

As Reported by the Committee of Conference

132nd General Assembly

Regular Session

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Am. Sub. S. B. No. 1

Senator LaRose

Cosponsors: Senators Gardner, Hoagland, Bacon, Hottinger, Beagle, Oelslager, Yuko, Hite, Eklund, Manning, Burke, Terhar, Hackett, O'Brien, Balderson, Huffman, Kunze, Lehner, Obhof, Peterson, Uecker, Wilson

Representatives Manning, Rezabek, Butler, Lang, Anielski, Antani, Antonio, Arndt, Ashford, Barnes, Brenner, Carfagna, Cupp, Edwards, Faber, Gavarone, Ginter, Gonzales, Green, Greenspan, Hagan, Hambley, Holmes, Hoops, Huffman, Hughes, Johnson, Kick, Koehler, Landis, LaTourette, Lipps, McClain, O'Brien, Patmon, Patterson, Patton, Pelanda, Perales, Retherford, Riedel, Rogers, Romanchuk, Ryan, Schaffer, Scherer, Schuring, Sheehy, Slaby, Smith, R., Sprague, Stein, Wiggam, Young

A BILL

To amend sections 2925.01, 2925.02, 2925.03,	1
2925.04, 2925.05, 2925.11, 2925.13, 2925.36,	2
2929.01, 2929.13, 2929.14, 2941.1410, 3719.41,	3
3719.99, and 4729.99 of the Revised Code to	4
increase penalties for drug trafficking	5
violations, drug possession violations, and	6
aggravated funding of drug trafficking when the	7
drug involved in the offense is a fentanyl-	8
related compound, except for drug possession	9
violations when the fentanyl-related compound is	10
combined with marihuana or a Schedule III, IV,	11
or V controlled substance and the offender did	12
not know or have reason to know of the fentanyl	13
content; to revise the manner of determining	14
sentence for certain violations under the	15
offense of permitting drug abuse; and to add	16

lisdexamfetamine to the list of schedule II 17
controlled substances. 18

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

Section 1. That sections 2925.01, 2925.02, 2925.03, 19
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.13, 20
2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised 21
Code be amended to read as follows: 22

Sec. 2925.01. As used in this chapter: 23

(A) "Administer," "controlled substance," "controlled 24
substance analog," "dispense," "distribute," "hypodermic," 25
"manufacturer," "official written order," "person," 26
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 27
"schedule III," "schedule IV," "schedule V," and "wholesaler" 28
have the same meanings as in section 3719.01 of the Revised 29
Code. 30

(B) "Drug dependent person" and "drug of abuse" have the 31
same meanings as in section 3719.011 of the Revised Code. 32

(C) "Drug," "dangerous drug," "licensed health 33
professional authorized to prescribe drugs," and "prescription" 34
have the same meanings as in section 4729.01 of the Revised 35
Code. 36

(D) "Bulk amount" of a controlled substance means any of 37
the following: 38

(1) For any compound, mixture, preparation, or substance 39
included in schedule I, schedule II, or schedule III, with the 40
exception of any controlled substance ~~analog~~ analog, marihuana, 41

cocaine, L.S.D., heroin, any fentanyl-related compound, and 42
hashish and except as provided in division (D) (2) ~~or~~, (5), or 43
(6) of this section, whichever of the following is applicable: 44

(a) An amount equal to or exceeding ten grams or twenty- 45
five unit doses of a compound, mixture, preparation, or 46
substance that is or contains any amount of a schedule I opiate 47
or opium derivative; 48

(b) An amount equal to or exceeding ten grams of a 49
compound, mixture, preparation, or substance that is or contains 50
any amount of raw or gum opium; 51

(c) An amount equal to or exceeding thirty grams or ten 52
unit doses of a compound, mixture, preparation, or substance 53
that is or contains any amount of a schedule I hallucinogen 54
other than tetrahydrocannabinol or lysergic acid amide, or a 55
schedule I stimulant or depressant; 56

(d) An amount equal to or exceeding twenty grams or five 57
times the maximum daily dose in the usual dose range specified 58
in a standard pharmaceutical reference manual of a compound, 59
mixture, preparation, or substance that is or contains any 60
amount of a schedule II opiate or opium derivative; 61

(e) An amount equal to or exceeding five grams or ten unit 62
doses of a compound, mixture, preparation, or substance that is 63
or contains any amount of phencyclidine; 64

(f) An amount equal to or exceeding one hundred twenty 65
grams or thirty times the maximum daily dose in the usual dose 66
range specified in a standard pharmaceutical reference manual of 67
a compound, mixture, preparation, or substance that is or 68
contains any amount of a schedule II stimulant that is in a 69
final dosage form manufactured by a person authorized by the 70

"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 71
U.S.C.A. 301, as amended, and the federal drug abuse control 72
laws, as defined in section 3719.01 of the Revised Code, that is 73
or contains any amount of a schedule II depressant substance or 74
a schedule II hallucinogenic substance; 75

(g) An amount equal to or exceeding three grams of a 76
compound, mixture, preparation, or substance that is or contains 77
any amount of a schedule II stimulant, or any of its salts or 78
isomers, that is not in a final dosage form manufactured by a 79
person authorized by the Federal Food, Drug, and Cosmetic Act 80
and the federal drug abuse control laws. 81

(2) An amount equal to or exceeding one hundred twenty 82
grams or thirty times the maximum daily dose in the usual dose 83
range specified in a standard pharmaceutical reference manual of 84
a compound, mixture, preparation, or substance that is or 85
contains any amount of a schedule III or IV substance other than 86
an anabolic steroid or a schedule III opiate or opium 87
derivative; 88

(3) An amount equal to or exceeding twenty grams or five 89
times the maximum daily dose in the usual dose range specified 90
in a standard pharmaceutical reference manual of a compound, 91
mixture, preparation, or substance that is or contains any 92
amount of a schedule III opiate or opium derivative; 93

(4) An amount equal to or exceeding two hundred fifty 94
milliliters or two hundred fifty grams of a compound, mixture, 95
preparation, or substance that is or contains any amount of a 96
schedule V substance; 97

(5) An amount equal to or exceeding two hundred solid 98
dosage units, sixteen grams, or sixteen milliliters of a 99

compound, mixture, preparation, or substance that is or contains 100
any amount of a schedule III anabolic steroid; 101

(6) For any compound, mixture, preparation, or substance 102
that is a combination of a fentanyl-related compound and any 103
other compound, mixture, preparation, or substance included in 104
schedule III, schedule IV, or schedule V, if the defendant is 105
charged with a violation of section 2925.11 of the Revised Code 106
and the sentencing provisions set forth in divisions (C) (10) (b) 107
and (C) (11) of that section will not apply regarding the 108
defendant and the violation, the bulk amount of the controlled 109
substance for purposes of the violation is the amount specified 110
in division (D) (1), (2), (3), (4), or (5) of this section for 111
the other schedule III, IV, or V controlled substance that is 112
combined with the fentanyl-related compound. 113

(E) "Unit dose" means an amount or unit of a compound, 114
mixture, or preparation containing a controlled substance that 115
is separately identifiable and in a form that indicates that it 116
is the amount or unit by which the controlled substance is 117
separately administered to or taken by an individual. 118

(F) "Cultivate" includes planting, watering, fertilizing, 119
or tilling. 120

(G) "Drug abuse offense" means any of the following: 121

(1) A violation of division (A) of section 2913.02 that 122
constitutes theft of drugs, or a violation of section 2925.02, 123
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 124
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 125
or 2925.37 of the Revised Code; 126

(2) A violation of an existing or former law of this or 127
any other state or of the United States that is substantially 128

equivalent to any section listed in division (G) (1) of this 129
section; 130

(3) An offense under an existing or former law of this or 131
any other state, or of the United States, of which planting, 132
cultivating, harvesting, processing, making, manufacturing, 133
producing, shipping, transporting, delivering, acquiring, 134
possessing, storing, distributing, dispensing, selling, inducing 135
another to use, administering to another, using, or otherwise 136
dealing with a controlled substance is an element; 137

(4) A conspiracy to commit, attempt to commit, or 138
complicity in committing or attempting to commit any offense 139
under division (G) (1), (2), or (3) of this section. 140

(H) "Felony drug abuse offense" means any drug abuse 141
offense that would constitute a felony under the laws of this 142
state, any other state, or the United States. 143

(I) "Harmful intoxicant" does not include beer or 144
intoxicating liquor but means any of the following: 145

(1) Any compound, mixture, preparation, or substance the 146
gas, fumes, or vapor of which when inhaled can induce 147
intoxication, excitement, giddiness, irrational behavior, 148
depression, stupefaction, paralysis, unconsciousness, 149
asphyxiation, or other harmful physiological effects, and 150
includes, but is not limited to, any of the following: 151

(a) Any volatile organic solvent, plastic cement, model 152
cement, fingernail polish remover, lacquer thinner, cleaning 153
fluid, gasoline, or other preparation containing a volatile 154
organic solvent; 155

(b) Any aerosol propellant; 156

(c) Any fluorocarbon refrigerant;	157
(d) Any anesthetic gas.	158
(2) Gamma Butyrolactone;	159
(3) 1,4 Butanediol.	160
(J) "Manufacture" means to plant, cultivate, harvest,	161
process, make, prepare, or otherwise engage in any part of the	162
production of a drug, by propagation, extraction, chemical	163
synthesis, or compounding, or any combination of the same, and	164
includes packaging, repackaging, labeling, and other activities	165
incident to production.	166
(K) "Possess" or "possession" means having control over a	167
thing or substance, but may not be inferred solely from mere	168
access to the thing or substance through ownership or occupation	169
of the premises upon which the thing or substance is found.	170
(L) "Sample drug" means a drug or pharmaceutical	171
preparation that would be hazardous to health or safety if used	172
without the supervision of a licensed health professional	173
authorized to prescribe drugs, or a drug of abuse, and that, at	174
one time, had been placed in a container plainly marked as a	175
sample by a manufacturer.	176
(M) "Standard pharmaceutical reference manual" means the	177
current edition, with cumulative changes if any, of references	178
that are approved by the state board of pharmacy.	179
(N) "Juvenile" means a person under eighteen years of age.	180
(O) "Counterfeit controlled substance" means any of the	181
following:	182
(1) Any drug that bears, or whose container or label	183

bears, a trademark, trade name, or other identifying mark used 184
without authorization of the owner of rights to that trademark, 185
trade name, or identifying mark; 186

(2) Any unmarked or unlabeled substance that is 187
represented to be a controlled substance manufactured, 188
processed, packed, or distributed by a person other than the 189
person that manufactured, processed, packed, or distributed it; 190

(3) Any substance that is represented to be a controlled 191
substance but is not a controlled substance or is a different 192
controlled substance; 193

(4) Any substance other than a controlled substance that a 194
reasonable person would believe to be a controlled substance 195
because of its similarity in shape, size, and color, or its 196
markings, labeling, packaging, distribution, or the price for 197
which it is sold or offered for sale. 198

(P) An offense is "committed in the vicinity of a school" 199
if the offender commits the offense on school premises, in a 200
school building, or within one thousand feet of the boundaries 201
of any school premises, regardless of whether the offender knows 202
the offense is being committed on school premises, in a school 203
building, or within one thousand feet of the boundaries of any 204
school premises. 205

(Q) "School" means any school operated by a board of 206
education, any community school established under Chapter 3314. 207
of the Revised Code, or any nonpublic school for which the state 208
board of education prescribes minimum standards under section 209
3301.07 of the Revised Code, whether or not any instruction, 210
extracurricular activities, or training provided by the school 211
is being conducted at the time a criminal offense is committed. 212

(R) "School premises" means either of the following: 213

(1) The parcel of real property on which any school is 214
situated, whether or not any instruction, extracurricular 215
activities, or training provided by the school is being 216
conducted on the premises at the time a criminal offense is 217
committed; 218

(2) Any other parcel of real property that is owned or 219
leased by a board of education of a school, the governing 220
authority of a community school established under Chapter 3314. 221
of the Revised Code, or the governing body of a nonpublic school 222
for which the state board of education prescribes minimum 223
standards under section 3301.07 of the Revised Code and on which 224
some of the instruction, extracurricular activities, or training 225
of the school is conducted, whether or not any instruction, 226
extracurricular activities, or training provided by the school 227
is being conducted on the parcel of real property at the time a 228
criminal offense is committed. 229

(S) "School building" means any building in which any of 230
the instruction, extracurricular activities, or training 231
provided by a school is conducted, whether or not any 232
instruction, extracurricular activities, or training provided by 233
the school is being conducted in the school building at the time 234
a criminal offense is committed. 235

(T) "Disciplinary counsel" means the disciplinary counsel 236
appointed by the board of commissioners on grievances and 237
discipline of the supreme court under the Rules for the 238
Government of the Bar of Ohio. 239

(U) "Certified grievance committee" means a duly 240
constituted and organized committee of the Ohio state bar 241

association or of one or more local bar associations of the 242
state of Ohio that complies with the criteria set forth in Rule 243
V, section 6 of the Rules for the Government of the Bar of Ohio. 244

(V) "Professional license" means any license, permit, 245
certificate, registration, qualification, admission, temporary 246
license, temporary permit, temporary certificate, or temporary 247
registration that is described in divisions (W) (1) to (36) of 248
this section and that qualifies a person as a professionally 249
licensed person. 250

(W) "Professionally licensed person" means any of the 251
following: 252

(1) A person who has obtained a license as a manufacturer 253
of controlled substances or a wholesaler of controlled 254
substances under Chapter 3719. of the Revised Code; 255

(2) A person who has received a certificate or temporary 256
certificate as a certified public accountant or who has 257
registered as a public accountant under Chapter 4701. of the 258
Revised Code and who holds an Ohio permit issued under that 259
chapter; 260

(3) A person who holds a certificate of qualification to 261
practice architecture issued or renewed and registered under 262
Chapter 4703. of the Revised Code; 263

(4) A person who is registered as a landscape architect 264
under Chapter 4703. of the Revised Code or who holds a permit as 265
a landscape architect issued under that chapter; 266

(5) A person licensed under Chapter 4707. of the Revised 267
Code; 268

(6) A person who has been issued a certificate of 269

registration as a registered barber under Chapter 4709. of the 270
Revised Code; 271

(7) A person licensed and regulated to engage in the 272
business of a debt pooling company by a legislative authority, 273
under authority of Chapter 4710. of the Revised Code; 274

(8) A person who has been issued a cosmetologist's 275
license, hair designer's license, manicurist's license, 276
esthetician's license, natural hair stylist's license, advanced 277
cosmetologist's license, advanced hair designer's license, 278
advanced manicurist's license, advanced esthetician's license, 279
advanced natural hair stylist's license, cosmetology 280
instructor's license, hair design instructor's license, 281
manicurist instructor's license, esthetics instructor's license, 282
natural hair style instructor's license, independent 283
contractor's license, or tanning facility permit under Chapter 284
4713. of the Revised Code; 285

(9) A person who has been issued a license to practice 286
dentistry, a general anesthesia permit, a conscious intravenous 287
sedation permit, a limited resident's license, a limited 288
teaching license, a dental hygienist's license, or a dental 289
hygienist's teacher's certificate under Chapter 4715. of the 290
Revised Code; 291

(10) A person who has been issued an embalmer's license, a 292
funeral director's license, a funeral home license, or a 293
crematory license, or who has been registered for an embalmer's 294
or funeral director's apprenticeship under Chapter 4717. of the 295
Revised Code; 296

(11) A person who has been licensed as a registered nurse 297
or practical nurse, or who has been issued a certificate for the 298

practice of nurse-midwifery under Chapter 4723. of the Revised Code;	299 300
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	301 302 303
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	304 305
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	306 307
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	308 309 310 311
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	312 313
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	314 315 316 317
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	318 319
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	320 321 322
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	323 324
(21) A person licensed to act as a real estate broker or	325

real estate salesperson under Chapter 4735. of the Revised Code;	326
(22) A person registered as a registered sanitarian under	327
Chapter 4736. of the Revised Code;	328
(23) A person licensed to operate or maintain a junkyard	329
under Chapter 4737. of the Revised Code;	330
(24) A person who has been issued a motor vehicle salvage	331
dealer's license under Chapter 4738. of the Revised Code;	332
(25) A person who has been licensed to act as a steam	333
engineer under Chapter 4739. of the Revised Code;	334
(26) A person who has been issued a license or temporary	335
permit to practice veterinary medicine or any of its branches,	336
or who is registered as a graduate animal technician under	337
Chapter 4741. of the Revised Code;	338
(27) A person who has been issued a hearing aid dealer's	339
or fitter's license or trainee permit under Chapter 4747. of the	340
Revised Code;	341
(28) A person who has been issued a class A, class B, or	342
class C license or who has been registered as an investigator or	343
security guard employee under Chapter 4749. of the Revised Code;	344
(29) A person licensed and registered to practice as a	345
nursing home administrator under Chapter 4751. of the Revised	346
Code;	347
(30) A person licensed to practice as a speech-language	348
pathologist or audiologist under Chapter 4753. of the Revised	349
Code;	350
(31) A person issued a license as an occupational	351
therapist or physical therapist under Chapter 4755. of the	352

Revised Code; 353

(32) A person who is licensed as a licensed professional 354
clinical counselor, licensed professional counselor, social 355
worker, independent social worker, independent marriage and 356
family therapist, or marriage and family therapist, or 357
registered as a social work assistant under Chapter 4757. of the 358
Revised Code; 359

(33) A person issued a license to practice dietetics under 360
Chapter 4759. of the Revised Code; 361

(34) A person who has been issued a license or limited 362
permit to practice respiratory therapy under Chapter 4761. of 363
the Revised Code; 364

(35) A person who has been issued a real estate appraiser 365
certificate under Chapter 4763. of the Revised Code; 366

(36) A person who has been admitted to the bar by order of 367
the supreme court in compliance with its prescribed and 368
published rules. 369

(X) "Cocaine" means any of the following: 370

(1) A cocaine salt, isomer, or derivative, a salt of a 371
cocaine isomer or derivative, or the base form of cocaine; 372

(2) Coca leaves or a salt, compound, derivative, or 373
preparation of coca leaves, including ecgonine, a salt, isomer, 374
or derivative of ecgonine, or a salt of an isomer or derivative 375
of ecgonine; 376

(3) A salt, compound, derivative, or preparation of a 377
substance identified in division (X)(1) or (2) of this section 378
that is chemically equivalent to or identical with any of those 379
substances, except that the substances shall not include 380

decocainized coca leaves or extraction of coca leaves if the 381
extractions do not contain cocaine or ecgonine. 382

(Y) "L.S.D." means lysergic acid diethylamide. 383

(Z) "Hashish" means the resin or a preparation of the 384
resin contained in marihuana, whether in solid form or in a 385
liquid concentrate, liquid extract, or liquid distillate form. 386

(AA) "Marihuana" has the same meaning as in section 387
3719.01 of the Revised Code, except that it does not include 388
hashish. 389

(BB) An offense is "committed in the vicinity of a 390
juvenile" if the offender commits the offense within one hundred 391
feet of a juvenile or within the view of a juvenile, regardless 392
of whether the offender knows the age of the juvenile, whether 393
the offender knows the offense is being committed within one 394
hundred feet of or within view of the juvenile, or whether the 395
juvenile actually views the commission of the offense. 396

(CC) "Presumption for a prison term" or "presumption that 397
a prison term shall be imposed" means a presumption, as 398
described in division (D) of section 2929.13 of the Revised 399
Code, that a prison term is a necessary sanction for a felony in 400
order to comply with the purposes and principles of sentencing 401
under section 2929.11 of the Revised Code. 402

(DD) "Major drug offender" has the same meaning as in 403
section 2929.01 of the Revised Code. 404

(EE) "Minor drug possession offense" means either of the 405
following: 406

(1) A violation of section 2925.11 of the Revised Code as 407
it existed prior to July 1, 1996; 408

(2) A violation of section 2925.11 of the Revised Code as 409
it exists on and after July 1, 1996, that is a misdemeanor or a 410
felony of the fifth degree. 411

(FF) "Mandatory prison term" has the same meaning as in 412
section 2929.01 of the Revised Code. 413

(GG) "Adulterate" means to cause a drug to be adulterated 414
as described in section 3715.63 of the Revised Code. 415

(HH) "Public premises" means any hotel, restaurant, 416
tavern, store, arena, hall, or other place of public 417
accommodation, business, amusement, or resort. 418

(II) "Methamphetamine" means methamphetamine, any salt, 419
isomer, or salt of an isomer of methamphetamine, or any 420
compound, mixture, preparation, or substance containing 421
methamphetamine or any salt, isomer, or salt of an isomer of 422
methamphetamine. 423

(JJ) "Lawful prescription" means a prescription that is 424
issued for a legitimate medical purpose by a licensed health 425
professional authorized to prescribe drugs, that is not altered 426
or forged, and that was not obtained by means of deception or by 427
the commission of any theft offense. 428

(KK) "Deception" and "theft offense" have the same 429
meanings as in section 2913.01 of the Revised Code. 430

(LL) "Fentanyl-related compound" means any of the 431
following: 432

(1) Fentanyl; 433

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 434
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 435
phenylethyl)-4-(N-propanilido) piperidine); 436

- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide); 437
438
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide); 439
440
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide); 441
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- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide); 444
445
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide); 446
447
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 448
449
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 450
451
- (10) Alfentanil; 452
- (11) Carfentanil; 453
- (12) Remifentanil; 454
- (13) Sufentanil; 455
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 456
457
- (15) A schedule I narcotic-opiate that meets the fentanyl pharmacophore requirements specified in division (A) (56) of section 3719.41 of the Revised Code, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl. 458
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Sec. 2925.02. (A) No person shall knowingly do any of the 464
following: 465

(1) By force, threat, or deception, administer to another 466
or induce or cause another to use a controlled substance; 467

(2) By any means, administer or furnish to another or 468
induce or cause another to use a controlled substance with 469
purpose to cause serious physical harm to the other person, or 470
with purpose to cause the other person to become drug dependent; 471

(3) By any means, administer or furnish to another or 472
induce or cause another to use a controlled substance, and 473
thereby cause serious physical harm to the other person, or 474
cause the other person to become drug dependent; 475

(4) By any means, do any of the following: 476

(a) Furnish or administer a controlled substance to a 477
juvenile who is at least two years the offender's junior, when 478
the offender knows the age of the juvenile or is reckless in 479
that regard; 480

(b) Induce or cause a juvenile who is at least two years 481
the offender's junior to use a controlled substance, when the 482
offender knows the age of the juvenile or is reckless in that 483
regard; 484

(c) Induce or cause a juvenile who is at least two years 485
the offender's junior to commit a felony drug abuse offense, 486
when the offender knows the age of the juvenile or is reckless 487
in that regard; 488

(d) Use a juvenile, whether or not the offender knows the 489
age of the juvenile, to perform any surveillance activity that 490
is intended to prevent the detection of the offender or any 491

other person in the commission of a felony drug abuse offense or 492
to prevent the arrest of the offender or any other person for 493
the commission of a felony drug abuse offense. 494

(5) By any means, furnish or administer a controlled 495
substance to a pregnant woman or induce or cause a pregnant 496
woman to use a controlled substance, when the offender knows 497
that the woman is pregnant or is reckless in that regard. 498

(B) Division (A) (1), (3), (4), or (5) of this section does 499
not apply to manufacturers, wholesalers, licensed health 500
professionals authorized to prescribe drugs, pharmacists, owners 501
of pharmacies, and other persons whose conduct is in accordance 502
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 503
4741. of the Revised Code. 504

(C) Whoever violates this section is guilty of corrupting 505
another with drugs. The penalty for the offense shall be 506
determined as follows: 507

(1) If the offense is a violation of division (A) (1), (2), 508
(3), or (4) of this section and the drug involved is any 509
compound, mixture, preparation, or substance included in 510
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 511
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 512
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 513
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 514
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 515
offender shall be punished as follows: 516

(a) Except as otherwise provided in division (C) (1) (b) of 517
this section, corrupting another with drugs committed in those 518
circumstances is a felony of the second degree and, subject to 519
division (E) of this section, the court shall impose as a 520

mandatory prison term one of the prison terms prescribed for a 521
felony of the second degree. 522

(b) If the offense was committed in the vicinity of a 523
school, corrupting another with drugs committed in those 524
circumstances is a felony of the first degree, and, subject to 525
division (E) of this section, the court shall impose as a 526
mandatory prison term one of the prison terms prescribed for a 527
felony of the first degree. 528

(2) If the offense is a violation of division (A) (1), (2), 529
(3), or (4) of this section and the drug involved is any 530
compound, mixture, preparation, or substance included in 531
schedule III, IV, or V, the offender shall be punished as 532
follows: 533

(a) Except as otherwise provided in division (C) (2) (b) of 534
this section, corrupting another with drugs committed in those 535
circumstances is a felony of the second degree and there is a 536
presumption for a prison term for the offense. 537

(b) If the offense was committed in the vicinity of a 538
school, corrupting another with drugs committed in those 539
circumstances is a felony of the second degree and the court 540
shall impose as a mandatory prison term one of the prison terms 541
prescribed for a felony of the second degree. 542

(3) If the offense is a violation of division (A) (1), (2), 543
(3), or (4) of this section and the drug involved is marihuana, 544
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 545
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 546
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 547
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 548
offender shall be punished as follows: 549

(a) Except as otherwise provided in division (C) (3) (b) of 550
this section, corrupting another with drugs committed in those 551
circumstances is a felony of the fourth degree and division (C) 552
of section 2929.13 of the Revised Code applies in determining 553
whether to impose a prison term on the offender. 554

(b) If the offense was committed in the vicinity of a 555
school, corrupting another with drugs committed in those 556
circumstances is a felony of the third degree and division (C) 557
of section 2929.13 of the Revised Code applies in determining 558
whether to impose a prison term on the offender. 559

(4) If the offense is a violation of division (A) (5) of 560
this section and the drug involved is any compound, mixture, 561
preparation, or substance included in schedule I or II, with the 562
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 563
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 564
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 565
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 566
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 567
felony of the first degree and, subject to division (E) of this 568
section, the court shall impose as a mandatory prison term one 569
of the prison terms prescribed for a felony of the first degree. 570

(5) If the offense is a violation of division (A) (5) of 571
this section and the drug involved is any compound, mixture, 572
preparation, or substance included in schedule III, IV, or V, 573
corrupting another with drugs is a felony of the second degree 574
and the court shall impose as a mandatory prison term one of the 575
prison terms prescribed for a felony of the second degree. 576

(6) If the offense is a violation of division (A) (5) of 577
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 578
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 579

morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with 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.

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

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

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, any mandatory fine imposed pursuant

to division (D) (1) (a) of this section and any fine imposed for a 610
violation of this section pursuant to division (A) of section 611
2929.18 of the Revised Code shall be paid by the clerk of the 612
court in accordance with and subject to the requirements of, and 613
shall be used as specified in, division (F) of section 2925.03 614
of the Revised Code. 615

(c) If a person is charged with any violation of this 616
section that is a felony of the first, second, or third degree, 617
posts bail, and forfeits the bail, the forfeited bail shall be 618
paid by the clerk of the court pursuant to division (D) (1) (b) of 619
this section as if it were a fine imposed for a violation of 620
this section. 621

(2) If the offender is a professionally licensed person, 622
in addition to any other sanction imposed for a violation of 623
this section, the court immediately shall comply with section 624
2925.38 of the Revised Code. 625

(E) Notwithstanding the prison term otherwise authorized 626
or required for the offense under division (C) of this section 627
and sections 2929.13 and 2929.14 of the Revised Code, if the 628
violation of division (A) of this section involves the sale, 629
offer to sell, or possession of a schedule I or II controlled 630
substance, with the exception of marihuana, 1-Pentyl-3-(1- 631
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 632
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 633
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 634
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 635
if the court imposing sentence upon the offender finds that the 636
offender as a result of the violation is a major drug offender 637
and is guilty of a specification of the type described in 638
division (A) of section 2941.1410 of the Revised Code, the 639

court, in lieu of the prison term that otherwise is authorized 640
or required, shall impose upon the offender the mandatory prison 641
term specified in division (B) (3) (a) of section 2929.14 of the 642
Revised Code. 643

(F) (1) If the sentencing court suspends the offender's 644
driver's or commercial driver's license or permit under division 645
(D) of this section, the offender, at any time after the 646
expiration of two years from the day on which the offender's 647
sentence was imposed or from the day on which the offender 648
finally was released from a prison term under the sentence, 649
whichever is later, may file a motion with the sentencing court 650
requesting termination of the suspension. Upon the filing of the 651
motion and the court's finding of good cause for the 652
determination, the court may terminate the suspension. 653

(2) Any offender who received a mandatory suspension of 654
the offender's driver's or commercial driver's license or permit 655
under this section prior to ~~the effective date of this amendment~~ 656
September 13, 2016, may file a motion with the sentencing court 657
requesting the termination of the suspension. However, an 658
offender who pleaded guilty to or was convicted of a violation 659
of section 4511.19 of the Revised Code or a substantially 660
similar municipal ordinance or law of another state or the 661
United States that arose out of the same set of circumstances as 662
the violation for which the offender's license or permit was 663
suspended under this section shall not file such a motion. 664

Upon the filing of a motion under division (F) (2) of this 665
section, the sentencing court, in its discretion, may terminate 666
the suspension. 667

Sec. 2925.03. (A) No person shall knowingly do any of the 668
following: 669

(1) Sell or offer to sell a controlled substance or a 670
controlled substance analog; 671

(2) Prepare for shipment, ship, transport, deliver, 672
prepare for distribution, or distribute a controlled substance 673
or a controlled substance analog, when the offender knows or has 674
reasonable cause to believe that the controlled substance or a 675
controlled substance analog is intended for sale or resale by 676
the offender or another person. 677

(B) This section does not apply to any of the following: 678

(1) Manufacturers, licensed health professionals 679
authorized to prescribe drugs, pharmacists, owners of 680
pharmacies, and other persons whose conduct is in accordance 681
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 682
4741. of the Revised Code; 683

(2) If the offense involves an anabolic steroid, any 684
person who is conducting or participating in a research project 685
involving the use of an anabolic steroid if the project has been 686
approved by the United States food and drug administration; 687

(3) Any person who sells, offers for sale, prescribes, 688
dispenses, or administers for livestock or other nonhuman 689
species an anabolic steroid that is expressly intended for 690
administration through implants to livestock or other nonhuman 691
species and approved for that purpose under the "Federal Food, 692
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 693
as amended, and is sold, offered for sale, prescribed, 694
dispensed, or administered for that purpose in accordance with 695
that act. 696

(C) Whoever violates division (A) of this section is 697
guilty of one of the following: 698

(1) If the drug involved in the violation is any compound, 699
mixture, preparation, or substance included in schedule I or 700
schedule II, with the exception of marihuana, cocaine, L.S.D., 701
heroin, any fentanyl-related compound, hashish, and any 702
controlled substance ~~analog~~ analog, whoever violates division 703
(A) of this section is guilty of aggravated trafficking in 704
drugs. The penalty for the offense shall be determined as 705
follows: 706

(a) Except as otherwise provided in division (C) (1) (b), 707
(c), (d), (e), or (f) of this section, aggravated trafficking in 708
drugs is a felony of the fourth degree, and division (C) of 709
section 2929.13 of the Revised Code applies in determining 710
whether to impose a prison term on the offender. 711

(b) Except as otherwise provided in division (C) (1) (c), 712
(d), (e), or (f) of this section, if the offense was committed 713
in the vicinity of a school or in the vicinity of a juvenile, 714
aggravated trafficking in drugs is a felony of the third degree, 715
and division (C) of section 2929.13 of the Revised Code applies 716
in determining whether to impose a prison term on the offender. 717

(c) Except as otherwise provided in this division, if the 718
amount of the drug involved equals or exceeds the bulk amount 719
but is less than five times the bulk amount, aggravated 720
trafficking in drugs is a felony of the third degree, and, 721
except as otherwise provided in this division, there is a 722
presumption for a prison term for the offense. If aggravated 723
trafficking in drugs is a felony of the third degree under this 724
division and if the offender two or more times previously has 725
been convicted of or pleaded guilty to a felony drug abuse 726
offense, the court shall impose as a mandatory prison term one 727
of the prison terms prescribed for a felony of the third degree. 728

If the amount of the drug involved is within that range and if 729
the offense was committed in the vicinity of a school or in the 730
vicinity of a juvenile, aggravated trafficking in drugs is a 731
felony of the second degree, and the court shall impose as a 732
mandatory prison term one of the prison terms prescribed for a 733
felony of the second degree. 734

(d) Except as otherwise provided in this division, if the 735
amount of the drug involved equals or exceeds five times the 736
bulk amount but is less than fifty times the bulk amount, 737
aggravated trafficking in drugs is a felony of the second 738
degree, and the court shall impose as a mandatory prison term 739
one of the prison terms prescribed for a felony of the second 740
degree. If the amount of the drug involved is within that range 741
and if the offense was committed in the vicinity of a school or 742
in the vicinity of a juvenile, aggravated trafficking in drugs 743
is a felony of the first degree, and the court shall impose as a 744
mandatory prison term one of the prison terms prescribed for a 745
felony of the first degree. 746

(e) If the amount of the drug involved equals or exceeds 747
fifty times the bulk amount but is less than one hundred times 748
the bulk amount and regardless of whether the offense was 749
committed in the vicinity of a school or in the vicinity of a 750
juvenile, aggravated trafficking in drugs is a felony of the 751
first degree, and the court shall impose as a mandatory prison 752
term one of the prison terms prescribed for a felony of the 753
first degree. 754

(f) If the amount of the drug involved equals or exceeds 755
one hundred times the bulk amount and regardless of whether the 756
offense was committed in the vicinity of a school or in the 757
vicinity of a juvenile, aggravated trafficking in drugs is a 758

felony of the first degree, the offender is a major drug 759
offender, and the court shall impose as a mandatory prison term 760
the maximum prison term prescribed for a felony of the first 761
degree. 762

(2) If the drug involved in the violation is any compound, 763
mixture, preparation, or substance included in schedule III, IV, 764
or V, whoever violates division (A) of this section is guilty of 765
trafficking in drugs. The penalty for the offense shall be 766
determined as follows: 767

(a) Except as otherwise provided in division (C) (2) (b), 768
(c), (d), or (e) of this section, trafficking in drugs is a 769
felony of the fifth degree, and division (B) of section 2929.13 770
of the Revised Code applies in determining whether to impose a 771
prison term on the offender. 772

(b) Except as otherwise provided in division (C) (2) (c), 773
(d), or (e) of this section, if the offense was committed in the 774
vicinity of a school or in the vicinity of a juvenile, 775
trafficking in drugs is a felony of the fourth degree, and 776
division (C) of section 2929.13 of the Revised Code applies in 777
determining whether to impose a prison term on the offender. 778

(c) Except as otherwise provided in this division, if the 779
amount of the drug involved equals or exceeds the bulk amount 780
but is less than five times the bulk amount, trafficking in 781
drugs is a felony of the fourth degree, and division (B) of 782
section 2929.13 of the Revised Code applies in determining 783
whether to impose a prison term for the offense. If the amount 784
of the drug involved is within that range and if the offense was 785
committed in the vicinity of a school or in the vicinity of a 786
juvenile, trafficking in drugs is a felony of the third degree, 787
and there is a presumption for a prison term for the offense. 788

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

(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty times the
bulk amount, trafficking in drugs is a felony of the second
degree, and the court shall impose as a mandatory prison term
one of the prison terms prescribed for a felony of the second
degree. If the amount of the drug involved equals or exceeds
fifty times the bulk amount and if the offense was committed in
the vicinity of a school or in the vicinity of a juvenile,
trafficking in drugs is a felony of the first degree, and the
court shall impose as a mandatory prison term one of the prison
terms prescribed for a felony of the first degree.

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

(a) Except as otherwise provided in division (C) (3) (b),
(c), (d), (e), (f), (g), or (h) of this section, trafficking in
marihuana is a felony of the fifth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining

whether to impose a prison term on the offender. 819

(b) Except as otherwise provided in division (C) (3) (c), 820
(d), (e), (f), (g), or (h) of this section, if the offense was 821
committed in the vicinity of a school or in the vicinity of a 822
juvenile, trafficking in marihuana is a felony of the fourth 823
degree, and division (B) of section 2929.13 of the Revised Code 824
applies in determining whether to impose a prison term on the 825
offender. 826

(c) Except as otherwise provided in this division, if the 827
amount of the drug involved equals or exceeds two hundred grams 828
but is less than one thousand grams, trafficking in marihuana is 829
a felony of the fourth degree, and division (B) of section 830
2929.13 of the Revised Code applies in determining whether to 831
impose a prison term on the offender. If the amount of the drug 832
involved is within that range and if the offense was committed 833
in the vicinity of a school or in the vicinity of a juvenile, 834
trafficking in marihuana is a felony of the third degree, and 835
division (C) of section 2929.13 of the Revised Code applies in 836
determining whether to impose a prison term on the offender. 837

(d) Except as otherwise provided in this division, if the 838
amount of the drug involved equals or exceeds one thousand grams 839
but is less than five thousand grams, trafficking in marihuana 840
is a felony of the third degree, and division (C) of section 841
2929.13 of the Revised Code applies in determining whether to 842
impose a prison term on the offender. If the amount of the drug 843
involved is within that range and if the offense was committed 844
in the vicinity of a school or in the vicinity of a juvenile, 845
trafficking in marihuana is a felony of the second degree, and 846
there is a presumption that a prison term shall be imposed for 847
the offense. 848

(e) Except as otherwise provided in this division, if the 849
amount of the drug involved equals or exceeds five thousand 850
grams but is less than twenty thousand grams, trafficking in 851
marihuana is a felony of the third degree, and there is a 852
presumption that a prison term shall be imposed for the offense. 853
If the amount of the drug involved is within that range and if 854
the offense was committed in the vicinity of a school or in the 855
vicinity of a juvenile, trafficking in marihuana is a felony of 856
the second degree, and there is a presumption that a prison term 857
shall be imposed for the offense. 858

(f) Except as otherwise provided in this division, if the 859
amount of the drug involved equals or exceeds twenty thousand 860
grams but is less than forty thousand grams, trafficking in 861
marihuana is a felony of the second degree, and the court shall 862
impose a mandatory prison term of five, six, seven, or eight 863
years. If the amount of the drug involved is within that range 864
and if the offense was committed in the vicinity of a school or 865
in the vicinity of a juvenile, trafficking in marihuana is a 866
felony of the first degree, and the court shall impose as a 867
mandatory prison term the maximum prison term prescribed for a 868
felony of the first degree. 869

(g) Except as otherwise provided in this division, if the 870
amount of the drug involved equals or exceeds forty thousand 871
grams, trafficking in marihuana is a felony of the second 872
degree, and the court shall impose as a mandatory prison term 873
the maximum prison term prescribed for a felony of the second 874
degree. If the amount of the drug involved equals or exceeds 875
forty thousand grams and if the offense was committed in the 876
vicinity of a school or in the vicinity of a juvenile, 877
trafficking in marihuana is a felony of the first degree, and 878
the court shall impose as a mandatory prison term the maximum 879

prison term prescribed for a felony of the first degree. 880

(h) Except as otherwise provided in this division, if the 881
offense involves a gift of twenty grams or less of marihuana, 882
trafficking in marihuana is a minor misdemeanor upon a first 883
offense and a misdemeanor of the third degree upon a subsequent 884
offense. If the offense involves a gift of twenty grams or less 885
of marihuana and if the offense was committed in the vicinity of 886
a school or in the vicinity of a juvenile, trafficking in 887
marihuana is a misdemeanor of the third degree. 888

(4) If the drug involved in the violation is cocaine or a 889
compound, mixture, preparation, or substance containing cocaine, 890
whoever violates division (A) of this section is guilty of 891
trafficking in cocaine. The penalty for the offense shall be 892
determined as follows: 893

(a) Except as otherwise provided in division (C) (4) (b), 894
(c), (d), (e), (f), or (g) of this section, trafficking in 895
cocaine is a felony of the fifth degree, and division (B) of 896
section 2929.13 of the Revised Code applies in determining 897
whether to impose a prison term on the offender. 898

(b) Except as otherwise provided in division (C) (4) (c), 899
(d), (e), (f), or (g) of this section, if the offense was 900
committed in the vicinity of a school or in the vicinity of a 901
juvenile, trafficking in cocaine is a felony of the fourth 902
degree, and division (C) of section 2929.13 of the Revised Code 903
applies in determining whether to impose a prison term on the 904
offender. 905

(c) Except as otherwise provided in this division, if the 906
amount of the drug involved equals or exceeds five grams but is 907
less than ten grams of cocaine, trafficking in cocaine is a 908

felony of the fourth degree, and division (B) of section 2929.13 909
of the Revised Code applies in determining whether to impose a 910
prison term for the offense. If the amount of the drug involved 911
is within that range and if the offense was committed in the 912
vicinity of a school or in the vicinity of a juvenile, 913
trafficking in cocaine is a felony of the third degree, and 914
there is a presumption for a prison term for the offense. 915

(d) Except as otherwise provided in this division, if the 916
amount of the drug involved equals or exceeds ten grams but is 917
less than twenty grams of cocaine, trafficking in cocaine is a 918
felony of the third degree, and, except as otherwise provided in 919
this division, there is a presumption for a prison term for the 920
offense. If trafficking in cocaine is a felony of the third 921
degree under this division and if the offender two or more times 922
previously has been convicted of or pleaded guilty to a felony 923
drug abuse offense, the court shall impose as a mandatory prison 924
term one of the prison terms prescribed for a felony of the 925
third degree. If the amount of the drug involved is within that 926
range and if the offense was committed in the vicinity of a 927
school or in the vicinity of a juvenile, trafficking in cocaine 928
is a felony of the second degree, and the court shall impose as 929
a mandatory prison term one of the prison terms prescribed for a 930
felony of the second degree. 931

(e) Except as otherwise provided in this division, if the 932
amount of the drug involved equals or exceeds twenty grams but 933
is less than twenty-seven grams of cocaine, trafficking in 934
cocaine is a felony of the second degree, and the court shall 935
impose as a mandatory prison term one of the prison terms 936
prescribed for a felony of the second degree. If the amount of 937
the drug involved is within that range and if the offense was 938
committed in the vicinity of a school or in the vicinity of a 939

juvenile, trafficking in cocaine is a felony of the first 940
degree, and the court shall impose as a mandatory prison term 941
one of the prison terms prescribed for a felony of the first 942
degree. 943

(f) If the amount of the drug involved equals or exceeds 944
twenty-seven grams but is less than one hundred grams of cocaine 945
and regardless of whether the offense was committed in the 946
vicinity of a school or in the vicinity of a juvenile, 947
trafficking in cocaine is a felony of the first degree, and the 948
court shall impose as a mandatory prison term one of the prison 949
terms prescribed for a felony of the first degree. 950

(g) If the amount of the drug involved equals or exceeds 951
one hundred grams of cocaine and regardless of whether the 952
offense was committed in the vicinity of a school or in the 953
vicinity of a juvenile, trafficking in cocaine is a felony of 954
the first degree, the offender is a major drug offender, and the 955
court shall impose as a mandatory prison term the maximum prison 956
term prescribed for a felony of the first degree. 957

(5) If the drug involved in the violation is L.S.D. or a 958
compound, mixture, preparation, or substance containing L.S.D., 959
whoever violates division (A) of this section is guilty of 960
trafficking in L.S.D. The penalty for the offense shall be 961
determined as follows: 962

(a) Except as otherwise provided in division (C) (5) (b), 963
(c), (d), (e), (f), or (g) of this section, trafficking in 964
L.S.D. is a felony of the fifth degree, and division (B) of 965
section 2929.13 of the Revised Code applies in determining 966
whether to impose a prison term on the offender. 967

(b) Except as otherwise provided in division (C) (5) (c), 968

(d), (e), (f), or (g) of this section, if the offense was 969
committed in the vicinity of a school or in the vicinity of a 970
juvenile, trafficking in L.S.D. is a felony of the fourth 971
degree, and division (C) of section 2929.13 of the Revised Code 972
applies in determining whether to impose a prison term on the 973
offender. 974

(c) Except as otherwise provided in this division, if the 975
amount of the drug involved equals or exceeds ten unit doses but 976
is less than fifty unit doses of L.S.D. in a solid form or 977
equals or exceeds one gram but is less than five grams of L.S.D. 978
in a liquid concentrate, liquid extract, or liquid distillate 979
form, trafficking in L.S.D. is a felony of the fourth degree, 980
and division (B) of section 2929.13 of the Revised Code applies 981
in determining whether to impose a prison term for the offense. 982
If the amount of the drug involved is within that range and if 983
the offense was committed in the vicinity of a school or in the 984
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 985
third degree, and there is a presumption for a prison term for 986
the offense. 987

(d) Except as otherwise provided in this division, if the 988
amount of the drug involved equals or exceeds fifty unit doses 989
but is less than two hundred fifty unit doses of L.S.D. in a 990
solid form or equals or exceeds five grams but is less than 991
twenty-five grams of L.S.D. in a liquid concentrate, liquid 992
extract, or liquid distillate form, trafficking in L.S.D. is a 993
felony of the third degree, and, except as otherwise provided in 994
this division, there is a presumption for a prison term for the 995
offense. If trafficking in L.S.D. is a felony of the third 996
degree under this division and if the offender two or more times 997
previously has been convicted of or pleaded guilty to a felony 998
drug abuse offense, the court shall impose as a mandatory prison 999

term one of the prison terms prescribed for a felony of the 1000
third degree. If the amount of the drug involved is within that 1001
range and if the offense was committed in the vicinity of a 1002
school or in the vicinity of a juvenile, trafficking in L.S.D. 1003
is a felony of the second degree, and the court shall impose as 1004
a mandatory prison term one of the prison terms prescribed for a 1005
felony of the second degree. 1006

(e) Except as otherwise provided in this division, if the 1007
amount of the drug involved equals or exceeds two hundred fifty 1008
unit doses but is less than one thousand unit doses of L.S.D. in 1009
a solid form or equals or exceeds twenty-five grams but is less 1010
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1011
extract, or liquid distillate form, trafficking in L.S.D. is a 1012
felony of the second degree, and the court shall impose as a 1013
mandatory prison term one of the prison terms prescribed for a 1014
felony of the second degree. If the amount of the drug involved 1015
is within that range and if the offense was committed in the 1016
vicinity of a school or in the vicinity of a juvenile, 1017
trafficking in L.S.D. is a felony of the first degree, and the 1018
court shall impose as a mandatory prison term one of the prison 1019
terms prescribed for a felony of the first degree. 1020

(f) If the amount of the drug involved equals or exceeds 1021
one thousand unit doses but is less than five thousand unit 1022
doses of L.S.D. in a solid form or equals or exceeds one hundred 1023
grams but is less than five hundred grams of L.S.D. in a liquid 1024
concentrate, liquid extract, or liquid distillate form and 1025
regardless of whether the offense was committed in the vicinity 1026
of a school or in the vicinity of a juvenile, trafficking in 1027
L.S.D. is a felony of the first degree, and the court shall 1028
impose as a mandatory prison term one of the prison terms 1029
prescribed for a felony of the first degree. 1030

(g) If the amount of the drug involved equals or exceeds 1031
five thousand unit doses of L.S.D. in a solid form or equals or 1032
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1033
liquid extract, or liquid distillate form and regardless of 1034
whether the offense was committed in the vicinity of a school or 1035
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1036
of the first degree, the offender is a major drug offender, and 1037
the court shall impose as a mandatory prison term the maximum 1038
prison term prescribed for a felony of the first degree. 1039

(6) If the drug involved in the violation is heroin or a 1040
compound, mixture, preparation, or substance containing heroin, 1041
whoever violates division (A) of this section is guilty of 1042
trafficking in heroin. The penalty for the offense shall be 1043
determined as follows: 1044

(a) Except as otherwise provided in division (C) (6) (b), 1045
(c), (d), (e), (f), or (g) of this section, trafficking in 1046
heroin is a felony of the fifth degree, and division (B) of 1047
section 2929.13 of the Revised Code applies in determining 1048
whether to impose a prison term on the offender. 1049

(b) Except as otherwise provided in division (C) (6) (c), 1050
(d), (e), (f), or (g) of this section, if the offense was 1051
committed in the vicinity of a school or in the vicinity of a 1052
juvenile, trafficking in heroin is a felony of the fourth 1053
degree, and division (C) of section 2929.13 of the Revised Code 1054
applies in determining whether to impose a prison term on the 1055
offender. 1056

(c) Except as otherwise provided in this division, if the 1057
amount of the drug involved equals or exceeds ten unit doses but 1058
is less than fifty unit doses or equals or exceeds one gram but 1059
is less than five grams, trafficking in heroin is a felony of 1060

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

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

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

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

five hundred unit doses but is less than one thousand unit doses 1091
or equals or exceeds fifty grams but is less than one hundred 1092
grams and regardless of whether the offense was committed in the 1093
vicinity of a school or in the vicinity of a juvenile, 1094
trafficking in heroin is a felony of the first degree, and the 1095
court shall impose as a mandatory prison term one of the prison 1096
terms prescribed for a felony of the first degree. 1097

(g) If the amount of the drug involved equals or exceeds 1098
one thousand unit doses or equals or exceeds one hundred grams 1099
and regardless of whether the offense was committed in the 1100
vicinity of a school or in the vicinity of a juvenile, 1101
trafficking in heroin is a felony of the first degree, the 1102
offender is a major drug offender, and the court shall impose as 1103
a mandatory prison term the maximum prison term prescribed for a 1104
felony of the first degree. 1105

(7) If the drug involved in the violation is hashish or a 1106
compound, mixture, preparation, or substance containing hashish, 1107
whoever violates division (A) of this section is guilty of 1108
trafficking in hashish. The penalty for the offense shall be 1109
determined as follows: 1110

(a) Except as otherwise provided in division (C) (7) (b), 1111
(c), (d), (e), (f), or (g) of this section, trafficking in 1112
hashish is a felony of the fifth degree, and division (B) of 1113
section 2929.13 of the Revised Code applies in determining 1114
whether to impose a prison term on the offender. 1115

(b) Except as otherwise provided in division (C) (7) (c), 1116
(d), (e), (f), or (g) of this section, if the offense was 1117
committed in the vicinity of a school or in the vicinity of a 1118
juvenile, trafficking in hashish is a felony of the fourth 1119
degree, and division (B) of section 2929.13 of the Revised Code 1120

applies in determining whether to impose a prison term on the 1121
offender. 1122

(c) Except as otherwise provided in this division, if the 1123
amount of the drug involved equals or exceeds ten grams but is 1124
less than fifty grams of hashish in a solid form or equals or 1125
exceeds two grams but is less than ten grams of hashish in a 1126
liquid concentrate, liquid extract, or liquid distillate form, 1127
trafficking in hashish is a felony of the fourth degree, and 1128
division (B) of section 2929.13 of the Revised Code applies in 1129
determining whether to impose a prison term on the offender. If 1130
the amount of the drug involved is within that range and if the 1131
offense was committed in the vicinity of a school or in the 1132
vicinity of a juvenile, trafficking in hashish is a felony of 1133
the third degree, and division (C) of section 2929.13 of the 1134
Revised Code applies in determining whether to impose a prison 1135
term on the offender. 1136

(d) Except as otherwise provided in this division, if the 1137
amount of the drug involved equals or exceeds fifty grams but is 1138
less than two hundred fifty grams of hashish in a solid form or 1139
equals or exceeds ten grams but is less than fifty grams of 1140
hashish in a liquid concentrate, liquid extract, or liquid 1141
distillate form, trafficking in hashish is a felony of the third 1142
degree, and division (C) of section 2929.13 of the Revised Code 1143
applies in determining whether to impose a prison term on the 1144
offender. If the amount of the drug involved is within that 1145
range and if the offense was committed in the vicinity of a 1146
school or in the vicinity of a juvenile, trafficking in hashish 1147
is a felony of the second degree, and there is a presumption 1148
that a prison term shall be imposed for the offense. 1149

(e) Except as otherwise provided in this division, if the 1150

amount of the drug involved equals or exceeds two hundred fifty 1151
grams but is less than one thousand grams of hashish in a solid 1152
form or equals or exceeds fifty grams but is less than two 1153
hundred grams of hashish in a liquid concentrate, liquid 1154
extract, or liquid distillate form, trafficking in hashish is a 1155
felony of the third degree, and there is a presumption that a 1156
prison term shall be imposed for the offense. If the amount of 1157
the drug involved is within that range and if the offense was 1158
committed in the vicinity of a school or in the vicinity of a 1159
juvenile, trafficking in hashish is a felony of the second 1160
degree, and there is a presumption that a prison term shall be 1161
imposed for the offense. 1162

(f) Except as otherwise provided in this division, if the 1163
amount of the drug involved equals or exceeds one thousand grams 1164
but is less than two thousand grams of hashish in a solid form 1165
or equals or exceeds two hundred grams but is less than four 1166
hundred grams of hashish in a liquid concentrate, liquid 1167
extract, or liquid distillate form, trafficking in hashish is a 1168
felony of the second degree, and the court shall impose a 1169
mandatory prison term of five, six, seven, or eight years. If 1170
the amount of the drug involved is within that range and if the 1171
offense was committed in the vicinity of a school or in the 1172
vicinity of a juvenile, trafficking in hashish is a felony of 1173
the first degree, and the court shall impose as a mandatory 1174
prison term the maximum prison term prescribed for a felony of 1175
the first degree. 1176

(g) Except as otherwise provided in this division, if the 1177
amount of the drug involved equals or exceeds two thousand grams 1178
of hashish in a solid form or equals or exceeds four hundred 1179
grams of hashish in a liquid concentrate, liquid extract, or 1180
liquid distillate form, trafficking in hashish is a felony of 1181

the second degree, and the court shall impose as a mandatory 1182
prison term the maximum prison term prescribed for a felony of 1183
the second degree. If the amount of the drug involved equals or 1184
exceeds two thousand grams of hashish in a solid form or equals 1185
or exceeds four hundred grams of hashish in a liquid 1186
concentrate, liquid extract, or liquid distillate form and if 1187
the offense was committed in the vicinity of a school or in the 1188
vicinity of a juvenile, trafficking in hashish is a felony of 1189
the first degree, and the court shall impose as a mandatory 1190
prison term the maximum prison term prescribed for a felony of 1191
the first degree. 1192

(8) If the drug involved in the violation is a controlled 1193
substance analog or compound, mixture, preparation, or substance 1194
that contains a controlled substance analog, whoever violates 1195
division (A) of this section is guilty of trafficking in a 1196
controlled substance analog. The penalty for the offense shall 1197
be determined as follows: 1198

(a) Except as otherwise provided in division (C) (8) (b), 1199
(c), (d), (e), (f), or (g) of this section, trafficking in a 1200
controlled substance analog is a felony of the fifth degree, and 1201
division (C) of section 2929.13 of the Revised Code applies in 1202
determining whether to impose a prison term on the offender. 1203

(b) Except as otherwise provided in division (C) (8) (c), 1204
(d), (e), (f), or (g) of this section, if the offense was 1205
committed in the vicinity of a school or in the vicinity of a 1206
juvenile, trafficking in a controlled substance analog is a 1207
felony of the fourth degree, and division (C) of section 2929.13 1208
of the Revised Code applies in determining whether to impose a 1209
prison term on the offender. 1210

(c) Except as otherwise provided in this division, if the 1211

amount of the drug involved equals or exceeds ten grams but is 1212
less than twenty grams, trafficking in a controlled substance 1213
analog is a felony of the fourth degree, and division (B) of 1214
section 2929.13 of the Revised Code applies in determining 1215
whether to impose a prison term for the offense. If the amount 1216
of the drug involved is within that range and if the offense was 1217
committed in the vicinity of a school or in the vicinity of a 1218
juvenile, trafficking in a controlled substance analog is a 1219
felony of the third degree, and there is a presumption for a 1220
prison term for the offense. 1221

(d) Except as otherwise provided in this division, if the 1222
amount of the drug involved equals or exceeds twenty grams but 1223
is less than thirty grams, trafficking in a controlled substance 1224
analog is a felony of the third degree, and there is a 1225
presumption for a prison term for the offense. If the amount of 1226
the drug involved is within that range and if the offense was 1227
committed in the vicinity of a school or in the vicinity of a 1228
juvenile, trafficking in a controlled substance analog is a 1229
felony of the second degree, and there is a presumption for a 1230
prison term for the offense. 1231

(e) Except as otherwise provided in this division, if the 1232
amount of the drug involved equals or exceeds thirty grams but 1233
is less than forty grams, trafficking in a controlled substance 1234
analog is a felony of the second degree, and the court shall 1235
impose as a mandatory prison term one of the prison terms 1236
prescribed for a felony of the second degree. If the amount of 1237
the drug involved is within that range and if the offense was 1238
committed in the vicinity of a school or in the vicinity of a 1239
juvenile, trafficking in a controlled substance analog is a 1240
felony of the first degree, and the court shall impose as a 1241
mandatory prison term one of the prison terms prescribed for a 1242

felony of the first degree. 1243

(f) If the amount of the drug involved equals or exceeds 1244
forty grams but is less than fifty grams and regardless of 1245
whether the offense was committed in the vicinity of a school or 1246
in the vicinity of a juvenile, trafficking in a controlled 1247
substance analog is a felony of the first degree, and the court 1248
shall impose as a mandatory prison term one of the prison terms 1249
prescribed for a felony of the first degree. 1250

(g) If the amount of the drug involved equals or exceeds 1251
fifty grams and regardless of whether the offense was committed 1252
in the vicinity of a school or in the vicinity of a juvenile, 1253
trafficking in a controlled substance analog is a felony of the 1254
first degree, the offender is a major drug offender, and the 1255
court shall impose as a mandatory prison term the maximum prison 1256
term prescribed for a felony of the first degree. 1257

(9) If the drug involved in the violation is a fentanyl- 1258
related compound or a compound, mixture, preparation, or 1259
substance containing a fentanyl-related compound and division 1260
(C) (10) (a) of this section does not apply to the drug involved, 1261
whoever violates division (A) of this section is guilty of 1262
trafficking in a fentanyl-related compound. The penalty for the 1263
offense shall be determined as follows: 1264

(a) Except as otherwise provided in division (C) (9) (b), 1265
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1266
a fentanyl-related compound is a felony of the fifth degree, and 1267
division (B) of section 2929.13 of the Revised Code applies in 1268
determining whether to impose a prison term on the offender. 1269

(b) Except as otherwise provided in division (C) (9) (c), 1270
(d), (e), (f), (g), or (h) of this section, if the offense was 1271

committed in the vicinity of a school or in the vicinity of a 1272
juvenile, trafficking in a fentanyl-related compound is a felony 1273
of the fourth degree, and division (C) of section 2929.13 of the 1274
Revised Code applies in determining whether to impose a prison 1275
term on the offender. 1276

(c) Except as otherwise provided in this division, if the 1277
amount of the drug involved equals or exceeds ten unit doses but 1278
is less than fifty unit doses or equals or exceeds one gram but 1279
is less than five grams, trafficking in a fentanyl-related 1280
compound is a felony of the fourth degree, and division (B) of 1281
section 2929.13 of the Revised Code applies in determining 1282
whether to impose a prison term for the offense. If the amount 1283
of the drug involved is within that range and if the offense was 1284
committed in the vicinity of a school or in the vicinity of a 1285
juvenile, trafficking in a fentanyl-related compound is a felony 1286
of the third degree, and there is a presumption for a prison 1287
term for the offense. 1288

(d) Except as otherwise provided in this division, if the 1289
amount of the drug involved equals or exceeds fifty unit doses 1290
but is less than one hundred unit doses or equals or exceeds 1291
five grams but is less than ten grams, trafficking in a 1292
fentanyl-related compound is a felony of the third degree, and 1293
there is a presumption for a prison term for the offense. If the 1294
amount of the drug involved is within that range and if the 1295
offense was committed in the vicinity of a school or in the 1296
vicinity of a juvenile, trafficking in a fentanyl-related 1297
compound is a felony of the second degree, and there is a 1298
presumption for a prison term for the offense. 1299

(e) Except as otherwise provided in this division, if the 1300
amount of the drug involved equals or exceeds one hundred unit 1301

doses but is less than two hundred unit doses or equals or 1302
exceeds ten grams but is less than twenty grams, trafficking in 1303
a fentanyl-related compound is a felony of the second degree, 1304
and the court shall impose as a mandatory prison term one of the 1305
prison terms prescribed for a felony of the second degree. If 1306
the amount of the drug involved is within that range and if the 1307
offense was committed in the vicinity of a school or in the 1308
vicinity of a juvenile, trafficking in a fentanyl-related 1309
compound is a felony of the first degree, and the court shall 1310
impose as a mandatory prison term one of the prison terms 1311
prescribed for a felony of the first degree. 1312

(f) If the amount of the drug involved equals or exceeds 1313
two hundred unit doses but is less than five hundred unit doses 1314
or equals or exceeds twenty grams but is less than fifty grams 1315
and regardless of whether the offense was committed in the 1316
vicinity of a school or in the vicinity of a juvenile, 1317
trafficking in a fentanyl-related compound is a felony of the 1318
first degree, and the court shall impose as a mandatory prison 1319
term one of the prison terms prescribed for a felony of the 1320
first degree. 1321

(g) If the amount of the drug involved equals or exceeds 1322
five hundred unit doses but is less than one thousand unit doses 1323
or equals or exceeds fifty grams but is less than one hundred 1324
grams and regardless of whether the offense was committed in the 1325
vicinity of a school or in the vicinity of a juvenile, 1326
trafficking in a fentanyl-related compound is a felony of the 1327
first degree, and the court shall impose as a mandatory prison 1328
term the maximum prison term prescribed for a felony of the 1329
first degree. 1330

(h) If the amount of the drug involved equals or exceeds 1331

one thousand unit doses or equals or exceeds one hundred grams 1332
and regardless of whether the offense was committed in the 1333
vicinity of a school or in the vicinity of a juvenile, 1334
trafficking in a fentanyl-related compound is a felony of the 1335
first degree, the offender is a major drug offender, and the 1336
court shall impose as a mandatory prison term the maximum prison 1337
term prescribed for a felony of the first degree. 1338

(10) If the drug involved in the violation is a compound, 1339
mixture, preparation, or substance that is a combination of a 1340
fentanyl-related compound and marihuana, one of the following 1341
applies: 1342

(a) Except as otherwise provided in division (C) (10) (b) of 1343
this section, the offender is guilty of trafficking in marihuana 1344
and shall be punished under division (C) (3) of this section. The 1345
offender is not guilty of trafficking in a fentanyl-related 1346
compound and shall not be charged with, convicted of, or 1347
punished under division (C) (9) of this section for trafficking 1348
in a fentanyl-related compound. 1349

(b) If the offender knows or has reason to know that the 1350
compound, mixture, preparation, or substance that is the drug 1351
involved contains a fentanyl-related compound, the offender is 1352
guilty of trafficking in a fentanyl-related compound and shall 1353
be punished under division (C) (9) of this section. 1354

(D) In addition to any prison term authorized or required 1355
by division (C) of this section and sections 2929.13 and 2929.14 1356
of the Revised Code, and in addition to any other sanction 1357
imposed for the offense under this section or sections 2929.11 1358
to 2929.18 of the Revised Code, the court that sentences an 1359
offender who is convicted of or pleads guilty to a violation of 1360
division (A) of this section may suspend the driver's or 1361

commercial driver's license or permit of the offender in 1362
accordance with division (G) of this section. However, if the 1363
offender pleaded guilty to or was convicted of a violation of 1364
section 4511.19 of the Revised Code or a substantially similar 1365
municipal ordinance or the law of another state or the United 1366
States arising out of the same set of circumstances as the 1367
violation, the court shall suspend the offender's driver's or 1368
commercial driver's license or permit in accordance with 1369
division (G) of this section. If applicable, the court also 1370
shall do the following: 1371

(1) If the violation of division (A) of this section is a 1372
felony of the first, second, or third degree, the court shall 1373
impose upon the offender the mandatory fine specified for the 1374
offense under division (B) (1) of section 2929.18 of the Revised 1375
Code unless, as specified in that division, the court determines 1376
that the offender is indigent. Except as otherwise provided in 1377
division (H) (1) of this section, a mandatory fine or any other 1378
fine imposed for a violation of this section is subject to 1379
division (F) of this section. If a person is charged with a 1380
violation of this section that is a felony of the first, second, 1381
or third degree, posts bail, and forfeits the bail, the clerk of 1382
the court shall pay the forfeited bail pursuant to divisions (D) 1383
(1) and (F) of this section, as if the forfeited bail was a fine 1384
imposed for a violation of this section. If any amount of the 1385
forfeited bail remains after that payment and if a fine is 1386
imposed under division (H) (1) of this section, the clerk of the 1387
court shall pay the remaining amount of the forfeited bail 1388
pursuant to divisions (H) (2) and (3) of this section, as if that 1389
remaining amount was a fine imposed under division (H) (1) of 1390
this section. 1391

(2) If the offender is a professionally licensed person, 1392

the court immediately shall comply with section 2925.38 of the 1393
Revised Code. 1394

(E) When a person is charged with the sale of or offer to 1395
sell a bulk amount or a multiple of a bulk amount of a 1396
controlled substance, the jury, or the court trying the accused, 1397
shall determine the amount of the controlled substance involved 1398
at the time of the offense and, if a guilty verdict is returned, 1399
shall return the findings as part of the verdict. In any such 1400
case, it is unnecessary to find and return the exact amount of 1401
the controlled substance involved, and it is sufficient if the 1402
finding and return is to the effect that the amount of the 1403
controlled substance involved is the requisite amount, or that 1404
the amount of the controlled substance involved is less than the 1405
requisite amount. 1406

(F) (1) Notwithstanding any contrary provision of section 1407
3719.21 of the Revised Code and except as provided in division 1408
(H) of this section, the clerk of the court shall pay any 1409
mandatory fine imposed pursuant to division (D) (1) of this 1410
section and any fine other than a mandatory fine that is imposed 1411
for a violation of this section pursuant to division (A) or (B) 1412
(5) of section 2929.18 of the Revised Code to the county, 1413
township, municipal corporation, park district, as created 1414
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1415
state law enforcement agencies in this state that primarily were 1416
responsible for or involved in making the arrest of, and in 1417
prosecuting, the offender. However, the clerk shall not pay a 1418
mandatory fine so imposed to a law enforcement agency unless the 1419
agency has adopted a written internal control policy under 1420
division (F) (2) of this section that addresses the use of the 1421
fine moneys that it receives. Each agency shall use the 1422
mandatory fines so paid to subsidize the agency's law 1423

enforcement efforts that pertain to drug offenses, in accordance 1424
with the written internal control policy adopted by the 1425
recipient agency under division (F) (2) of this section. 1426

(2) Prior to receiving any fine moneys under division (F) 1427
(1) of this section or division (B) of section 2925.42 of the 1428
Revised Code, a law enforcement agency shall adopt a written 1429
internal control policy that addresses the agency's use and 1430
disposition of all fine moneys so received and that provides for 1431
the keeping of detailed financial records of the receipts of 1432
those fine moneys, the general types of expenditures made out of 1433
those fine moneys, and the specific amount of each general type 1434
of expenditure. The policy shall not provide for or permit the 1435
identification of any specific expenditure that is made in an 1436
ongoing investigation. All financial records of the receipts of 1437
those fine moneys, the general types of expenditures made out of 1438
those fine moneys, and the specific amount of each general type 1439
of expenditure by an agency are public records open for 1440
inspection under section 149.43 of the Revised Code. 1441
Additionally, a written internal control policy adopted under 1442
this division is such a public record, and the agency that 1443
adopted it shall comply with it. 1444

(3) As used in division (F) of this section: 1445

(a) "Law enforcement agencies" includes, but is not 1446
limited to, the state board of pharmacy and the office of a 1447
prosecutor. 1448

(b) "Prosecutor" has the same meaning as in section 1449
2935.01 of the Revised Code. 1450

(G) (1) If the sentencing court suspends the offender's 1451
driver's or commercial driver's license or permit under division 1452

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

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

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

(H)(1) In addition to any prison term authorized or
required by division (C) of this section and sections 2929.13
and 2929.14 of the Revised Code, in addition to any other
penalty or sanction imposed for the offense under this section

or sections 2929.11 to 2929.18 of the Revised Code, and in 1483
addition to the forfeiture of property in connection with the 1484
offense as prescribed in Chapter 2981. of the Revised Code, the 1485
court that sentences an offender who is convicted of or pleads 1486
guilty to a violation of division (A) of this section may impose 1487
upon the offender an additional fine specified for the offense 1488
in division (B) (4) of section 2929.18 of the Revised Code. A 1489
fine imposed under division (H) (1) of this section is not 1490
subject to division (F) of this section and shall be used solely 1491
for the support of one or more eligible community addiction 1492
services providers in accordance with divisions (H) (2) and (3) 1493
of this section. 1494

(2) The court that imposes a fine under division (H) (1) of 1495
this section shall specify in the judgment that imposes the fine 1496
one or more eligible community addiction services providers for 1497
the support of which the fine money is to be used. No community 1498
addiction services provider shall receive or use money paid or 1499
collected in satisfaction of a fine imposed under division (H) 1500
(1) of this section unless the services provider is specified in 1501
the judgment that imposes the fine. No community addiction 1502
services provider shall be specified in the judgment unless the 1503
services provider is an eligible community addiction services 1504
provider and, except as otherwise provided in division (H) (2) of 1505
this section, unless the services provider is located in the 1506
county in which the court that imposes the fine is located or in 1507
a county that is immediately contiguous to the county in which 1508
that court is located. If no eligible community addiction 1509
services provider is located in any of those counties, the 1510
judgment may specify an eligible community addiction services 1511
provider that is located anywhere within this state. 1512

(3) Notwithstanding any contrary provision of section 1513

3719.21 of the Revised Code, the clerk of the court shall pay 1514
any fine imposed under division (H) (1) of this section to the 1515
eligible community addiction services provider specified 1516
pursuant to division (H) (2) of this section in the judgment. The 1517
eligible community addiction services provider that receives the 1518
fine moneys shall use the moneys only for the alcohol and drug 1519
addiction services identified in the application for 1520
certification of services under section 5119.36 of the Revised 1521
Code or in the application for a license under section 5119.391 1522
of the Revised Code filed with the department of mental health 1523
and addiction services by the community addiction services 1524
provider specified in the judgment. 1525

(4) Each community addiction services provider that 1526
receives in a calendar year any fine moneys under division (H) 1527
(3) of this section shall file an annual report covering that 1528
calendar year with the court of common pleas and the board of 1529
county commissioners of the county in which the services 1530
provider is located, with the court of common pleas and the 1531
board of county commissioners of each county from which the 1532
services provider received the moneys if that county is 1533
different from the county in which the services provider is 1534
located, and with the attorney general. The community addiction 1535
services provider shall file the report no later than the first 1536
day of March in the calendar year following the calendar year in 1537
which the services provider received the fine moneys. The report 1538
shall include statistics on the number of persons served by the 1539
community addiction services provider, identify the types of 1540
alcohol and drug addiction services provided to those persons, 1541
and include a specific accounting of the purposes for which the 1542
fine moneys received were used. No information contained in the 1543
report shall identify, or enable a person to determine the 1544

identity of, any person served by the community addiction 1545
services provider. Each report received by a court of common 1546
pleas, a board of county commissioners, or the attorney general 1547
is a public record open for inspection under section 149.43 of 1548
the Revised Code. 1549

(5) As used in divisions (H) (1) to (5) of this section: 1550

(a) "Community addiction services provider" and "alcohol 1551
and drug addiction services" have the same meanings as in 1552
section 5119.01 of the Revised Code. 1553

(b) "Eligible community addiction services provider" means 1554
a community addiction services provider, as defined in section 1555
5119.01 of the Revised Code, or a community addiction services 1556
provider that maintains a methadone treatment program licensed 1557
under section 5119.391 of the Revised Code. 1558

(I) As used in this section, "drug" includes any substance 1559
that is represented to be a drug. 1560

(J) It is an affirmative defense to a charge of 1561
trafficking in a controlled substance analog under division (C) 1562
(8) of this section that the person charged with violating that 1563
offense sold or offered to sell, or prepared for shipment, 1564
shipped, transported, delivered, prepared for distribution, or 1565
distributed an item described in division (HH) (2) (a), (b), or 1566
(c) of section 3719.01 of the Revised Code. 1567

Sec. 2925.04. (A) No person shall knowingly cultivate 1568
marihuana or knowingly manufacture or otherwise engage in any 1569
part of the production of a controlled substance. 1570

(B) This section does not apply to any person listed in 1571
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1572
Code to the extent and under the circumstances described in 1573

those divisions. 1574

(C) (1) Whoever commits a violation of division (A) of this 1575
section that involves any drug other than marihuana is guilty of 1576
illegal manufacture of drugs, and whoever commits a violation of 1577
division (A) of this section that involves marihuana is guilty 1578
of illegal cultivation of marihuana. 1579

(2) Except as otherwise provided in this division, if the 1580
drug involved in the violation of division (A) of this section 1581
is any compound, mixture, preparation, or substance included in 1582
schedule I or II, with the exception of methamphetamine or 1583
marihuana, illegal manufacture of drugs is a felony of the 1584
second degree, and, subject to division (E) of this section, the 1585
court shall impose as a mandatory prison term one of the prison 1586
terms prescribed for a felony of the second degree. 1587

If the drug involved in the violation is any compound, 1588
mixture, preparation, or substance included in schedule I or II, 1589
with the exception of methamphetamine or marihuana, and if the 1590
offense was committed in the vicinity of a juvenile or in the 1591
vicinity of a school, illegal manufacture of drugs is a felony 1592
of the first degree, and, subject to division (E) of this 1593
section, the court shall impose as a mandatory prison term one 1594
of the prison terms prescribed for a felony of the first degree. 1595

(3) If the drug involved in the violation of division (A) 1596
of this section is methamphetamine, the penalty for the 1597
violation shall be determined as follows: 1598

(a) Except as otherwise provided in division (C) (3) (b) of 1599
this section, if the drug involved in the violation is 1600
methamphetamine, illegal manufacture of drugs is a felony of the 1601
second degree, and, subject to division (E) of this section, the 1602

court shall impose a mandatory prison term on the offender 1603
determined in accordance with this division. Except as otherwise 1604
provided in this division, the court shall impose as a mandatory 1605
prison term one of the prison terms prescribed for a felony of 1606
the second degree that is not less than three years. If the 1607
offender previously has been convicted of or pleaded guilty to a 1608
violation of division (A) of this section, a violation of 1609
division (B) (6) of section 2919.22 of the Revised Code, or a 1610
violation of division (A) of section 2925.041 of the Revised 1611
Code, the court shall impose as a mandatory prison term one of 1612
the prison terms prescribed for a felony of the second degree 1613
that is not less than five years. 1614

(b) If the drug involved in the violation is 1615
methamphetamine and if the offense was committed in the vicinity 1616
of a juvenile, in the vicinity of a school, or on public 1617
premises, illegal manufacture of drugs is a felony of the first 1618
degree, and, subject to division (E) of this section, the court 1619
shall impose a mandatory prison term on the offender determined 1620
in accordance with this division. Except as otherwise provided 1621
in this division, the court shall impose as a mandatory prison 1622
term one of the prison terms prescribed for a felony of the 1623
first degree that is not less than four years. If the offender 1624
previously has been convicted of or pleaded guilty to a 1625
violation of division (A) of this section, a violation of 1626
division (B) (6) of section 2919.22 of the Revised Code, or a 1627
violation of division (A) of section 2925.041 of the Revised 1628
Code, the court shall impose as a mandatory prison term one of 1629
the prison terms prescribed for a felony of the first degree 1630
that is not less than five years. 1631

(4) If the drug involved in the violation of division (A) 1632
of this section is any compound, mixture, preparation, or 1633

substance included in schedule III, IV, or V, illegal 1634
manufacture of drugs is a felony of the third degree or, if the 1635
offense was committed in the vicinity of a school or in the 1636
vicinity of a juvenile, a felony of the second degree, and there 1637
is a presumption for a prison term for the offense. 1638

(5) If the drug involved in the violation is marihuana, 1639
the penalty for the offense shall be determined as follows: 1640

(a) Except as otherwise provided in division (C) (5) (b), 1641
(c), (d), (e), or (f) of this section, illegal cultivation of 1642
marihuana is a minor misdemeanor or, if the offense was 1643
committed in the vicinity of a school or in the vicinity of a 1644
juvenile, a misdemeanor of the fourth degree. 1645

(b) If the amount of marihuana involved equals or exceeds 1646
one hundred grams but is less than two hundred grams, illegal 1647
cultivation of marihuana is a misdemeanor of the fourth degree 1648
or, if the offense was committed in the vicinity of a school or 1649
in the vicinity of a juvenile, a misdemeanor of the third 1650
degree. 1651

(c) If the amount of marihuana involved equals or exceeds 1652
two hundred grams but is less than one thousand grams, illegal 1653
cultivation of marihuana is a felony of the fifth degree or, if 1654
the offense was committed in the vicinity of a school or in the 1655
vicinity of a juvenile, a felony of the fourth degree, and 1656
division (B) of section 2929.13 of the Revised Code applies in 1657
determining whether to impose a prison term on the offender. 1658

(d) If the amount of marihuana involved equals or exceeds 1659
one thousand grams but is less than five thousand grams, illegal 1660
cultivation of marihuana is a felony of the third degree or, if 1661
the offense was committed in the vicinity of a school or in the 1662

vicinity of a juvenile, a felony of the second degree, and 1663
division (C) of section 2929.13 of the Revised Code applies in 1664
determining whether to impose a prison term on the offender. 1665

(e) If the amount of marihuana involved equals or exceeds 1666
five thousand grams but is less than twenty thousand grams, 1667
illegal cultivation of marihuana is a felony of the third degree 1668
or, if the offense was committed in the vicinity of a school or 1669
in the vicinity of a juvenile, a felony of the second degree, 1670
and there is a presumption for a prison term for the offense. 1671

(f) Except as otherwise provided in this division, if the 1672
amount of marihuana involved equals or exceeds twenty thousand 1673
grams, illegal cultivation of marihuana is a felony of the 1674
second degree, and the court shall impose as a mandatory prison 1675
term the maximum prison term prescribed for a felony of the 1676
second degree. If the amount of the drug involved equals or 1677
exceeds twenty thousand grams and if the offense was committed 1678
in the vicinity of a school or in the vicinity of a juvenile, 1679
illegal cultivation of marihuana is a felony of the first 1680
degree, and the court shall impose as a mandatory prison term 1681
the maximum prison term prescribed for a felony of the first 1682
degree. 1683

(D) In addition to any prison term authorized or required 1684
by division (C) or (E) of this section and sections 2929.13 and 1685
2929.14 of the Revised Code and in addition to any other 1686
sanction imposed for the offense under this section or sections 1687
2929.11 to 2929.18 of the Revised Code, the court that sentences 1688
an offender who is convicted of or pleads guilty to a violation 1689
of division (A) of this section may suspend the offender's 1690
driver's or commercial driver's license or permit in accordance 1691
with division (G) of section 2925.03 of the Revised Code. 1692

However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. If applicable, the court also shall do the following:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

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

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the

violation of division (A) of this section involves the sale, 1723
offer to sell, or possession of a schedule I or II controlled 1724
substance, with the exception of marihuana, and if the court 1725
imposing sentence upon the offender finds that the offender as a 1726
result of the violation is a major drug offender and is guilty 1727
of a specification of the type described in division (A) of 1728
section 2941.1410 of the Revised Code, the court, in lieu of the 1729
prison term otherwise authorized or required, shall impose upon 1730
the offender the mandatory prison term specified in division (B) 1731
(3) of section 2929.14 of the Revised Code. 1732

(F) It is an affirmative defense, as provided in section 1733
2901.05 of the Revised Code, to a charge under this section for 1734
a fifth degree felony violation of illegal cultivation of 1735
marihuana that the marihuana that gave rise to the charge is in 1736
an amount, is in a form, is prepared, compounded, or mixed with 1737
substances that are not controlled substances in a manner, or is 1738
possessed or cultivated under any other circumstances that 1739
indicate that the marihuana was solely for personal use. 1740

Notwithstanding any contrary provision of division (F) of 1741
this section, if, in accordance with section 2901.05 of the 1742
Revised Code, a person who is charged with a violation of 1743
illegal cultivation of marihuana that is a felony of the fifth 1744
degree sustains the burden of going forward with evidence of and 1745
establishes by a preponderance of the evidence the affirmative 1746
defense described in this division, the person may be prosecuted 1747
for and may be convicted of or plead guilty to a misdemeanor 1748
violation of illegal cultivation of marihuana. 1749

(G) Arrest or conviction for a minor misdemeanor violation 1750
of this section does not constitute a criminal record and need 1751
not be reported by the person so arrested or convicted in 1752

response to any inquiries about the person's criminal record, 1753
including any inquiries contained in an application for 1754
employment, a license, or any other right or privilege or made 1755
in connection with the person's appearance as a witness. 1756

(H) (1) If the sentencing court suspends the offender's 1757
driver's or commercial driver's license or permit under this 1758
section in accordance with division (G) of section 2925.03 of 1759
the Revised Code, the offender may request termination of, and 1760
the court may terminate, the suspension of the offender in 1761
accordance with that division. 1762

(2) Any offender who received a mandatory suspension of 1763
the offender's driver's or commercial driver's license or permit 1764
under this section prior to ~~the effective date of this amendment~~ 1765
September 13, 2016, may file a motion with the sentencing court 1766
requesting the termination of the suspension. However, an 1767
offender who pleaded guilty to or was convicted of a violation 1768
of section 4511.19 of the Revised Code or a substantially 1769
similar municipal ordinance or law of another state or the 1770
United States that arose out of the same set of circumstances as 1771
the violation for which the offender's license or permit was 1772
suspended under this section shall not file such a motion. 1773

Upon the filing of a motion under division (H) (2) of this 1774
section, the sentencing court, in its discretion, may terminate 1775
the suspension. 1776

Sec. 2925.05. (A) No person shall knowingly provide money 1777
or other items of value to another person with the purpose that 1778
the recipient of the money or items of value use them to obtain 1779
any controlled substance for the purpose of violating section 1780
2925.04 of the Revised Code or for the purpose of selling or 1781
offering to sell the controlled substance in the following 1782

amount: 1783

(1) If the drug to be sold or offered for sale is any 1784
compound, mixture, preparation, or substance included in 1785
schedule I or II, with the exception of marihuana, cocaine, 1786
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1787
schedule III, IV, or V, an amount of the drug that equals or 1788
exceeds the bulk amount of the drug; 1789

(2) If the drug to be sold or offered for sale is 1790
marihuana or a compound, mixture, preparation, or substance 1791
other than hashish containing marihuana, an amount of the 1792
marihuana that equals or exceeds two hundred grams; 1793

(3) If the drug to be sold or offered for sale is cocaine 1794
or a compound, mixture, preparation, or substance containing 1795
cocaine, an amount of the cocaine that equals or exceeds five 1796
grams; 1797

(4) If the drug to be sold or offered for sale is L.S.D. 1798
or a compound, mixture, preparation, or substance containing 1799
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1800
doses if the L.S.D. is in a solid form or equals or exceeds one 1801
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1802
or liquid distillate form; 1803

(5) If the drug to be sold or offered for sale is heroin 1804
or a fentanyl-related compound, or a compound, mixture, 1805
preparation, or substance containing heroin or a fentanyl- 1806
related compound, an amount ~~of the heroin~~ that equals or exceeds 1807
ten unit doses or equals or exceeds one gram; 1808

(6) If the drug to be sold or offered for sale is hashish 1809
or a compound, mixture, preparation, or substance containing 1810
hashish, an amount of the hashish that equals or exceeds ten 1811

grams if the hashish is in a solid form or equals or exceeds two 1812
grams if the hashish is in a liquid concentrate, liquid extract, 1813
or liquid distillate form. 1814

(B) This section does not apply to any person listed in 1815
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1816
Code to the extent and under the circumstances described in 1817
those divisions. 1818

(C)(1) If the drug involved in the violation is any 1819
compound, mixture, preparation, or substance included in 1820
schedule I or II, with the exception of marihuana, whoever 1821
violates division (A) of this section is guilty of aggravated 1822
funding of drug trafficking, a felony of the first degree, and, 1823
subject to division (E) of this section, the court shall impose 1824
as a mandatory prison term one of the prison terms prescribed 1825
for a felony of the first degree. 1826

(2) If the drug involved in the violation is any compound, 1827
mixture, preparation, or substance included in schedule III, IV, 1828
or V, whoever violates division (A) of this section is guilty of 1829
funding of drug trafficking, a felony of the second degree, and 1830
the court shall impose as a mandatory prison term one of the 1831
prison terms prescribed for a felony of the second degree. 1832

(3) If the drug involved in the violation is marihuana, 1833
whoever violates division (A) of this section is guilty of 1834
funding of marihuana trafficking, a felony of the third degree, 1835
and, except as otherwise provided in this division, there is a 1836
presumption for a prison term for the offense. If funding of 1837
marihuana trafficking is a felony of the third degree under this 1838
division and if the offender two or more times previously has 1839
been convicted of or pleaded guilty to a felony drug abuse 1840
offense, the court shall impose as a mandatory prison term one 1841

of the prison terms prescribed for a felony of the third degree. 1842

(D) In addition to any prison term authorized or required 1843
by division (C) or (E) of this section and sections 2929.13 and 1844
2929.14 of the Revised Code and in addition to any other 1845
sanction imposed for the offense under this section or sections 1846
2929.11 to 2929.18 of the Revised Code, the court that sentences 1847
an offender who is convicted of or pleads guilty to a violation 1848
of division (A) of this section may suspend the offender's 1849
driver's or commercial driver's license or permit in accordance 1850
with division (G) of section 2925.03 of the Revised Code. 1851
However, if the offender pleaded guilty to or was convicted of a 1852
violation of section 4511.19 of the Revised Code or a 1853
substantially similar municipal ordinance or the law of another 1854
state or the United States arising out of the same set of 1855
circumstances as the violation, the court shall suspend the 1856
offender's driver's or commercial driver's license or permit in 1857
accordance with division (G) of section 2925.03 of the Revised 1858
Code. If applicable, the court also shall do the following: 1859

(1) The court shall impose the mandatory fine specified 1860
for the offense under division (B)(1) of section 2929.18 of the 1861
Revised Code unless, as specified in that division, the court 1862
determines that the offender is indigent. The clerk of the court 1863
shall pay a mandatory fine or other fine imposed for a violation 1864
of this section pursuant to division (A) of section 2929.18 of 1865
the Revised Code in accordance with and subject to the 1866
requirements of division (F) of section 2925.03 of the Revised 1867
Code. The agency that receives the fine shall use the fine in 1868
accordance with division (F) of section 2925.03 of the Revised 1869
Code. If a person is charged with a violation of this section, 1870
posts bail, and forfeits the bail, the forfeited bail shall be 1871
paid as if the forfeited bail were a fine imposed for a 1872

violation of this section. 1873

(2) If the offender is a professionally licensed person, 1874
the court immediately shall comply with section 2925.38 of the 1875
Revised Code. 1876

(E) Notwithstanding the prison term otherwise authorized 1877
or required for the offense under division (C) of this section 1878
and sections 2929.13 and 2929.14 of the Revised Code, if the 1879
violation of division (A) of this section involves the sale, 1880
offer to sell, or possession of a schedule I or II controlled 1881
substance, with the exception of marihuana, ~~and if one of the~~ 1882
following applies: 1883

(1) If the drug involved in the violation is a fentanyl- 1884
related compound, the offense is a felony of the first degree, 1885
the offender is a major drug offender, and the court shall 1886
impose as a mandatory prison term the maximum prison term 1887
prescribed for a felony of the first degree. 1888

(2) If division (E)(1) of this section does not apply and 1889
the court imposing sentence upon the offender finds that the 1890
offender as a result of the violation is a major drug offender 1891
and is guilty of a specification of the type described in 1892
division (A) of section 2941.1410 of the Revised Code, the 1893
court, in lieu of the prison term otherwise authorized or 1894
required, shall impose upon the offender the mandatory prison 1895
term specified in division (B)(3) of section 2929.14 of the 1896
Revised Code. 1897

(F)(1) If the sentencing court suspends the offender's 1898
driver's or commercial driver's license or permit under this 1899
section in accordance with division (G) of section 2925.03 of 1900
the Revised Code, the offender may request termination of, and 1901

the court may terminate, the suspension in accordance with that 1902
division. 1903

(2) Any offender who received a mandatory suspension of 1904
the offender's driver's or commercial driver's license or permit 1905
under this section prior to ~~the effective date of this amendment~~ 1906
September 13, 2016, may file a motion with the sentencing court 1907
requesting the termination of the suspension. However, an 1908
offender who pleaded guilty to or was convicted of a violation 1909
of section 4511.19 of the Revised Code or a substantially 1910
similar municipal ordinance or law of another state or the 1911
United States that arose out of the same set of circumstances as 1912
the violation for which the offender's license or permit was 1913
suspended under this section shall not file such a motion. 1914

Upon the filing of a motion under division (F)(2) of this 1915
section, the sentencing court, in its discretion, may terminate 1916
the suspension. 1917

Sec. 2925.11. (A) No person shall knowingly obtain, 1918
possess, or use a controlled substance or a controlled substance 1919
analog. 1920

(B)(1) This section does not apply to any of the 1921
following: 1922

(a) Manufacturers, licensed health professionals 1923
authorized to prescribe drugs, pharmacists, owners of 1924
pharmacies, and other persons whose conduct was in accordance 1925
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1926
4741. of the Revised Code; 1927

(b) If the offense involves an anabolic steroid, any 1928
person who is conducting or participating in a research project 1929
involving the use of an anabolic steroid if the project has been 1930

approved by the United States food and drug administration; 1931

(c) Any person who sells, offers for sale, prescribes, 1932
dispenses, or administers for livestock or other nonhuman 1933
species an anabolic steroid that is expressly intended for 1934
administration through implants to livestock or other nonhuman 1935
species and approved for that purpose under the "Federal Food, 1936
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1937
as amended, and is sold, offered for sale, prescribed, 1938
dispensed, or administered for that purpose in accordance with 1939
that act; 1940

(d) Any person who obtained the controlled substance 1941
pursuant to a lawful prescription issued by a licensed health 1942
professional authorized to prescribe drugs. 1943

(2) (a) As used in division (B) (2) of this section: 1944

(i) "Community addiction services provider" has the same 1945
meaning as in section 5119.01 of the Revised Code. 1946

(ii) "Community control sanction" and "drug treatment 1947
program" have the same meanings as in section 2929.01 of the 1948
Revised Code. 1949

(iii) "Health care facility" has the same meaning as in 1950
section 2919.16 of the Revised Code. 1951

(iv) "Minor drug possession offense" means a violation of 1952
this section that is a misdemeanor or a felony of the fifth 1953
degree. 1954

(v) "Post-release control sanction" has the same meaning 1955
as in section 2967.28 of the Revised Code. 1956

(vi) "Peace officer" has the same meaning as in section 1957
2935.01 of the Revised Code. 1958

(vii) "Public agency" has the same meaning as in section 1959
2930.01 of the Revised Code. 1960

(viii) "Qualified individual" means a person who is not on 1961
community control or post-release control and is a person acting 1962
in good faith who seeks or obtains medical assistance for 1963
another person who is experiencing a drug overdose, a person who 1964
experiences a drug overdose and who seeks medical assistance for 1965
that overdose, or a person who is the subject of another person 1966
seeking or obtaining medical assistance for that overdose as 1967
described in division (B) (2) (b) of this section. 1968

(ix) "Seek or obtain medical assistance" includes, but is 1969
not limited to making a 9-1-1 call, contacting in person or by 1970
telephone call an on-duty peace officer, or transporting or 1971
presenting a person to a health care facility. 1972

(b) Subject to division (B) (2) (f) of this section, a 1973
qualified individual shall not be arrested, charged, prosecuted, 1974
convicted, or penalized pursuant to this chapter for a minor 1975
drug possession offense if all of the following apply: 1976

(i) The evidence of the obtaining, possession, or use of 1977
the controlled substance or controlled substance analog that 1978
would be the basis of the offense was obtained as a result of 1979
the qualified individual seeking the medical assistance or 1980
experiencing an overdose and needing medical assistance. 1981

(ii) Subject to division (B) (2) (g) of this section, within 1982
thirty days after seeking or obtaining the medical assistance, 1983
the qualified individual seeks and obtains a screening and 1984
receives a referral for treatment from a community addiction 1985
services provider or a properly credentialed addiction treatment 1986
professional. 1987

(iii) Subject to division (B) (2) (g) 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 is found to be in violation of any
community control sanction and if the violation is a result of
either of the following, the court shall first consider ordering
the person's participation or continued participation in a drug
treatment program or mitigating the penalty specified in section
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is
applicable, after which the court has the discretion either to
order the person's participation or continued participation in a
drug treatment program or to impose the penalty with the
mitigating factor specified in any of those applicable sections:

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

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

(d) If a person is found to be in violation of any post-
release control sanction and if the violation is a result of
either of the following, the court or the parole board shall
first consider ordering the person's participation or continued
participation in a drug treatment program or mitigating the
penalty specified in section 2929.141 or 2967.28 of the Revised

Code, whichever is applicable, after which the court or the
parole board has the discretion either to order the person's
participation or continued participation in a drug treatment
program or to impose the penalty with the mitigating factor
specified in either of those applicable sections:

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

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

(e) 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
than a minor drug possession offense committed by a person who
qualifies for protection pursuant to division (B) (2) (b) of this
section for a minor drug possession offense;

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

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

(iv) Limit, modify, or remove any immunity from liability
available pursuant to law in effect prior to ~~the effective date~~
~~of this amendment~~ September 13, 2016, to any public agency or to

an employee of any public agency. 2047

(f) Division (B) (2) (b) of this section does not apply to 2048
any person who twice previously has been granted an immunity 2049
under division (B) (2) (b) of this section. No person shall be 2050
granted an immunity under division (B) (2) (b) of this section 2051
more than two times. 2052

(g) Nothing in this section shall compel any qualified 2053
individual to disclose protected health information in a way 2054
that conflicts with the requirements of the "Health Insurance 2055
Portability and Accountability Act of 1996," 104 Pub. L. No. 2056
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2057
regulations promulgated by the United States department of 2058
health and human services to implement the act or the 2059
requirements of 42 C.F.R. Part 2. 2060

(C) Whoever violates division (A) of this section is 2061
guilty of one of the following: 2062

(1) If the drug involved in the violation is a compound, 2063
mixture, preparation, or substance included in schedule I or II, 2064
with the exception of marihuana, cocaine, L.S.D., heroin, any 2065
fentanyl-related compound, hashish, and any controlled substance 2066
~~analog~~ analog, whoever violates division (A) of this section is 2067
guilty of aggravated possession of drugs. The penalty for the 2068
offense shall be determined as follows: 2069

(a) Except as otherwise provided in division (C) (1) (b), 2070
(c), (d), or (e) of this section, aggravated possession of drugs 2071
is a felony of the fifth degree, and division (B) of section 2072
2929.13 of the Revised Code applies in determining whether to 2073
impose a prison term on the offender. 2074

(b) If the amount of the drug involved equals or exceeds 2075

the bulk amount but is less than five times the bulk amount, 2076
aggravated possession of drugs is a felony of the third degree, 2077
and there is a presumption for a prison term for the offense. 2078

(c) If the amount of the drug involved equals or exceeds 2079
five times the bulk amount but is less than fifty times the bulk 2080
amount, aggravated possession of drugs is a felony of the second 2081
degree, and the court shall impose as a mandatory prison term 2082
one of the prison terms prescribed for a felony of the second 2083
degree. 2084

(d) If the amount of the drug involved equals or exceeds 2085
fifty times the bulk amount but is less than one hundred times 2086
the bulk amount, aggravated possession of drugs is a felony of 2087
the first degree, and the court shall impose as a mandatory 2088
prison term one of the prison terms prescribed for a felony of 2089
the first degree. 2090

(e) If the amount of the drug involved equals or exceeds 2091
one hundred times the bulk amount, aggravated possession of 2092
drugs is a felony of the first degree, the offender is a major 2093
drug offender, and the court shall impose as a mandatory prison 2094
term the maximum prison term prescribed for a felony of the 2095
first degree. 2096

(2) If the drug involved in the violation is a compound, 2097
mixture, preparation, or substance included in schedule III, IV, 2098
or V, whoever violates division (A) of this section is guilty of 2099
possession of drugs. The penalty for the offense shall be 2100
determined as follows: 2101

(a) Except as otherwise provided in division (C) (2) (b), 2102
(c), or (d) of this section, possession of drugs is a 2103
misdemeanor of the first degree or, if the offender previously 2104

has been convicted of a drug abuse offense, a felony of the 2105
fifth degree. 2106

(b) If the amount of the drug involved equals or exceeds 2107
the bulk amount but is less than five times the bulk amount, 2108
possession of drugs is a felony of the fourth degree, and 2109
division (C) of section 2929.13 of the Revised Code applies in 2110
determining whether to impose a prison term on the offender. 2111

(c) If the amount of the drug involved equals or exceeds 2112
five times the bulk amount but is less than fifty times the bulk 2113
amount, possession of drugs is a felony of the third degree, and 2114
there is a presumption for a prison term for the offense. 2115

(d) If the amount of the drug involved equals or exceeds 2116
fifty times the bulk amount, possession of drugs is a felony of 2117
the second degree, and the court shall impose upon the offender 2118
as a mandatory prison term one of the prison terms prescribed 2119
for a felony of the second degree. 2120

(3) If the drug involved in the violation is marihuana or 2121
a compound, mixture, preparation, or substance containing 2122
marihuana other than hashish, whoever violates division (A) of 2123
this section is guilty of possession of marihuana. The penalty 2124
for the offense shall be determined as follows: 2125

(a) Except as otherwise provided in division (C) (3) (b), 2126
(c), (d), (e), (f), or (g) of this section, possession of 2127
marihuana is a minor misdemeanor. 2128

(b) If the amount of the drug involved equals or exceeds 2129
one hundred grams but is less than two hundred grams, possession 2130
of marihuana is a misdemeanor of the fourth degree. 2131

(c) If the amount of the drug involved equals or exceeds 2132
two hundred grams but is less than one thousand grams, 2133

possession of marihuana is a felony of the fifth degree, and 2134
division (B) of section 2929.13 of the Revised Code applies in 2135
determining whether to impose a prison term on the offender. 2136

(d) If the amount of the drug involved equals or exceeds 2137
one thousand grams but is less than five thousand grams, 2138
possession of marihuana is a felony of the third degree, and 2139
division (C) of section 2929.13 of the Revised Code applies in 2140
determining whether to impose a prison term on the offender. 2141

(e) If the amount of the drug involved equals or exceeds 2142
five thousand grams but is less than twenty thousand grams, 2143
possession of marihuana is a felony of the third degree, and 2144
there is a presumption that a prison term shall be imposed for 2145
the offense. 2146

(f) If the amount of the drug involved equals or exceeds 2147
twenty thousand grams but is less than forty thousand grams, 2148
possession of marihuana is a felony of the second degree, and 2149
the court shall impose a mandatory prison term of five, six, 2150
seven, or eight years. 2151

(g) If the amount of the drug involved equals or exceeds 2152
forty thousand grams, possession of marihuana is a felony of the 2153
second degree, and the court shall impose as a mandatory prison 2154
term the maximum prison term prescribed for a felony of the 2155
second degree. 2156

(4) If the drug involved in the violation is cocaine or a 2157
compound, mixture, preparation, or substance containing cocaine, 2158
whoever violates division (A) of this section is guilty of 2159
possession of cocaine. The penalty for the offense shall be 2160
determined as follows: 2161

(a) Except as otherwise provided in division (C) (4) (b), 2162

(c), (d), (e), or (f) of this section, possession of cocaine is 2163
a felony of the fifth degree, and division (B) of section 2164
2929.13 of the Revised Code applies in determining whether to 2165
impose a prison term on the offender. 2166

(b) If the amount of the drug involved equals or exceeds 2167
five grams but is less than ten grams of cocaine, possession of 2168
cocaine is a felony of the fourth degree, and division (B) of 2169
section 2929.13 of the Revised Code applies in determining 2170
whether to impose a prison term on the offender. 2171

(c) If the amount of the drug involved equals or exceeds 2172
ten grams but is less than twenty grams of cocaine, possession 2173
of cocaine is a felony of the third degree, and, except as 2174
otherwise provided in this division, there is a presumption for 2175
a prison term for the offense. If possession of cocaine is a 2176
felony of the third degree under this division and if the 2177
offender two or more times previously has been convicted of or 2178
pleaded guilty to a felony drug abuse offense, the court shall 2179
impose as a mandatory prison term one of the prison terms 2180
prescribed for a felony of the third degree. 2181

(d) If the amount of the drug involved equals or exceeds 2182
twenty grams but is less than twenty-seven grams of cocaine, 2183
possession of cocaine is a felony of the second degree, and the 2184
court shall impose as a mandatory prison term one of the prison 2185
terms prescribed for a felony of the second degree. 2186

(e) If the amount of the drug involved equals or exceeds 2187
twenty-seven grams but is less than one hundred grams of 2188
cocaine, possession of cocaine is a felony of the first degree, 2189
and the court shall impose as a mandatory prison term one of the 2190
prison terms prescribed for a felony of the first degree. 2191

(f) If the amount of the drug involved equals or exceeds 2192
one hundred grams of cocaine, possession of cocaine is a felony 2193
of the first degree, the offender is a major drug offender, and 2194
the court shall impose as a mandatory prison term the maximum 2195
prison term prescribed for a felony of the first degree. 2196

(5) If the drug involved in the violation is L.S.D., 2197
whoever violates division (A) of this section is guilty of 2198
possession of L.S.D. The penalty for the offense shall be 2199
determined as follows: 2200

(a) Except as otherwise provided in division (C) (5) (b), 2201
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2202
felony of the fifth degree, and division (B) of section 2929.13 2203
of the Revised Code applies in determining whether to impose a 2204
prison term on the offender. 2205

(b) If the amount of L.S.D. involved equals or exceeds ten 2206
unit doses but is less than fifty unit doses of L.S.D. in a 2207
solid form or equals or exceeds one gram but is less than five 2208
grams of L.S.D. in a liquid concentrate, liquid extract, or 2209
liquid distillate form, possession of L.S.D. is a felony of the 2210
fourth degree, and division (C) of section 2929.13 of the 2211
Revised Code applies in determining whether to impose a prison 2212
term on the offender. 2213

(c) If the amount of L.S.D. involved equals or exceeds 2214
fifty unit doses, but is less than two hundred fifty unit doses 2215
of L.S.D. in a solid form or equals or exceeds five grams but is 2216
less than twenty-five grams of L.S.D. in a liquid concentrate, 2217
liquid extract, or liquid distillate form, possession of L.S.D. 2218
is a felony of the third degree, and there is a presumption for 2219
a prison term for the offense. 2220

(d) If the amount of L.S.D. involved equals or exceeds two 2221
hundred fifty unit doses but is less than one thousand unit 2222
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2223
grams but is less than one hundred grams of L.S.D. in a liquid 2224
concentrate, liquid extract, or liquid distillate form, 2225
possession of L.S.D. is a felony of the second degree, and the 2226
court shall impose as a mandatory prison term one of the prison 2227
terms prescribed for a felony of the second degree. 2228

(e) If the amount of L.S.D. involved equals or exceeds one 2229
thousand unit doses but is less than five thousand unit doses of 2230
L.S.D. in a solid form or equals or exceeds one hundred grams 2231
but is less than five hundred grams of L.S.D. in a liquid 2232
concentrate, liquid extract, or liquid distillate form, 2233
possession of L.S.D. is a felony of the first degree, and the 2234
court shall impose as a mandatory prison term one of the prison 2235
terms prescribed for a felony of the first degree. 2236

(f) If the amount of L.S.D. involved equals or exceeds 2237
five thousand unit doses of L.S.D. in a solid form or equals or 2238
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2239
liquid extract, or liquid distillate form, possession of L.S.D. 2240
is a felony of the first degree, the offender is a major drug 2241
offender, and the court shall impose as a mandatory prison term 2242
the maximum prison term prescribed for a felony of the first 2243
degree. 2244

(6) If the drug involved in the violation is heroin or a 2245
compound, mixture, preparation, or substance containing heroin, 2246
whoever violates division (A) of this section is guilty of 2247
possession of heroin. The penalty for the offense shall be 2248
determined as follows: 2249

(a) Except as otherwise provided in division (C) (6) (b), 2250

(c), (d), (e), or (f) of this section, possession of heroin is a 2251
felony of the fifth degree, and division (B) of section 2929.13 2252
of the Revised Code applies in determining whether to impose a 2253
prison term on the offender. 2254

(b) If the amount of the drug involved equals or exceeds 2255
ten unit doses but is less than fifty unit doses or equals or 2256
exceeds one gram but is less than five grams, possession of 2257
heroin is a felony of the fourth degree, and division (C) of 2258
section 2929.13 of the Revised Code applies in determining 2259
whether to impose a prison term on the offender. 2260

(c) If the amount of the drug involved equals or exceeds 2261
fifty unit doses but is less than one hundred unit doses or 2262
equals or exceeds five grams but is less than ten grams, 2263
possession of heroin is a felony of the third degree, and there 2264
is a presumption for a prison term for the offense. 2265

(d) If the amount of the drug involved equals or exceeds 2266
one hundred unit doses but is less than five hundred unit doses 2267
or equals or exceeds ten grams but is less than fifty grams, 2268
possession of heroin is a felony of the second degree, and the 2269
court shall impose as a mandatory prison term one of the prison 2270
terms prescribed for a felony of the second degree. 2271

(e) If the amount of the drug involved equals or exceeds 2272
five hundred unit doses but is less than one thousand unit doses 2273
or equals or exceeds fifty grams but is less than one hundred 2274
grams, possession of heroin is a felony of the first degree, and 2275
the court shall impose as a mandatory prison term one of the 2276
prison terms prescribed for a felony of the first degree. 2277

(f) If the amount of the drug involved equals or exceeds 2278
one thousand unit doses or equals or exceeds one hundred grams, 2279

possession of heroin is a felony of the first degree, the 2280
offender is a major drug offender, and the court shall impose as 2281
a mandatory prison term the maximum prison term prescribed for a 2282
felony of the first degree. 2283

(7) If the drug involved in the violation is hashish or a 2284
compound, mixture, preparation, or substance containing hashish, 2285
whoever violates division (A) of this section is guilty of 2286
possession of hashish. The penalty for the offense shall be 2287
determined as follows: 2288

(a) Except as otherwise provided in division (C) (7) (b), 2289
(c), (d), (e), (f), or (g) of this section, possession of 2290
hashish is a minor misdemeanor. 2291

(b) If the amount of the drug involved equals or exceeds 2292
five grams but is less than ten grams of hashish in a solid form 2293
or equals or exceeds one gram but is less than two grams of 2294
hashish in a liquid concentrate, liquid extract, or liquid 2295
distillate form, possession of hashish is a misdemeanor of the 2296
fourth degree. 2297

(c) If the amount of the drug involved equals or exceeds 2298
ten grams but is less than fifty grams of hashish in a solid 2299
form or equals or exceeds two grams but is less than ten grams 2300
of hashish in a liquid concentrate, liquid extract, or liquid 2301
distillate form, possession of hashish is a felony of the fifth 2302
degree, and division (B) of section 2929.13 of the Revised Code 2303
applies in determining whether to impose a prison term on the 2304
offender. 2305

(d) If the amount of the drug involved equals or exceeds 2306
fifty grams but is less than two hundred fifty grams of hashish 2307
in a solid form or equals or exceeds ten grams but is less than 2308

fifty grams of hashish in a liquid concentrate, liquid extract, 2309
or liquid distillate form, possession of hashish is a felony of 2310
the third degree, and division (C) of section 2929.13 of the 2311
Revised Code applies in determining whether to impose a prison 2312
term on the offender. 2313

(e) If the amount of the drug involved equals or exceeds 2314
two hundred fifty grams but is less than one thousand grams of 2315
hashish in a solid form or equals or exceeds fifty grams but is 2316
less than two hundred grams of hashish in a liquid concentrate, 2317
liquid extract, or liquid distillate form, possession of hashish 2318
is a felony of the third degree, and there is a presumption that 2319
a prison term shall be imposed for the offense. 2320

(f) If the amount of the drug involved equals or exceeds 2321
one thousand grams but is less than two thousand grams of 2322
hashish in a solid form or equals or exceeds two hundred grams 2323
but is less than four hundred grams of hashish in a liquid 2324
concentrate, liquid extract, or liquid distillate form, 2325
possession of hashish is a felony of the second degree, and the 2326
court shall impose a mandatory prison term of five, six, seven, 2327
or eight years. 2328

(g) If the amount of the drug involved equals or exceeds 2329
two thousand grams of hashish in a solid form or equals or 2330
exceeds four hundred grams of hashish in a liquid concentrate, 2331
liquid extract, or liquid distillate form, possession of hashish 2332
is a felony of the second degree, and the court shall impose as 2333
a mandatory prison term the maximum prison term prescribed for a 2334
felony of the second degree. 2335

(8) If the drug involved is a controlled substance analog 2336
or compound, mixture, preparation, or substance that contains a 2337
controlled substance analog, whoever violates division (A) of 2338

this section is guilty of possession of a controlled substance 2339
analog. The penalty for the offense shall be determined as 2340
follows: 2341

(a) Except as otherwise provided in division (C) (8) (b), 2342
(c), (d), (e), or (f) of this section, possession of a 2343
controlled substance analog is a felony of the fifth degree, and 2344
division (B) of section 2929.13 of the Revised Code applies in 2345
determining whether to impose a prison term on the offender. 2346

(b) If the amount of the drug involved equals or exceeds 2347
ten grams but is less than twenty grams, possession of a 2348
controlled substance analog is a felony of the fourth degree, 2349
and there is a presumption for a prison term for the offense. 2350

(c) If the amount of the drug involved equals or exceeds 2351
twenty grams but is less than thirty grams, possession of a 2352
controlled substance analog is a felony of the third degree, and 2353
there is a presumption for a prison term for the offense. 2354

(d) If the amount of the drug involved equals or exceeds 2355
thirty grams but is less than forty grams, possession of a 2356
controlled substance analog is a felony of the second degree, 2357
and the court shall impose as a mandatory prison term one of the 2358
prison terms prescribed for a felony of the second degree. 2359

(e) If the amount of the drug involved equals or exceeds 2360
forty grams but is less than fifty grams, possession of a 2361
controlled substance analog is a felony of the first degree, and 2362
the court shall impose as a mandatory prison term one of the 2363
prison terms prescribed for a felony of the first degree. 2364

(f) If the amount of the drug involved equals or exceeds 2365
fifty grams, possession of a controlled substance analog is a 2366
felony of the first degree, the offender is a major drug 2367

offender, and the court shall impose as a mandatory prison term 2368
the maximum prison term prescribed for a felony of the first 2369
degree. 2370

(9) If the drug involved in the violation is a compound, 2371
mixture, preparation, or substance that is a combination of a 2372
fentanyl-related compound and marihuana, one of the following 2373
applies: 2374

(a) Except as otherwise provided in division (C) (9) (b) of 2375
this section, the offender is guilty of possession of marihuana 2376
and shall be punished as provided in division (C) (3) of this 2377
section. Except as otherwise provided in division (C) (9) (b) of 2378
this section, the offender is not guilty of possession of a 2379
fentanyl-related compound under division (C) (11) of this section 2380
and shall not be charged with, convicted of, or punished under 2381
division (C) (11) of this section for possession of a fentanyl- 2382
related compound. 2383

(b) If the offender knows or has reason to know that the 2384
compound, mixture, preparation, or substance that is the drug 2385
involved contains a fentanyl-related compound, the offender is 2386
guilty of possession of a fentanyl-related compound and shall be 2387
punished under division (C) (11) of this section. 2388

(10) If the drug involved in the violation is a compound, 2389
mixture, preparation, or substance that is a combination of a 2390
fentanyl-related compound and any schedule III, schedule IV, or 2391
schedule V controlled substance that is not a fentanyl-related 2392
compound, one of the following applies: 2393

(a) Except as otherwise provided in division (C) (10) (b) of 2394
this section, the offender is guilty of possession of drugs and 2395
shall be punished as provided in division (C) (2) of this 2396

section. Except as otherwise provided in division (C) (10) (b) of 2397
this section, the offender is not guilty of possession of a 2398
fentanyl-related compound under division (C) (11) of this section 2399
and shall not be charged with, convicted of, or punished under 2400
division (C) (11) of this section for possession of a fentanyl- 2401
related compound. 2402

(b) If the offender knows or has reason to know that the 2403
compound, mixture, preparation, or substance that is the drug 2404
involved contains a fentanyl-related compound, the offender is 2405
guilty of possession of a fentanyl-related compound and shall be 2406
punished under division (C) (11) of this section. 2407

(11) If the drug involved in the violation is a fentanyl- 2408
related compound and neither division (C) (9) (a) nor division (C) 2409
(10) (a) of this section applies to the drug involved, or is a 2410
compound, mixture, preparation, or substance that contains a 2411
fentanyl-related compound or is a combination of a fentanyl- 2412
related compound and any other controlled substance and neither 2413
division (C) (9) (a) nor division (C) (10) (a) of this section 2414
applies to the drug involved, whoever violates division (A) of 2415
this section is guilty of possession of a fentanyl-related 2416
compound. The penalty for the offense shall be determined as 2417
follows: 2418

(a) Except as otherwise provided in division (C) (11) (b), 2419
(c), (d), (e), (f), or (g) of this section, possession of a 2420
fentanyl-related compound is a felony of the fifth degree, and 2421
division (B) of section 2929.13 of the Revised Code applies in 2422
determining whether to impose a prison term on the offender. 2423

(b) If the amount of the drug involved equals or exceeds 2424
ten unit doses but is less than fifty unit doses or equals or 2425
exceeds one gram but is less than five grams, possession of a 2426

fentanyl-related compound is a felony of the fourth degree, and 2427
division (C) of section 2929.13 of the Revised Code applies in 2428
determining whether to impose a prison term on the offender. 2429

(c) If the amount of the drug involved equals or exceeds 2430
fifty unit doses but is less than one hundred unit doses or 2431
equals or exceeds five grams but is less than ten grams, 2432
possession of a fentanyl-related compound is a felony of the 2433
third degree, and there is a presumption for a prison term for 2434
the offense. 2435

(d) If the amount of the drug involved equals or exceeds 2436
one hundred unit doses but is less than two hundred unit doses 2437
or equals or exceeds ten grams but is less than twenty grams, 2438
possession of a fentanyl-related compound is a felony of the 2439
second degree, and the court shall impose as a mandatory prison 2440
term one of the prison terms prescribed for a felony of the 2441
second degree. 2442

(e) If the amount of the drug involved equals or exceeds 2443
two hundred unit doses but is less than five hundred unit doses 2444
or equals or exceeds twenty grams but is less than fifty grams, 2445
possession of a fentanyl-related compound is a felony of the 2446
first degree, and the court shall impose as a mandatory prison 2447
term one of the prison terms prescribed for a felony of the 2448
first degree. 2449

(f) If the amount of the drug involved equals or exceeds 2450
five hundred unit doses but is less than one thousand unit doses 2451
or equals or exceeds fifty grams but is less than one hundred 2452
grams, possession of a fentanyl-related compound is a felony of 2453
the first degree, and the court shall impose as a mandatory 2454
prison term the maximum prison term prescribed for a felony of 2455
the first degree. 2456

(g) If the amount of the drug involved equals or exceeds 2457
one thousand unit doses or equals or exceeds one hundred grams, 2458
possession of a fentanyl-related compound is a felony of the 2459
first degree, the offender is a major drug offender, and the 2460
court shall impose as a mandatory prison term the maximum prison 2461
term prescribed for a felony of the first degree. 2462

(D) Arrest or conviction for a minor misdemeanor violation 2463
of this section does not constitute a criminal record and need 2464
not be reported by the person so arrested or convicted in 2465
response to any inquiries about the person's criminal record, 2466
including any inquiries contained in any application for 2467
employment, license, or other right or privilege, or made in 2468
connection with the person's appearance as a witness. 2469

(E) In addition to any prison term or jail term authorized 2470
or required by division (C) of this section and sections 2471
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2472
Code and in addition to any other sanction that is imposed for 2473
the offense under this section, sections 2929.11 to 2929.18, or 2474
sections 2929.21 to 2929.28 of the Revised Code, the court that 2475
sentences an offender who is convicted of or pleads guilty to a 2476
violation of division (A) of this section may suspend the 2477
offender's driver's or commercial driver's license or permit for 2478
not more than five years. However, if the offender pleaded 2479
guilty to or was convicted of a violation of section 4511.19 of 2480
the Revised Code or a substantially similar municipal ordinance 2481
or the law of another state or the United States arising out of 2482
the same set of circumstances as the violation, the court shall 2483
suspend the offender's driver's or commercial driver's license 2484
or permit for not more than five years. If applicable, the court 2485
also shall do the following: 2486

(1) (a) If the violation is a felony of the first, second, 2487
or third degree, the court shall impose upon the offender the 2488
mandatory fine specified for the offense under division (B) (1) 2489
of section 2929.18 of the Revised Code unless, as specified in 2490
that division, the court determines that the offender is 2491
indigent. 2492

(b) Notwithstanding any contrary provision of section 2493
3719.21 of the Revised Code, the clerk of the court shall pay a 2494
mandatory fine or other fine imposed for a violation of this 2495
section pursuant to division (A) of section 2929.18 of the 2496
Revised Code in accordance with and subject to the requirements 2497
of division (F) of section 2925.03 of the Revised Code. The 2498
agency that receives the fine shall use the fine as specified in 2499
division (F) of section 2925.03 of the Revised Code. 2500

(c) If a person is charged with a violation of this 2501
section that is a felony of the first, second, or third degree, 2502
posts bail, and forfeits the bail, the clerk shall pay the 2503
forfeited bail pursuant to division (E) (1) (b) of this section as 2504
if it were a mandatory fine imposed under division (E) (1) (a) of 2505
this section. 2506

(2) If the offender is a professionally licensed person, 2507
in addition to any other sanction imposed for a violation of 2508
this section, the court immediately shall comply with section 2509
2925.38 of the Revised Code. 2510

(F) It is an affirmative defense, as provided in section 2511
2901.05 of the Revised Code, to a charge of a fourth degree 2512
felony violation under this section that the controlled 2513
substance that gave rise to the charge is in an amount, is in a 2514
form, is prepared, compounded, or mixed with substances that are 2515
not controlled substances in a manner, or is possessed under any 2516

other circumstances, that indicate that the substance was 2517
possessed solely for personal use. Notwithstanding any contrary 2518
provision of this section, if, in accordance with section 2519
2901.05 of the Revised Code, an accused who is charged with a 2520
fourth degree felony violation of division (C)(2), (4), (5), or 2521
(6) of this section sustains the burden of going forward with 2522
evidence of and establishes by a preponderance of the evidence 2523
the affirmative defense described in this division, the accused 2524
may be prosecuted for and may plead guilty to or be convicted of 2525
a misdemeanor violation of division (C)(2) of this section or a 2526
fifth degree felony violation of division (C)(4), (5), or (6) of 2527
this section respectively. 2528

(G) When a person is charged with possessing a bulk amount 2529
or multiple of a bulk amount, division (E) of section 2925.03 of 2530
the Revised Code applies regarding the determination of the 2531
amount of the controlled substance involved at the time of the 2532
offense. 2533

(H) It is an affirmative defense to a charge of possession 2534
of a controlled substance analog under division (C)(8) of this 2535
section that the person charged with violating that offense 2536
obtained, possessed, or used an item described in division (HH) 2537
(2)(a), (b), or (c) of section 3719.01 of the Revised Code. 2538

(I) Any offender who received a mandatory suspension of 2539
the offender's driver's or commercial driver's license or permit 2540
under this section prior to ~~the effective date of this amendment~~ 2541
September 13, 2016, may file a motion with the sentencing court 2542
requesting the termination of the suspension. However, an 2543
offender who pleaded guilty to or was convicted of a violation 2544
of section 4511.19 of the Revised Code or a substantially 2545
similar municipal ordinance or law of another state or the 2546

United States that arose out of the same set of circumstances as 2547
the violation for which the offender's license or permit was 2548
suspended under this section shall not file such a motion. 2549

Upon the filing of a motion under division (I) of this 2550
section, the sentencing court, in its discretion, may terminate 2551
the suspension. 2552

Sec. 2925.13. (A) No person who is the owner, operator, or 2553
person in charge of a locomotive, watercraft, aircraft, or other 2554
vehicle, as defined in division (A) of section 4501.01 of the 2555
Revised Code, shall knowingly permit the vehicle to be used for 2556
the commission of a felony drug abuse offense. 2557

(B) No person who is the owner, lessee, or occupant, or 2558
who has custody, control, or supervision, of premises or real 2559
estate, including vacant land, shall knowingly permit the 2560
premises or real estate, including vacant land, to be used for 2561
the commission of a felony drug abuse offense by another person. 2562

(C) (1) Whoever violates this section is guilty of 2563
permitting drug abuse. 2564

(2) Except as provided in division (C) (3) of this section, 2565
permitting drug abuse is a misdemeanor of the first degree. 2566

(3) Permitting drug abuse is a felony of the fifth degree, 2567
and division (C) of section 2929.13 of the Revised Code applies 2568
in determining whether to impose a prison term on the offender, 2569
if ~~the~~ either of the following applies: 2570

(a) The felony drug abuse offense in question is a 2571
violation of section 2925.02 ~~or~~, 2925.03, or 2925.04 of the 2572
Revised Code. 2573

(b) The felony drug abuse offense in question is a 2574

violation of section 2925.041 of the Revised Code and the 2575
offender had actual knowledge, at the time the offender 2576
permitted the vehicle, premises, or real estate to be used as 2577
described in division (A) or (B) of this section, that the 2578
person who assembled or possessed the chemicals in question in 2579
violation of section 2925.041 of the Revised Code had assembled 2580
or possessed them with the intent to manufacture a controlled 2581
substance in schedule I or II in violation of section 2925.04 of 2582
the Revised Code. 2583

(D) (1) In addition to any prison term authorized or 2584
required by division (C) of this section and sections 2929.13 2585
and 2929.14 of the Revised Code and in addition to any other 2586
sanction imposed for the offense under this section or sections 2587
2929.11 to 2929.18 of the Revised Code, the court that sentences 2588
a person who is convicted of or pleads guilty to a violation of 2589
division (A) of this section may suspend for not more than five 2590
years the offender's driver's or commercial driver's license or 2591
permit. However, if the offender pleaded guilty to or was 2592
convicted of a violation of section 4511.19 of the Revised Code 2593
or a substantially similar municipal ordinance or the law of 2594
another state or the United States arising out of the same set 2595
of circumstances as the violation, the court shall suspend the 2596
offender's driver's or commercial driver's license or permit for 2597
not more than five years. 2598

If the offender is a professionally licensed person, in 2599
addition to any other sanction imposed for a violation of this 2600
section, the court immediately shall comply with section 2925.38 2601
of the Revised Code. 2602

(2) Any offender who received a mandatory suspension of 2603
the offender's driver's or commercial driver's license or permit 2604

under this section prior to ~~the effective date of this amendment~~ 2605
September 13, 2016, may file a motion with the sentencing court 2606
requesting the termination of the suspension. However, an 2607
offender who pleaded guilty to or was convicted of a violation 2608
of section 4511.19 of the Revised Code or a substantially 2609
similar municipal ordinance or law of another state or the 2610
United States that arose out of the same set of circumstances as 2611
the violation for which the offender's license or permit was 2612
suspended under this section shall not file such a motion. 2613

Upon the filing of a motion under division (D) (2) of this 2614
section, the sentencing court, in its discretion, may terminate 2615
the suspension. 2616

(E) Notwithstanding any contrary provision of section 2617
3719.21 of the Revised Code, the clerk of the court shall pay a 2618
fine imposed for a violation of this section pursuant to 2619
division (A) of section 2929.18 of the Revised Code in 2620
accordance with and subject to the requirements of division (F) 2621
of section 2925.03 of the Revised Code. The agency that receives 2622
the fine shall use the fine as specified in division (F) of 2623
section 2925.03 of the Revised Code. 2624

(F) Any premises or real estate that is permitted to be 2625
used in violation of division (B) of this section constitutes a 2626
nuisance subject to abatement pursuant to Chapter 3767. of the 2627
Revised Code. 2628

Sec. 2925.36. (A) No person shall knowingly furnish 2629
another a sample drug. 2630

(B) Division (A) of this section does not apply to 2631
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2632
licensed health professionals authorized to prescribe drugs, and 2633

other persons whose conduct is in accordance with Chapters 2634
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2635
the Revised Code. 2636

(C) (1) Whoever violates this section is guilty of illegal 2637
dispensing of drug samples. 2638

(2) If the drug involved in the offense is a compound, 2639
mixture, preparation, or substance included in schedule I or II, 2640
with the exception of marihuana, the penalty for the offense 2641
shall be determined as follows: 2642

(a) Except as otherwise provided in division (C) (2) (b) of 2643
this section, illegal dispensing of drug samples is a felony of 2644
the fifth degree, and, subject to division (E) of this section, 2645
division (C) of section 2929.13 of the Revised Code applies in 2646
determining whether to impose a prison term on the offender. 2647

(b) If the offense was committed in the vicinity of a 2648
school or in the vicinity of a juvenile, illegal dispensing of 2649
drug samples is a felony of the fourth degree, and, subject to 2650
division (E) of this section, division (C) of section 2929.13 of 2651
the Revised Code applies in determining whether to impose a 2652
prison term on the offender. 2653

(3) If the drug involved in the offense is a dangerous 2654
drug or a compound, mixture, preparation, or substance included 2655
in schedule III, IV, or V, or is marihuana, the penalty for the 2656
offense shall be determined as follows: 2657

(a) Except as otherwise provided in division (C) (3) (b) of 2658
this section, illegal dispensing of drug samples is a 2659
misdemeanor of the second degree. 2660

(b) If the offense was committed in the vicinity of a 2661
school or in the vicinity of a juvenile, illegal dispensing of 2662

drug samples is a misdemeanor of the first degree. 2663

(D) (1) In addition to any prison term authorized or 2664
required by division (C) or (E) of this section and sections 2665
2929.13 and 2929.14 of the Revised Code and in addition to any 2666
other sanction imposed for the offense under this section or 2667
sections 2929.11 to 2929.18 of the Revised Code, the court that 2668
sentences an offender who is convicted of or pleads guilty to a 2669
violation of division (A) of this section may suspend for not 2670
more than five years the offender's driver's or commercial 2671
driver's license or permit. However, if the offender pleaded 2672
guilty to or was convicted of a violation of section 4511.19 of 2673
the Revised Code or a substantially similar municipal ordinance 2674
or the law of another state or the United States arising out of 2675
the same set of circumstances as the violation, the court shall 2676
suspend the offender's driver's or commercial driver's license 2677
or permit for not more than five years. 2678

If the offender is a professionally licensed person, in 2679
addition to any other sanction imposed for a violation of this 2680
section, the court immediately shall comply with section 2925.38 2681
of the Revised Code. 2682

(2) Any offender who received a mandatory suspension of 2683
the offender's driver's or commercial driver's license or permit 2684
under this section prior to ~~the effective date of this amendment~~ 2685
September 13, 2016, may file a motion with the sentencing court 2686
requesting the termination of the suspension. However, an 2687
offender who pleaded guilty to or was convicted of a violation 2688
of section 4511.19 of the Revised Code or a substantially 2689
similar municipal ordinance or law of another state or the 2690
United States that arose out of the same set of circumstances as 2691
the violation for which the offender's license or permit was 2692

suspended under this section shall not file such a motion. 2693

Upon the filing of a motion under division (D) (2) of this 2694
section, the sentencing court, in its discretion, may terminate 2695
the suspension. 2696

(E) Notwithstanding the prison term authorized or required 2697
by division (C) of this section and sections 2929.13 and 2929.14 2698
of the Revised Code, if the violation of division (A) of this 2699
section involves the sale, offer to sell, or possession of a 2700
schedule I or II controlled substance, with the exception of 2701
marihuana, and if the court imposing sentence upon the offender 2702
finds that the offender as a result of the violation is a major 2703
drug offender and is guilty of a specification of the type 2704
described in division (A) of section 2941.1410 of the Revised 2705
Code, the court, in lieu of the prison term otherwise authorized 2706
or required, shall impose upon the offender the mandatory prison 2707
term specified in division (B) (3) (a) of section 2929.14 of the 2708
Revised Code. 2709

(F) Notwithstanding any contrary provision of section 2710
3719.21 of the Revised Code, the clerk of the court shall pay a 2711
fine imposed for a violation of this section pursuant to 2712
division (A) of section 2929.18 of the Revised Code in 2713
accordance with and subject to the requirements of division (F) 2714
of section 2925.03 of the Revised Code. The agency that receives 2715
the fine shall use the fine as specified in division (F) of 2716
section 2925.03 of the Revised Code. 2717

Sec. 2929.01. As used in this chapter: 2718

(A) (1) "Alternative residential facility" means, subject 2719
to division (A) (2) of this section, any facility other than an 2720
offender's home or residence in which an offender is assigned to 2721

live and that satisfies all of the following criteria: 2722

(a) It provides programs through which the offender may 2723
seek or maintain employment or may receive education, training, 2724
treatment, or habilitation. 2725

(b) It has received the appropriate license or certificate 2726
for any specialized education, training, treatment, 2727
habilitation, or other service that it provides from the 2728
government agency that is responsible for licensing or 2729
certifying that type of education, training, treatment, 2730
habilitation, or service. 2731

(2) "Alternative residential facility" does not include a 2732
community-based correctional facility, jail, halfway house, or 2733
prison. 2734

(B) "Basic probation supervision" means a requirement that 2735
the offender maintain contact with a person appointed to 2736
supervise the offender in accordance with sanctions imposed by 2737
the court or imposed by the parole board pursuant to section 2738
2967.28 of the Revised Code. "Basic probation supervision" 2739
includes basic parole supervision and basic post-release control 2740
supervision. 2741

(C) "Cocaine," "fentanyl-related compound," "hashish," 2742
"L.S.D.," and "unit dose" have the same meanings as in section 2743
2925.01 of the Revised Code. 2744

(D) "Community-based correctional facility" means a 2745
community-based correctional facility and program or district 2746
community-based correctional facility and program developed 2747
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2748

(E) "Community control sanction" means a sanction that is 2749
not a prison term and that is described in section 2929.15, 2750

2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2751
that is not a jail term and that is described in section 2752
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2753
control sanction" includes probation if the sentence involved 2754
was imposed for a felony that was committed prior to July 1, 2755
1996, or if the sentence involved was imposed for a misdemeanor 2756
that was committed prior to January 1, 2004. 2757

(F) "Controlled substance," "marihuana," "schedule I," and 2758
"schedule II" have the same meanings as in section 3719.01 of 2759
the Revised Code. 2760

(G) "Curfew" means a requirement that an offender during a 2761
specified period of time be at a designated place. 2762

(H) "Day reporting" means a sanction pursuant to which an 2763
offender is required each day to report to and leave a center or 2764
other approved reporting location at specified times in order to 2765
participate in work, education or training, treatment, and other 2766
approved programs at the center or outside the center. 2767

(I) "Deadly weapon" has the same meaning as in section 2768
2923.11 of the Revised Code. 2769

(J) "Drug and alcohol use monitoring" means a program 2770
under which an offender agrees to submit to random chemical 2771
analysis of the offender's blood, breath, or urine to determine 2772
whether the offender has ingested any alcohol or other drugs. 2773

(K) "Drug treatment program" means any program under which 2774
a person undergoes assessment and treatment designed to reduce 2775
or completely eliminate the person's physical or emotional 2776
reliance upon alcohol, another drug, or alcohol and another drug 2777
and under which the person may be required to receive assessment 2778
and treatment on an outpatient basis or may be required to 2779

reside at a facility other than the person's home or residence 2780
while undergoing assessment and treatment. 2781

(L) "Economic loss" means any economic detriment suffered 2782
by a victim as a direct and proximate result of the commission 2783
of an offense and includes any loss of income due to lost time 2784
at work because of any injury caused to the victim, and any 2785
property loss, medical cost, or funeral expense incurred as a 2786
result of the commission of the offense. "Economic loss" does 2787
not include non-economic loss or any punitive or exemplary 2788
damages. 2789

(M) "Education or training" includes study at, or in 2790
conjunction with a program offered by, a university, college, or 2791
technical college or vocational study and also includes the 2792
completion of primary school, secondary school, and literacy 2793
curricula or their equivalent. 2794

(N) "Firearm" has the same meaning as in section 2923.11 2795
of the Revised Code. 2796

(O) "Halfway house" means a facility licensed by the 2797
division of parole and community services of the department of 2798
rehabilitation and correction pursuant to section 2967.14 of the 2799
Revised Code as a suitable facility for the care and treatment 2800
of adult offenders. 2801

(P) "House arrest" means a period of confinement of an 2802
offender that is in the offender's home or in other premises 2803
specified by the sentencing court or by the parole board 2804
pursuant to section 2967.28 of the Revised Code and during which 2805
all of the following apply: 2806

(1) The offender is required to remain in the offender's 2807
home or other specified premises for the specified period of 2808

confinement, except for periods of time during which the 2809
offender is at the offender's place of employment or at other 2810
premises as authorized by the sentencing court or by the parole 2811
board. 2812

(2) The offender is required to report periodically to a 2813
person designated by the court or parole board. 2814

(3) The offender is subject to any other restrictions and 2815
requirements that may be imposed by the sentencing court or by 2816
the parole board. 2817

(Q) "Intensive probation supervision" means a requirement 2818
that an offender maintain frequent contact with a person 2819
appointed by the court, or by the parole board pursuant to 2820
section 2967.28 of the Revised Code, to supervise the offender 2821
while the offender is seeking or maintaining necessary 2822
employment and participating in training, education, and 2823
treatment programs as required in the court's or parole board's 2824
order. "Intensive probation supervision" includes intensive 2825
parole supervision and intensive post-release control 2826
supervision. 2827

(R) "Jail" means a jail, workhouse, minimum security jail, 2828
or other residential facility used for the confinement of 2829
alleged or convicted offenders that is operated by a political 2830
subdivision or a combination of political subdivisions of this 2831
state. 2832

(S) "Jail term" means the term in a jail that a sentencing 2833
court imposes or is authorized to impose pursuant to section 2834
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2835
provision of the Revised Code that authorizes a term in a jail 2836
for a misdemeanor conviction. 2837

(T) "Mandatory jail term" means the term in a jail that a
sentencing court is required to impose pursuant to division (G)
of section 1547.99 of the Revised Code, division (E) of section
2903.06 or division (D) of section 2903.08 of the Revised Code,
division (E) or (G) of section 2929.24 of the Revised Code,
division (B) of section 4510.14 of the Revised Code, or division
(G) of section 4511.19 of the Revised Code or pursuant to any
other provision of the Revised Code that requires a term in a
jail for a misdemeanor conviction.

(U) "Delinquent child" has the same meaning as in section
2152.02 of the Revised Code.

(V) "License violation report" means a report that is made
by a sentencing court, or by the parole board pursuant to
section 2967.28 of the Revised Code, to the regulatory or
licensing board or agency that issued an offender a professional
license or a license or permit to do business in this state and
that specifies that the offender has been convicted of or
pleaded guilty to an offense that may violate the conditions
under which the offender's professional license or license or
permit to do business in this state was granted or an offense
for which the offender's professional license or license or
permit to do business in this state may be revoked or suspended.

(W) "Major drug offender" means an offender who is
convicted of or pleads guilty to the possession of, sale of, or
offer to sell any drug, compound, mixture, preparation, or
substance that consists of or contains at least one thousand
grams of hashish; at least one hundred grams of cocaine; at
least one thousand unit doses or one hundred grams of heroin; at
least five thousand unit doses of L.S.D. or five hundred grams
of L.S.D. in a liquid concentrate, liquid extract, or liquid

distillate form; at least fifty grams of a controlled substance 2868
analog; at least one thousand unit doses or one hundred grams of 2869
a fentanyl-related compound; or at least one hundred times the 2870
amount of any other schedule I or II controlled substance other 2871
than marihuana that is necessary to commit a felony of the third 2872
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2873
of the Revised Code that is based on the possession of, sale of, 2874
or offer to sell the controlled substance. 2875

(X) "Mandatory prison term" means any of the following: 2876

(1) Subject to division (X) (2) of this section, the term 2877
in prison that must be imposed for the offenses or circumstances 2878
set forth in divisions (F) (1) to (8) or (F) (12) to ~~(18)~~ (20) of 2879
section 2929.13 and division (B) of section 2929.14 of the 2880
Revised Code. Except as provided in sections 2925.02, 2925.03, 2881
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2882
maximum or another specific term is required under section 2883
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2884
described in this division may be any prison term authorized for 2885
the level of offense. 2886

(2) The term of sixty or one hundred twenty days in prison 2887
that a sentencing court is required to impose for a third or 2888
fourth degree felony OVI offense pursuant to division (G) (2) of 2889
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2890
of the Revised Code or the term of one, two, three, four, or 2891
five years in prison that a sentencing court is required to 2892
impose pursuant to division (G) (2) of section 2929.13 of the 2893
Revised Code. 2894

(3) The term in prison imposed pursuant to division (A) of 2895
section 2971.03 of the Revised Code for the offenses and in the 2896
circumstances described in division (F) (11) of section 2929.13 2897

of the Revised Code or pursuant to division (B) (1) (a), (b), or 2898
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 2899
section 2971.03 of the Revised Code and that term as modified or 2900
terminated pursuant to section 2971.05 of the Revised Code. 2901

(Y) "Monitored time" means a period of time during which 2902
an offender continues to be under the control of the sentencing 2903
court or parole board, subject to no conditions other than 2904
leading a law-abiding life. 2905

(Z) "Offender" means a person who, in this state, is 2906
convicted of or pleads guilty to a felony or a misdemeanor. 2907

(AA) "Prison" means a residential facility used for the 2908
confinement of convicted felony offenders that is under the 2909
control of the department of rehabilitation and correction but 2910
does not include a violation sanction center operated under 2911
authority of section 2967.141 of the Revised Code. 2912

(BB) "Prison term" includes either of the following 2913
sanctions for an offender: 2914

(1) A stated prison term; 2915

(2) A term in a prison shortened by, or with the approval 2916
of, the sentencing court pursuant to section 2929.143, 2929.20, 2917
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 2918

(CC) "Repeat violent offender" means a person about whom 2919
both of the following apply: 2920

(1) The person is being sentenced for committing or for 2921
complicity in committing any of the following: 2922

(a) Aggravated murder, murder, any felony of the first or 2923
second degree that is an offense of violence, or an attempt to 2924
commit any of these offenses if the attempt is a felony of the 2925

first or second degree; 2926

(b) An offense under an existing or former law of this 2927
state, another state, or the United States that is or was 2928
substantially equivalent to an offense described in division 2929
(CC) (1) (a) of this section. 2930

(2) The person previously was convicted of or pleaded 2931
guilty to an offense described in division (CC) (1) (a) or (b) of 2932
this section. 2933

(DD) "Sanction" means any penalty imposed upon an offender 2934
who is convicted of or pleads guilty to an offense, as 2935
punishment for the offense. "Sanction" includes any sanction 2936
imposed pursuant to any provision of sections 2929.14 to 2929.18 2937
or 2929.24 to 2929.28 of the Revised Code. 2938

(EE) "Sentence" means the sanction or combination of 2939
sanctions imposed by the sentencing court on an offender who is 2940
convicted of or pleads guilty to an offense. 2941

(FF) "Stated prison term" means the prison term, mandatory 2942
prison term, or combination of all prison terms and mandatory 2943
prison terms imposed by the sentencing court pursuant to section 2944
2929.14, 2929.142, or 2971.03 of the Revised Code or under 2945
section 2919.25 of the Revised Code. "Stated prison term" 2946
includes any credit received by the offender for time spent in 2947
jail awaiting trial, sentencing, or transfer to prison for the 2948
offense and any time spent under house arrest or house arrest 2949
with electronic monitoring imposed after earning credits 2950
pursuant to section 2967.193 of the Revised Code. If an offender 2951
is serving a prison term as a risk reduction sentence under 2952
sections 2929.143 and 5120.036 of the Revised Code, "stated 2953
prison term" includes any period of time by which the prison 2954

term imposed upon the offender is shortened by the offender's 2955
successful completion of all assessment and treatment or 2956
programming pursuant to those sections. 2957

(GG) "Victim-offender mediation" means a reconciliation or 2958
mediation program that involves an offender and the victim of 2959
the offense committed by the offender and that includes a 2960
meeting in which the offender and the victim may discuss the 2961
offense, discuss restitution, and consider other sanctions for 2962
the offense. 2963

(HH) "Fourth degree felony OVI offense" means a violation 2964
of division (A) of section 4511.19 of the Revised Code that, 2965
under division (G) of that section, is a felony of the fourth 2966
degree. 2967

(II) "Mandatory term of local incarceration" means the 2968
term of sixty or one hundred twenty days in a jail, a community- 2969
based correctional facility, a halfway house, or an alternative 2970
residential facility that a sentencing court may impose upon a 2971
person who is convicted of or pleads guilty to a fourth degree 2972
felony OVI offense pursuant to division (G) (1) of section 2973
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 2974
section 4511.19 of the Revised Code. 2975

(JJ) "Designated homicide, assault, or kidnapping 2976
offense," "violent sex offense," "sexual motivation 2977
specification," "sexually violent offense," "sexually violent 2978
predator," and "sexually violent predator specification" have 2979
the same meanings as in section 2971.01 of the Revised Code. 2980

(KK) "Sexually oriented offense," "child-victim oriented 2981
offense," and "tier III sex offender/child-victim offender" have 2982
the same meanings as in section 2950.01 of the Revised Code. 2983

(LL) An offense is "committed in the vicinity of a child" 2984
if the offender commits the offense within thirty feet of or 2985
within the same residential unit as a child who is under 2986
eighteen years of age, regardless of whether the offender knows 2987
the age of the child or whether the offender knows the offense 2988
is being committed within thirty feet of or within the same 2989
residential unit as the child and regardless of whether the 2990
child actually views the commission of the offense. 2991

(MM) "Family or household member" has the same meaning as 2992
in section 2919.25 of the Revised Code. 2993

(NN) "Motor vehicle" and "manufactured home" have the same 2994
meanings as in section 4501.01 of the Revised Code. 2995

(OO) "Detention" and "detention facility" have the same 2996
meanings as in section 2921.01 of the Revised Code. 2997

(PP) "Third degree felony OVI offense" means a violation 2998
of division (A) of section 4511.19 of the Revised Code that, 2999
under division (G) of that section, is a felony of the third 3000
degree. 3001

(QQ) "Random drug testing" has the same meaning as in 3002
section 5120.63 of the Revised Code. 3003

(RR) "Felony sex offense" has the same meaning as in 3004
section 2967.28 of the Revised Code. 3005

(SS) "Body armor" has the same meaning as in section 3006
2941.1411 of the Revised Code. 3007

(TT) "Electronic monitoring" means monitoring through the 3008
use of an electronic monitoring device. 3009

(UU) "Electronic monitoring device" means any of the 3010
following: 3011

(1) Any device that can be operated by electrical or 3012
battery power and that conforms with all of the following: 3013

(a) The device has a transmitter that can be attached to a 3014
person, that will transmit a specified signal to a receiver of 3015
the type described in division (UU)(1)(b) of this section if the 3016
transmitter is removed from the person, turned off, or altered 3017
in any manner without prior court approval in relation to 3018
electronic monitoring or without prior approval of the 3019
department of rehabilitation and correction in relation to the 3020
use of an electronic monitoring device for an inmate on 3021
transitional control or otherwise is tampered with, that can 3022
transmit continuously and periodically a signal to that receiver 3023
when the person is within a specified distance from the 3024
receiver, and that can transmit an appropriate signal to that 3025
receiver if the person to whom it is attached travels a 3026
specified distance from that receiver. 3027

(b) The device has a receiver that can receive 3028
continuously the signals transmitted by a transmitter of the 3029
type described in division (UU)(1)(a) of this section, can 3030
transmit continuously those signals by a wireless or landline 3031
telephone connection to a central monitoring computer of the 3032
type described in division (UU)(1)(c) of this section, and can 3033
transmit continuously an appropriate signal to that central 3034
monitoring computer if the device has been turned off or altered 3035
without prior court approval or otherwise tampered with. The 3036
device is designed specifically for use in electronic 3037
monitoring, is not a converted wireless phone or another 3038
tracking device that is clearly not designed for electronic 3039
monitoring, and provides a means of text-based or voice 3040
communication with the person. 3041

(c) The device has a central monitoring computer that can 3042
receive continuously the signals transmitted by a wireless or 3043
landline telephone connection by a receiver of the type 3044
described in division (UU) (1) (b) of this section and can monitor 3045
continuously the person to whom an electronic monitoring device 3046
of the type described in division (UU) (1) (a) of this section is 3047
attached. 3048

(2) Any device that is not a device of the type described 3049
in division (UU) (1) of this section and that conforms with all 3050
of the following: 3051

(a) The device includes a transmitter and receiver that 3052
can monitor and determine the location of a subject person at 3053
any time, or at a designated point in time, through the use of a 3054
central monitoring computer or through other electronic means. 3055

(b) The device includes a transmitter and receiver that 3056
can determine at any time, or at a designated point in time, 3057
through the use of a central monitoring computer or other 3058
electronic means the fact that the transmitter is turned off or 3059
altered in any manner without prior approval of the court in 3060
relation to the electronic monitoring or without prior approval 3061
of the department of rehabilitation and correction in relation 3062
to the use of an electronic monitoring device for an inmate on 3063
transitional control or otherwise is tampered with. 3064

(3) Any type of technology that can adequately track or 3065
determine the location of a subject person at any time and that 3066
is approved by the director of rehabilitation and correction, 3067
including, but not limited to, any satellite technology, voice 3068
tracking system, or retinal scanning system that is so approved. 3069

(VV) "Non-economic loss" means nonpecuniary harm suffered 3070

by a victim of an offense as a result of or related to the 3071
commission of the offense, including, but not limited to, pain 3072
and suffering; loss of society, consortium, companionship, care, 3073
assistance, attention, protection, advice, guidance, counsel, 3074
instruction, training, or education; mental anguish; and any 3075
other intangible loss. 3076

(WW) "Prosecutor" has the same meaning as in section 3077
2935.01 of the Revised Code. 3078

(XX) "Continuous alcohol monitoring" means the ability to 3079
automatically test and periodically transmit alcohol consumption 3080
levels and tamper attempts at least every hour, regardless of 3081
the location of the person who is being monitored. 3082

(YY) A person is "adjudicated a sexually violent predator" 3083
if the person is convicted of or pleads guilty to a violent sex 3084
offense and also is convicted of or pleads guilty to a sexually 3085
violent predator specification that was included in the 3086
indictment, count in the indictment, or information charging 3087
that violent sex offense or if the person is convicted of or 3088
pleads guilty to a designated homicide, assault, or kidnapping 3089
offense and also is convicted of or pleads guilty to both a 3090
sexual motivation specification and a sexually violent predator 3091
specification that were included in the indictment, count in the 3092
indictment, or information charging that designated homicide, 3093
assault, or kidnapping offense. 3094

(ZZ) An offense is "committed in proximity to a school" if 3095
the offender commits the offense in a school safety zone or 3096
within five hundred feet of any school building or the 3097
boundaries of any school premises, regardless of whether the 3098
offender knows the offense is being committed in a school safety 3099
zone or within five hundred feet of any school building or the 3100

boundaries of any school premises. 3101

(AAA) "Human trafficking" means a scheme or plan to which 3102
all of the following apply: 3103

(1) Its object is one or more of the following: 3104

(a) To subject a victim or victims to involuntary 3105
servitude, as defined in section 2905.31 of the Revised Code or 3106
to compel a victim or victims to engage in sexual activity for 3107
hire, to engage in a performance that is obscene, sexually 3108
oriented, or nudity oriented, or to be a model or participant in 3109
the production of material that is obscene, sexually oriented, 3110
or nudity oriented; 3111

(b) To facilitate, encourage, or recruit a victim who is 3112
less than sixteen years of age or is a person with a 3113
developmental disability, or victims who are less than sixteen 3114
years of age or are persons with developmental disabilities, for 3115
any purpose listed in divisions (A) (2) (a) to (c) of section 3116
2905.32 of the Revised Code; 3117

(c) To facilitate, encourage, or recruit a victim who is 3118
sixteen or seventeen years of age, or victims who are sixteen or 3119
seventeen years of age, for any purpose listed in divisions (A) 3120
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 3121
circumstances described in division (A) (5), (6), (7), (8), (9), 3122
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 3123
apply with respect to the person engaging in the conduct and the 3124
victim or victims. 3125

(2) It involves at least two felony offenses, whether or 3126
not there has been a prior conviction for any of the felony 3127
offenses, to which all of the following apply: 3128

(a) Each of the felony offenses is a violation of section 3129

2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 3130
division (A) (1) or (2) of section 2907.323, or division (B) (1), 3131
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 3132
is a violation of a law of any state other than this state that 3133
is substantially similar to any of the sections or divisions of 3134
the Revised Code identified in this division. 3135

(b) At least one of the felony offenses was committed in 3136
this state. 3137

(c) The felony offenses are related to the same scheme or 3138
plan and are not isolated instances. 3139

(BBB) "Material," "nudity," "obscene," "performance," and 3140
"sexual activity" have the same meanings as in section 2907.01 3141
of the Revised Code. 3142

(CCC) "Material that is obscene, sexually oriented, or 3143
nudity oriented" means any material that is obscene, that shows 3144
a person participating or engaging in sexual activity, 3145
masturbation, or bestiality, or that shows a person in a state 3146
of nudity. 3147

(DDD) "Performance that is obscene, sexually oriented, or 3148
nudity oriented" means any performance that is obscene, that 3149
shows a person participating or engaging in sexual activity, 3150
masturbation, or bestiality, or that shows a person in a state 3151
of nudity. 3152

Sec. 2929.13. (A) Except as provided in division (E), (F), 3153
or (G) of this section and unless a specific sanction is 3154
required to be imposed or is precluded from being imposed 3155
pursuant to law, a court that imposes a sentence upon an 3156
offender for a felony may impose any sanction or combination of 3157
sanctions on the offender that are provided in sections 2929.14 3158

to 2929.18 of the Revised Code. 3159

If the offender is eligible to be sentenced to community 3160
control sanctions, the court shall consider the appropriateness 3161
of imposing a financial sanction pursuant to section 2929.18 of 3162
the Revised Code or a sanction of community service pursuant to 3163
section 2929.17 of the Revised Code as the sole sanction for the 3164
offense. Except as otherwise provided in this division, if the 3165
court is required to impose a mandatory prison term for the 3166
offense for which sentence is being imposed, the court also 3167
shall impose any financial sanction pursuant to section 2929.18 3168
of the Revised Code that is required for the offense and may 3169
impose any other financial sanction pursuant to that section but 3170
may not impose any additional sanction or combination of 3171
sanctions under section 2929.16 or 2929.17 of the Revised Code. 3172

If the offender is being sentenced for a fourth degree 3173
felony OVI offense or for a third degree felony OVI offense, in 3174
addition to the mandatory term of local incarceration or the 3175
mandatory prison term required for the offense by division (G) 3176
(1) or (2) of this section, the court shall impose upon the 3177
offender a mandatory fine in accordance with division (B) (3) of 3178
section 2929.18 of the Revised Code and may impose whichever of 3179
the following is applicable: 3180

(1) For a fourth degree felony OVI offense for which 3181
sentence is imposed under division (G) (1) of this section, an 3182
additional community control sanction or combination of 3183
community control sanctions under section 2929.16 or 2929.17 of 3184
the Revised Code. If the court imposes upon the offender a 3185
community control sanction and the offender violates any 3186
condition of the community control sanction, the court may take 3187
any action prescribed in division (B) of section 2929.15 of the 3188

Revised Code relative to the offender, including imposing a 3189
prison term on the offender pursuant to that division. 3190

(2) For a third or fourth degree felony OVI offense for 3191
which sentence is imposed under division (G)(2) of this section, 3192
an additional prison term as described in division (B)(4) of 3193
section 2929.14 of the Revised Code or a community control 3194
sanction as described in division (G)(2) of this section. 3195

(B)(1)(a) Except as provided in division (B)(1)(b) of this 3196
section, if an offender is convicted of or pleads guilty to a 3197
felony of the fourth or fifth degree that is not an offense of 3198
violence or that is a qualifying assault offense, the court 3199
shall sentence the offender to a community control sanction of 3200
at least one year's duration if all of the following apply: 3201

(i) The offender previously has not been convicted of or 3202
pleaded guilty to a felony offense. 3203

(ii) The most serious charge against the offender at the 3204
time of sentencing is a felony of the fourth or fifth degree. 3205

(iii) If the court made a request of the department of 3206
rehabilitation and correction pursuant to division (B)(1)(c) of 3207
this section, the department, within the forty-five-day period 3208
specified in that division, provided the court with the names 3209
of, contact information for, and program details of one or more 3210
community control sanctions of at least one year's duration that 3211
are available for persons sentenced by the court. 3212

(iv) The offender previously has not been convicted of or 3213
pleaded guilty to a misdemeanor offense of violence that the 3214
offender committed within two years prior to the offense for 3215
which sentence is being imposed. 3216

(b) The court has discretion to impose a prison term upon 3217

an offender who is convicted of or pleads guilty to a felony of 3218
the fourth or fifth degree that is not an offense of violence or 3219
that is a qualifying assault offense if any of the following 3220
apply: 3221

(i) The offender committed the offense while having a 3222
firearm on or about the offender's person or under the 3223
offender's control. 3224

(ii) If the offense is a qualifying assault offense, the 3225
offender caused serious physical harm to another person while 3226
committing the offense, and, if the offense is not a qualifying 3227
assault offense, the offender caused physical harm to another 3228
person while committing the offense. 3229

(iii) The offender violated a term of the conditions of 3230
bond as set by the court. 3231

(iv) The court made a request of the department of 3232
rehabilitation and correction pursuant to division (B)(1)(c) of 3233
this section, and the department, within the forty-five-day 3234
period specified in that division, did not provide the court 3235
with the name of, contact information for, and program details 3236
of any community control sanction of at least one year's 3237
duration that is available for persons sentenced by the court. 3238

(v) The offense is a sex offense that is a fourth or fifth 3239
degree felony violation of any provision of Chapter 2907. of the 3240
Revised Code. 3241

(vi) In committing the offense, the offender attempted to 3242
cause or made an actual threat of physical harm to a person with 3243
a deadly weapon. 3244

(vii) In committing the offense, the offender attempted to 3245
cause or made an actual threat of physical harm to a person, and 3246

the offender previously was convicted of an offense that caused 3247
physical harm to a person. 3248

(viii) The offender held a public office or position of 3249
trust, and the offense related to that office or position; the 3250
offender's position obliged the offender to prevent the offense 3251
or to bring those committing it to justice; or the offender's 3252
professional reputation or position facilitated the offense or 3253
was likely to influence the future conduct of others. 3254

(ix) The offender committed the offense for hire or as 3255
part of an organized criminal activity. 3256

(x) The offender at the time of the offense was serving, 3257
or the offender previously had served, a prison term. 3258

(xi) The offender committed the offense while under a 3259
community control sanction, while on probation, or while 3260
released from custody on a bond or personal recognizance. 3261

(c) If a court that is sentencing an offender who is 3262
convicted of or pleads guilty to a felony of the fourth or fifth 3263
degree that is not an offense of violence or that is a 3264
qualifying assault offense believes that no community control 3265
sanctions are available for its use that, if imposed on the 3266
offender, will adequately fulfill the overriding principles and 3267
purposes of sentencing, the court shall contact the department 3268
of rehabilitation and correction and ask the department to 3269
provide the court with the names of, contact information for, 3270
and program details of one or more community control sanctions 3271
of at least one year's duration that are available for persons 3272
sentenced by the court. Not later than forty-five days after 3273
receipt of a request from a court under this division, the 3274
department shall provide the court with the names of, contact 3275

information for, and program details of one or more community 3276
control sanctions of at least one year's duration that are 3277
available for persons sentenced by the court, if any. Upon 3278
making a request under this division that relates to a 3279
particular offender, a court shall defer sentencing of that 3280
offender until it receives from the department the names of, 3281
contact information for, and program details of one or more 3282
community control sanctions of at least one year's duration that 3283
are available for persons sentenced by the court or for forty- 3284
five days, whichever is the earlier. 3285

If the department provides the court with the names of, 3286
contact information for, and program details of one or more 3287
community control sanctions of at least one year's duration that 3288
are available for persons sentenced by the court within the 3289
forty-five-day period specified in this division, the court 3290
shall impose upon the offender a community control sanction 3291
under division (B) (1) (a) of this section, except that the court 3292
may impose a prison term under division (B) (1) (b) of this 3293
section if a factor described in division (B) (1) (b) (i) or (ii) 3294
of this section applies. If the department does not provide the 3295
court with the names of, contact information for, and program 3296
details of one or more community control sanctions of at least 3297
one year's duration that are available for persons sentenced by 3298
the court within the forty-five-day period specified in this 3299
division, the court may impose upon the offender a prison term 3300
under division (B) (1) (b) (iv) of this section. 3301

(d) A sentencing court may impose an additional penalty 3302
under division (B) of section 2929.15 of the Revised Code upon 3303
an offender sentenced to a community control sanction under 3304
division (B) (1) (a) of this section if the offender violates the 3305
conditions of the community control sanction, violates a law, or 3306

leaves the state without the permission of the court or the 3307
offender's probation officer. 3308

(2) If division (B)(1) of this section does not apply, 3309
except as provided in division (E), (F), or (G) of this section, 3310
in determining whether to impose a prison term as a sanction for 3311
a felony of the fourth or fifth degree, the sentencing court 3312
shall comply with the purposes and principles of sentencing 3313
under section 2929.11 of the Revised Code and with section 3314
2929.12 of the Revised Code. 3315

(C) Except as provided in division (D), (E), (F), or (G) 3316
of this section, in determining whether to impose a prison term 3317
as a sanction for a felony of the third degree or a felony drug 3318
offense that is a violation of a provision of Chapter 2925. of 3319
the Revised Code and that is specified as being subject to this 3320
division for purposes of sentencing, the sentencing court shall 3321
comply with the purposes and principles of sentencing under 3322
section 2929.11 of the Revised Code and with section 2929.12 of 3323
the Revised Code. 3324

(D)(1) Except as provided in division (E) or (F) of this 3325
section, for a felony of the first or second degree, for a 3326
felony drug offense that is a violation of any provision of 3327
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3328
presumption in favor of a prison term is specified as being 3329
applicable, and for a violation of division (A)(4) or (B) of 3330
section 2907.05 of the Revised Code for which a presumption in 3331
favor of a prison term is specified as being applicable, it is 3332
presumed that a prison term is necessary in order to comply with 3333
the purposes and principles of sentencing under section 2929.11 3334
of the Revised Code. Division (D)(2) of this section does not 3335
apply to a presumption established under this division for a 3336

violation of division (A) (4) of section 2907.05 of the Revised Code. 3337
3338

(2) Notwithstanding the presumption established under 3339
division (D) (1) of this section for the offenses listed in that 3340
division other than a violation of division (A) (4) or (B) of 3341
section 2907.05 of the Revised Code, the sentencing court may 3342
impose a community control sanction or a combination of 3343
community control sanctions instead of a prison term on an 3344
offender for a felony of the first or second degree or for a 3345
felony drug offense that is a violation of any provision of 3346
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3347
presumption in favor of a prison term is specified as being 3348
applicable if it makes both of the following findings: 3349

(a) A community control sanction or a combination of 3350
community control sanctions would adequately punish the offender 3351
and protect the public from future crime, because the applicable 3352
factors under section 2929.12 of the Revised Code indicating a 3353
lesser likelihood of recidivism outweigh the applicable factors 3354
under that section indicating a greater likelihood of 3355
recidivism. 3356

(b) A community control sanction or a combination of 3357
community control sanctions would not demean the seriousness of 3358
the offense, because one or more factors under section 2929.12 3359
of the Revised Code that indicate that the offender's conduct 3360
was less serious than conduct normally constituting the offense 3361
are applicable, and they outweigh the applicable factors under 3362
that section that indicate that the offender's conduct was more 3363
serious than conduct normally constituting the offense. 3364

(E) (1) Except as provided in division (F) of this section, 3365
for any drug offense that is a violation of any provision of 3366

Chapter 2925. of the Revised Code and that is a felony of the 3367
third, fourth, or fifth degree, the applicability of a 3368
presumption under division (D) of this section in favor of a 3369
prison term or of division (B) or (C) of this section in 3370
determining whether to impose a prison term for the offense 3371
shall be determined as specified in section 2925.02, 2925.03, 3372
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3373
2925.36, or 2925.37 of the Revised Code, whichever is applicable 3374
regarding the violation. 3375

(2) If an offender who was convicted of or pleaded guilty 3376
to a felony violates the conditions of a community control 3377
sanction imposed for the offense solely by reason of producing 3378
positive results on a drug test or by acting pursuant to 3379
division (B) (2) (b) of section 2925.11 of the Revised Code with 3380
respect to a minor drug possession offense, the court, as 3381
punishment for the violation of the sanction, shall not order 3382
that the offender be imprisoned unless the court determines on 3383
the record either of the following: 3384

(a) The offender had been ordered as a sanction for the 3385
felony to participate in a drug treatment program, in a drug 3386
education program, or in narcotics anonymous or a similar 3387
program, and the offender continued to use illegal drugs after a 3388
reasonable period of participation in the program. 3389

(b) The imprisonment of the offender for the violation is 3390
consistent with the purposes and principles of sentencing set 3391
forth in section 2929.11 of the Revised Code. 3392

(3) A court that sentences an offender for a drug abuse 3393
offense that is a felony of the third, fourth, or fifth degree 3394
may require that the offender be assessed by a properly 3395
credentialed professional within a specified period of time. The 3396

court shall require the professional to file a written 3397
assessment of the offender with the court. If the offender is 3398
eligible for a community control sanction and after considering 3399
the written assessment, the court may impose a community control 3400
sanction that includes addiction services and recovery supports 3401
included in a community-based continuum of care established 3402
under section 340.032 of the Revised Code. If the court imposes 3403
addiction services and recovery supports as a community control 3404
sanction, the court shall direct the level and type of addiction 3405
services and recovery supports after considering the assessment 3406
and recommendation of community addiction services providers. 3407

(F) Notwithstanding divisions (A) to (E) of this section, 3408
the court shall impose a prison term or terms under sections 3409
2929.02 to 2929.06, section 2929.14, section 2929.142, or 3410
section 2971.03 of the Revised Code and except as specifically 3411
provided in section 2929.20, divisions (C) to (I) of section 3412
2967.19, or section 2967.191 of the Revised Code or when parole 3413
is authorized for the offense under section 2967.13 of the 3414
Revised Code shall not reduce the term or terms pursuant to 3415
section 2929.20, section 2967.19, section 2967.193, or any other 3416
provision of Chapter 2967. or Chapter 5120. of the Revised Code 3417
for any of the following offenses: 3418

(1) Aggravated murder when death is not imposed or murder; 3419

(2) Any rape, regardless of whether force was involved and 3420
regardless of the age of the victim, or an attempt to commit 3421
rape if, had the offender completed the rape that was attempted, 3422
the offender would have been guilty of a violation of division 3423
(A) (1) (b) of section 2907.02 of the Revised Code and would be 3424
sentenced under section 2971.03 of the Revised Code; 3425

(3) Gross sexual imposition or sexual battery, if the 3426

victim is less than thirteen years of age and if any of the 3427
following applies: 3428

(a) Regarding gross sexual imposition, the offender 3429
previously was convicted of or pleaded guilty to rape, the 3430
former offense of felonious sexual penetration, gross sexual 3431
imposition, or sexual battery, and the victim of the previous 3432
offense was less than thirteen years of age; 3433

(b) Regarding gross sexual imposition, the offense was 3434
committed on or after August 3, 2006, and evidence other than 3435
the testimony of the victim was admitted in the case 3436
corroborating the violation. 3437

(c) Regarding sexual battery, either of the following 3438
applies: 3439

(i) The offense was committed prior to August 3, 2006, the 3440
offender previously was convicted of or pleaded guilty to rape, 3441
the former offense of felonious sexual penetration, or sexual 3442
battery, and the victim of the previous offense was less than 3443
thirteen years of age. 3444

(ii) The offense was committed on or after August 3, 2006. 3445

(4) A felony violation of section 2903.04, 2903.06, 3446
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 3447
or 2923.132 of the Revised Code if the section requires the 3448
imposition of a prison term; 3449

(5) A first, second, or third degree felony drug offense 3450
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 3451
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 3452
or 4729.99 of the Revised Code, whichever is applicable 3453
regarding the violation, requires the imposition of a mandatory 3454
prison term; 3455

(6) Any offense that is a first or second degree felony 3456
and that is not set forth in division (F)(1), (2), (3), or (4) 3457
of this section, if the offender previously was convicted of or 3458
pleaded guilty to aggravated murder, murder, any first or second 3459
degree felony, or an offense under an existing or former law of 3460
this state, another state, or the United States that is or was 3461
substantially equivalent to one of those offenses; 3462

(7) Any offense that is a third degree felony and either 3463
is a violation of section 2903.04 of the Revised Code or an 3464
attempt to commit a felony of the second degree that is an 3465
offense of violence and involved an attempt to cause serious 3466
physical harm to a person or that resulted in serious physical 3467
harm to a person if the offender previously was convicted of or 3468
pleaded guilty to any of the following offenses: 3469

(a) Aggravated murder, murder, involuntary manslaughter, 3470
rape, felonious sexual penetration as it existed under section 3471
2907.12 of the Revised Code prior to September 3, 1996, a felony 3472
of the first or second degree that resulted in the death of a 3473
person or in physical harm to a person, or complicity in or an 3474
attempt to commit any of those offenses; 3475

(b) An offense under an existing or former law of this 3476
state, another state, or the United States that is or was 3477
substantially equivalent to an offense listed in division (F)(7) 3478
(a) of this section that resulted in the death of a person or in 3479
physical harm to a person. 3480

(8) Any offense, other than a violation of section 2923.12 3481
of the Revised Code, that is a felony, if the offender had a 3482
firearm on or about the offender's person or under the 3483
offender's control while committing the felony, with respect to 3484
a portion of the sentence imposed pursuant to division (B)(1)(a) 3485

of section 2929.14 of the Revised Code for having the firearm; 3486

(9) Any offense of violence that is a felony, if the 3487
offender wore or carried body armor while committing the felony 3488
offense of violence, with respect to the portion of the sentence 3489
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 3490
Revised Code for wearing or carrying the body armor; 3491

(10) Corrupt activity in violation of section 2923.32 of 3492
the Revised Code when the most serious offense in the pattern of 3493
corrupt activity that is the basis of the offense is a felony of 3494
the first degree; 3495

(11) Any violent sex offense or designated homicide, 3496
assault, or kidnapping offense if, in relation to that offense, 3497
the offender is adjudicated a sexually violent predator; 3498

(12) A violation of division (A) (1) or (2) of section 3499
2921.36 of the Revised Code, or a violation of division (C) of 3500
that section involving an item listed in division (A) (1) or (2) 3501
of that section, if the offender is an officer or employee of 3502
the department of rehabilitation and correction; 3503

(13) A violation of division (A) (1) or (2) of section 3504
2903.06 of the Revised Code if the victim of the offense is a 3505
peace officer, as defined in section 2935.01 of the Revised 3506
Code, or an investigator of the bureau of criminal 3507
identification and investigation, as defined in section 2903.11 3508
of the Revised Code, with respect to the portion of the sentence 3509
imposed pursuant to division (B) (5) of section 2929.14 of the 3510
Revised Code; 3511

(14) A violation of division (A) (1) or (2) of section 3512
2903.06 of the Revised Code if the offender has been convicted 3513
of or pleaded guilty to three or more violations of division (A) 3514

or (B) of section 4511.19 of the Revised Code or an equivalent 3515
offense, as defined in section 2941.1415 of the Revised Code, or 3516
three or more violations of any combination of those divisions 3517
and offenses, with respect to the portion of the sentence 3518
imposed pursuant to division (B) (6) of section 2929.14 of the 3519
Revised Code; 3520

(15) Kidnapping, in the circumstances specified in section 3521
2971.03 of the Revised Code and when no other provision of 3522
division (F) of this section applies; 3523

(16) Kidnapping, abduction, compelling prostitution, 3524
promoting prostitution, engaging in a pattern of corrupt 3525
activity, illegal use of a minor in a nudity-oriented material 3526
or performance in violation of division (A) (1) or (2) of section 3527
2907.323 of the Revised Code, or endangering children in 3528
violation of division (B) (1), (2), (3), (4), or (5) of section 3529
2919.22 of the Revised Code, if the offender is convicted of or 3530
pleads guilty to a specification as described in section 3531
2941.1422 of the Revised Code that was included in the 3532
indictment, count in the indictment, or information charging the 3533
offense; 3534

(17) A felony violation of division (A) or (B) of section 3535
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 3536
that section, and division (D) (6) of that section, require the 3537
imposition of a prison term; 3538

(18) A felony violation of section 2903.11, 2903.12, or 3539
2903.13 of the Revised Code, if the victim of the offense was a 3540
woman that the offender knew was pregnant at the time of the 3541
violation, with respect to a portion of the sentence imposed 3542
pursuant to division (B) (8) of section 2929.14 of the Revised 3543
Code; 3544

(19) (a) Any violent felony offense if the offender is a
violent career criminal and had a firearm on or about the
offender's person or under the offender's control during the
commission of the violent felony offense and displayed or
brandished the firearm, indicated that the offender possessed a
firearm, or used the firearm to facilitate the offense, with
respect to the portion of the sentence imposed under division
(K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section,
"violent career criminal" and "violent felony offense" have the
same meanings as in section 2923.132 of the Revised Code.

(20) A felony violation of section 2925.03, 2925.05, or
2925.11 of the Revised Code, if the drug involved in the
violation is a fentanyl-related compound or a compound, mixture,
preparation, or substance containing a fentanyl-related compound
and the offender is convicted of or pleads guilty to a
specification of the type described in division (B) of section
2941.1410 of the Revised Code that was included in the
indictment, count in the indictment, or information charging the
offense, with respect to the portion of the sentence imposed
under division (B) (9) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section,
if an offender is being sentenced for a fourth degree felony OVI
offense or for a third degree felony OVI offense, the court
shall impose upon the offender a mandatory term of local
incarceration or a mandatory prison term in accordance with the
following:

(1) If the offender is being sentenced for a fourth degree
felony OVI offense and if the offender has not been convicted of
and has not pleaded guilty to a specification of the type

described in section 2941.1413 of the Revised Code, the court 3575
may impose upon the offender a mandatory term of local 3576
incarceration of sixty days or one hundred twenty days as 3577
specified in division (G) (1) (d) of section 4511.19 of the 3578
Revised Code. The court shall not reduce the term pursuant to 3579
section 2929.20, 2967.193, or any other provision of the Revised 3580
Code. The court that imposes a mandatory term of local 3581
incarceration under this division shall specify whether the term 3582
is to be served in a jail, a community-based correctional 3583
facility, a halfway house, or an alternative residential 3584
facility, and the offender shall serve the term in the type of 3585
facility specified by the court. A mandatory term of local 3586
incarceration imposed under division (G) (1) of this section is 3587
not subject to any other Revised Code provision that pertains to 3588
a prison term except as provided in division (A) (1) of this 3589
section. 3590

(2) If the offender is being sentenced for a third degree 3591
felony OVI offense, or if the offender is being sentenced for a 3592
fourth degree felony OVI offense and the court does not impose a 3593
mandatory term of local incarceration under division (G) (1) of 3594
this section, the court shall impose upon the offender a 3595
mandatory prison term of one, two, three, four, or five years if 3596
the offender also is convicted of or also pleads guilty to a 3597
specification of the type described in section 2941.1413 of the 3598
Revised Code or shall impose upon the offender a mandatory 3599
prison term of sixty days or one hundred twenty days as 3600
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3601
Revised Code if the offender has not been convicted of and has 3602
not pleaded guilty to a specification of that type. Subject to 3603
divisions (C) to (I) of section 2967.19 of the Revised Code, the 3604
court shall not reduce the term pursuant to section 2929.20, 3605

2967.19, 2967.193, or any other provision of the Revised Code. 3606
The offender shall serve the one-, two-, three-, four-, or five- 3607
year mandatory prison term consecutively to and prior to the 3608
prison term imposed for the underlying offense and consecutively 3609
to any other mandatory prison term imposed in relation to the 3610
offense. In no case shall an offender who once has been 3611
sentenced to a mandatory term of local incarceration pursuant to 3612
division (G) (1) of this section for a fourth degree felony OVI 3613
offense be sentenced to another mandatory term of local 3614
incarceration under that division for any violation of division 3615
(A) of section 4511.19 of the Revised Code. In addition to the 3616
mandatory prison term described in division (G) (2) of this 3617
section, the court may sentence the offender to a community 3618
control sanction under section 2929.16 or 2929.17 of the Revised 3619
Code, but the offender shall serve the prison term prior to 3620
serving the community control sanction. The department of 3621
rehabilitation and correction may place an offender sentenced to 3622
a mandatory prison term under this division in an intensive 3623
program prison established pursuant to section 5120.033 of the 3624
Revised Code if the department gave the sentencing judge prior 3625
notice of its intent to place the offender in an intensive 3626
program prison established under that section and if the judge 3627
did not notify the department that the judge disapproved the 3628
placement. Upon the establishment of the initial intensive 3629
program prison pursuant to section 5120.033 of the Revised Code 3630
that is privately operated and managed by a contractor pursuant 3631
to a contract entered into under section 9.06 of the Revised 3632
Code, both of the following apply: 3633

(a) The department of rehabilitation and correction shall 3634
make a reasonable effort to ensure that a sufficient number of 3635
offenders sentenced to a mandatory prison term under this 3636

division are placed in the privately operated and managed prison 3637
so that the privately operated and managed prison has full 3638
occupancy. 3639

(b) Unless the privately operated and managed prison has 3640
full occupancy, the department of rehabilitation and correction 3641
shall not place any offender sentenced to a mandatory prison 3642
term under this division in any intensive program prison 3643
established pursuant to section 5120.033 of the Revised Code 3644
other than the privately operated and managed prison. 3645

(H) If an offender is being sentenced for a sexually 3646
oriented offense or child-victim oriented offense that is a 3647
felony committed on or after January 1, 1997, the judge shall 3648
require the offender to submit to a DNA specimen collection 3649
procedure pursuant to section 2901.07 of the Revised Code. 3650

(I) If an offender is being sentenced for a sexually 3651
oriented offense or a child-victim oriented offense committed on 3652
or after January 1, 1997, the judge shall include in the 3653
sentence a summary of the offender's duties imposed under 3654
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3655
Code and the duration of the duties. The judge shall inform the 3656
offender, at the time of sentencing, of those duties and of 3657
their duration. If required under division (A) (2) of section 3658
2950.03 of the Revised Code, the judge shall perform the duties 3659
specified in that section, or, if required under division (A) (6) 3660
of section 2950.03 of the Revised Code, the judge shall perform 3661
the duties specified in that division. 3662

(J) (1) Except as provided in division (J) (2) of this 3663
section, when considering sentencing factors under this section 3664
in relation to an offender who is convicted of or pleads guilty 3665
to an attempt to commit an offense in violation of section 3666

2923.02 of the Revised Code, the sentencing court shall consider 3667
the factors applicable to the felony category of the violation 3668
of section 2923.02 of the Revised Code instead of the factors 3669
applicable to the felony category of the offense attempted. 3670

(2) When considering sentencing factors under this section 3671
in relation to an offender who is convicted of or pleads guilty 3672
to an attempt to commit a drug abuse offense for which the 3673
penalty is determined by the amount or number of unit doses of 3674
the controlled substance involved in the drug abuse offense, the 3675
sentencing court shall consider the factors applicable to the 3676
felony category that the drug abuse offense attempted would be 3677
if that drug abuse offense had been committed and had involved 3678
an amount or number of unit doses of the controlled substance 3679
that is within the next lower range of controlled substance 3680
amounts than was involved in the attempt. 3681

(K) As used in this section: 3682

(1) "Community addiction services provider" has the same 3683
meaning as in section 5119.01 of the Revised Code. 3684

(2) "Drug abuse offense" has the same meaning as in 3685
section 2925.01 of the Revised Code. 3686

(3) "Minor drug possession offense" has the same meaning 3687
as in section 2925.11 of the Revised Code. 3688

(4) "Qualifying assault offense" means a violation of 3689
section 2903.13 of the Revised Code for which the penalty 3690
provision in division (C) (8) (b) or (C) (9) (b) of that section 3691
applies. 3692

(L) At the time of sentencing an offender for any sexually 3693
oriented offense, if the offender is a tier III sex 3694
offender/child-victim offender relative to that offense and the 3695

offender does not serve a prison term or jail term, the court
may require that the offender be monitored by means of a global
positioning device. If the court requires such monitoring, the
cost of monitoring shall be borne by the offender. If the
offender is indigent, the cost of compliance shall be paid by
the crime victims reparations fund.

Sec. 2929.14. (A) Except as provided in division (B) (1),
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9),
(E), (G), (H), (J), or (K) of this section or in division (D) (6)
of section 2919.25 of the Revised Code and except in relation to
an offense for which a sentence of death or life imprisonment is
to be imposed, if the court imposing a sentence upon an offender
for a felony elects or is required to impose a prison term on
the offender pursuant to this chapter, the court shall impose a
definite prison term that shall be one of the following:

(1) For a felony of the first degree, the prison term
shall be three, four, five, six, seven, eight, nine, ten, or
eleven years.

(2) For a felony of the second degree, the prison term
shall be two, three, four, five, six, seven, or eight years.

(3) (a) For a felony of the third degree that is a
violation of section 2903.06, 2903.08, 2907.03, 2907.04,
2907.05, or 3795.04 of the Revised Code or that is a violation
of section 2911.02 or 2911.12 of the Revised Code if the
offender previously has been convicted of or pleaded guilty in
two or more separate proceedings to two or more violations of
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised
Code, the prison term shall be twelve, eighteen, twenty-four,
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty
months.

(b) For a felony of the third degree that is not an 3726
offense for which division (A) (3) (a) of this section applies, 3727
the prison term shall be nine, twelve, eighteen, twenty-four, 3728
thirty, or thirty-six months. 3729

(4) For a felony of the fourth degree, the prison term 3730
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3731
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3732

(5) For a felony of the fifth degree, the prison term 3733
shall be six, seven, eight, nine, ten, eleven, or twelve months. 3734

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3735
section, if an offender who is convicted of or pleads guilty to 3736
a felony also is convicted of or pleads guilty to a 3737
specification of the type described in section 2941.141, 3738
2941.144, or 2941.145 of the Revised Code, the court shall 3739
impose on the offender one of the following prison terms: 3740

(i) A prison term of six years if the specification is of 3741
the type described in division (A) of section 2941.144 of the 3742
Revised Code that charges the offender with having a firearm 3743
that is an automatic firearm or that was equipped with a firearm 3744
muffler or suppressor on or about the offender's person or under 3745
the offender's control while committing the offense; 3746

(ii) A prison term of three years if the specification is 3747
of the type described in division (A) of section 2941.145 of the 3748
Revised Code that charges the offender with having a firearm on 3749
or about the offender's person or under the offender's control 3750
while committing the offense and displaying the firearm, 3751
brandishing the firearm, indicating that the offender possessed 3752
the firearm, or using it to facilitate the offense; 3753

(iii) A prison term of one year if the specification is of 3754

the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;

(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

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

(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and that the offender

previously has been convicted of or pleaded guilty to a 3785
specification of the type described in section 2941.141, 3786
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3787

(b) If a court imposes a prison term on an offender under 3788
division (B)(1)(a) of this section, the prison term shall not be 3789
reduced pursuant to section 2967.19, section 2929.20, section 3790
2967.193, or any other provision of Chapter 2967. or Chapter 3791
5120. of the Revised Code. Except as provided in division (B)(1) 3792
(g) of this section, a court shall not impose more than one 3793
prison term on an offender under division (B)(1)(a) of this 3794
section for felonies committed as part of the same act or 3795
transaction. 3796

(c)(i) Except as provided in division (B)(1)(e) of this 3797
section, if an offender who is convicted of or pleads guilty to 3798
a violation of section 2923.161 of the Revised Code or to a 3799
felony that includes, as an essential element, purposely or 3800
knowingly causing or attempting to cause the death of or 3801
physical harm to another, also is convicted of or pleads guilty 3802
to a specification of the type described in division (A) of 3803
section 2941.146 of the Revised Code that charges the offender 3804
with committing the offense by discharging a firearm from a 3805
motor vehicle other than a manufactured home, the court, after 3806
imposing a prison term on the offender for the violation of 3807
section 2923.161 of the Revised Code or for the other felony 3808
offense under division (A), (B)(2), or (B)(3) of this section, 3809
shall impose an additional prison term of five years upon the 3810
offender that shall not be reduced pursuant to section 2929.20, 3811
section 2967.19, section 2967.193, or any other provision of 3812
Chapter 2967. or Chapter 5120. of the Revised Code. 3813

(ii) Except as provided in division (B)(1)(e) of this 3814

section, if an offender who is convicted of or pleads guilty to 3815
a violation of section 2923.161 of the Revised Code or to a 3816
felony that includes, as an essential element, purposely or 3817
knowingly causing or attempting to cause the death of or 3818
physical harm to another, also is convicted of or pleads guilty 3819
to a specification of the type described in division (C) of 3820
section 2941.146 of the Revised Code that charges the offender 3821
with committing the offense by discharging a firearm from a 3822
motor vehicle other than a manufactured home and that the 3823
offender previously has been convicted of or pleaded guilty to a 3824
specification of the type described in section 2941.141, 3825
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3826
the court, after imposing a prison term on the offender for the 3827
violation of section 2923.161 of the Revised Code or for the 3828
other felony offense under division (A), (B) (2), or (3) of this 3829
section, shall impose an additional prison term of ninety months 3830
upon the offender that shall not be reduced pursuant to section 3831
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3832
2967. or Chapter 5120. of the Revised Code. 3833

(iii) A court shall not impose more than one additional 3834
prison term on an offender under division (B) (1) (c) of this 3835
section for felonies committed as part of the same act or 3836
transaction. If a court imposes an additional prison term on an 3837
offender under division (B) (1) (c) of this section relative to an 3838
offense, the court also shall impose a prison term under 3839
division (B) (1) (a) of this section relative to the same offense, 3840
provided the criteria specified in that division for imposing an 3841
additional prison term are satisfied relative to the offender 3842
and the offense. 3843

(d) If an offender who is convicted of or pleads guilty to 3844
an offense of violence that is a felony also is convicted of or 3845

pleads guilty to a specification of the type described in 3846
section 2941.1411 of the Revised Code that charges the offender 3847
with wearing or carrying body armor while committing the felony 3848
offense of violence, the court shall impose on the offender a 3849
prison term of two years. The prison term so imposed, subject to 3850
divisions (C) to (I) of section 2967.19 of the Revised Code, 3851
shall not be reduced pursuant to section 2929.20, section 3852
2967.19, section 2967.193, or any other provision of Chapter 3853
2967. or Chapter 5120. of the Revised Code. A court shall not 3854
impose more than one prison term on an offender under division 3855
(B) (1) (d) of this section for felonies committed as part of the 3856
same act or transaction. If a court imposes an additional prison 3857
term under division (B) (1) (a) or (c) of this section, the court 3858
is not precluded from imposing an additional prison term under 3859
division (B) (1) (d) of this section. 3860

(e) The court shall not impose any of the prison terms 3861
described in division (B) (1) (a) of this section or any of the 3862
additional prison terms described in division (B) (1) (c) of this 3863
section upon an offender for a violation of section 2923.12 or 3864
2923.123 of the Revised Code. The court shall not impose any of 3865
the prison terms described in division (B) (1) (a) or (b) of this 3866
section upon an offender for a violation of section 2923.122 3867
that involves a deadly weapon that is a firearm other than a 3868
dangerous ordnance, section 2923.16, or section 2923.121 of the 3869
Revised Code. The court shall not impose any of the prison terms 3870
described in division (B) (1) (a) of this section or any of the 3871
additional prison terms described in division (B) (1) (c) of this 3872
section upon an offender for a violation of section 2923.13 of 3873
the Revised Code unless all of the following apply: 3874

(i) The offender previously has been convicted of 3875
aggravated murder, murder, or any felony of the first or second 3876

degree. 3877

(ii) Less than five years have passed since the offender 3878
was released from prison or post-release control, whichever is 3879
later, for the prior offense. 3880

(f)(i) If an offender is convicted of or pleads guilty to 3881
a felony that includes, as an essential element, causing or 3882
attempting to cause the death of or physical harm to another and 3883
also is convicted of or pleads guilty to a specification of the 3884
type described in division (A) of section 2941.1412 of the 3885
Revised Code that charges the offender with committing the 3886
offense by discharging a firearm at a peace officer as defined 3887
in section 2935.01 of the Revised Code or a corrections officer, 3888
as defined in section 2941.1412 of the Revised Code, the court, 3889
after imposing a prison term on the offender for the felony 3890
offense under division (A), (B)(2), or (B)(3) of this section, 3891
shall impose an additional prison term of seven years upon the 3892
offender that shall not be reduced pursuant to section 2929.20, 3893
section 2967.19, section 2967.193, or any other provision of 3894
Chapter 2967. or Chapter 5120. of the Revised Code. 3895

(ii) If an offender is convicted of or pleads guilty to a 3896
felony that includes, as an essential element, causing or 3897
attempting to cause the death of or physical harm to another and 3898
also is convicted of or pleads guilty to a specification of the 3899
type described in division (B) of section 2941.1412 of the 3900
Revised Code that charges the offender with committing the 3901
offense by discharging a firearm at a peace officer, as defined 3902
in section 2935.01 of the Revised Code, or a corrections 3903
officer, as defined in section 2941.1412 of the Revised Code, 3904
and that the offender previously has been convicted of or 3905
pleaded guilty to a specification of the type described in 3906

section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3907
the Revised Code, the court, after imposing a prison term on the 3908
offender for the felony offense under division (A), (B) (2), or 3909
(3) of this section, shall impose an additional prison term of 3910
one hundred twenty-six months upon the offender that shall not 3911
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3912
any other provision of Chapter 2967. or 5120. of the Revised 3913
Code. 3914

(iii) If an offender is convicted of or pleads guilty to 3915
two or more felonies that include, as an essential element, 3916
causing or attempting to cause the death or physical harm to 3917
another and also is convicted of or pleads guilty to a 3918
specification of the type described under division (B) (1) (f) of 3919
this section in connection with two or more of the felonies of 3920
which the offender is convicted or to which the offender pleads 3921
guilty, the sentencing court shall impose on the offender the 3922
prison term specified under division (B) (1) (f) of this section 3923
for each of two of the specifications of which the offender is 3924
convicted or to which the offender pleads guilty and, in its 3925
discretion, also may impose on the offender the prison term 3926
specified under that division for any or all of the remaining 3927
specifications. If a court imposes an additional prison term on 3928
an offender under division (B) (1) (f) of this section relative to 3929
an offense, the court shall not impose a prison term under 3930
division (B) (1) (a) or (c) of this section relative to the same 3931
offense. 3932

(g) If an offender is convicted of or pleads guilty to two 3933
or more felonies, if one or more of those felonies are 3934
aggravated murder, murder, attempted aggravated murder, 3935
attempted murder, aggravated robbery, felonious assault, or 3936
rape, and if the offender is convicted of or pleads guilty to a 3937

specification of the type described under division (B) (1) (a) of 3938
this section in connection with two or more of the felonies, the 3939
sentencing court shall impose on the offender the prison term 3940
specified under division (B) (1) (a) of this section for each of 3941
the two most serious specifications of which the offender is 3942
convicted or to which the offender pleads guilty and, in its 3943
discretion, also may impose on the offender the prison term 3944
specified under that division for any or all of the remaining 3945
specifications. 3946

(2) (a) If division (B) (2) (b) of this section does not 3947
apply, the court may impose on an offender, in addition to the 3948
longest prison term authorized or required for the offense, an 3949
additional definite prison term of one, two, three, four, five, 3950
six, seven, eight, nine, or ten years if all of the following 3951
criteria are met: 3952

(i) The offender is convicted of or pleads guilty to a 3953
specification of the type described in section 2941.149 of the 3954
Revised Code that the offender is a repeat violent offender. 3955

(ii) The offense of which the offender currently is 3956
convicted or to which the offender currently pleads guilty is 3957
aggravated murder and the court does not impose a sentence of 3958
death or life imprisonment without parole, murder, terrorism and 3959
the court does not impose a sentence of life imprisonment 3960
without parole, any felony of the first degree that is an 3961
offense of violence and the court does not impose a sentence of 3962
life imprisonment without parole, or any felony of the second 3963
degree that is an offense of violence and the trier of fact 3964
finds that the offense involved an attempt to cause or a threat 3965
to cause serious physical harm to a person or resulted in 3966
serious physical harm to a person. 3967

(iii) The court imposes the longest prison term for the offense that is not life imprisonment without parole.

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

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

(b) The court shall impose on an offender the longest prison term authorized or required for the offense and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

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

(ii) The offender within the preceding twenty years has

been convicted of or pleaded guilty to three or more offenses 3997
described in division (CC) (1) of section 2929.01 of the Revised 3998
Code, including all offenses described in that division of which 3999
the offender is convicted or to which the offender pleads guilty 4000
in the current prosecution and all offenses described in that 4001
division of which the offender previously has been convicted or 4002
to which the offender previously pleaded guilty, whether 4003
prosecuted together or separately. 4004

(iii) The offense or offenses of which the offender 4005
currently is convicted or to which the offender currently pleads 4006
guilty is aggravated murder and the court does not impose a 4007
sentence of death or life imprisonment without parole, murder, 4008
terrorism and the court does not impose a sentence of life 4009
imprisonment without parole, any felony of the first degree that 4010
is an offense of violence and the court does not impose a 4011
sentence of life imprisonment without parole, or any felony of 4012
the second degree that is an offense of violence and the trier 4013
of fact finds that the offense involved an attempt to cause or a 4014
threat to cause serious physical harm to a person or resulted in 4015
serious physical harm to a person. 4016

(c) For purposes of division (B) (2) (b) of this section, 4017
two or more offenses committed at the same time or as part of 4018
the same act or event shall be considered one offense, and that 4019
one offense shall be the offense with the greatest penalty. 4020

(d) A sentence imposed under division (B) (2) (a) or (b) of 4021
this section shall not be reduced pursuant to section 2929.20, 4022
section 2967.19, or section 2967.193, or any other provision of 4023
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 4024
shall serve an additional prison term imposed under this section 4025
consecutively to and prior to the prison term imposed for the 4026

underlying offense. 4027

(e) When imposing a sentence pursuant to division (B) (2) 4028
(a) or (b) of this section, the court shall state its findings 4029
explaining the imposed sentence. 4030

(3) Except when an offender commits a violation of section 4031
2903.01 or 2907.02 of the Revised Code and the penalty imposed 4032
for the violation is life imprisonment or commits a violation of 4033
section 2903.02 of the Revised Code, if the offender commits a 4034
violation of section 2925.03 or 2925.11 of the Revised Code and 4035
that section classifies the offender as a major drug offender, 4036
if the offender commits a violation of section 2925.05 of the 4037
Revised Code and division (E) (1) of that section classifies the 4038
offender as a major drug offender, if the offender commits a 4039
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 4040
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 4041
division (C) or (D) of section 3719.172, division (E) of section 4042
4729.51, or division (J) of section 4729.54 of the Revised Code 4043
that includes the sale, offer to sell, or possession of a 4044
schedule I or II controlled substance, with the exception of 4045
marihuana, and the court imposing sentence upon the offender 4046
finds that the offender is guilty of a specification of the type 4047
described in division (A) of section 2941.1410 of the Revised 4048
Code charging that the offender is a major drug offender, if the 4049
court imposing sentence upon an offender for a felony finds that 4050
the offender is guilty of corrupt activity with the most serious 4051
offense in the pattern of corrupt activity being a felony of the 4052
first degree, or if the offender is guilty of an attempted 4053
violation of section 2907.02 of the Revised Code and, had the 4054
offender completed the violation of section 2907.02 of the 4055
Revised Code that was attempted, the offender would have been 4056
subject to a sentence of life imprisonment or life imprisonment 4057

without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term of the maximum prison term prescribed for a felony of the first degree that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A) (4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A) (3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (B) (4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A) (3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (B) (4) of this section, the offender

shall serve the additional prison term after the offender has 4089
served the mandatory prison term required for the offense. In 4090
addition to the mandatory prison term or mandatory and 4091
additional prison term imposed as described in division (B) (4) 4092
of this section, the court also may sentence the offender to a 4093
community control sanction under section 2929.16 or 2929.17 of 4094
the Revised Code, but the offender shall serve all of the prison 4095
terms so imposed prior to serving the community control 4096
sanction. 4097

If the offender is being sentenced for a fourth degree 4098
felony OVI offense under division (G) (1) of section 2929.13 of 4099
the Revised Code and the court imposes a mandatory term of local 4100
incarceration, the court may impose a prison term as described 4101
in division (A) (1) of that section. 4102

(5) If an offender is convicted of or pleads guilty to a 4103
violation of division (A) (1) or (2) of section 2903.06 of the 4104
Revised Code and also is convicted of or pleads guilty to a 4105
specification of the type described in section 2941.1414 of the 4106
Revised Code that charges that the victim of the offense is a 4107
peace officer, as defined in section 2935.01 of the Revised 4108
Code, or an investigator of the bureau of criminal 4109
identification and investigation, as defined in section 2903.11 4110
of the Revised Code, the court shall impose on the offender a 4111
prison term of five years. If a court imposes a prison term on 4112
an offender under division (B) (5) of this section, the prison 4113
term, subject to divisions (C) to (I) of section 2967.19 of the 4114
Revised Code, shall not be reduced pursuant to section 2929.20, 4115
section 2967.19, section 2967.193, or any other provision of 4116
Chapter 2967. or Chapter 5120. of the Revised Code. A court 4117
shall not impose more than one prison term on an offender under 4118
division (B) (5) of this section for felonies committed as part 4119

of the same act. 4120

(6) If an offender is convicted of or pleads guilty to a 4121
violation of division (A) (1) or (2) of section 2903.06 of the 4122
Revised Code and also is convicted of or pleads guilty to a 4123
specification of the type described in section 2941.1415 of the 4124
Revised Code that charges that the offender previously has been 4125
convicted of or pleaded guilty to three or more violations of 4126
division (A) or (B) of section 4511.19 of the Revised Code or an 4127
equivalent offense, as defined in section 2941.1415 of the 4128
Revised Code, or three or more violations of any combination of 4129
those divisions and offenses, the court shall impose on the 4130
offender a prison term of three years. If a court imposes a 4131
prison term on an offender under division (B) (6) of this 4132
section, the prison term, subject to divisions (C) to (I) of 4133
section 2967.19 of the Revised Code, shall not be reduced 4134
pursuant to section 2929.20, section 2967.19, section 2967.193, 4135
or any other provision of Chapter 2967. or Chapter 5120. of the 4136
Revised Code. A court shall not impose more than one prison term 4137
on an offender under division (B) (6) of this section for 4138
felonies committed as part of the same act. 4139

(7) (a) If an offender is convicted of or pleads guilty to 4140
a felony violation of section 2905.01, 2905.02, 2907.21, 4141
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 4142
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 4143
the Revised Code and also is convicted of or pleads guilty to a 4144
specification of the type described in section 2941.1422 of the 4145
Revised Code that charges that the offender knowingly committed 4146
the offense in furtherance of human trafficking, the court shall 4147
impose on the offender a mandatory prison term that is one of 4148
the following: 4149

(i) If the offense is a felony of the first degree, a 4150
definite prison term of not less than five years and not greater 4151
than ten years; 4152

(ii) If the offense is a felony of the second or third 4153
degree, a definite prison term of not less than three years and 4154
not greater than the maximum prison term allowed for the offense 4155
by division (A) of section 2929.14 of the Revised Code; 4156

(iii) If the offense is a felony of the fourth or fifth 4157
degree, a definite prison term that is the maximum prison term 4158
allowed for the offense by division (A) of section 2929.14 of 4159
the Revised Code. 4160

(b) Subject to divisions (C) to (I) of section 2967.19 of 4161
the Revised Code, the prison term imposed under division (B) (7) 4162
(a) of this section shall not be reduced pursuant to section 4163
2929.20, section 2967.19, section 2967.193, or any other 4164
provision of Chapter 2967. of the Revised Code. A court shall 4165
not impose more than one prison term on an offender under 4166
division (B) (7) (a) of this section for felonies committed as 4167
part of the same act, scheme, or plan. 4168

(8) If an offender is convicted of or pleads guilty to a 4169
felony violation of section 2903.11, 2903.12, or 2903.13 of the 4170
Revised Code and also is convicted of or pleads guilty to a 4171
specification of the type described in section 2941.1423 of the 4172
Revised Code that charges that the victim of the violation was a 4173
woman whom the offender knew was pregnant at the time of the 4174
violation, notwithstanding the range of prison terms prescribed 4175
in division (A) of this section for felonies of the same degree 4176
as the violation, the court shall impose on the offender a 4177
mandatory prison term that is either a definite prison term of 4178
six months or one of the prison terms prescribed in section 4179

2929.14 of the Revised Code for felonies of the same degree as the violation.

(9) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six, seven, or eight years. If a court imposes a prison term on an offender under division (B) (9) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, 2967.19, or 2967.193, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (9) of this section for felonies committed as part of the same act.

(C) (1) (a) Subject to division (C) (1) (b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of

mandatory prison terms are imposed, the offender shall serve any 4211
mandatory prison term imposed under either division 4212
consecutively to any other mandatory prison term imposed under 4213
either division or under division (B) (1) (d) of this section, 4214
consecutively to and prior to any prison term imposed for the 4215
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4216
this section or any other section of the Revised Code, and 4217
consecutively to any other prison term or mandatory prison term 4218
previously or subsequently imposed upon the offender. 4219

(b) If a mandatory prison term is imposed upon an offender 4220
pursuant to division (B) (1) (d) of this section for wearing or 4221
carrying body armor while committing an offense of violence that 4222
is a felony, the offender shall serve the mandatory term so 4223
imposed consecutively to any other mandatory prison term imposed 4224
under that division or under division (B) (1) (a) or (c) of this 4225
section, consecutively to and prior to any prison term imposed 4226
for the underlying felony under division (A), (B) (2), or (B) (3) 4227
of this section or any other section of the Revised Code, and 4228
consecutively to any other prison term or mandatory prison term 4229
previously or subsequently imposed upon the offender. 4230

(c) If a mandatory prison term is imposed upon an offender 4231
pursuant to division (B) (1) (f) of this section, the offender 4232
shall serve the mandatory prison term so imposed consecutively 4233
to and prior to any prison term imposed for the underlying 4234
felony under division (A), (B) (2), or (B) (3) of this section or 4235
any other section of the Revised Code, and consecutively to any 4236
other prison term or mandatory prison term previously or 4237
subsequently imposed upon the offender. 4238

(d) If a mandatory prison term is imposed upon an offender 4239
pursuant to division (B) (7) or (8) of this section, the offender 4240

shall serve the mandatory prison term so imposed consecutively 4241
to any other mandatory prison term imposed under that division 4242
or under any other provision of law and consecutively to any 4243
other prison term or mandatory prison term previously or 4244
subsequently imposed upon the offender. 4245

(e) If a mandatory prison term is imposed upon an offender 4246
pursuant to division (B)(9) of this section, the offender shall 4247
serve the mandatory prison term consecutively to any other 4248
mandatory prison term imposed under that division, consecutively 4249
to and prior to any prison term imposed for the underlying 4250
felony, and consecutively to any other prison term or mandatory 4251
prison term previously or subsequently imposed upon the 4252
offender. 4253

(2) If an offender who is an inmate in a jail, prison, or 4254
other residential detention facility violates section 2917.02, 4255
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 4256
(2) of section 2921.34 of the Revised Code, if an offender who 4257
is under detention at a detention facility commits a felony 4258
violation of section 2923.131 of the Revised Code, or if an 4259
offender who is an inmate in a jail, prison, or other 4260
residential detention facility or is under detention at a 4261
detention facility commits another felony while the offender is 4262
an escapee in violation of division (A)(1) or (2) of section 4263
2921.34 of the Revised Code, any prison term imposed upon the 4264
offender for one of those violations shall be served by the 4265
offender consecutively to the prison term or term of 4266
imprisonment the offender was serving when the offender 4267
committed that offense and to any other prison term previously 4268
or subsequently imposed upon the offender. 4269

(3) If a prison term is imposed for a violation of 4270

division (B) of section 2911.01 of the Revised Code, a violation 4271
of division (A) of section 2913.02 of the Revised Code in which 4272
the stolen property is a firearm or dangerous ordnance, or a 4273
felony violation of division (B) of section 2921.331 of the 4274
Revised Code, the offender shall serve that prison term 4275
consecutively to any other prison term or mandatory prison term 4276
previously or subsequently imposed upon the offender. 4277

(4) If multiple prison terms are imposed on an offender 4278
for convictions of multiple offenses, the court may require the 4279
offender to serve the prison terms consecutively if the court 4280
finds that the consecutive service is necessary to protect the 4281
public from future crime or to punish the offender and that 4282
consecutive sentences are not disproportionate to the 4283
seriousness of the offender's conduct and to the danger the 4284
offender poses to the public, and if the court also finds any of 4285
the following: 4286

(a) The offender committed one or more of the multiple 4287
offenses while the offender was awaiting trial or sentencing, 4288
was under a sanction imposed pursuant to section 2929.16, 4289
2929.17, or 2929.18 of the Revised Code, or was under post- 4290
release control for a prior offense. 4291

(b) At least two of the multiple offenses were committed 4292
as part of one or more courses of conduct, and the harm caused 4293
by two or more of the multiple offenses so committed was so 4294
great or unusual that no single prison term for any of the 4295
offenses committed as part of any of the courses of conduct 4296
adequately reflects the seriousness of the offender's conduct. 4297

(c) The offender's history of criminal conduct 4298
demonstrates that consecutive sentences are necessary to protect 4299
the public from future crime by the offender. 4300

(5) If a mandatory prison term is imposed upon an offender 4301
pursuant to division (B) (5) or (6) of this section, the offender 4302
shall serve the mandatory prison term consecutively to and prior 4303
to any prison term imposed for the underlying violation of 4304
division (A) (1) or (2) of section 2903.06 of the Revised Code 4305
pursuant to division (A) of this section or section 2929.142 of 4306
the Revised Code. If a mandatory prison term is imposed upon an 4307
offender pursuant to division (B) (5) of this section, and if a 4308
mandatory prison term also is imposed upon the offender pursuant 4309
to division (B) (6) of this section in relation to the same 4310
violation, the offender shall serve the mandatory prison term 4311
imposed pursuant to division (B) (5) of this section 4312
consecutively to and prior to the mandatory prison term imposed 4313
pursuant to division (B) (6) of this section and consecutively to 4314
and prior to any prison term imposed for the underlying 4315
violation of division (A) (1) or (2) of section 2903.06 of the 4316
Revised Code pursuant to division (A) of this section or section 4317
2929.142 of the Revised Code. 4318

(6) Any prison term imposed for a violation of section 4319
2903.04 of the Revised Code that is based on a violation of 4320
section 2925.03 or 2925.11 of the Revised Code or on a violation 4321
of section 2925.05 of the Revised Code that is not funding of 4322
marihuana trafficking shall run consecutively to any prison term 4323
imposed for the violation of section 2925.03 or 2925.11 of the 4324
Revised Code or for the violation of section 2925.05 of the 4325
Revised Code that is not funding of marihuana trafficking. 4326

(7) When consecutive prison terms are imposed pursuant to 4327
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 4328
(1) or (2) of this section, the term to be served is the 4329
aggregate of all of the terms so imposed. 4330

(D) (1) If a court imposes a prison term for a felony of 4331
the first degree, for a felony of the second degree, for a 4332
felony sex offense, or for a felony of the third degree that is 4333
not a felony sex offense and in the commission of which the 4334
offender caused or threatened to cause physical harm to a 4335
person, it shall include in the sentence a requirement that the 4336
offender be subject to a period of post-release control after 4337
the offender's release from imprisonment, in accordance with 4338
that division. If a court imposes a sentence including a prison 4339
term of a type described in this division on or after July 11, 4340
2006, the failure of a court to include a post-release control 4341
requirement in the sentence pursuant to this division does not 4342
negate, limit, or otherwise affect the mandatory period of post- 4343
release control that is required for the offender under division 4344
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 4345
the Revised Code applies if, prior to July 11, 2006, a court 4346
imposed a sentence including a prison term of a type described 4347
in this division and failed to include in the sentence pursuant 4348
to this division a statement regarding post-release control. 4349

(2) If a court imposes a prison term for a felony of the 4350
third, fourth, or fifth degree that is not subject to division 4351
(D) (1) of this section, it shall include in the sentence a 4352
requirement that the offender be subject to a period of post- 4353
release control after the offender's release from imprisonment, 4354
in accordance with that division, if the parole board determines 4355
that a period of post-release control is necessary. Section 4356
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4357
a court imposed a sentence including a prison term of a type 4358
described in this division and failed to include in the sentence 4359
pursuant to this division a statement regarding post-release 4360
control. 4361

(E) The court shall impose sentence upon the offender in 4362
accordance with section 2971.03 of the Revised Code, and Chapter 4363
2971. of the Revised Code applies regarding the prison term or 4364
term of life imprisonment without parole imposed upon the 4365
offender and the service of that term of imprisonment if any of 4366
the following apply: 4367

(1) A person is convicted of or pleads guilty to a violent 4368
sex offense or a designated homicide, assault, or kidnapping 4369
offense, and, in relation to that offense, the offender is 4370
adjudicated a sexually violent predator. 4371

(2) A person is convicted of or pleads guilty to a 4372
violation of division (A) (1) (b) of section 2907.02 of the 4373
Revised Code committed on or after January 2, 2007, and either 4374
the court does not impose a sentence of life without parole when 4375
authorized pursuant to division (B) of section 2907.02 of the 4376
Revised Code, or division (B) of section 2907.02 of the Revised 4377
Code provides that the court shall not sentence the offender 4378
pursuant to section 2971.03 of the Revised Code. 4379

(3) A person is convicted of or pleads guilty to attempted 4380
rape committed on or after January 2, 2007, and a specification 4381
of the type described in section 2941.1418, 2941.1419, or 4382
2941.1420 of the Revised Code. 4383

(4) A person is convicted of or pleads guilty to a 4384
violation of section 2905.01 of the Revised Code committed on or 4385
after January 1, 2008, and that section requires the court to 4386
sentence the offender pursuant to section 2971.03 of the Revised 4387
Code. 4388

(5) A person is convicted of or pleads guilty to 4389
aggravated murder committed on or after January 1, 2008, and 4390

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4391
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4392
(d) of section 2929.03, or division (A) or (B) of section 4393
2929.06 of the Revised Code requires the court to sentence the 4394
offender pursuant to division (B) (3) of section 2971.03 of the 4395
Revised Code. 4396

(6) A person is convicted of or pleads guilty to murder 4397
committed on or after January 1, 2008, and division (B) (2) of 4398
section 2929.02 of the Revised Code requires the court to 4399
sentence the offender pursuant to section 2971.03 of the Revised 4400
Code. 4401

(F) If a person who has been convicted of or pleaded 4402
guilty to a felony is sentenced to a prison term or term of 4403
imprisonment under this section, sections 2929.02 to 2929.06 of 4404
the Revised Code, section 2929.142 of the Revised Code, section 4405
2971.03 of the Revised Code, or any other provision of law, 4406
section 5120.163 of the Revised Code applies regarding the 4407
person while the person is confined in a state correctional 4408
institution. 4409

(G) If an offender who is convicted of or pleads guilty to 4410
a felony that is an offense of violence also is convicted of or 4411
pleads guilty to a specification of the type described in 4412
section 2941.142 of the Revised Code that charges the offender 4413
with having committed the felony while participating in a 4414
criminal gang, the court shall impose upon the offender an 4415
additional prison term of one, two, or three years. 4416

(H) (1) If an offender who is convicted of or pleads guilty 4417
to aggravated murder, murder, or a felony of the first, second, 4418
or third degree that is an offense of violence also is convicted 4419
of or pleads guilty to a specification of the type described in 4420

section 2941.143 of the Revised Code that charges the offender 4421
with having committed the offense in a school safety zone or 4422
towards a person in a school safety zone, the court shall impose 4423
upon the offender an additional prison term of two years. The 4424
offender shall serve the additional two years consecutively to 4425
and prior to the prison term imposed for the underlying offense. 4426

(2) (a) If an offender is convicted of or pleads guilty to 4427
a felony violation of section 2907.22, 2907.24, 2907.241, or 4428
2907.25 of the Revised Code and to a specification of the type 4429
described in section 2941.1421 of the Revised Code and if the 4430
court imposes a prison term on the offender for the felony 4431
violation, the court may impose upon the offender an additional 4432
prison term as follows: 4433

(i) Subject to division (H) (2) (a) (ii) of this section, an 4434
additional prison term of one, two, three, four, five, or six 4435
months; 4436

(ii) If the offender previously has been convicted of or 4437
pleaded guilty to one or more felony or misdemeanor violations 4438
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4439
the Revised Code and also was convicted of or pleaded guilty to 4440
a specification of the type described in section 2941.1421 of 4441
the Revised Code regarding one or more of those violations, an 4442
additional prison term of one, two, three, four, five, six, 4443
seven, eight, nine, ten, eleven, or twelve months. 4444

(b) In lieu of imposing an additional prison term under 4445
division (H) (2) (a) of this section, the court may directly 4446
impose on the offender a sanction that requires the offender to 4447
wear a real-time processing, continual tracking electronic 4448
monitoring device during the period of time specified by the 4449
court. The period of time specified by the court shall equal the 4450

duration of an additional prison term that the court could have 4451
imposed upon the offender under division (H) (2) (a) of this 4452
section. A sanction imposed under this division shall commence 4453
on the date specified by the court, provided that the sanction 4454
shall not commence until after the offender has served the 4455
prison term imposed for the felony violation of section 2907.22, 4456
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4457
residential sanction imposed for the violation under section 4458
2929.16 of the Revised Code. A sanction imposed under this 4459
division shall be considered to be a community control sanction 4460
for purposes of section 2929.15 of the Revised Code, and all 4461
provisions of the Revised Code that pertain to community control 4462
sanctions shall apply to a sanction imposed under this division, 4463
except to the extent that they would by their nature be clearly 4464
inapplicable. The offender shall pay all costs associated with a 4465
sanction imposed under this division, including the cost of the 4466
use of the monitoring device. 4467

(I) At the time of sentencing, the court may recommend the 4468
offender for placement in a program of shock incarceration under 4469
section 5120.031 of the Revised Code or for placement in an 4470
intensive program prison under section 5120.032 of the Revised 4471
Code, disapprove placement of the offender in a program of shock 4472
incarceration or an intensive program prison of that nature, or 4473
make no recommendation on placement of the offender. In no case 4474
shall the department of rehabilitation and correction place the 4475
offender in a program or prison of that nature unless the 4476
department determines as specified in section 5120.031 or 4477
5120.032 of the Revised Code, whichever is applicable, that the 4478
offender is eligible for the placement. 4479

If the court disapproves placement of the offender in a 4480
program or prison of that nature, the department of 4481

rehabilitation and correction shall not place the offender in 4482
any program of shock incarceration or intensive program prison. 4483

If the court recommends placement of the offender in a 4484
program of shock incarceration or in an intensive program 4485
prison, and if the offender is subsequently placed in the 4486
recommended program or prison, the department shall notify the 4487
court of the placement and shall include with the notice a brief 4488
description of the placement. 4489

If the court recommends placement of the offender in a 4490
program of shock incarceration or in an intensive program prison 4491
and the department does not subsequently place the offender in 4492
the recommended program or prison, the department shall send a 4493
notice to the court indicating why the offender was not placed 4494
in the recommended program or prison. 4495

If the court does not make a recommendation under this 4496
division with respect to an offender and if the department 4497
determines as specified in section 5120.031 or 5120.032 of the 4498
Revised Code, whichever is applicable, that the offender is 4499
eligible for placement in a program or prison of that nature, 4500
the department shall screen the offender and determine if there 4501
is an available program of shock incarceration or an intensive 4502
program prison for which the offender is suited. If there is an 4503
available program of shock incarceration or an intensive program 4504
prison for which the offender is suited, the department shall 4505
notify the court of the proposed placement of the offender as 4506
specified in section 5120.031 or 5120.032 of the Revised Code 4507
and shall include with the notice a brief description of the 4508
placement. The court shall have ten days from receipt of the 4509
notice to disapprove the placement. 4510

(J) If a person is convicted of or pleads guilty to 4511

aggravated vehicular homicide in violation of division (A) (1) of 4512
section 2903.06 of the Revised Code and division (B) (2) (c) of 4513
that section applies, the person shall be sentenced pursuant to 4514
section 2929.142 of the Revised Code. 4515

(K) (1) The court shall impose an additional mandatory 4516
prison term of two, three, four, five, six, seven, eight, nine, 4517
ten, or eleven years on an offender who is convicted of or 4518
pleads guilty to a violent felony offense if the offender also 4519
is convicted of or pleads guilty to a specification of the type 4520
described in section 2941.1424 of the Revised Code that charges 4521
that the offender is a violent career criminal and had a firearm 4522
on or about the offender's person or under the offender's 4523
control while committing the presently charged violent felony 4524
offense and displayed or brandished the firearm, indicated that 4525
the offender possessed a firearm, or used the firearm to 4526
facilitate the offense. The offender shall serve the prison term 4527
imposed under this division consecutively to and prior to the 4528
prison term imposed for the underlying offense. The prison term 4529
shall not be reduced pursuant to section 2929.20 or 2967.19 or 4530
any other provision of Chapter 2967. or 5120. of the Revised 4531
Code. A court may not impose more than one sentence under 4532
division (B) (2) (a) of this section and this division for acts 4533
committed as part of the same act or transaction. 4534

(2) As used in division (K) (1) of this section, "violent 4535
career criminal" and "violent felony offense" have the same 4536
meanings as in section 2923.132 of the Revised Code. 4537

Sec. 2941.1410. (A) Except as provided in sections 2925.03 4538
and 2925.11 and division (E) (1) of section 2925.05 of the 4539
Revised Code, the determination by a court that an offender is a 4540
major drug offender is precluded unless the indictment, count in 4541

the indictment, or information charging the offender specifies 4542
that the offender is a major drug offender. The specification 4543
shall be stated at the end of the body of the indictment, count, 4544
or information, and shall be stated in substantially the 4545
following form: 4546

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4547
Grand Jurors (or insert the person's or prosecuting attorney's 4548
name when appropriate) further find and specify that (set forth 4549
that the offender is a major drug offender)." 4550

(B) Imposition of a three, four, five, six, seven, or 4551
eight-year mandatory prison term upon an offender under division 4552
(B) (9) of section 2929.14 of the Revised Code, pursuant to 4553
determination by a court that an offender is a major drug 4554
offender, is precluded unless the indictment, count in the 4555
indictment, or information charging the offender with the 4556
violation of section 2925.03, 2925.05, or 2925.11 of the Revised 4557
Code specifies that the offender is a major drug offender and 4558
that the drug involved in the violation is a fentanyl-related 4559
compound or a compound, mixture, preparation, or substance 4560
containing a fentanyl-related compound. The specification shall 4561
be stated at the end of the body of the indictment, count, or 4562
information, and shall be stated in substantially the following 4563
form: 4564

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4565
Grand Jurors (or insert the person's or prosecuting attorney's 4566
name when appropriate) further find and specify that (set forth 4567
that the offender is a major drug offender and the drug involved 4568
in the violation is a fentanyl-related compound or a compound, 4569
mixture, preparation, or substance containing a fentanyl-related 4570
compound)." 4571

(C) The court shall determine the issue of whether an
offender is a major drug offender.

~~(C)~~ (D) As used in this section, "major drug offender" has
the same meaning as in section 2929.01 of the Revised Code.

Sec. 3719.41. Controlled substance schedules I, II, III,
IV, and V are hereby established, which schedules include the
following, subject to amendment pursuant to section 3719.43 or
3719.44 of the Revised Code.

SCHEDULE I

(A) Narcotics-opiates

Any of the following opiates, including their isomers,
esters, ethers, salts, and salts of isomers, esters, and ethers,
unless specifically excepted under federal drug abuse control
laws, whenever the existence of these isomers, esters, ethers,
and salts is possible within the specific chemical designation:

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

(2) Acetylmethadol;

(3) Allylprodine;

(4) Alphacetylmethadol (except levo-alphacetylmethadol,
also known as levo-alpha-acetylmethadol, levomethadyl acetate,
or LAAM);

(5) Alphameprodine;

(6) Alphamethadol;

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

(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	4599 4600
(9) Benzethidine;	4601
(10) Betacetylmethadol;	4602
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);	4603 4604
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	4605 4606 4607
(13) Betameprodine;	4608
(14) Betamethadol;	4609
(15) Betaprodine;	4610
(16) Clonitazene;	4611
(17) Dextromoramide;	4612
(18) Diampromide;	4613
(19) Diethylthiambutene;	4614
(20) Difenoxin;	4615
(21) Dimenoxadol;	4616
(22) Dimepheptanol;	4617
(23) Dimethylthiambutene;	4618
(24) Dioxaphetyl butyrate;	4619
(25) Dipipanone;	4620
(26) Ethylmethylthiambutene;	4621
(27) Etonitazene;	4622

(28) Etoxeridine;	4623
(29) Furethidine;	4624
(30) Hydroxypethidine;	4625
(31) Ketobemidone;	4626
(32) Levomoramide;	4627
(33) Levophenacylmorphane;	4628
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	4629 4630
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	4631 4632
(36) Morpheridine;	4633
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	4634
(38) Noracymethadol;	4635
(39) Norlevorphanol;	4636
(40) Normethadone;	4637
(41) Norpipanone;	4638
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);	4639 4640
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);	4641
(44) Phenadoxone;	4642
(45) Phenampromide;	4643
(46) Phenomorphan;	4644
(47) Phenoperidine;	4645

- (48) Piritramide; 4646
- (49) Proheptazine; 4647
- (50) Properidine; 4648
- (51) Propiram; 4649
- (52) Racemoramide; 4650
- (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 4651
4652
- (54) Tilidine; 4653
- (55) Trimeperidine. 4654
- (56) Except as otherwise provided in this section, any 4655
compound that meets all of the following fentanyl pharmacophore 4656
requirements to bind at the mu receptor, as identified by a 4657
report from an established forensic laboratory: 4658
- (a) A chemical scaffold consisting of both of the 4659
following: 4660
- (i) A five, six, or seven member ring structure containing 4661
a nitrogen, whether or not further substituted; 4662
- (ii) An attached nitrogen to the ring, whether or not that 4663
nitrogen is enclosed in a ring structure, including an attached 4664
aromatic ring or other lipophilic group to that nitrogen; 4665
- (b) A polar functional group attached to the chemical 4666
scaffold, including but not limited to, a hydroxyl, ketone, 4667
amide, or ester; 4668
- (c) An alkyl or aryl substitution off the ring nitrogen of 4669
the chemical scaffold; and 4670
- (d) The compound has not been approved for medical use by 4671

the United States food and drug administration. 4672

(B) Narcotics-opium derivatives 4673

Any of the following opium derivatives, including their 4674
salts, isomers, and salts of isomers, unless specifically 4675
excepted under federal drug abuse control laws, whenever the 4676
existence of these salts, isomers, and salts of isomers is 4677
possible within the specific chemical designation: 4678

(1) Acetorphine; 4679

(2) Acetyldihydrocodeine; 4680

(3) Benzylmorphine; 4681

(4) Codeine methylbromide; 4682

(5) Codeine-n-oxide; 4683

(6) Cyprenorphine; 4684

(7) Desomorphine; 4685

(8) Dihydromorphine; 4686

(9) Drotebanol; 4687

(10) Etorphine (except hydrochloride salt); 4688

(11) Heroin; 4689

(12) Hydromorphenol; 4690

(13) Methyldesorphine; 4691

(14) Methyldihydromorphine; 4692

(15) Morphine methylbromide; 4693

(16) Morphine methylsulfonate; 4694

(17) Morphine-n-oxide; 4695

(18) Myrophine;	4696
(19) Nicocodeine;	4697
(20) Nicomorphine;	4698
(21) Normorphine;	4699
(22) Pholcodine;	4700
(23) Thebacon.	4701
(C) Hallucinogens	4702
Any material, compound, mixture, or preparation that	4703
contains any quantity of the following hallucinogenic	4704
substances, including their salts, isomers, and salts of	4705
isomers, unless specifically excepted under federal drug abuse	4706
control laws, whenever the existence of these salts, isomers,	4707
and salts of isomers is possible within the specific chemical	4708
designation. For the purposes of this division only, "isomer"	4709
includes the optical isomers, position isomers, and geometric	4710
isomers.	4711
(1) Alpha-ethyltryptamine (some trade or other names:	4712
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-	4713
aminobutyl) indole; alpha-ET; and AET);	4714
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	4715
names: 4-bromo-2,5-dimethoxy-alpha-methyphenethylamine; 4-bromo-	4716
2,5-DMA);	4717
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or	4718
other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	4719
alpha-desmethyl DOB; 2C-B, Nexus);	4720
(4) 2,5-dimethoxyamphetamine (some trade or other names:	4721
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	4722

- (5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET); 4723
4724
- (6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA); 4725
4726
4727
- (7) 5-methoxy-3,4-methylenedioxy-amphetamine; 4728
- (8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP"); 4729
4730
4731
- (9) 3,4-methylenedioxy amphetamine (MDA); 4732
- (10) 3,4-methylenedioxymethamphetamine (MDMA); 4733
- (11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA); 4734
4735
4736
- (12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA); 4737
4738
4739
- (13) 3,4,5-trimethoxy amphetamine; 4740
- (14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine); 4741
4742
4743
4744
- (15) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET); 4745
4746
- (16) Dimethyltryptamine (some trade or other names: DMT); 4747
- (17) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H- 4748
4749

pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga); 4750

(18) Lysergic acid diethylamide; 4751

(19) Marihuana; 4752

(20) Mescaline; 4753

(21) Parahexyl (some trade or other names: 3-hexyl-1- 4754
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H- 4755
dibenzo[b,d]pyran; synhexyl); 4756

(22) Peyote (meaning all parts of the plant presently 4757
classified botanically as "Lophophora williamsii Lemaire," 4758
whether growing or not, the seeds of that plant, any extract 4759
from any part of that plant, and every compound, manufacture, 4760
salts, derivative, mixture, or preparation of that plant, its 4761
seeds, or its extracts); 4762

(23) N-ethyl-3-piperidyl benzilate; 4763

(24) N-methyl-3-piperidyl benzilate; 4764

(25) Psilocybin; 4765

(26) Psilocyn; 4766

(27) Tetrahydrocannabinols (synthetic equivalents of the 4767
substances contained in the plant, or in the resinous 4768
extractives of Cannabis, sp. and/or synthetic substances, 4769
derivatives, and their isomers with similar chemical structure 4770
and pharmacological activity such as the following: delta-1-cis 4771
or trans tetrahydrocannabinol, and their optical isomers; delta- 4772
6-cis or trans tetrahydrocannabinol, and their optical isomers; 4773
delta-3,4-cis or trans tetrahydrocannabinol, and its optical 4774
isomers. (Since nomenclature of these substances is not 4775
internationally standardized, compounds of these structures, 4776

regardless of numerical designation of atomic positions, are 4777
covered.)); 4778

(28) Ethylamine analog of phencyclidine (some trade or 4779
other names: N-ethyl-1-phenylcyclohexylamine; (1- 4780
phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; 4781
cyclohexamine; PCE); 4782

(29) Pyrrolidine analog of phencyclidine (some trade or 4783
other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP); 4784

(30) Thiophene analog of phencyclidine (some trade or 4785
other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl 4786
analog of phencyclidine; TPCP; TCP); 4787

(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine; 4788

(32) Hashish; 4789

(33) Salvia divinorum; 4790

(34) Salvinorin A; 4791

(35) (1-pentylindol-3-yl)-(2,2,3,3- 4792
tetramethylcyclopropyl)methanone (UR-144); 4793

(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001); 4794

(37) N-adamantyl-1-pentylindole-3-carboxamide; 4795

(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48); 4796

(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone 4797
(methoxetamine); 4798

(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT); 4799

(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3- 4800
tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11); 4801

(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3-	4802
tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	4803
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3-	4804
tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	4805
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3-	4806
tetramethylcyclopropyl) methanone (A-796,260);	4807
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-	4808
adamantoyl)indole (AM1248);	4809
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	4810
(47) 5-(2-aminopropyl)benzofuran (5-APB);	4811
(48) 6-(2-aminopropyl)benzofuran (6-APB);	4812
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	4813
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	4814
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	4815
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	4816
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	4817
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	4818
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	4819
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-	4820
T-2);	4821
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine	4822
(2C-T-4);	4823
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	4824
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	4825

(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);	4826 4827
(61) 4-methoxymethamphetamine (PMMA);	4828
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	4829
(63) 5-iodo-2-aminoindane (5-IAI);	4830
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe);	4831 4832
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	4833 4834
(66) Desoxypipradrol (2-benzhydrylpiperidine);	4835
(67) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical groups:	4836 4837 4838 4839 4840 4841 4842 4843
(a) Naphthoylindoles: any compound containing a 3-(1-naphthoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent or whether or not substituted on the naphthyl group to any extent.	4844 4845 4846 4847 4848 4849 4850 4851 4852
Naphthoylindoles include, but are not limited to, 1-[2-(4-	4853

morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1-naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole (JWH-073).

(b) Naphthylmethylindeles: any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent or whether or not substituted on the naphthyl group to any extent. Naphthylmethylindeles include, but are not limited to, (1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175).

(c) Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure with or without substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the pyrrole ring to any extent or whether or not substituted on the naphthyl group to any extent. Naphthoylpyrroles include, but are not limited to, 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147).

(d) Naphthylmethylindenes: any compound containing a naphthylmethylindeneindene structure with or without substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-

2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4884
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4885
or 2-(4-morpholinyl)ethyl group, whether or not further 4886
substituted on the indene group to any extent or whether or not 4887
substituted on the naphthyl group to any extent. 4888
Naphthylmethylindenes include, but are not limited to, (1-[(3- 4889
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 4890

(e) Phenylacetylindoles: any compound containing a 3- 4891
phenylacetylindole structure with or without substitution at the 4892
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4893
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4894
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4895
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4896
or 2-(4-morpholinyl)ethyl group, whether or not further 4897
substituted on the indole ring to any extent or whether or not 4898
substituted on the phenyl group to any extent. 4899
Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 4900
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 4901
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 4902
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 4903

(f) Cyclohexylphenols: any compound containing a 2-(3- 4904
hydroxycyclohexyl)phenol structure with or without substitution 4905
at the 5-position of the phenolic ring by an alkyl, haloalkyl, 4906
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4907
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4908
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4909
or 2-(4-morpholinyl)ethyl group, whether or not further 4910
substituted on the cyclohexyl group to any extent. 4911
Cyclohexylphenols include, but are not limited to, 5-(1,1- 4912
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 4913
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 4914

[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 4915
cannabicyclohexanol; CP-47,497 C8 homologue). 4916

(g) Benzoylindoles: any compound containing a 3-(1- 4917
benzoyl)indole structure with or without substitution at the 4918
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4919
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4920
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4921
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 4922
or 2-(4-morpholinyl)ethyl group, whether or not further 4923
substituted on the indole ring to any extent or whether or not 4924
substituted on the phenyl group to any extent. Benzoylindoles 4925
include, but are not limited to, 1-pentyl-3-(4- 4926
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 4927
methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098). 4928

(D) Depressants 4929

Any material, compound, mixture, or preparation that 4930
contains any quantity of the following substances having a 4931
depressant effect on the central nervous system, including their 4932
salts, isomers, and salts of isomers, unless specifically 4933
excepted under federal drug abuse control laws, whenever the 4934
existence of these salts, isomers, and salts of isomers is 4935
possible within the specific chemical designation: 4936

(1) Mecloqualone; 4937

(2) Methaqualone. 4938

(E) Stimulants 4939

Unless specifically excepted or unless listed in another 4940
schedule, any material, compound, mixture, or preparation that 4941
contains any quantity of the following substances having a 4942
stimulant effect on the central nervous system, including their 4943

salts, isomers, and salts of isomers: 4944

(1) Aminorex (some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine); 4945
4946

(2) Fenethylamine; 4947

(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine); 4948
4949

(4) N-ethylamphetamine; 4950

(5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine); 4951
4952

(6) N-methyl-1-(thiophen-2-yl) propan-2-amine 4953
(Methiopropamine); 4954

(7) Substituted cathinones - any compound except bupropion 4955
or compounds listed under a different schedule, structurally 4956
derived from 2-aminopropan-1-one by substitution at the 1- 4957
position with either phenyl, naphthyl, or thiophene ring 4958
systems, whether or not the compound is further modified in any 4959
of the following ways: 4960

(a) By substitution in the ring system to any extent with 4961
alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide 4962
substituents, whether or not further substituted in the ring 4963
system by one or more other univalent substituents; 4964

(b) By substitution at the 3-position with an acyclic 4965
alkyl substituent; 4966

(c) By substitution at the 2-amino nitrogen atom with 4967
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 4968

(d) By inclusion of the 2-amino nitrogen atom in a cyclic 4969
structure. 4970

Examples of substituted cathinones include, but are not
limited to, methylone (3,4-methylenedioxymethcathinone), MDPV
(3,4-methylenedioxypyrovalerone), mephedrone (4-
methylmethcathinone), 4-methoxymethcathinone, 4-
fluoromethcathinone, 3-fluoromethcathinone, Pentadrone (2-
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3-
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1-
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1-
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1-
phenyl-1-propanone), and methcathinone (2-(methylamino)-
propiophenone).

SCHEDULE II

(A) Narcotics-opium and opium derivatives

Unless specifically excepted under federal drug abuse
control laws or unless listed in another schedule, any of the
following substances whether produced directly or indirectly by
extraction from substances of vegetable origin, independently by
means of chemical synthesis, or by a combination of extraction
and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative,
or preparation of opium or opiate, excluding apomorphine,
thebaine-derived butorphanol, dextrophan, nalbuphine,
nalmefene, naloxone, and naltrexone, and their respective salts,
but including the following:

- (a) Raw opium;
- (b) Opium extracts;
- (c) Opium fluid extracts;
- (d) Powdered opium;

(e) Granulated opium;	4999
(f) Tincture of opium;	5000
(g) Codeine;	5001
(h) Ethylmorphine;	5002
(i) Etorphine hydrochloride;	5003
(j) Hydrocodone;	5004
(k) Hydromorphone;	5005
(l) Metopon;	5006
(m) Morphine;	5007
(n) Oxycodone;	5008
(o) Oxymorphone;	5009
(p) Thebaine.	5010
(2) Any salt, compound, derivative, or preparation thereof	5011
that is chemically equivalent to or identical with any of the	5012
substances referred to in division (A) (1) of this schedule,	5013
except that these substances shall not include the isoquinoline	5014
alkaloids of opium;	5015
(3) Opium poppy and poppy straw;	5016
(4) Coca leaves and any salt, compound, derivative, or	5017
preparation of coca leaves (including cocaine and ecgonine,	5018
their salts, isomers, and derivatives, and salts of those	5019
isomers and derivatives), and any salt, compound, derivative, or	5020
preparation thereof that is chemically equivalent to or	5021
identical with any of these substances, except that the	5022
substances shall not include decocainized coca leaves or	5023
extraction of coca leaves, which extractions do not contain	5024

cocaine or ecgonine;	5025
(5) Concentrate of poppy straw (the crude extract of poppy	5026
straw in either liquid, solid, or powder form that contains the	5027
phenanthrene alkaloids of the opium poppy).	5028
(B) Narcotics-opiates	5029
Unless specifically excepted under federal drug abuse	5030
control laws or unless listed in another schedule, any of the	5031
following opiates, including their isomers, esters, ethers,	5032
salts, and salts of isomers, esters, and ethers, whenever the	5033
existence of these isomers, esters, ethers, and salts is	5034
possible within the specific chemical designation, but excluding	5035
dextrophan and levopropoxyphene:	5036
(1) Alfentanil;	5037
(2) Alphaprodine;	5038
(3) Anileridine;	5039
(4) Bezitramide;	5040
(5) Bulk dextropropoxyphene (non-dosage forms);	5041
(6) Carfentanil;	5042
(7) Dihydrocodeine;	5043
(8) Diphenoxylate;	5044
(9) Fentanyl;	5045
(10) Isomethadone;	5046
(11) Levo-alpha-acetylmethadol (some other names: levo-	5047
alpha-acetylmethadol; levomethadyl acetate; LAAM);	5048
(12) Levomethorphan;	5049

(13) Levorphanol;	5050
(14) Metazocine;	5051
(15) Methadone;	5052
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;	5053 5054
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	5055 5056
(18) Pethidine (meperidine);	5057
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;	5058 5059
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;	5060 5061
(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	5062 5063
(22) Phenazocine;	5064
(23) Piminodine;	5065
(24) Racemethorphan;	5066
(25) Racemorphan;	5067
(26) Remifentanil;	5068
(27) Sufentanil.	5069
(C) Stimulants	5070
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the	5071 5072 5073 5074

central nervous system:	5075
(1) Amphetamine, its salts, its optical isomers, and salts of its optical isomers;	5076 5077
(2) Methamphetamine, its salts, its isomers, and salts of its isomers;	5078 5079
(3) Methylphenidate;	5080
(4) Phenmetrazine and its salts;	5081
<u>(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.</u>	5082 5083
(D) Depressants	5084
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	5085 5086 5087 5088 5089 5090 5091 5092
(1) Amobarbital;	5093
(2) Gamma-hydroxy-butyrate;	5094
(3) Glutethimide;	5095
(4) Pentobarbital;	5096
(5) Phencyclidine (some trade or other names: 1-(1- phenylcyclohexyl)piperidine; PCP);	5097 5098
(6) Secobarbital;	5099
(7) 1-aminophenylcyclohexane and all N-mono-substituted	5100

and/or all N-N-disubstituted analogs including, but not limited to, the following:

- | | |
|--|------|
| (a) 1-phenylcyclohexylamine; | 5103 |
| (b) (1-phenylcyclohexyl) methylamine; | 5104 |
| (c) (1-phenylcyclohexyl) dimethylamine; | 5105 |
| (d) (1-phenylcyclohexyl) methylethylamine; | 5106 |
| (e) (1-phenylcyclohexyl) isopropylamine; | 5107 |
| (f) 1-(1-phenylcyclohexyl) morpholine. | 5108 |

(E) Hallucinogenic substances 5109

(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-	5110
dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1- hydroxy-6,6-	5111
dimethyl-9H-dibenzo[b,d]pyran-9-one).	5112

(F) Immediate precursors 5113

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and	5118
methamphetamine:	5119

(a) Phenylacetone (some trade or other names: phenyl-2-	5120
propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);	5121

(2) Immediate precursors to phencyclidine (PCP): 5122

(a) 1-phenylcyclohexylamine; 5123

(b) 1-piperidinocyclohexanecarbonitrile (PCC). 5124

SCHEDULE III 5125

(A) Stimulants 5126

Unless specifically excepted under federal drug abuse 5127
control laws or unless listed in another schedule, any material, 5128
compound, mixture, or preparation that contains any quantity of 5129
the following substances having a stimulant effect on the 5130
central nervous system, including their salts, their optical 5131
isomers, position isomers, or geometric isomers, and salts of 5132
these isomers, whenever the existence of these salts, isomers, 5133
and salts of isomers is possible within the specific chemical 5134
designation: 5135

(1) All stimulant compounds, mixtures, and preparations 5136
included in schedule III pursuant to the federal drug abuse 5137
control laws and regulations adopted under those laws; 5138

(2) Benzphetamine; 5139

(3) Chlorphentermine; 5140

(4) Clortermine; 5141

(5) Phendimetrazine. 5142

(B) Depressants 5143

Unless specifically excepted under federal drug abuse 5144
control laws or unless listed in another schedule, any material, 5145
compound, mixture, or preparation that contains any quantity of 5146
the following substances having a depressant effect on the 5147
central nervous system: 5148

(1) Any compound, mixture, or preparation containing 5149
amobarbital, secobarbital, pentobarbital, or any salt of any of 5150
these drugs, and one or more other active medicinal ingredients 5151
that are not listed in any schedule; 5152

- (2) Any suppository dosage form containing amobarbital, 5153
secobarbital, pentobarbital, or any salt of any of these drugs 5154
and approved by the food and drug administration for marketing 5155
only as a suppository; 5156
- (3) Any substance that contains any quantity of a 5157
derivative of barbituric acid or any salt of a derivative of 5158
barbituric acid; 5159
- (4) Chlorhexadol; 5160
- (5) Ketamine, its salts, isomers, and salts of isomers 5161
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2- 5162
(methylamino)-cyclohexanone); 5163
- (6) Lysergic acid; 5164
- (7) Lysergic acid amide; 5165
- (8) Methyprylon; 5166
- (9) Sulfondiethylmethane; 5167
- (10) Sulfonethylmethane; 5168
- (11) Sulfonmethane; 5169
- (12) Tiletamine, zolazepam, or any salt of tiletamine or 5170
zolazepam (some trade or other names for a tiletamine-zolazepam 5171
combination product: Telazol); (some trade or other names for 5172
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some 5173
trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- 5174
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)- 5175
one; flupyrazapon). 5176
- (C) Narcotic antidotes 5177
- (1) Nalorphine. 5178

(D) Narcotics-narcotic preparations	5179
Unless specifically excepted under federal drug abuse	5180
control laws or unless listed in another schedule, any material,	5181
compound, mixture, or preparation that contains any of the	5182
following narcotic drugs, or their salts calculated as the free	5183
anhydrous base or alkaloid, in limited quantities as set forth	5184
below:	5185
(1) Not more than 1.8 grams of codeine per 100 milliliters	5186
or not more than 90 milligrams per dosage unit, with an equal or	5187
greater quantity of an isoquinoline alkaloid of opium;	5188
(2) Not more than 1.8 grams of codeine per 100 milliliters	5189
or not more than 90 milligrams per dosage unit, with one or more	5190
active, nonnarcotic ingredients in recognized therapeutic	5191
amounts;	5192
(3) Not more than 300 milligrams of dihydrocodeinone per	5193
100 milliliters or not more than 15 milligrams per dosage unit,	5194
with a fourfold or greater quantity of an isoquinoline alkaloid	5195
of opium;	5196
(4) Not more than 300 milligrams of dihydrocodeinone per	5197
100 milliliters or not more than 15 milligrams per dosage unit,	5198
with one or more active, nonnarcotic ingredients in recognized	5199
therapeutic amounts;	5200
(5) Not more than 1.8 grams of dihydrocodeine per 100	5201
milliliters or not more than 90 milligrams per dosage unit, with	5202
one or more active, nonnarcotic ingredients in recognized	5203
therapeutic amounts;	5204
(6) Not more than 300 milligrams of ethylmorphine per 100	5205
milliliters or not more than 15 milligrams per dosage unit, with	5206
one or more active, nonnarcotic ingredients in recognized	5207

therapeutic amounts; 5208

(7) Not more than 500 milligrams of opium per 100 5209
milliliters or per 100 grams or not more than 25 milligrams per 5210
dosage unit, with one or more active, nonnarcotic ingredients in 5211
recognized therapeutic amounts; 5212

(8) Not more than 50 milligrams of morphine per 100 5213
milliliters or per 100 grams, with one or more active, 5214
nonnarcotic ingredients in recognized therapeutic amounts. 5215

(E) Anabolic steroids 5216

Unless specifically excepted under federal drug abuse 5217
control laws or unless listed in another schedule, any material, 5218
compound, mixture, or preparation that contains any quantity of 5219
the following substances, including their salts, esters, 5220
isomers, and salts of esters and isomers, whenever the existence 5221
of these salts, esters, and isomers is possible within the 5222
specific chemical designation: 5223

(1) Anabolic steroids. Except as otherwise provided in 5224
division (E)(1) of schedule III, "anabolic steroids" means any 5225
drug or hormonal substance that is chemically and 5226
pharmacologically related to testosterone (other than estrogens, 5227
progestins, and corticosteroids) and that promotes muscle 5228
growth. "Anabolic steroids" does not include an anabolic steroid 5229
that is expressly intended for administration through implants 5230
to cattle or other nonhuman species and that has been approved 5231
by the United States secretary of health and human services for 5232
that administration, unless a person prescribes, dispenses, or 5233
distributes this type of anabolic steroid for human use. 5234
"Anabolic steroid" includes, but is not limited to, the 5235
following: 5236

(a) Boldenone;	5237
(b) Chlorotestosterone (4-chlortestosterone);	5238
(c) Clostebol;	5239
(d) Dehydrochlormethyltestosterone;	5240
(e) Dihydrotestosterone (4-dihydrotestosterone);	5241
(f) Drostanolone;	5242
(g) Ethylestrenol;	5243
(h) Fluoxymesterone;	5244
(i) Formebolone (formebolone);	5245
(j) Mesterolone;	5246
(k) Methandienone;	5247
(l) Methandranone;	5248
(m) Methandriol;	5249
(n) Methandrostenolone;	5250
(o) Methenolone;	5251
(p) Methyltestosterone;	5252
(q) Mibolerone;	5253
(r) Nandrolone;	5254
(s) Norethandrolone;	5255
(t) Oxandrolone;	5256
(u) Oxymesterone;	5257
(v) Oxymetholone;	5258

(w) Stanolone;	5259
(x) Stanozolol;	5260
(y) Testolactone;	5261
(z) Testosterone;	5262
(aa) Trenbolone;	5263
(bb) Any salt, ester, isomer, or salt of an ester or	5264
isomer of a drug or hormonal substance described or listed in	5265
division (E) (1) of schedule III if the salt, ester, or isomer	5266
promotes muscle growth.	5267
(F) Hallucinogenic substances	5268
(1) Dronabinol (synthetic) in sesame oil and encapsulated	5269
in a soft gelatin capsule in a United States food and drug	5270
administration approved drug product (some other names for	5271
dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl-	5272
3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-	5273
tetrahydrocannabinol).	5274
SCHEDULE IV	5275
(A) Narcotic drugs	5276
Unless specifically excepted by federal drug abuse control	5277
laws or unless listed in another schedule, any material,	5278
compound, mixture, or preparation that contains any of the	5279
following narcotic drugs, or their salts calculated as the free	5280
anhydrous base or alkaloid, in limited quantities as set forth	5281
below:	5282
(1) Not more than one milligram of difenoxin and not less	5283
than 25 micrograms of atropine sulfate per dosage unit;	5284
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-	5285

diphenyl-3-methyl-2- propionoxybutane) [final dosage forms].	5286
(B) Depressants	5287
Unless specifically excepted under federal drug abuse	5288
control laws or unless listed in another schedule, any material,	5289
compound, mixture, or preparation that contains any quantity of	5290
the following substances, including their salts, isomers, and	5291
salts of isomers, whenever the existence of these salts,	5292
isomers, and salts of isomers is possible within the specific	5293
chemical designation:	5294
(1) Alprazolam;	5295
(2) Barbital;	5296
(3) Bromazepam;	5297
(4) Camazepam;	5298
(5) Chloral betaine;	5299
(6) Chloral hydrate;	5300
(7) Chlordiazepoxide;	5301
(8) Clobazam;	5302
(9) Clonazepam;	5303
(10) Clorazepate;	5304
(11) Clotiazepam;	5305
(12) Cloxazolam;	5306
(13) Delorazepam;	5307
(14) Diazepam;	5308
(15) Estazolam;	5309

(16) Ethchlorvynol;	5310
(17) Ethinamate;	5311
(18) Ethyl loflazepate;	5312
(19) Fludiazepam;	5313
(20) Flunitrazepam;	5314
(21) Flurazepam;	5315
(22) Halazepam;	5316
(23) Haloxazolam;	5317
(24) Ketazolam;	5318
(25) Loprazolam;	5319
(26) Lorazepam;	5320
(27) Lormetazepam;	5321
(28) Mebutamate;	5322
(29) Medazepam;	5323
(30) Meprobamate;	5324
(31) Methohexital;	5325
(32) Methylphenobarbital (mephobarbital);	5326
(33) Midazolam;	5327
(34) Nimetazepam;	5328
(35) Nitrazepam;	5329
(36) Nordiazepam;	5330
(37) Oxazepam;	5331

(38) Oxazolam;	5332
(39) Paraldehyde;	5333
(40) Petrichloral;	5334
(41) Phenobarbital;	5335
(42) Pinazepam;	5336
(43) Prazepam;	5337
(44) Quazepam;	5338
(45) Temazepam;	5339
(46) Tetrazepam;	5340
(47) Triazolam;	5341
(48) Zaleplon;	5342
(49) Zolpidem.	5343
(C) Fenfluramine	5344

Any material, compound, mixture, or preparation that 5345
contains any quantity of the following substances, including 5346
their salts, their optical isomers, position isomers, or 5347
geometric isomers, and salts of these isomers, whenever the 5348
existence of these salts, isomers, and salts of isomers is 5349
possible within the specific chemical designation: 5350

(1) Fenfluramine. 5351

(D) Stimulants 5352

Unless specifically excepted under federal drug abuse 5353
control laws or unless listed in another schedule, any material, 5354
compound, mixture, or preparation that contains any quantity of 5355
the following substances having a stimulant effect on the 5356

central nervous system, including their salts, their optical 5357
isomers, position isomers, or geometric isomers, and salts of 5358
these isomers, whenever the existence of these salts, isomers, 5359
and salts of isomers is possible within the specific chemical 5360
designation: 5361

- (1) Cathine ((+)-norpseudoephedrine); 5362
- (2) Diethylpropion; 5363
- (3) Fencamfamin; 5364
- (4) Fenproporex; 5365
- (5) Mazindol; 5366
- (6) Mefenorex; 5367
- (7) Modafinil; 5368
- (8) Pemoline (including organometallic complexes and 5369
chelates thereof); 5370
- (9) Phentermine; 5371
- (10) Pipradrol; 5372
- (11) Sibutramine; 5373
- (12) SPA [(-)-1-dimethylamino-1,2-diphenylethane]. 5374
- (E) Other substances 5375

Unless specifically excepted under federal drug abuse 5376
control laws or unless listed in another schedule, any material, 5377
compound, mixture, or preparation that contains any quantity of 5378
the following substances, including their salts: 5379

- (1) Pentazocine; 5380
- (2) Butorphanol (including its optical isomers). 5381

SCHEDULE V	5382
(A) Narcotic drugs	5383
Unless specifically excepted under federal drug abuse	5384
control laws or unless listed in another schedule, any material,	5385
compound, mixture, or preparation that contains any of the	5386
following narcotic drugs, and their salts, as set forth below:	5387
(1) Buprenorphine.	5388
(B) Narcotics-narcotic preparations	5389
Narcotic drugs containing non-narcotic active medicinal	5390
ingredients. Any compound, mixture, or preparation that contains	5391
any of the following narcotic drugs, or their salts calculated	5392
as the free anhydrous base or alkaloid, in limited quantities as	5393
set forth below, and that includes one or more nonnarcotic	5394
active medicinal ingredients in sufficient proportion to confer	5395
upon the compound, mixture, or preparation valuable medicinal	5396
qualities other than those possessed by narcotic drugs alone:	5397
(1) Not more than 200 milligrams of codeine per 100	5398
milliliters or per 100 grams;	5399
(2) Not more than 100 milligrams of dihydrocodeine per 100	5400
milliliters or per 100 grams;	5401
(3) Not more than 100 milligrams of ethylmorphine per 100	5402
milliliters or per 100 grams;	5403
(4) Not more than 2.5 milligrams of diphenoxylate and not	5404
less than 25 micrograms of atropine sulfate per dosage unit;	5405
(5) Not more than 100 milligrams of opium per 100	5406
milliliters or per 100 grams;	5407
(6) Not more than 0.5 milligram of difenoxin and not less	5408

than 25 micrograms of atropine sulfate per dosage unit. 5409

(C) Stimulants 5410

Unless specifically exempted or excluded under federal 5411
drug abuse control laws or unless listed in another schedule, 5412
any material, compound, mixture, or preparation that contains 5413
any quantity of the following substances having a stimulant 5414
effect on the central nervous system, including their salts, 5415
isomers, and salts of isomers: 5416

(1) Ephedrine, except as provided in division (K) of 5417
section 3719.44 of the Revised Code; 5418

(2) Pyrovalerone. 5419

Sec. 3719.99. (A) Whoever violates section 3719.16 or 5420
3719.161 of the Revised Code is guilty of a felony of the fifth 5421
degree. If the offender previously has been convicted of a 5422
violation of section 3719.16 or 3719.161 of the Revised Code or 5423
a drug abuse offense, a violation of section 3719.16 or 3719.161 5424
of the Revised Code is a felony of the fourth degree. If the 5425
violation involves the sale, offer to sell, or possession of a 5426
schedule I or II controlled substance, with the exception of 5427
marihuana, and if the offender, as a result of the violation, is 5428
a major drug offender, division (D) of this section applies. 5429

(B) Whoever violates division (C) or (D) of section 5430
3719.172 of the Revised Code is guilty of a felony of the fifth 5431
degree. If the offender previously has been convicted of a 5432
violation of division (C) or (D) of section 3719.172 of the 5433
Revised Code or a drug abuse offense, a violation of division 5434
(C) or (D) of section 3719.172 of the Revised Code is a felony 5435
of the fourth degree. If the violation involves the sale, offer 5436
to sell, or possession of a schedule I or II controlled 5437

substance, with the exception of marihuana, and if the offender, 5438
as a result of the violation, is a major drug offender, division 5439
(D) of this section applies. 5440

(C) Whoever violates section 3719.07 or 3719.08 of the 5441
Revised Code is guilty of a misdemeanor of the first degree. If 5442
the offender previously has been convicted of a violation of 5443
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 5444
offense, a violation of section 3719.07 or 3719.08 of the 5445
Revised Code is a felony of the fifth degree. If the violation 5446
involves the sale, offer to sell, or possession of a schedule I 5447
or II controlled substance, with the exception of marihuana, and 5448
if the offender, as a result of the violation, is a major drug 5449
offender, division (D) of this section applies. 5450

(D) (1) If an offender is convicted of or pleads guilty to 5451
a felony violation of section 3719.07, 3719.08, 3719.16, or 5452
3719.161 or of division (C) or (D) of section 3719.172 of the 5453
Revised Code, if the violation involves the sale, offer to sell, 5454
or possession of a schedule I or II controlled substance, with 5455
the exception of marihuana, and if the court imposing sentence 5456
upon the offender finds that the offender as a result of the 5457
violation is a major drug offender and is guilty of a 5458
specification of the type described in division (A) of section 5459
2941.1410 of the Revised Code, the court, in lieu of the prison 5460
term authorized or required by division (A), (B), or (C) of this 5461
section and sections 2929.13 and 2929.14 of the Revised Code and 5462
in addition to any other sanction imposed for the offense under 5463
sections 2929.11 to 2929.18 of the Revised Code, shall impose 5464
upon the offender, in accordance with division (B) (3) (a) of 5465
section 2929.14 of the Revised Code, the mandatory prison term 5466
specified in that division and may impose an additional prison 5467
term under division (B) (3) (b) of that section. 5468

(2) Notwithstanding any contrary provision of section 5469
3719.21 of the Revised Code, the clerk of the court shall pay 5470
any fine imposed for a felony violation of section 3719.07, 5471
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 5472
section 3719.172 of the Revised Code pursuant to division (A) of 5473
section 2929.18 of the Revised Code in accordance with and 5474
subject to the requirements of division (F) of section 2925.03 5475
of the Revised Code. The agency that receives the fine shall use 5476
the fine as specified in division (F) of section 2925.03 of the 5477
Revised Code. 5478

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 5479
3719.31 or division (B) of section 3719.172 of the Revised Code 5480
is guilty of a misdemeanor of the third degree. If the offender 5481
previously has been convicted of a violation of section 3719.05, 5482
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 5483
of the Revised Code or a drug abuse offense, a violation of 5484
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 5485
section 3719.172 of the Revised Code is a misdemeanor of the 5486
first degree. 5487

(F) Whoever violates section 3719.30 of the Revised Code 5488
is guilty of a misdemeanor of the fourth degree. If the offender 5489
previously has been convicted of a violation of section 3719.30 5490
of the Revised Code or a drug abuse offense, a violation of 5491
section 3719.30 of the Revised Code is a misdemeanor of the 5492
third degree. 5493

(G) Whoever violates section 3719.32 or 3719.33 of the 5494
Revised Code is guilty of a minor misdemeanor. 5495

(H) Whoever violates division (K) (2) (b) of section 3719.44 5496
of the Revised Code is guilty of a felony of the fifth degree. 5497

(I) Whoever violates division (K) (2) (c) of section 3719.44 5498
of the Revised Code is guilty of a misdemeanor of the second 5499
degree. 5500

(J) As used in this section, "major drug offender" has the 5501
same meaning as in section 2929.01 of the Revised Code. 5502

Sec. 4729.99. (A) Whoever violates division (H) of section 5503
4729.16, division (G) of section 4729.38, section 4729.57, or 5504
division (F) of section 4729.96 of the Revised Code is guilty of 5505
a minor misdemeanor, unless a different penalty is otherwise 5506
specified in the Revised Code. Each day's violation constitutes 5507
a separate offense. 5508

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 5509
of the Revised Code is guilty of a misdemeanor of the third 5510
degree. Each day's violation constitutes a separate offense. If 5511
the offender previously has been convicted of or pleaded guilty 5512
to a violation of this chapter, that person is guilty of a 5513
misdemeanor of the second degree. 5514

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 5515
of the Revised Code is guilty of a misdemeanor. 5516

(D) Whoever violates division (A), (B), (C), (D), (F), or 5517
(G) of section 4729.51 of the Revised Code is guilty of a 5518
misdemeanor of the first degree. 5519

(E) (1) Whoever violates section 4729.37, division (E) (1) 5520
(b) of section 4729.51, division (J) of section 4729.54, 5521
division (B) or (D) of section 4729.553, or section 4729.61 of 5522
the Revised Code is guilty of a felony of the fifth degree. If 5523
the offender previously has been convicted of or pleaded guilty 5524
to a violation of this chapter or a violation of Chapter 2925. 5525
or 3719. of the Revised Code, that person is guilty of a felony 5526

of the fourth degree. 5527

(2) If an offender is convicted of or pleads guilty to a 5528
violation of section 4729.37, division (E) of section 4729.51, 5529
division (J) of section 4729.54, or section 4729.61 of the 5530
Revised Code, if the violation involves the sale, offer to sell, 5531
or possession of a schedule I or II controlled substance, with 5532
the exception of marihuana, and if the court imposing sentence 5533
upon the offender finds that the offender as a result of the 5534
violation is a major drug offender, as defined in section 5535
2929.01 of the Revised Code, and is guilty of a specification of 5536
the type described in division (A) of section 2941.1410 of the 5537
Revised Code, the court, in lieu of the prison term authorized 5538
or required by division (E)(1) of this section and sections 5539
2929.13 and 2929.14 of the Revised Code and in addition to any 5540
other sanction imposed for the offense under sections 2929.11 to 5541
2929.18 of the Revised Code, shall impose upon the offender, in 5542
accordance with division (B)(3) of section 2929.14 of the 5543
Revised Code, the mandatory prison term specified in that 5544
division. 5545

(3) Notwithstanding any contrary provision of section 5546
3719.21 of the Revised Code, the clerk of court shall pay any 5547
fine imposed for a violation of section 4729.37, division (E) of 5548
section 4729.51, division (J) of section 4729.54, or section 5549
4729.61 of the Revised Code pursuant to division (A) of section 5550
2929.18 of the Revised Code in accordance with and subject to 5551
the requirements of division (F) of section 2925.03 of the 5552
Revised Code. The agency that receives the fine shall use the 5553
fine as specified in division (F) of section 2925.03 of the 5554
Revised Code. 5555

(F) Whoever violates section 4729.531 of the Revised Code 5556

or any rule adopted thereunder or section 4729.532 of the 5557
Revised Code is guilty of a misdemeanor of the first degree. 5558

(G) Whoever violates division (E)(1)(a) of section 4729.51 5559
of the Revised Code is guilty of a felony of the fourth degree. 5560
If the offender has previously been convicted of or pleaded 5561
guilty to a violation of this chapter, or of a violation of 5562
Chapter 2925. or 3719. of the Revised Code, that person is 5563
guilty of a felony of the third degree. 5564

(H) Whoever violates division (E)(1)(c) of section 4729.51 5565
of the Revised Code is guilty of a misdemeanor of the first 5566
degree. If the offender has previously been convicted of or 5567
pleaded guilty to a violation of this chapter, or of a violation 5568
of Chapter 2925. or 3719. of the Revised Code, that person is 5569
guilty of a felony of the fifth degree. 5570

(I)(1) Whoever violates division (A) of section 4729.95 of 5571
the Revised Code is guilty of unauthorized pharmacy-related drug 5572
conduct. Except as otherwise provided in this section, 5573
unauthorized pharmacy-related drug conduct is a misdemeanor of 5574
the second degree. If the offender previously has been convicted 5575
of or pleaded guilty to a violation of division (A), (B), or (C) 5576
of that section, unauthorized pharmacy-related drug conduct is a 5577
misdemeanor of the first degree on a second offense and a felony 5578
of the fifth degree on a third or subsequent offense. 5579

(2) Whoever violates division (B) or (C) of section 5580
4729.95 of the Revised Code is guilty of permitting unauthorized 5581
pharmacy-related drug conduct. Except as otherwise provided in 5582
this section, permitting unauthorized pharmacy-related drug 5583
conduct is a misdemeanor of the second degree. If the offender 5584
previously has been convicted of or pleaded guilty to a 5585
violation of division (A), (B), or (C) of that section, 5586

permitting unauthorized pharmacy-related drug conduct is a 5587
misdemeanor of the first degree on a second offense and a felony 5588
of the fifth degree on a third or subsequent offense. 5589

(3) Notwithstanding any contrary provision of section 5590
3719.21 of the Revised Code or any other provision of law that 5591
governs the distribution of fines, the clerk of the court shall 5592
pay any fine imposed pursuant to division (I) (1) or (2) of this 5593
section to the state board of pharmacy if the board has adopted 5594
a written internal control policy under division (F) (2) of 5595
section 2925.03 of the Revised Code that addresses fine moneys 5596
that it receives under Chapter 2925. of the Revised Code and if 5597
the policy also addresses fine moneys paid under this division. 5598
The state board of pharmacy shall use the fines so paid in 5599
accordance with the written internal control policy to subsidize 5600
the board's law enforcement efforts that pertain to drug 5601
offenses. 5602

(J) (1) Whoever violates division (A) (1) of section 4729.86 5603
of the Revised Code is guilty of a misdemeanor of the third 5604
degree. If the offender has previously been convicted of or 5605
pleaded guilty to a violation of division (A) (1), (2), or (3) of 5606
section 4729.86 of the Revised Code, that person is guilty of a 5607
misdemeanor of the first degree. 5608

(2) Whoever violates division (A) (2) of section 4729.86 of 5609
the Revised Code is guilty of a misdemeanor of the first degree. 5610
If the offender has previously been convicted of or pleaded 5611
guilty to a violation of division (A) (1), (2), or (3) of section 5612
4729.86 of the Revised Code, that person is guilty of a felony 5613
of the fifth degree. 5614

(3) Whoever violates division (A) (3) of section 4729.86 of 5615
the Revised Code is guilty of a felony of the fifth degree. If 5616

the offender has previously been convicted of or pleaded guilty 5617
to a violation of division (A) (1), (2), or (3) of section 5618
4729.86 of the Revised Code, that person is guilty of a felony 5619
of the fourth degree. 5620

(K) A person who violates division (C) of section 4729.552 5621
of the Revised Code is guilty of a misdemeanor of the first 5622
degree. If the person previously has been convicted of or 5623
pleaded guilty to a violation of division (C) of section 5624
4729.552 of the Revised Code, that person is guilty of a felony 5625
of the fifth degree. 5626

Section 2. That existing sections 2925.01, 2925.02, 5627
2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 5628
2929.13, 2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of 5629
the Revised Code are hereby repealed. 5630

Section 3. Section 2925.03 of the Revised Code is 5631
presented in this act as a composite of the section as amended 5632
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 5633
131st General Assembly. The General Assembly, applying the 5634
principle stated in division (B) of section 1.52 of the Revised 5635
Code that amendments are to be harmonized if reasonably capable 5636
of simultaneous operation, finds that the composite is the 5637
resulting version of the section in effect prior to the 5638
effective date of the section as presented in this act. 5639

Section 2925.11 of the Revised Code is presented in this 5640
act as a composite of the section as amended by Sub. H.B. 110, 5641
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 5642
The General Assembly, applying the principle stated in division 5643
(B) of section 1.52 of the Revised Code that amendments are to 5644
be harmonized if reasonably capable of simultaneous operation, 5645
finds that the composite is the resulting version of the section 5646

in effect prior to the effective date of the section as 5647
presented in this act. 5648

Section 2929.01 of the Revised Code is presented in this 5649
act as a composite of the section as amended by both Sub. H.B. 5650
158 and H.B. 171 of the 131st General Assembly. The General 5651
Assembly, applying the principle stated in division (B) of 5652
section 1.52 of the Revised Code that amendments are to be 5653
harmonized if reasonably capable of simultaneous operation, 5654
finds that the composite is the resulting version of the section 5655
in effect prior to the effective date of the section as 5656
presented in this act. 5657

Section 2929.14 of the Revised Code is presented in this 5658
act as a composite of the section as amended by both Sub. H.B. 5659
470 and Sub. S.B. 319 of the 131st General Assembly. The General 5660
Assembly, applying the principle stated in division (B) of 5661
section 1.52 of the Revised Code that amendments are to be 5662
harmonized if reasonably capable of simultaneous operation, 5663
finds that the composite is the resulting version of the section 5664
in effect prior to the effective date of the section as 5665
presented in this act. 5666

Section 4729.99 of the Revised Code is presented in this 5667
act as a composite of the section as amended by both Sub. H.B. 5668
505 and Sub. S.B. 319 of the 131st General Assembly. The General 5669
Assembly, applying the principle stated in division (B) of 5670
section 1.52 of the Revised Code that amendments are to be 5671
harmonized if reasonably capable of simultaneous operation, 5672
finds that the composite is the resulting version of the section 5673
in effect prior to the effective date of the section as 5674
presented in this act. 5675