B) (2) 2623
(a) or (b) of this section, the court shall state its findings 2624
explaining the imposed sentence. 2625

(3) Except when an offender commits a violation of section 2626
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2627
for the violation is life imprisonment or commits a violation of 2628
section 2903.02 of the Revised Code, if the offender commits a 2629
violation of section 2925.03 or 2925.11 of the Revised Code and 2630
that section classifies the offender as a major drug offender, 2631
if the offender commits a violation of section 2925.05 of the 2632
Revised Code and division (E) (1) of that section classifies the 2633
offender as a major drug offender, if the offender commits a 2634
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 2635
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 2636
division (C) or (D) of section 3719.172, division (E) of section 2637
4729.51, or division (J) of section 4729.54 of the Revised Code 2638
that includes the sale, offer to sell, or possession of a 2639
schedule I or II controlled substance, with the exception of 2640
marihuana, and the court imposing sentence upon the offender 2641
finds that the offender is guilty of a specification of the type 2642
described in division (A) of section 2941.1410 of the Revised 2643
Code charging that the offender is a major drug offender, if the 2644
court imposing sentence upon an offender for a felony finds that 2645
the offender is guilty of corrupt activity with the most serious 2646
offense in the pattern of corrupt activity being a felony of the 2647
first degree, or if the offender is guilty of an attempted 2648
violation of section 2907.02 of the Revised Code and, had the 2649
offender completed the violation of section 2907.02 of the 2650
Revised Code that was attempted, the offender would have been 2651

subject to a sentence of life imprisonment or life imprisonment 2652
without parole for the violation of section 2907.02 of the 2653
Revised Code, the court shall impose upon the offender for the 2654
felony violation a mandatory prison term determined as described 2655
in this division that cannot be reduced pursuant to section 2656
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 2657
or any other provision of Chapter 2967. or 5120. of the Revised 2658
Code. The mandatory prison term shall be the maximum definite 2659
prison term prescribed in division (A) (1) (b) of this section for 2660
a felony of the first degree, except that for offenses for which 2661
division (A) (1) (a) of this section applies, the mandatory prison 2662
term shall be the longest minimum prison term prescribed in that 2663
division for the offense. 2664

(4) If the offender is being sentenced for a third or 2665
fourth degree felony OVI offense under division (G) (2) of 2666
section 2929.13 of the Revised Code, the sentencing court shall 2667
impose upon the offender a mandatory prison term in accordance 2668
with that division. In addition to the mandatory prison term, if 2669
the offender is being sentenced for a fourth degree felony OVI 2670
offense, the court, notwithstanding division (A) (4) of this 2671
section, may sentence the offender to a definite prison term of 2672
not less than six months and not more than thirty months, and if 2673
the offender is being sentenced for a third degree felony OVI 2674
offense, the sentencing court may sentence the offender to an 2675
additional prison term of any duration specified in division (A) 2676
(3) of this section. In either case, the additional prison term 2677
imposed shall be reduced by the sixty or one hundred twenty days 2678
imposed upon the offender as the mandatory prison term. The 2679
total of the additional prison term imposed under division (B) 2680
(4) of this section plus the sixty or one hundred twenty days 2681
imposed as the mandatory prison term shall equal a definite term 2682

in the range of six months to thirty months for a fourth degree 2683
felony OVI offense and shall equal one of the authorized prison 2684
terms specified in division (A) (3) of this section for a third 2685
degree felony OVI offense. If the court imposes an additional 2686
prison term under division (B) (4) of this section, the offender 2687
shall serve the additional prison term after the offender has 2688
served the mandatory prison term required for the offense. In 2689
addition to the mandatory prison term or mandatory and 2690
additional prison term imposed as described in division (B) (4) 2691
of this section, the court also may sentence the offender to a 2692
community control sanction under section 2929.16 or 2929.17 of 2693
the Revised Code, but the offender shall serve all of the prison 2694
terms so imposed prior to serving the community control 2695
sanction. 2696

If the offender is being sentenced for a fourth degree 2697
felony OVI offense under division (G) (1) of section 2929.13 of 2698
the Revised Code and the court imposes a mandatory term of local 2699
incarceration, the court may impose a prison term as described 2700
in division (A) (1) of that section. 2701

(5) If an offender is convicted of or pleads guilty to a 2702
violation of division (A) (1) or (2) of section 2903.06 of the 2703
Revised Code and also is convicted of or pleads guilty to a 2704
specification of the type described in section 2941.1414 of the 2705
Revised Code that charges that the victim of the offense is a 2706
peace officer, as defined in section 2935.01 of the Revised 2707
Code, an investigator of the bureau of criminal identification 2708
and investigation, as defined in section 2903.11 of the Revised 2709
Code, or a firefighter or emergency medical worker, both as 2710
defined in section 4123.026 of the Revised Code, the court shall 2711
impose on the offender a prison term of five years. If a court 2712
imposes a prison term on an offender under division (B) (5) of 2713

this section, the prison term shall not be reduced pursuant to 2714
section 2929.20, division (A) (2) or (3) of section 2967.193 or 2715
2967.194, or any other provision of Chapter 2967. or Chapter 2716
5120. of the Revised Code. A court shall not impose more than 2717
one prison term on an offender under division (B) (5) of this 2718
section for felonies committed as part of the same act. 2719

(6) If an offender is convicted of or pleads guilty to a 2720
violation of division (A) (1) or (2) of section 2903.06 of the 2721
Revised Code and also is convicted of or pleads guilty to a 2722
specification of the type described in section 2941.1415 of the 2723
Revised Code that charges that the offender previously has been 2724
convicted of or pleaded guilty to three or more violations of 2725
division (A) of section 4511.19 of the Revised Code or an 2726
equivalent offense, as defined in section 2941.1415 of the 2727
Revised Code, or three or more violations of any combination of 2728
those offenses, the court shall impose on the offender a prison 2729
term of three years. If a court imposes a prison term on an 2730
offender under division (B) (6) of this section, the prison term 2731
shall not be reduced pursuant to section 2929.20, division (A) 2732
(2) or (3) of section 2967.193 or 2967.194, or any other 2733
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2734
A court shall not impose more than one prison term on an 2735
offender under division (B) (6) of this section for felonies 2736
committed as part of the same act. 2737

(7) (a) If an offender is convicted of or pleads guilty to 2738
a felony violation of section 2905.01, 2905.02, 2905.321, 2739
2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2740
2907.323 involving a minor, or division (B) (1), (2), (3), (4), 2741
or (5) of section 2919.22 of the Revised Code and also is 2742
convicted of or pleads guilty to a specification of the type 2743
described in section 2941.1422 of the Revised Code that charges 2744

that the offender knowingly committed the offense in furtherance 2745
of human trafficking, the court shall impose on the offender a 2746
mandatory prison term that is one of the following: 2747

(i) If the offense is a felony of the first degree, a 2748
definite prison term of not less than five years and not greater 2749
than eleven years, except that if the offense is a felony of the 2750
first degree committed on or after March 22, 2019, the court 2751
shall impose as the minimum prison term a mandatory term of not 2752
less than five years and not greater than eleven years; 2753

(ii) If the offense is a felony of the second or third 2754
degree, a definite prison term of not less than three years and 2755
not greater than the maximum prison term allowed for the offense 2756
by division (A) (2) (b) or (3) of this section, except that if the 2757
offense is a felony of the second degree committed on or after 2758
March 22, 2019, the court shall impose as the minimum prison 2759
term a mandatory term of not less than three years and not 2760
greater than eight years; 2761

(iii) If the offense is a felony of the fourth or fifth 2762
degree, a definite prison term that is the maximum prison term 2763
allowed for the offense by division (A) of section 2929.14 of 2764
the Revised Code. 2765

(b) The prison term imposed under division (B) (7) (a) of 2766
this section shall not be reduced pursuant to section 2929.20, 2767
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2768
other provision of Chapter 2967. of the Revised Code. A court 2769
shall not impose more than one prison term on an offender under 2770
division (B) (7) (a) of this section for felonies committed as 2771
part of the same act, scheme, or plan. 2772

(8) If an offender is convicted of or pleads guilty to a 2773

felony violation of section 2903.11, 2903.12, or 2903.13 of the 2774
Revised Code and also is convicted of or pleads guilty to a 2775
specification of the type described in section 2941.1423 of the 2776
Revised Code that charges that the victim of the violation was a 2777
woman whom the offender knew was pregnant at the time of the 2778
violation, notwithstanding the range prescribed in division (A) 2779
of this section as the definite prison term or minimum prison 2780
term for felonies of the same degree as the violation, the court 2781
shall impose on the offender a mandatory prison term that is 2782
either a definite prison term of six months or one of the prison 2783
terms prescribed in division (A) of this section for felonies of 2784
the same degree as the violation, except that if the violation 2785
is a felony of the first or second degree committed on or after 2786
arch 22, 2019, the court shall impose as the minimum prison term 2787
under division (A) (1) (a) or (2) (a) of this section a mandatory 2788
term that is one of the terms prescribed in that division, 2789
whichever is applicable, for the offense. 2790

(9) (a) If an offender is convicted of or pleads guilty to 2791
a violation of division (A) (1) or (2) of section 2903.11 of the 2792
Revised Code and also is convicted of or pleads guilty to a 2793
specification of the type described in section 2941.1425 of the 2794
Revised Code, the court shall impose on the offender a mandatory 2795
prison term of six years if either of the following applies: 2796

(i) The violation is a violation of division (A) (1) of 2797
section 2903.11 of the Revised Code and the specification 2798
charges that the offender used an accelerant in committing the 2799
violation and the serious physical harm to another or to 2800
another's unborn caused by the violation resulted in a 2801
permanent, serious disfigurement or permanent, substantial 2802
incapacity; 2803

(ii) The violation is a violation of division (A) (2) of 2804
section 2903.11 of the Revised Code and the specification 2805
charges that the offender used an accelerant in committing the 2806
violation, that the violation caused physical harm to another or 2807
to another's unborn, and that the physical harm resulted in a 2808
permanent, serious disfigurement or permanent, substantial 2809
incapacity. 2810

(b) If a court imposes a prison term on an offender under 2811
division (B) (9) (a) of this section, the prison term shall not be 2812
reduced pursuant to section 2929.20, division (A) (2) or (3) of 2813
section 2967.193 or 2967.194, or any other provision of Chapter 2814
2967. or Chapter 5120. of the Revised Code. A court shall not 2815
impose more than one prison term on an offender under division 2816
(B) (9) of this section for felonies committed as part of the 2817
same act. 2818

(c) The provisions of divisions (B) (9) and (C) (6) of this 2819
section and of division (D) (2) of section 2903.11, division (F) 2820
(20) of section 2929.13, and section 2941.1425 of the Revised 2821
Code shall be known as "Judy's Law." 2822

(10) If an offender is convicted of or pleads guilty to a 2823
violation of division (A) of section 2903.11 of the Revised Code 2824
and also is convicted of or pleads guilty to a specification of 2825
the type described in section 2941.1426 of the Revised Code that 2826
charges that the victim of the offense suffered permanent 2827
disabling harm as a result of the offense and that the victim 2828
was under ten years of age at the time of the offense, 2829
regardless of whether the offender knew the age of the victim, 2830
the court shall impose upon the offender an additional definite 2831
prison term of six years. A prison term imposed on an offender 2832
under division (B) (10) of this section shall not be reduced 2833

pursuant to section 2929.20, division (A) (2) or (3) of section 2834
2967.193 or 2967.194, or any other provision of Chapter 2967. or 2835
Chapter 5120. of the Revised Code. If a court imposes an 2836
additional prison term on an offender under this division 2837
relative to a violation of division (A) of section 2903.11 of 2838
the Revised Code, the court shall not impose any other 2839
additional prison term on the offender relative to the same 2840
offense. 2841

~~(11)~~ (11) (a) If an offender is convicted of or pleads 2842
guilty to a felony violation of section 2925.03 or 2925.05 of 2843
the Revised Code or a felony violation of section 2925.11 of the 2844
Revised Code for which division ~~(C) (11)~~ (C) (10) of that section 2845
applies in determining the sentence for the violation, if the 2846
drug involved in the violation is a fentanyl-related compound or 2847
a compound, mixture, preparation, or substance containing a 2848
fentanyl-related compound, and if the offender also is convicted 2849
of or pleads guilty to a specification of the type described in 2850
division (B) of section 2941.1410 of the Revised Code that 2851
charges that the offender is a major drug offender, in addition 2852
to any other penalty imposed for the violation, the court shall 2853
impose on the offender a mandatory prison term of three, four, 2854
five, six, seven, or eight years. ~~If~~ 2855

(b) If an offender is convicted of or pleads guilty to a 2856
violation of section 2903.04 of the Revised Code and if the 2857
offender also is convicted of or pleads guilty to a 2858
specification of the type described in section 2941.1427 of the 2859
Revised Code, in addition to any other penalty imposed for the 2860
violation, the court shall impose on the offender a mandatory 2861
prison term of five years. 2862

(c) If a court imposes a prison term on an offender under 2863

division (B) (11) of this section, the prison term shall not be 2864
reduced pursuant to section 2929.20, division (A) (2) or (3) of 2865
section 2967.193 or 2967.194, or any other provision of Chapter 2866
2967. or 5120. of the Revised Code. A court shall not impose 2867
more than one prison term on an offender under division (B) (11) 2868
of this section for felonies committed as part of the same act. 2869

(C) (1) (a) Subject to division (C) (1) (b) of this section, 2870
if a mandatory prison term is imposed upon an offender pursuant 2871
to division (B) (1) (a) of this section for having a firearm on or 2872
about the offender's person or under the offender's control 2873
while committing a felony, if a mandatory prison term is imposed 2874
upon an offender pursuant to division (B) (1) (c) of this section 2875
for committing a felony specified in that division by 2876
discharging a firearm from a motor vehicle, or if both types of 2877
mandatory prison terms are imposed, the offender shall serve any 2878
mandatory prison term imposed under either division 2879
consecutively to any other mandatory prison term imposed under 2880
either division or under division (B) (1) (d) of this section, 2881
consecutively to and prior to any prison term imposed for the 2882
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2883
this section or any other section of the Revised Code, and 2884
consecutively to any other prison term or mandatory prison term 2885
previously or subsequently imposed upon the offender. 2886

(b) If a mandatory prison term is imposed upon an offender 2887
pursuant to division (B) (1) (d) of this section for wearing or 2888
carrying body armor while committing an offense of violence that 2889
is a felony, the offender shall serve the mandatory term so 2890
imposed consecutively to any other mandatory prison term imposed 2891
under that division or under division (B) (1) (a) or (c) of this 2892
section, consecutively to and prior to any prison term imposed 2893
for the underlying felony under division (A), (B) (2), or (B) (3) 2894

of this section or any other section of the Revised Code, and 2895
consecutively to any other prison term or mandatory prison term 2896
previously or subsequently imposed upon the offender. 2897

(c) If a mandatory prison term is imposed upon an offender 2898
pursuant to division (B)(1)(f) of this section, the offender 2899
shall serve the mandatory prison term so imposed consecutively 2900
to and prior to any prison term imposed for the underlying 2901
felony under division (A), (B)(2), or (B)(3) of this section or 2902
any other section of the Revised Code, and consecutively to any 2903
other prison term or mandatory prison term previously or 2904
subsequently imposed upon the offender. 2905

(d) If a mandatory prison term is imposed upon an offender 2906
pursuant to division (B)(7) or (8) of this section, the offender 2907
shall serve the mandatory prison term so imposed consecutively 2908
to any other mandatory prison term imposed under that division 2909
or under any other provision of law and consecutively to any 2910
other prison term or mandatory prison term previously or 2911
subsequently imposed upon the offender. 2912

(e) If a mandatory prison term is imposed upon an offender 2913
pursuant to division (B)(11) of this section, the offender shall 2914
serve the mandatory prison term consecutively to any other 2915
mandatory prison term imposed under that division, consecutively 2916
to and prior to any prison term imposed for the underlying 2917
felony, and consecutively to any other prison term or mandatory 2918
prison term previously or subsequently imposed upon the 2919
offender. 2920

(2) If an offender who is an inmate in a jail, prison, or 2921
other residential detention facility violates section 2917.02, 2922
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 2923
(2) of section 2921.34 of the Revised Code, if an offender who 2924

is under detention at a detention facility commits a felony 2925
violation of section 2923.131 of the Revised Code, or if an 2926
offender who is an inmate in a jail, prison, or other 2927
residential detention facility or is under detention at a 2928
detention facility commits another felony while the offender is 2929
an escapee in violation of division (A)(1) or (2) of section 2930
2921.34 of the Revised Code, any prison term imposed upon the 2931
offender for one of those violations shall be served by the 2932
offender consecutively to the prison term or term of 2933
imprisonment the offender was serving when the offender 2934
committed that offense and to any other prison term previously 2935
or subsequently imposed upon the offender. 2936

(3) If a prison term is imposed for a violation of 2937
division (B) of section 2911.01 of the Revised Code, a violation 2938
of division (A) of section 2913.02 of the Revised Code in which 2939
the stolen property is a firearm or dangerous ordnance, or a 2940
felony violation of division (B) of section 2921.331 of the 2941
Revised Code, the offender shall serve that prison term 2942
consecutively to any other prison term or mandatory prison term 2943
previously or subsequently imposed upon the offender. 2944

(4) If multiple prison terms are imposed on an offender 2945
for convictions of multiple offenses, the court may require the 2946
offender to serve the prison terms consecutively if the court 2947
finds that the consecutive service is necessary to protect the 2948
public from future crime or to punish the offender and that 2949
consecutive sentences are not disproportionate to the 2950
seriousness of the offender's conduct and to the danger the 2951
offender poses to the public, and if the court also finds any of 2952
the following: 2953

(a) The offender committed one or more of the multiple 2954

offenses while the offender was awaiting trial or sentencing, 2955
was under a sanction imposed pursuant to section 2929.16, 2956
2929.17, or 2929.18 of the Revised Code, or was under post- 2957
release control for a prior offense. 2958

(b) At least two of the multiple offenses were committed 2959
as part of one or more courses of conduct, and the harm caused 2960
by two or more of the multiple offenses so committed was so 2961
great or unusual that no single prison term for any of the 2962
offenses committed as part of any of the courses of conduct 2963
adequately reflects the seriousness of the offender's conduct. 2964

(c) The offender's history of criminal conduct 2965
demonstrates that consecutive sentences are necessary to protect 2966
the public from future crime by the offender. 2967

(5) If a mandatory prison term is imposed upon an offender 2968
pursuant to division (B)(5) or (6) of this section, the offender 2969
shall serve the mandatory prison term consecutively to and prior 2970
to any prison term imposed for the underlying violation of 2971
division (A)(1) or (2) of section 2903.06 of the Revised Code 2972
pursuant to division (A) of this section or section 2929.142 of 2973
the Revised Code. If a mandatory prison term is imposed upon an 2974
offender pursuant to division (B)(5) of this section, and if a 2975
mandatory prison term also is imposed upon the offender pursuant 2976
to division (B)(6) of this section in relation to the same 2977
violation, the offender shall serve the mandatory prison term 2978
imposed pursuant to division (B)(5) of this section 2979
consecutively to and prior to the mandatory prison term imposed 2980
pursuant to division (B)(6) of this section and consecutively to 2981
and prior to any prison term imposed for the underlying 2982
violation of division (A)(1) or (2) of section 2903.06 of the 2983
Revised Code pursuant to division (A) of this section or section 2984

2929.142 of the Revised Code. 2985

(6) If a mandatory prison term is imposed on an offender 2986
pursuant to division (B)(9) of this section, the offender shall 2987
serve the mandatory prison term consecutively to and prior to 2988
any prison term imposed for the underlying violation of division 2989
(A)(1) or (2) of section 2903.11 of the Revised Code and 2990
consecutively to and prior to any other prison term or mandatory 2991
prison term previously or subsequently imposed on the offender. 2992

(7) If a mandatory prison term is imposed on an offender 2993
pursuant to division (B)(10) of this section, the offender shall 2994
serve that mandatory prison term consecutively to and prior to 2995
any prison term imposed for the underlying felonious assault. 2996
Except as otherwise provided in division (C) of this section, 2997
any other prison term or mandatory prison term previously or 2998
subsequently imposed upon the offender may be served 2999
concurrently with, or consecutively to, the prison term imposed 3000
pursuant to division (B)(10) of this section. 3001

(8) Any prison term imposed for a violation of section 3002
2903.04 of the Revised Code that is based on a violation of 3003
section 2925.03 or 2925.11 of the Revised Code or on a violation 3004
of section 2925.05 of the Revised Code that is not funding of 3005
marihuana trafficking shall run consecutively to any prison term 3006
imposed for the violation of section 2925.03 or 2925.11 of the 3007
Revised Code or for the violation of section 2925.05 of the 3008
Revised Code that is not funding of marihuana trafficking. 3009

(9) When consecutive prison terms are imposed pursuant to 3010
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 3011
division (H)(1) or (2) of this section, subject to division (C) 3012
(10) of this section, the term to be served is the aggregate of 3013
all of the terms so imposed. 3014

(10) When a court sentences an offender to a non-life 3015
felony indefinite prison term, any definite prison term or 3016
mandatory definite prison term previously or subsequently 3017
imposed on the offender in addition to that indefinite sentence 3018
that is required to be served consecutively to that indefinite 3019
sentence shall be served prior to the indefinite sentence. 3020

(11) If a court is sentencing an offender for a felony of 3021
the first or second degree, if division (A) (1) (a) or (2) (a) of 3022
this section applies with respect to the sentencing for the 3023
offense, and if the court is required under the Revised Code 3024
section that sets forth the offense or any other Revised Code 3025
provision to impose a mandatory prison term for the offense, the 3026
court shall impose the required mandatory prison term as the 3027
minimum term imposed under division (A) (1) (a) or (2) (a) of this 3028
section, whichever is applicable. 3029

(D) (1) If a court imposes a prison term, other than a term 3030
of life imprisonment, for a felony of the first degree, for a 3031
felony of the second degree, for a felony sex offense, or for a 3032
felony of the third degree that is an offense of violence and 3033
that is not a felony sex offense, it shall include in the 3034
sentence a requirement that the offender be subject to a period 3035
of post-release control after the offender's release from 3036
imprisonment, in accordance with section 2967.28 of the Revised 3037
Code. If a court imposes a sentence including a prison term of a 3038
type described in this division on or after July 11, 2006, the 3039
failure of a court to include a post-release control requirement 3040
in the sentence pursuant to this division does not negate, 3041
limit, or otherwise affect the mandatory period of post-release 3042
control that is required for the offender under division (B) of 3043
section 2967.28 of the Revised Code. Section 2929.191 of the 3044
Revised Code applies if, prior to July 11, 2006, a court imposed 3045

a sentence including a prison term of a type described in this 3046
division and failed to include in the sentence pursuant to this 3047
division a statement regarding post-release control. 3048

(2) If a court imposes a prison term for a felony of the 3049
third, fourth, or fifth degree that is not subject to division 3050
(D) (1) of this section, it shall include in the sentence a 3051
requirement that the offender be subject to a period of post- 3052
release control after the offender's release from imprisonment, 3053
in accordance with that division, if the parole board determines 3054
that a period of post-release control is necessary. Section 3055
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3056
a court imposed a sentence including a prison term of a type 3057
described in this division and failed to include in the sentence 3058
pursuant to this division a statement regarding post-release 3059
control. 3060

(E) The court shall impose sentence upon the offender in 3061
accordance with section 2971.03 of the Revised Code, and Chapter 3062
2971. of the Revised Code applies regarding the prison term or 3063
term of life imprisonment without parole imposed upon the 3064
offender and the service of that term of imprisonment if any of 3065
the following apply: 3066

(1) A person is convicted of or pleads guilty to a violent 3067
sex offense or a designated homicide, assault, or kidnapping 3068
offense, and, in relation to that offense, the offender is 3069
adjudicated a sexually violent predator. 3070

(2) A person is convicted of or pleads guilty to a 3071
violation of division (A) (1) (b) of section 2907.02 of the 3072
Revised Code committed on or after January 2, 2007, and either 3073
the court does not impose a sentence of life without parole when 3074
authorized pursuant to division (B) of section 2907.02 of the 3075

Revised Code, or division (B) of section 2907.02 of the Revised 3076
Code provides that the court shall not sentence the offender 3077
pursuant to section 2971.03 of the Revised Code. 3078

(3) A person is convicted of or pleads guilty to attempted 3079
rape committed on or after January 2, 2007, and a specification 3080
of the type described in section 2941.1418, 2941.1419, or 3081
2941.1420 of the Revised Code. 3082

(4) A person is convicted of or pleads guilty to a 3083
violation of section 2905.01 of the Revised Code committed on or 3084
after January 1, 2008, and that section requires the court to 3085
sentence the offender pursuant to section 2971.03 of the Revised 3086
Code. 3087

(5) A person is convicted of or pleads guilty to 3088
aggravated murder committed on or after January 1, 2008, and 3089
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3090
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3091
(a) (iv) of section 2929.03, or division (A) or (B) of section 3092
2929.06 of the Revised Code requires the court to sentence the 3093
offender pursuant to division (B) (3) of section 2971.03 of the 3094
Revised Code. 3095

(6) A person is convicted of or pleads guilty to murder 3096
committed on or after January 1, 2008, and division (B) (2) of 3097
section 2929.02 of the Revised Code requires the court to 3098
sentence the offender pursuant to section 2971.03 of the Revised 3099
Code. 3100

(F) If a person who has been convicted of or pleaded 3101
guilty to a felony is sentenced to a prison term or term of 3102
imprisonment under this section, sections 2929.02 to 2929.06 of 3103
the Revised Code, section 2929.142 of the Revised Code, section 3104

2971.03 of the Revised Code, or any other provision of law, 3105
section 5120.163 of the Revised Code applies regarding the 3106
person while the person is confined in a state correctional 3107
institution. 3108

(G) If an offender who is convicted of or pleads guilty to 3109
a felony that is an offense of violence also is convicted of or 3110
pleads guilty to a specification of the type described in 3111
section 2941.142 of the Revised Code that charges the offender 3112
with having committed the felony while participating in a 3113
criminal gang, the court shall impose upon the offender an 3114
additional prison term of one, two, or three years. 3115

(H) (1) If an offender who is convicted of or pleads guilty 3116
to aggravated murder, murder, or a felony of the first, second, 3117
or third degree that is an offense of violence also is convicted 3118
of or pleads guilty to a specification of the type described in 3119
section 2941.143 of the Revised Code that charges the offender 3120
with having committed the offense in a school safety zone or 3121
towards a person in a school safety zone, the court shall impose 3122
upon the offender an additional prison term of two years. The 3123
offender shall serve the additional two years consecutively to 3124
and prior to the prison term imposed for the underlying offense. 3125

(2) (a) If an offender is convicted of or pleads guilty to 3126
a felony violation of section 2907.22, 2907.24, 2907.241, or 3127
2907.25 of the Revised Code and to a specification of the type 3128
described in section 2941.1421 of the Revised Code and if the 3129
court imposes a prison term on the offender for the felony 3130
violation, the court may impose upon the offender an additional 3131
prison term as follows: 3132

(i) Subject to division (H) (2) (a) (ii) of this section, an 3133
additional prison term of one, two, three, four, five, or six 3134

months; 3135

(ii) If the offender previously has been convicted of or 3136
pleaded guilty to one or more felony or misdemeanor violations 3137
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3138
the Revised Code and also was convicted of or pleaded guilty to 3139
a specification of the type described in section 2941.1421 of 3140
the Revised Code regarding one or more of those violations, an 3141
additional prison term of one, two, three, four, five, six, 3142
seven, eight, nine, ten, eleven, or twelve months. 3143

(b) In lieu of imposing an additional prison term under 3144
division (H)(2)(a) of this section, the court may directly 3145
impose on the offender a sanction that requires the offender to 3146
wear a real-time processing, continual tracking electronic 3147
monitoring device during the period of time specified by the 3148
court. The period of time specified by the court shall equal the 3149
duration of an additional prison term that the court could have 3150
imposed upon the offender under division (H)(2)(a) of this 3151
section. A sanction imposed under this division shall commence 3152
on the date specified by the court, provided that the sanction 3153
shall not commence until after the offender has served the 3154
prison term imposed for the felony violation of section 2907.22, 3155
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3156
residential sanction imposed for the violation under section 3157
2929.16 of the Revised Code. A sanction imposed under this 3158
division shall be considered to be a community control sanction 3159
for purposes of section 2929.15 of the Revised Code, and all 3160
provisions of the Revised Code that pertain to community control 3161
sanctions shall apply to a sanction imposed under this division, 3162
except to the extent that they would by their nature be clearly 3163
inapplicable. The offender shall pay all costs associated with a 3164
sanction imposed under this division, including the cost of the 3165

use of the monitoring device. 3166

(I) At the time of sentencing, the court may recommend the 3167
offender for placement in a program of shock incarceration under 3168
section 5120.031 of the Revised Code or for placement in an 3169
intensive program prison under section 5120.032 of the Revised 3170
Code, disapprove placement of the offender in a program of shock 3171
incarceration or an intensive program prison of that nature, or 3172
make no recommendation on placement of the offender. In no case 3173
shall the department of rehabilitation and correction place the 3174
offender in a program or prison of that nature unless the 3175
department determines as specified in section 5120.031 or 3176
5120.032 of the Revised Code, whichever is applicable, that the 3177
offender is eligible for the placement. 3178

If the court disapproves placement of the offender in a 3179
program or prison of that nature, the department of 3180
rehabilitation and correction shall not place the offender in 3181
any program of shock incarceration or intensive program prison. 3182

If the court recommends placement of the offender in a 3183
program of shock incarceration or in an intensive program 3184
prison, and if the offender is subsequently placed in the 3185
recommended program or prison, the department shall notify the 3186
court of the placement and shall include with the notice a brief 3187
description of the placement. 3188

If the court recommends placement of the offender in a 3189
program of shock incarceration or in an intensive program prison 3190
and the department does not subsequently place the offender in 3191
the recommended program or prison, the department shall send a 3192
notice to the court indicating why the offender was not placed 3193
in the recommended program or prison. 3194

If the court does not make a recommendation under this 3195
division with respect to an offender and if the department 3196
determines as specified in section 5120.031 or 5120.032 of the 3197
Revised Code, whichever is applicable, that the offender is 3198
eligible for placement in a program or prison of that nature, 3199
the department shall screen the offender and determine if there 3200
is an available program of shock incarceration or an intensive 3201
program prison for which the offender is suited. If there is an 3202
available program of shock incarceration or an intensive program 3203
prison for which the offender is suited, the department shall 3204
notify the court of the proposed placement of the offender as 3205
specified in section 5120.031 or 5120.032 of the Revised Code 3206
and shall include with the notice a brief description of the 3207
placement. The court shall have ten days from receipt of the 3208
notice to disapprove the placement. 3209

(J) If a person is convicted of or pleads guilty to 3210
aggravated vehicular homicide in violation of division (A) (1) of 3211
section 2903.06 of the Revised Code and division (B) (2) (c) of 3212
that section applies, the person shall be sentenced pursuant to 3213
section 2929.142 of the Revised Code. 3214

(K) (1) The court shall impose an additional mandatory 3215
prison term of two, three, four, five, six, seven, eight, nine, 3216
ten, or eleven years on an offender who is convicted of or 3217
pleads guilty to a violent felony offense if the offender also 3218
is convicted of or pleads guilty to a specification of the type 3219
described in section 2941.1424 of the Revised Code that charges 3220
that the offender is a violent career criminal and had a firearm 3221
on or about the offender's person or under the offender's 3222
control while committing the presently charged violent felony 3223
offense and displayed or brandished the firearm, indicated that 3224
the offender possessed a firearm, or used the firearm to 3225

facilitate the offense. The offender shall serve the prison term 3226
imposed under this division consecutively to and prior to the 3227
prison term imposed for the underlying offense. The prison term 3228
shall not be reduced pursuant to section 2929.20, division (A) 3229
(2) or (3) of section 2967.193 or 2967.194, or any other 3230
provision of Chapter 2967. or 5120. of the Revised Code. A court 3231
may not impose more than one sentence under division (B) (2) (a) 3232
of this section and this division for acts committed as part of 3233
the same act or transaction. 3234

(2) As used in division (K) (1) of this section, "violent 3235
career criminal" and "violent felony offense" have the same 3236
meanings as in section 2923.132 of the Revised Code. 3237

(L) If an offender receives or received a sentence of life 3238
imprisonment without parole, a sentence of life imprisonment, a 3239
definite sentence, or a sentence to an indefinite prison term 3240
under this chapter for a felony offense that was committed when 3241
the offender was under eighteen years of age, the offender's 3242
parole eligibility shall be determined under section 2967.132 of 3243
the Revised Code. 3244

Sec. 2941.1422. (A) Imposition of a mandatory prison term 3245
under division (B) (7) of section 2929.14 of the Revised Code is 3246
precluded unless the offender is convicted of or pleads guilty 3247
to a felony violation of section 2905.01, 2905.02, 2905.321, 3248
2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 3249
2907.323, or division (B) (1), (2), (3), (4), or (5) of section 3250
2919.22 of the Revised Code and unless the indictment, count in 3251
the indictment, or information charging the offense specifies 3252
that the offender knowingly committed the offense in furtherance 3253
of human trafficking. The specification shall be stated at the 3254
end of the body of the indictment, count, or information and 3255

shall be stated in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the defendant knowingly committed the offense in furtherance of human trafficking)."

(B) As used in this section, "human trafficking" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 2941.1427. (A) Imposition of a mandatory prison term under division (B) (11) (b) of section 2929.14 of the Revised Code is precluded unless the offender is convicted of or pleads guilty to a violation of section 2903.04 of the Revised Code and unless the indictment, count in the indictment, or information charging the offense specifies that:

(1) Fentanyl or a fentanyl-related compound, as defined in section 2925.01 of the Revised Code, was present in the body of the decedent victim in an amount or concentration that is considered to be lethal by generally accepted scientific standards;

(2) The results of an autopsy performed on the decedent victim are consistent with an opioid overdose as the cause of death.

(B) The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the victim's death was consistent with opioid overdose and

fentanyl or a fentanyl-related compound was present in the 3285
victim's body in lethal amounts)." 3286

Sec. 3705.08. (A) The director of health, by rule, shall 3287
prescribe the form of records and certificates required by this 3288
chapter. Records and certificates shall include the items and 3289
information prescribed by the director, including the items 3290
recommended by the national center for health statistics of the 3291
United States department of health and human services, subject 3292
to approval of and modification by the director. 3293

(B) All birth certificates shall include a statement 3294
setting forth the names of the child's parents. 3295

(C) All death certificates shall include, in the medical 3296
certification portion of the certificate, a space to indicate, 3297
if the deceased individual is female and the manner of death is 3298
determined to be a suspicious or violent death, whether any of 3299
the following conditions apply to the individual: 3300

(1) Not pregnant within the past year; 3301

(2) Pregnant at the time of death; 3302

(3) Not pregnant, but had been pregnant within forty-two 3303
days prior to the time of death; 3304

(4) Not pregnant, but had been pregnant within forty-three 3305
days to one year prior to the time of death; 3306

(5) Unknown whether pregnant within the past year. 3307

~~(D) (1)~~ (D) All death certificates shall include, in the 3308
medical certification portion of the certificate, a space to 3309
indicate whether the cause of death was due to fentanyl 3310
poisoning and shall include the term "fentanyl poisoning" on the 3311
certificate if both of the following apply: 3312

(1) A toxicology examination reveals fentanyl or a 3313
fentanyl-related compound, as defined in section 2925.01 of the 3314
Revised Code, was present in the body of the decedent in an 3315
amount or concentration that is considered to be lethal by 3316
generally accepted scientific standards; 3317

(2) The results of an autopsy performed on the decedent 3318
are consistent with an opioid overdose as the cause of death. 3319

(E) (1) The director shall prescribe electronic methods and 3320
forms for obtaining registration of births, deaths, and other 3321
vital statistics in each registration district, and for 3322
preserving the records of the office of vital statistics, and no 3323
forms or blanks shall be used other than those prescribed by the 3324
director. 3325

(2) All birth, fetal death, and death records and 3326
certificates shall be certified. Except as provided in division 3327
(G) of section 3705.09, section 3705.12, 3705.121, 3705.122, or 3328
3705.124, division (D) of section 3705.15, or section 3705.16 of 3329
the Revised Code, a birth certificate requiring signature may be 3330
electronically certified by the person in charge of the 3331
institution or that person's designee. A death certificate may 3332
be electronically certified by the individual who attests to the 3333
facts of death. 3334

(3) All vital records shall contain the date received for 3335
filing. 3336

(4) Information and signatures required in certificates, 3337
records, or reports authorized by this chapter may be filed and 3338
registered by photographic, electronic, or other means as 3339
prescribed by the director. 3340

Section 2. That existing sections 2925.01, 2925.03, 3341

2925.11, 2929.14, 2941.1422, and 3705.08 of the Revised Code are 3342
hereby repealed. 3343

Section 3. Section 2925.01 of the Revised Code is 3344
presented in this act as a composite of the section as amended 3345
by H.B. 281, H.B. 509, and S.B. 25, all of the 134th General 3346
Assembly. The General Assembly, applying the principle stated in 3347
division (B) of section 1.52 of the Revised Code that amendments 3348
are to be harmonized if reasonably capable of simultaneous 3349
operation, finds that the composite is the resulting version of 3350
the section in effect prior to the effective date of the section 3351
as presented in this act. 3352