

As Introduced

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

H. B. No. 97

Representative Pavliga

A BILL

To amend sections 2305.234, 2305.51, 2925.01,	1
2925.02, 2925.03, 2925.11, 2925.12, 2925.14,	2
2925.23, 2925.36, 2925.55, 2925.56, 2929.42,	3
3701.048, 3701.74, 3709.161, 3715.50, 3715.501,	4
3715.502, 3715.503, 3715.872, 3719.06, 3719.064,	5
3719.121, 3719.13, 3719.81, 4729.01, 4729.51,	6
4729.553, 4731.051, 4731.07, 4731.071, 4731.22,	7
4731.224, 4731.24, 4731.25, 4731.251, 4734.99,	8
4743.09, 4755.48, 4755.623, 4765.51, 4769.01,	9
4776.01, 5123.47, 5164.95, and 5903.12 and to	10
enact sections 4772.01, 4772.02, 4772.03,	11
4772.04, 4772.041, 4772.05, 4772.06, 4772.07,	12
4772.08, 4772.081, 4772.082, 4772.09, 4772.091,	13
4772.092, 4772.10, 4772.11, 4772.12, 4772.13,	14
4772.14, 4772.15, 4772.19, 4772.20, 4772.201,	15
4772.202, 4772.203, 4772.21, 4772.22, 4772.23,	16
4772.24, 4772.25, 4772.26, 4772.27, 4772.28, and	17
4772.99 of the Revised Code to license certified	18
mental health assistants and to amend the	19
version of section 4755.48 of the Revised Code	20
that is scheduled to take effect December 29,	21
2023, to continue the change on and after that	22
date.	23

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

Section 1. That sections 2305.234, 2305.51, 2925.01, 24
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 25
2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 26
3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 27
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4729.553, 28
4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 4731.24, 29
4731.25, 4731.251, 4734.99, 4743.09, 4755.48, 4755.623, 4765.51, 30
4769.01, 4776.01, 5123.47, 5164.95, and 5903.12 be amended and 31
sections 4772.01, 4772.02, 4772.03, 4772.04, 4772.041, 4772.05, 32
4772.06, 4772.07, 4772.08, 4772.081, 4772.082, 4772.09, 33
4772.091, 4772.092, 4772.10, 4772.11, 4772.12, 4772.13, 4772.14, 34
4772.15, 4772.19, 4772.20, 4772.201, 4772.202, 4772.203, 35
4772.21, 4772.22, 4772.23, 4772.24, 4772.25, 4772.26, 4772.27, 36
4772.28, and 4772.99 of the Revised Code be enacted to read as 37
follows: 38

Sec. 2305.234. (A) As used in this section: 39

(1) "Chiropractic claim," "medical claim," and "optometric 40
claim" have the same meanings as in section 2305.113 of the 41
Revised Code. 42

(2) "Dental claim" has the same meaning as in section 43
2305.113 of the Revised Code, except that it does not include 44
any claim arising out of a dental operation or any derivative 45
claim for relief that arises out of a dental operation. 46

(3) "Governmental health care program" has the same 47
meaning as in section 4731.65 of the Revised Code. 48

(4) "Health care facility or location" means a hospital, 49

clinic, ambulatory surgical facility, office of a health care 50
professional or associated group of health care professionals, 51
training institution for health care professionals, a free 52
clinic or other nonprofit shelter or health care facility as 53
those terms are defined in section 3701.071 of the Revised Code, 54
or any other place where medical, dental, or other health- 55
related diagnosis, care, or treatment is provided to a person. 56

(5) "Health care professional" means any of the following 57
who provide medical, dental, or other health-related diagnosis, 58
care, or treatment: 59

(a) Physicians authorized under Chapter 4731. of the 60
Revised Code to practice medicine and surgery or osteopathic 61
medicine and surgery; 62

(b) Advanced practice registered nurses, registered 63
nurses, and licensed practical nurses licensed under Chapter 64
4723. of the Revised Code; 65

(c) Physician assistants authorized to practice under 66
Chapter 4730. of the Revised Code; 67

(d) Dentists and dental hygienists licensed under Chapter 68
4715. of the Revised Code; 69

(e) Physical therapists, physical therapist assistants, 70
occupational therapists, occupational therapy assistants, and 71
athletic trainers licensed under Chapter 4755. of the Revised 72
Code; 73

(f) Chiropractors licensed under Chapter 4734. of the 74
Revised Code; 75

(g) Optometrists licensed under Chapter 4725. of the 76
Revised Code; 77

(h) Podiatrists authorized under Chapter 4731. of the	78
Revised Code to practice podiatry;	79
(i) Dietitians licensed under Chapter 4759. of the Revised	80
Code;	81
(j) Pharmacists licensed under Chapter 4729. of the	82
Revised Code;	83
(k) Emergency medical technicians-basic, emergency medical	84
technicians-intermediate, and emergency medical technicians-	85
paramedic, certified under Chapter 4765. of the Revised Code;	86
(l) Respiratory care professionals licensed under Chapter	87
4761. of the Revised Code;	88
(m) Speech-language pathologists and audiologists licensed	89
under Chapter 4753. of the Revised Code;	90
(n) Licensed professional clinical counselors, licensed	91
professional counselors, independent social workers, social	92
workers, independent marriage and family therapists, and	93
marriage and family therapists, licensed under Chapter 4757. of	94
the Revised Code;	95
(o) Psychologists licensed under Chapter 4732. of the	96
Revised Code;	97
(p) Independent chemical dependency counselors-clinical	98
supervisors, independent chemical dependency counselors,	99
chemical dependency counselors III, and chemical dependency	100
counselors II, licensed under Chapter 4758. of the Revised Code,	101
and chemical dependency counselor assistants, prevention	102
consultants, prevention specialists, prevention specialist	103
assistants, and registered applicants, certified under that	104
chapter;	105

(q) Certified mental health assistants licensed under 106
Chapter 4772. of the Revised Code. 107

(6) "Health care worker" means a person other than a 108
health care professional who provides medical, dental, or other 109
health-related care or treatment under the direction of a health 110
care professional with the authority to direct that individual's 111
activities, including medical technicians, medical assistants, 112
dental assistants, orderlies, aides, and individuals acting in 113
similar capacities. 114

(7) "Indigent and uninsured person" means a person who 115
meets both of the following requirements: 116

(a) Relative to being indigent, the person's income is not 117
greater than two hundred per cent of the federal poverty line, 118
as defined by the United States office of management and budget 119
and revised in accordance with section 673(2) of the "Omnibus 120
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 121
9902, as amended, except in any case in which division (A) (7) (b) 122
(iii) of this section includes a person whose income is greater 123
than two hundred per cent of the federal poverty line. 124

(b) Relative to being uninsured, one of the following 125
applies: 126

(i) The person is not a policyholder, certificate holder, 127
insured, contract holder, subscriber, enrollee, member, 128
beneficiary, or other covered individual under a health 129
insurance or health care policy, contract, or plan. 130

(ii) The person is a policyholder, certificate holder, 131
insured, contract holder, subscriber, enrollee, member, 132
beneficiary, or other covered individual under a health 133
insurance or health care policy, contract, or plan, but the 134

insurer, policy, contract, or plan denies coverage or is the 135
subject of insolvency or bankruptcy proceedings in any 136
jurisdiction. 137

(iii) Until June 30, 2019, the person is eligible for the 138
medicaid program or is a medicaid recipient. 139

(iv) Except as provided in division (A) (7) (b) (iii) of this 140
section, the person is not eligible for or a recipient, 141
enrollee, or beneficiary of any governmental health care 142
program. 143

(8) "Nonprofit health care referral organization" means an 144
entity that is not operated for profit and refers patients to, 145
or arranges for the provision of, health-related diagnosis, 146
care, or treatment by a health care professional or health care 147
worker. 148

(9) "Operation" means any procedure that involves cutting 149
or otherwise infiltrating human tissue by mechanical means, 150
including surgery, laser surgery, ionizing radiation, 151
therapeutic ultrasound, or the removal of intraocular foreign 152
bodies. "Operation" does not include the administration of 153
medication by injection, unless the injection is administered in 154
conjunction with a procedure infiltrating human tissue by 155
mechanical means other than the administration of medicine by 156
injection. "Operation" does not include routine dental 157
restorative procedures, the scaling of teeth, or extractions of 158
teeth that are not impacted. 159

(10) "Tort action" means a civil action for damages for 160
injury, death, or loss to person or property other than a civil 161
action for damages for a breach of contract or another agreement 162
between persons or government entities. 163

(11) "Volunteer" means an individual who provides any 164
medical, dental, or other health-care related diagnosis, care, 165
or treatment without the expectation of receiving and without 166
receipt of any compensation or other form of remuneration from 167
an indigent and uninsured person, another person on behalf of an 168
indigent and uninsured person, any health care facility or 169
location, any nonprofit health care referral organization, or 170
any other person or government entity. 171

(12) "Community control sanction" has the same meaning as 172
in section 2929.01 of the Revised Code. 173

(13) "Deep sedation" means a drug-induced depression of 174
consciousness during which a patient cannot be easily aroused 175
but responds purposefully following repeated or painful 176
stimulation, a patient's ability to independently maintain 177
ventilatory function may be impaired, a patient may require 178
assistance in maintaining a patent airway and spontaneous 179
ventilation may be inadequate, and cardiovascular function is 180
usually maintained. 181

(14) "General anesthesia" means a drug-induced loss of 182
consciousness during which a patient is not arousable, even by 183
painful stimulation, the ability to independently maintain 184
ventilatory function is often impaired, a patient often requires 185
assistance in maintaining a patent airway, positive pressure 186
ventilation may be required because of depressed spontaneous 187
ventilation or drug-induced depression of neuromuscular 188
function, and cardiovascular function may be impaired. 189

(B) (1) Subject to divisions (F) and (G) (3) of this 190
section, a health care professional who is a volunteer and 191
complies with division (B) (2) of this section is not liable in 192
damages to any person or government entity in a tort or other 193

civil action, including an action on a medical, dental, 194
chiropractic, optometric, or other health-related claim, for 195
injury, death, or loss to person or property that allegedly 196
arises from an action or omission of the volunteer in the 197
provision to an indigent and uninsured person of medical, 198
dental, or other health-related diagnosis, care, or treatment, 199
including the provision of samples of medicine and other medical 200
products, unless the action or omission constitutes willful or 201
wanton misconduct. 202

(2) To qualify for the immunity described in division (B) 203
(1) of this section, a health care professional shall do all of 204
the following prior to providing diagnosis, care, or treatment: 205

(a) Determine, in good faith, that the indigent and 206
uninsured person is mentally capable of giving informed consent 207
to the provision of the diagnosis, care, or treatment and is not 208
subject to duress or under undue influence; 209

(b) Inform the person of the provisions of this section, 210
including notifying the person that, by giving informed consent 211
to the provision of the diagnosis, care, or treatment, the 212
person cannot hold the health care professional liable for 213
damages in a tort or other civil action, including an action on 214
a medical, dental, chiropractic, optometric, or other health- 215
related claim, unless the action or omission of the health care 216
professional constitutes willful or wanton misconduct; 217

(c) Obtain the informed consent of the person and a 218
written waiver, signed by the person or by another individual on 219
behalf of and in the presence of the person, that states that 220
the person is mentally competent to give informed consent and, 221
without being subject to duress or under undue influence, gives 222
informed consent to the provision of the diagnosis, care, or 223

treatment subject to the provisions of this section. A written 224
waiver under division (B) (2) (c) of this section shall state 225
clearly and in conspicuous type that the person or other 226
individual who signs the waiver is signing it with full 227
knowledge that, by giving informed consent to the provision of 228
the diagnosis, care, or treatment, the person cannot bring a 229
tort or other civil action, including an action on a medical, 230
dental, chiropractic, optometric, or other health-related claim, 231
against the health care professional unless the action or 232
omission of the health care professional constitutes willful or 233
wanton misconduct. 234

(3) A physician or podiatrist who is not covered by 235
medical malpractice insurance, but complies with division (B) (2) 236
of this section, is not required to comply with division (A) of 237
section 4731.143 of the Revised Code. 238

(C) Subject to divisions (F) and (G) (3) of this section, 239
health care workers who are volunteers are not liable in damages 240
to any person or government entity in a tort or other civil 241
action, including an action upon a medical, dental, 242
chiropractic, optometric, or other health-related claim, for 243
injury, death, or loss to person or property that allegedly 244
arises from an action or omission of the health care worker in 245
the provision to an indigent and uninsured person of medical, 246
dental, or other health-related diagnosis, care, or treatment, 247
unless the action or omission constitutes willful or wanton 248
misconduct. 249

(D) Subject to divisions (F) and (G) (3) of this section, a 250
nonprofit health care referral organization is not liable in 251
damages to any person or government entity in a tort or other 252
civil action, including an action on a medical, dental, 253

chiropractic, optometric, or other health-related claim, for 254
injury, death, or loss to person or property that allegedly 255
arises from an action or omission of the nonprofit health care 256
referral organization in referring indigent and uninsured 257
persons to, or arranging for the provision of, medical, dental, 258
or other health-related diagnosis, care, or treatment by a 259
health care professional described in division (B) (1) of this 260
section or a health care worker described in division (C) of 261
this section, unless the action or omission constitutes willful 262
or wanton misconduct. 263

(E) Subject to divisions (F) and (G) (3) of this section 264
and to the extent that the registration requirements of section 265
3701.071 of the Revised Code apply, a health care facility or 266
location associated with a health care professional described in 267
division (B) (1) of this section, a health care worker described 268
in division (C) of this section, or a nonprofit health care 269
referral organization described in division (D) of this section 270
is not liable in damages to any person or government entity in a 271
tort or other civil action, including an action on a medical, 272
dental, chiropractic, optometric, or other health-related claim, 273
for injury, death, or loss to person or property that allegedly 274
arises from an action or omission of the health care 275
professional or worker or nonprofit health care referral 276
organization relative to the medical, dental, or other health- 277
related diagnosis, care, or treatment provided to an indigent 278
and uninsured person on behalf of or at the health care facility 279
or location, unless the action or omission constitutes willful 280
or wanton misconduct. 281

(F) (1) Except as provided in division (F) (2) of this 282
section, the immunities provided by divisions (B), (C), (D), and 283
(E) of this section are not available to a health care 284

professional, health care worker, nonprofit health care referral 285
organization, or health care facility or location if, at the 286
time of an alleged injury, death, or loss to person or property, 287
the health care professionals or health care workers involved 288
are providing one of the following: 289

(a) Any medical, dental, or other health-related 290
diagnosis, care, or treatment pursuant to a community service 291
work order entered by a court under division (B) of section 292
2951.02 of the Revised Code or imposed by a court as a community 293
control sanction; 294

(b) Performance of an operation to which any one of the 295
following applies: 296

(i) The operation requires the administration of deep 297
sedation or general anesthesia. 298

(ii) The operation is a procedure that is not typically 299
performed in an office. 300

(iii) The individual involved is a health care 301
professional, and the operation is beyond the scope of practice 302
or the education, training, and competence, as applicable, of 303
the health care professional. 304

(c) Delivery of a baby or any other purposeful termination 305
of a human pregnancy. 306

(2) Division (F)(1) of this section does not apply when a 307
health care professional or health care worker provides medical, 308
dental, or other health-related diagnosis, care, or treatment 309
that is necessary to preserve the life of a person in a medical 310
emergency. 311

(G)(1) This section does not create a new cause of action 312

or substantive legal right against a health care professional, 313
health care worker, nonprofit health care referral organization, 314
or health care facility or location. 315

(2) This section does not affect any immunities from civil 316
liability or defenses established by another section of the 317
Revised Code or available at common law to which a health care 318
professional, health care worker, nonprofit health care referral 319
organization, or health care facility or location may be 320
entitled in connection with the provision of emergency or other 321
medical, dental, or other health-related diagnosis, care, or 322
treatment. 323

(3) This section does not grant an immunity from tort or 324
other civil liability to a health care professional, health care 325
worker, nonprofit health care referral organization, or health 326
care facility or location for actions that are outside the scope 327
of authority of health care professionals or health care 328
workers. 329

In the case of the diagnosis, care, or treatment of an 330
indigent and uninsured person who is eligible for the medicaid 331
program or is a medicaid recipient, this section grants an 332
immunity from tort or other civil liability only if the person's 333
diagnosis, care, or treatment is provided in a free clinic, as 334
defined in section 3701.071 of the Revised Code. 335

(4) This section does not affect any legal responsibility 336
of a health care professional, health care worker, or nonprofit 337
health care referral organization to comply with any applicable 338
law of this state or rule of an agency of this state. 339

(5) This section does not affect any legal responsibility 340
of a health care facility or location to comply with any 341

applicable law of this state, rule of an agency of this state, 342
or local code, ordinance, or regulation that pertains to or 343
regulates building, housing, air pollution, water pollution, 344
sanitation, health, fire, zoning, or safety. 345

Sec. 2305.51. (A) (1) As used in this section: 346

(a) "Civil Rights" has the same meaning as in section 347
5122.301 of the Revised Code. 348

(b) "Mental health client or patient" means an individual 349
who is receiving mental health services from a mental health 350
professional or organization. 351

(c) "Mental health organization" means an organization 352
that engages one or more mental health professionals to provide 353
mental health services to one or more mental health clients or 354
patients. 355

(d) "Mental health professional" means an individual who 356
is licensed, certified, or registered under the Revised Code, or 357
otherwise authorized in this state, to provide mental health 358
services for compensation, remuneration, or other personal gain. 359

(e) "Mental health service" means a service provided to an 360
individual or group of individuals involving the application of 361
medical, psychiatric, psychological, professional counseling, 362
social work, marriage and family therapy, or nursing principles 363
or procedures to either of the following: 364

(i) The assessment, diagnosis, prevention, treatment, or 365
amelioration of mental, emotional, psychiatric, psychological, 366
or psychosocial disorders or diseases, as described in the most 367
recent edition of the diagnostic and statistical manual of 368
mental disorders published by the American psychiatric 369
association; 370

(ii) The assessment or improvement of mental, emotional, 371
psychiatric, psychological, or psychosocial adjustment or 372
functioning, regardless of whether there is a diagnosable, pre- 373
existing disorder or disease. 374

(f) "Knowledgeable person" means an individual who has 375
reason to believe that a mental health client or patient has the 376
intent and ability to carry out an explicit threat of inflicting 377
imminent and serious physical harm to or causing the death of a 378
clearly identifiable potential victim or victims and who is 379
either an immediate family member of the client or patient or an 380
individual who otherwise personally knows the client or patient. 381

(g) "Advanced practice registered nurse" has the same 382
meaning as in section 4723.01 of the Revised Code. 383

(h) "Hospital" has the same meaning as in section 2305.25 384
of the Revised Code. 385

(i) "Physician" means an individual authorized under 386
Chapter 4731. of the Revised Code to practice medicine and 387
surgery or osteopathic medicine and surgery. 388

(j) "Physician assistant" has the same meaning as in 389
section 4730.01 of the Revised Code. 390

(k) "Certified mental health assistant" has the same 391
meaning as in section 4772.01 of the Revised Code. 392

(2) For the purpose of this section, in the case of a 393
threat to a readily identifiable structure, "clearly 394
identifiable potential victim" includes any potential occupant 395
of the structure. 396

(B) A mental health professional or mental health 397
organization may be held liable in damages in a civil action, or 398

may be made subject to disciplinary action by an entity with 399
licensing or other regulatory authority over the professional or 400
organization, for serious physical harm or death resulting from 401
failing to predict, warn of, or take precautions to provide 402
protection from the violent behavior of a mental health client 403
or patient, only if the client or patient or a knowledgeable 404
person has communicated to the professional or organization an 405
explicit threat of inflicting imminent and serious physical harm 406
to or causing the death of one or more clearly identifiable 407
potential victims, the professional or organization has reason 408
to believe that the client or patient has the intent and ability 409
to carry out the threat, and the professional or organization 410
fails to take one or more of the following actions in a timely 411
manner: 412

(1) Exercise any authority the professional or 413
organization possesses to hospitalize the client or patient on 414
an emergency basis pursuant to section 5122.10 of the Revised 415
Code; 416

(2) Exercise any authority the professional or 417
organization possesses to have the client or patient 418
involuntarily or voluntarily hospitalized under Chapter 5122. of 419
the Revised Code; 420

(3) Establish and undertake a documented treatment plan 421
that is reasonably calculated, according to appropriate 422
standards of professional practice, to eliminate the possibility 423
that the client or patient will carry out the threat, and, 424
concurrent with establishing and undertaking the treatment plan, 425
initiate arrangements for a second opinion risk assessment 426
through a management consultation about the treatment plan with, 427
in the case of a mental health organization, the clinical 428

director of the organization, or, in the case of a mental health 429
professional who is not acting as part of a mental health 430
organization, any mental health professional who is licensed to 431
engage in independent practice; 432

(4) Communicate to a law enforcement agency with 433
jurisdiction in the area where each potential victim resides, 434
where a structure threatened by a mental health client or 435
patient is located, or where the mental health client or patient 436
resides, and if feasible, communicate to each potential victim 437
or a potential victim's parent or guardian if the potential 438
victim is a minor or has been adjudicated incompetent, all of 439
the following information: 440

(a) The nature of the threat; 441

(b) The identity of the mental health client or patient 442
making the threat; 443

(c) The identity of each potential victim of the threat. 444

(C) All of the following apply when a mental health 445
professional or organization takes one or more of the actions 446
set forth in divisions (B)(1) to (4) of this section: 447

(1) The mental health professional or organization shall 448
consider each of the alternatives set forth and shall document 449
the reasons for choosing or rejecting each alternative. 450

(2) The mental health professional or organization may 451
give special consideration to those alternatives which, 452
consistent with public safety, would least abridge the rights of 453
the mental health client or patient established under the 454
Revised Code, including the rights specified in sections 5122.27 455
to 5122.31 of the Revised Code. 456

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

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

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

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

(2) Discharging a patient whom the physician, physician

assistant, advanced practice registered nurse, certified mental 487
health assistant, or hospital believes in the good faith 488
exercise of professional medical, advanced practice registered 489
nursing, ~~or~~ physician assistant, or certified mental health 490
assistant judgment according to appropriate standards of 491
professional practice not to have a mental health condition that 492
threatens the safety of the patient or others. 493

(E) The immunities from civil liability and disciplinary 494
action conferred by this section are in addition to and not in 495
limitation of any immunity conferred on a mental health 496
professional or organization or on a physician, physician 497
assistant, advanced practice registered nurse, certified mental 498
health assistant, or hospital by any other section of the 499
Revised Code or by judicial precedent. 500

(F) This section does not affect the civil rights of a 501
mental health client or patient under Ohio or federal law. 502

Sec. 2925.01. As used in this chapter: 503

(A) "Administer," "controlled substance," "controlled 504
substance analog," "dispense," "distribute," "hypodermic," 505
"manufacturer," "official written order," "person," 506
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 507
"schedule III," "schedule IV," "schedule V," and "wholesaler" 508
have the same meanings as in section 3719.01 of the Revised 509
Code. 510

(B) "Drug dependent person" and "drug of abuse" have the 511
same meanings as in section 3719.011 of the Revised Code. 512

(C) "Drug," "dangerous drug," "licensed health 513
professional authorized to prescribe drugs," and "prescription" 514
have the same meanings as in section 4729.01 of the Revised 515

Code. 516

(D) "Bulk amount" of a controlled substance means any of 517
the following: 518

(1) For any compound, mixture, preparation, or substance 519
included in schedule I, schedule II, or schedule III, with the 520
exception of any controlled substance analog, marihuana, 521
cocaine, L.S.D., heroin, any fentanyl-related compound, and 522
hashish and except as provided in division (D)(2), (5), or (6) 523
of this section, whichever of the following is applicable: 524

(a) An amount equal to or exceeding ten grams or twenty- 525
five unit doses of a compound, mixture, preparation, or 526
substance that is or contains any amount of a schedule I opiate 527
or opium derivative; 528

(b) An amount equal to or exceeding ten grams of a 529
compound, mixture, preparation, or substance that is or contains 530
any amount of raw or gum opium; 531

(c) An amount equal to or exceeding thirty grams or ten 532
unit doses of a compound, mixture, preparation, or substance 533
that is or contains any amount of a schedule I hallucinogen 534
other than tetrahydrocannabinol or lysergic acid amide, or a 535
schedule I stimulant or depressant; 536

(d) An amount equal to or exceeding twenty grams or five 537
times the maximum daily dose in the usual dose range specified 538
in a standard pharmaceutical reference manual of a compound, 539
mixture, preparation, or substance that is or contains any 540
amount of a schedule II opiate or opium derivative; 541

(e) An amount equal to or exceeding five grams or ten unit 542
doses of a compound, mixture, preparation, or substance that is 543
or contains any amount of phencyclidine; 544

(f) An amount equal to or exceeding one hundred twenty 545
grams or thirty times the maximum daily dose in the usual dose 546
range specified in a standard pharmaceutical reference manual of 547
a compound, mixture, preparation, or substance that is or 548
contains any amount of a schedule II stimulant that is in a 549
final dosage form manufactured by a person authorized by the 550
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 551
U.S.C.A. 301, as amended, and the federal drug abuse control 552
laws, as defined in section 3719.01 of the Revised Code, that is 553
or contains any amount of a schedule II depressant substance or 554
a schedule II hallucinogenic substance; 555

(g) An amount equal to or exceeding three grams of a 556
compound, mixture, preparation, or substance that is or contains 557
any amount of a schedule II stimulant, or any of its salts or 558
isomers, that is not in a final dosage form manufactured by a 559
person authorized by the Federal Food, Drug, and Cosmetic Act 560
and the federal drug abuse control laws. 561

(2) An amount equal to or exceeding one hundred twenty 562
grams or thirty times the maximum daily dose in the usual dose 563
range specified in a standard pharmaceutical reference manual of 564
a compound, mixture, preparation, or substance that is or 565
contains any amount of a schedule III or IV substance other than 566
an anabolic steroid or a schedule III opiate or opium 567
derivative; 568

(3) An amount equal to or exceeding twenty grams or five 569
times the maximum daily dose in the usual dose range specified 570
in a standard pharmaceutical reference manual of a compound, 571
mixture, preparation, or substance that is or contains any 572
amount of a schedule III opiate or opium derivative; 573

(4) An amount equal to or exceeding two hundred fifty 574

milliliters or two hundred fifty grams of a compound, mixture, 575
preparation, or substance that is or contains any amount of a 576
schedule V substance; 577

(5) An amount equal to or exceeding two hundred solid 578
dosage units, sixteen grams, or sixteen milliliters of a 579
compound, mixture, preparation, or substance that is or contains 580
any amount of a schedule III anabolic steroid; 581

(6) For any compound, mixture, preparation, or substance 582
that is a combination of a fentanyl-related compound and any 583
other compound, mixture, preparation, or substance included in 584
schedule III, schedule IV, or schedule V, if the defendant is 585
charged with a violation of section 2925.11 of the Revised Code 586
and the sentencing provisions set forth in divisions (C) (10) (b) 587
and (C) (11) of that section will not apply regarding the 588
defendant and the violation, the bulk amount of the controlled 589
substance for purposes of the violation is the amount specified 590
in division (D) (1), (2), (3), (4), or (5) of this section for 591
the other schedule III, IV, or V controlled substance that is 592
combined with the fentanyl-related compound. 593

(E) "Unit dose" means an amount or unit of a compound, 594
mixture, or preparation containing a controlled substance that 595
is separately identifiable and in a form that indicates that it 596
is the amount or unit by which the controlled substance is 597
separately administered to or taken by an individual. 598

(F) "Cultivate" includes planting, watering, fertilizing, 599
or tilling. 600

(G) "Drug abuse offense" means any of the following: 601

(1) A violation of division (A) of section 2913.02 that 602
constitutes theft of drugs, or a violation of section 2925.02, 603

2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 604
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 605
or 2925.37 of the Revised Code; 606

(2) A violation of an existing or former law of this or 607
any other state or of the United States that is substantially 608
equivalent to any section listed in division (G)(1) of this 609
section; 610

(3) An offense under an existing or former law of this or 611
any other state, or of the United States, of which planting, 612
cultivating, harvesting, processing, making, manufacturing, 613
producing, shipping, transporting, delivering, acquiring, 614
possessing, storing, distributing, dispensing, selling, inducing 615
another to use, administering to another, using, or otherwise 616
dealing with a controlled substance is an element; 617

(4) A conspiracy to commit, attempt to commit, or 618
complicity in committing or attempting to commit any offense 619
under division (G)(1), (2), or (3) of this section. 620

(H) "Felony drug abuse offense" means any drug abuse 621
offense that would constitute a felony under the laws of this 622
state, any other state, or the United States. 623

(I) "Harmful intoxicant" does not include beer or 624
intoxicating liquor but means any of the following: 625

(1) Any compound, mixture, preparation, or substance the 626
gas, fumes, or vapor of which when inhaled can induce 627
intoxication, excitement, giddiness, irrational behavior, 628
depression, stupefaction, paralysis, unconsciousness, 629
asphyxiation, or other harmful physiological effects, and 630
includes, but is not limited to, any of the following: 631

(a) Any volatile organic solvent, plastic cement, model 632

cement, fingernail polish remover, lacquer thinner, cleaning 633
fluid, gasoline, or other preparation containing a volatile 634
organic solvent; 635

(b) Any aerosol propellant; 636

(c) Any fluorocarbon refrigerant; 637

(d) Any anesthetic gas. 638

(2) Gamma Butyrolactone; 639

(3) 1,4 Butanediol. 640

(J) "Manufacture" means to plant, cultivate, harvest, 641
process, make, prepare, or otherwise engage in any part of the 642
production of a drug, by propagation, extraction, chemical 643
synthesis, or compounding, or any combination of the same, and 644
includes packaging, repackaging, labeling, and other activities 645
incident to production. 646

(K) "Possess" or "possession" means having control over a 647
thing or substance, but may not be inferred solely from mere 648
access to the thing or substance through ownership or occupation 649
of the premises upon which the thing or substance is found. 650

(L) "Sample drug" means a drug or pharmaceutical 651
preparation that would be hazardous to health or safety if used 652
without the supervision of a licensed health professional 653
authorized to prescribe drugs, or a drug of abuse, and that, at 654
one time, had been placed in a container plainly marked as a 655
sample by a manufacturer. 656

(M) "Standard pharmaceutical reference manual" means the 657
current edition, with cumulative changes if any, of references 658
that are approved by the state board of pharmacy. 659

(N) "Juvenile" means a person under eighteen years of age. 660

(O) "Counterfeit controlled substance" means any of the 661
following: 662

(1) Any drug that bears, or whose container or label 663
bears, a trademark, trade name, or other identifying mark used 664
without authorization of the owner of rights to that trademark, 665
trade name, or identifying mark; 666

(2) Any unmarked or unlabeled substance that is 667
represented to be a controlled substance manufactured, 668
processed, packed, or distributed by a person other than the 669
person that manufactured, processed, packed, or distributed it; 670

(3) Any substance that is represented to be a controlled 671
substance but is not a controlled substance or is a different 672
controlled substance; 673

(4) Any substance other than a controlled substance that a 674
reasonable person would believe to be a controlled substance 675
because of its similarity in shape, size, and color, or its 676
markings, labeling, packaging, distribution, or the price for 677
which it is sold or offered for sale. 678

(P) An offense is "committed in the vicinity of a school" 679
if the offender commits the offense on school premises, in a 680
school building, or within one thousand feet of the boundaries 681
of any school premises, regardless of whether the offender knows 682
the offense is being committed on school premises, in a school 683
building, or within one thousand feet of the boundaries of any 684
school premises. 685

(Q) "School" means any school operated by a board of 686
education, any community school established under Chapter 3314. 687
of the Revised Code, or any nonpublic school for which the state 688

board of education prescribes minimum standards under section 689
3301.07 of the Revised Code, whether or not any instruction, 690
extracurricular activities, or training provided by the school 691
is being conducted at the time a criminal offense is committed. 692

(R) "School premises" means either of the following: 693

(1) The parcel of real property on which any school is 694
situated, whether or not any instruction, extracurricular 695
activities, or training provided by the school is being 696
conducted on the premises at the time a criminal offense is 697
committed; 698

(2) Any other parcel of real property that is owned or 699
leased by a board of education of a school, the governing 700
authority of a community school established under Chapter 3314. 701
of the Revised Code, or the governing body of a nonpublic school 702
for which the state board of education prescribes minimum 703
standards under section 3301.07 of the Revised Code and on which 704
some of the instruction, extracurricular activities, or training 705
of the school is conducted, whether or not any instruction, 706
extracurricular activities, or training provided by the school 707
is being conducted on the parcel of real property at the time a 708
criminal offense is committed. 709

(S) "School building" means any building in which any of 710
the instruction, extracurricular activities, or training 711
provided by a school is conducted, whether or not any 712
instruction, extracurricular activities, or training provided by 713
the school is being conducted in the school building at the time 714
a criminal offense is committed. 715

(T) "Disciplinary counsel" means the disciplinary counsel 716
appointed by the board of commissioners on grievances and 717

discipline of the supreme court under the Rules for the 718
Government of the Bar of Ohio. 719

(U) "Certified grievance committee" means a duly 720
constituted and organized committee of the Ohio state bar 721
association or of one or more local bar associations of the 722
state of Ohio that complies with the criteria set forth in Rule 723
V, section 6 of the Rules for the Government of the Bar of Ohio. 724

(V) "Professional license" means any license, permit, 725
certificate, registration, qualification, admission, temporary 726
license, temporary permit, temporary certificate, or temporary 727
registration that is described in divisions (W) (1) to (37) of 728
this section and that qualifies a person as a professionally 729
licensed person. 730

(W) "Professionally licensed person" means any of the 731
following: 732

(1) A person who has received a certificate or temporary 733
certificate as a certified public accountant or who has 734
registered as a public accountant under Chapter 4701. of the 735
Revised Code and who holds an Ohio permit issued under that 736
chapter; 737

(2) A person who holds a certificate of qualification to 738
practice architecture issued or renewed and registered under 739
Chapter 4703. of the Revised Code; 740

(3) A person who is registered as a landscape architect 741
under Chapter 4703. of the Revised Code or who holds a permit as 742
a landscape architect issued under that chapter; 743

(4) A person licensed under Chapter 4707. of the Revised 744
Code; 745

(5) A person who has been issued a certificate of 746
registration as a registered barber under Chapter 4709. of the 747
Revised Code; 748

(6) A person licensed and regulated to engage in the 749
business of a debt pooling company by a legislative authority, 750
under authority of Chapter 4710. of the Revised Code; 751

(7) A person who has been issued a cosmetologist's 752
license, hair designer's license, manicurist's license, 753
esthetician's license, natural hair stylist's license, advanced 754
cosmetologist's license, advanced hair designer's license, 755
advanced manicurist's license, advanced esthetician's license, 756
advanced natural hair stylist's license, cosmetology 757
instructor's license, hair design instructor's license, 758
manicurist instructor's license, esthetics instructor's license, 759
natural hair style instructor's license, independent 760
contractor's license, or tanning facility permit under Chapter 761
4713. of the Revised Code; 762

(8) A person who has been issued a license to practice 763
dentistry, a general anesthesia permit, a conscious sedation 764
permit, a limited resident's license, a limited teaching 765
license, a dental hygienist's license, or a dental hygienist's 766
teacher's certificate under Chapter 4715. of the Revised Code; 767

(9) A person who has been issued an embalmer's license, a 768
funeral director's license, a funeral home license, or a 769
crematory license, or who has been registered for an embalmer's 770
or funeral director's apprenticeship under Chapter 4717. of the 771
Revised Code; 772

(10) A person who has been licensed as a registered nurse 773
or practical nurse, or who has been issued a certificate for the 774

practice of nurse-midwifery under Chapter 4723. of the Revised	775
Code;	776
(11) A person who has been licensed to practice optometry	777
or to engage in optical dispensing under Chapter 4725. of the	778
Revised Code;	779
(12) A person licensed to act as a pawnbroker under	780
Chapter 4727. of the Revised Code;	781
(13) A person licensed to act as a precious metals dealer	782
under Chapter 4728. of the Revised Code;	783
(14) A person licensed under Chapter 4729. of the Revised	784
Code as a pharmacist or pharmacy intern or registered under that	785
chapter as a registered pharmacy technician, certified pharmacy	786
technician, or pharmacy technician trainee;	787
(15) A person licensed under Chapter 4729. of the Revised	788
Code as a manufacturer of dangerous drugs, outsourcing facility,	789
third-party logistics provider, repackager of dangerous drugs,	790
wholesale distributor of dangerous drugs, or terminal	791
distributor of dangerous drugs;	792
(16) A person who is authorized to practice as a physician	793
assistant under Chapter 4730. of the Revised Code;	794
(17) A person who has been issued a license to practice	795
medicine and surgery, osteopathic medicine and surgery, or	796
podiatric medicine and surgery under Chapter 4731. of the	797
Revised Code or has been issued a certificate to practice a	798
limited branch of medicine under that chapter;	799
(18) A person licensed as a psychologist or school	800
psychologist under Chapter 4732. of the Revised Code;	801
(19) A person registered to practice the profession of	802

engineering or surveying under Chapter 4733. of the Revised	803
Code;	804
(20) A person who has been issued a license to practice	805
chiropractic under Chapter 4734. of the Revised Code;	806
(21) A person licensed to act as a real estate broker or	807
real estate salesperson under Chapter 4735. of the Revised Code;	808
(22) A person registered as a registered environmental	809
health specialist under Chapter 4736. of the Revised Code;	810
(23) A person licensed to operate or maintain a junkyard	811
under Chapter 4737. of the Revised Code;	812
(24) A person who has been issued a motor vehicle salvage	813
dealer's license under Chapter 4738. of the Revised Code;	814
(25) A person who has been licensed to act as a steam	815
engineer under Chapter 4739. of the Revised Code;	816
(26) A person who has been issued a license or temporary	817
permit to practice veterinary medicine or any of its branches,	818
or who is registered as a graduate animal technician under	819
Chapter 4741. of the Revised Code;	820
(27) A person who has been issued a hearing aid dealer's	821
or fitter's license or trainee permit under Chapter 4747. of the	822
Revised Code;	823
(28) A person who has been issued a class A, class B, or	824
class C license or who has been registered as an investigator or	825
security guard employee under Chapter 4749. of the Revised Code;	826
(29) A person licensed to practice as a nursing home	827
administrator under Chapter 4751. of the Revised Code;	828
(30) A person licensed to practice as a speech-language	829

pathologist or audiologist under Chapter 4753. of the Revised 830
Code; 831

(31) A person issued a license as an occupational 832
therapist or physical therapist under Chapter 4755. of the 833
Revised Code; 834

(32) A person who is licensed as a licensed professional 835
clinical counselor, licensed professional counselor, social 836
worker, independent social worker, independent marriage and 837
family therapist, or marriage and family therapist, or 838
registered as a social work assistant under Chapter 4757. of the 839
Revised Code; 840

(33) A person issued a license to practice dietetics under 841
Chapter 4759. of the Revised Code; 842

(34) A person who has been issued a license or limited 843
permit to practice respiratory therapy under Chapter 4761. of 844
the Revised Code; 845

(35) A person who has been issued a real estate appraiser 846
certificate under Chapter 4763. of the Revised Code; 847

(36) A person who has been issued a home inspector license 848
under Chapter 4764. of the Revised Code; 849

(37) A person who has been admitted to the bar by order of 850
the supreme court in compliance with its prescribed and 851
published rules; 852

(38) A person who has been issued a license to practice as 853
a certified mental health assistant under Chapter 4772. of the 854
Revised Code. 855

(X) "Cocaine" means any of the following: 856

(1) A cocaine salt, isomer, or derivative, a salt of a 857
cocaine isomer or derivative, or the base form of cocaine; 858

(2) Coca leaves or a salt, compound, derivative, or 859
preparation of coca leaves, including ecgonine, a salt, isomer, 860
or derivative of ecgonine, or a salt of an isomer or derivative 861
of ecgonine; 862

(3) A salt, compound, derivative, or preparation of a 863
substance identified in division (X) (1) or (2) of this section 864
that is chemically equivalent to or identical with any of those 865
substances, except that the substances shall not include 866
decocainized coca leaves or extraction of coca leaves if the 867
extractions do not contain cocaine or ecgonine. 868

(Y) "L.S.D." means lysergic acid diethylamide. 869

(Z) "Hashish" means a resin or a preparation of a resin to 870
which both of the following apply: 871

(1) It is contained in or derived from any part of the 872
plant of the genus cannabis, whether in solid form or in a 873
liquid concentrate, liquid extract, or liquid distillate form. 874

(2) It has a delta-9 tetrahydrocannabinol concentration of 875
more than three-tenths per cent. 876

"Hashish" does not include a hemp byproduct in the 877
possession of a licensed hemp processor under Chapter 928. of 878
the Revised Code, provided that the hemp byproduct is being 879
produced, stored, and disposed of in accordance with rules 880
adopted under section 928.03 of the Revised Code. 881

(AA) "Marihuana" has the same meaning as in section 882
3719.01 of the Revised Code, except that it does not include 883
hashish. 884

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

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

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

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

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

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

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

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

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public

accommodation, business, amusement, or resort. 913

(II) "Methamphetamine" means methamphetamine, any salt, 914
isomer, or salt of an isomer of methamphetamine, or any 915
compound, mixture, preparation, or substance containing 916
methamphetamine or any salt, isomer, or salt of an isomer of 917
methamphetamine. 918

(JJ) "Deception" has the same meaning as in section 919
2913.01 of the Revised Code. 920

(KK) "Fentanyl-related compound" means any of the 921
following: 922

(1) Fentanyl; 923

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 924
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 925
phenylethyl)-4-(N-propanilido) piperidine); 926

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 927
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 928

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 929
piperidinyl] -N-phenylpropanamide); 930

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 931
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 932
phenylpropanamide); 933

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 934
piperidyl]-N- phenylpropanamide); 935

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 936
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 937

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 938
phenethyl)-4- piperidinyl]propanamide; 939

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	940 941
(10) Alfentanil;	942
(11) Carfentanil;	943
(12) Remifentanil;	944
(13) Sufentanil;	945
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	946 947
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	948 949 950 951 952 953 954
(a) A chemical scaffold consisting of both of the following:	955 956
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	957 958
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	959 960 961
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	962 963 964
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	965 966

(d) The compound has not been approved for medical use by 967
the United States food and drug administration. 968

(LL) "First degree felony mandatory prison term" means one 969
of the definite prison terms prescribed in division (A) (1) (b) of 970
section 2929.14 of the Revised Code for a felony of the first 971
degree, except that if the violation for which sentence is being 972
imposed is committed on or after March 22, 2019, it means one of 973
the minimum prison terms prescribed in division (A) (1) (a) of 974
that section for a felony of the first degree. 975

(MM) "Second degree felony mandatory prison term" means 976
one of the definite prison terms prescribed in division (A) (2) 977
(b) of section 2929.14 of the Revised Code for a felony of the 978
second degree, except that if the violation for which sentence 979
is being imposed is committed on or after March 22, 2019, it 980
means one of the minimum prison terms prescribed in division (A) 981
(2) (a) of that section for a felony of the second degree. 982

(NN) "Maximum first degree felony mandatory prison term" 983
means the maximum definite prison term prescribed in division 984
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 985
the first degree, except that if the violation for which 986
sentence is being imposed is committed on or after March 22, 987
2019, it means the longest minimum prison term prescribed in 988
division (A) (1) (a) of that section for a felony of the first 989
degree. 990

(OO) "Maximum second degree felony mandatory prison term" 991
means the maximum definite prison term prescribed in division 992
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 993
the second degree, except that if the violation for which 994
sentence is being imposed is committed on or after March 22, 995
2019, it means the longest minimum prison term prescribed in 996

division (A) (2) (a) of that section for a felony of the second 997
degree. 998

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 999
as in section 928.01 of the Revised Code. 1000

(QQ) An offense is "committed in the vicinity of a 1001
substance addiction services provider or a recovering addict" if 1002
either of the following apply: 1003

(1) The offender commits the offense on the premises of a 1004
substance addiction services provider's facility, including a 1005
facility licensed prior to June 29, 2019, under section 5119.391 1006
of the Revised Code to provide methadone treatment or an opioid 1007
treatment program licensed on or after that date under section 1008
5119.37 of the Revised Code, or within five hundred feet of the 1009
premises of a substance addiction services provider's facility 1010
and the offender knows or should know that the offense is being 1011
committed within the vicinity of the substance addiction 1012
services provider's facility. 1013

(2) The offender sells, offers to sell, delivers, or 1014
distributes the controlled substance or controlled substance 1015
analog to a person who is receiving treatment at the time of the 1016
commission of the offense, or received treatment within thirty 1017
days prior to the commission of the offense, from a substance 1018
addiction services provider and the offender knows that the 1019
person is receiving or received that treatment. 1020

(RR) "Substance addiction services provider" means an 1021
agency, association, corporation or other legal entity, 1022
individual, or program that provides one or more of the 1023
following at a facility: 1024

(1) Either alcohol addiction services, or drug addiction 1025

services, or both such services that are certified by the 1026
director of mental health and addiction services under section 1027
5119.36 of the Revised Code; 1028

(2) Recovery supports that are related to either alcohol 1029
addiction services, or drug addiction services, or both such 1030
services and paid for with federal, state, or local funds 1031
administered by the department of mental health and addiction 1032
services or a board of alcohol, drug addiction, and mental 1033
health services. 1034

(SS) "Premises of a substance addiction services 1035
provider's facility" means the parcel of real property on which 1036
any substance addiction service provider's facility is situated. 1037

(TT) "Alcohol and drug addiction services" has the same 1038
meaning as in section 5119.01 of the Revised Code. 1039

Sec. 2925.02. (A) No person shall knowingly do any of the 1040
following: 1041

(1) By force, threat, or deception, administer to another 1042
or induce or cause another to use a controlled substance; 1043

(2) By any means, administer or furnish to another or 1044
induce or cause another to use a controlled substance with 1045
purpose to cause serious physical harm to the other person, or 1046
with purpose to cause the other person to become a person with 1047
drug dependency; 1048

(3) By any means, administer or furnish to another or 1049
induce or cause another to use a controlled substance, and 1050
thereby cause serious physical harm to the other person, or 1051
cause the other person to become a person with drug dependency; 1052

(4) By any means, do any of the following: 1053

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

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

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

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

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

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

(C) Whoever violates this section is guilty of corrupting

another with drugs. The penalty for the offense shall be 1083
determined as follows: 1084

(1) If the offense is a violation of division (A) (1), (2), 1085
(3), or (4) of this section and the drug involved is any 1086
compound, mixture, preparation, or substance included in 1087
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 1088
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1089
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1090
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1091
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1092
offender shall be punished as follows: 1093

(a) Except as otherwise provided in division (C) (1) (b) of 1094
this section, corrupting another with drugs committed in those 1095
circumstances is a felony of the second degree and, subject to 1096
division (E) of this section, the court shall impose as a 1097
mandatory prison term a second degree felony mandatory prison 1098
term. 1099

(b) If the offense was committed in the vicinity of a 1100
school, corrupting another with drugs committed in those 1101
circumstances is a felony of the first degree, and, subject to 1102
division (E) of this section, the court shall impose as a 1103
mandatory prison term a first degree felony mandatory prison 1104
term. 1105

(2) If the offense is a violation of division (A) (1), (2), 1106
(3), or (4) of this section and the drug involved is any 1107
compound, mixture, preparation, or substance included in 1108
schedule III, IV, or V, the offender shall be punished as 1109
follows: 1110

(a) Except as otherwise provided in division (C) (2) (b) of 1111

this section, corrupting another with drugs committed in those 1112
circumstances is a felony of the second degree and there is a 1113
presumption for a prison term for the offense. 1114

(b) If the offense was committed in the vicinity of a 1115
school, corrupting another with drugs committed in those 1116
circumstances is a felony of the second degree and the court 1117
shall impose as a mandatory prison term a second degree felony 1118
mandatory prison term. 1119

(3) If the offense is a violation of division (A) (1), (2), 1120
(3), or (4) of this section and the drug involved is marihuana, 1121
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1122
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1123
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1124
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1125
offender shall be punished as follows: 1126

(a) Except as otherwise provided in division (C) (3) (b) of 1127
this section, corrupting another with drugs committed in those 1128
circumstances is a felony of the fourth degree and division (C) 1129
of section 2929.13 of the Revised Code applies in determining 1130
whether to impose a prison term on the offender. 1131

(b) If the offense was committed in the vicinity of a 1132
school, corrupting another with drugs committed in those 1133
circumstances is a felony of the third degree and division (C) 1134
of section 2929.13 of the Revised Code applies in determining 1135
whether to impose a prison term on the offender. 1136

(4) If the offense is a violation of division (A) (5) of 1137
this section and the drug involved is any compound, mixture, 1138
preparation, or substance included in schedule I or II, with the 1139
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 1140

3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 1141
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 1142
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 1143
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 1144
felony of the first degree and, subject to division (E) of this 1145
section, the court shall impose as a mandatory prison term a 1146
first degree felony mandatory prison term. 1147

(5) If the offense is a violation of division (A) (5) of 1148
this section and the drug involved is any compound, mixture, 1149
preparation, or substance included in schedule III, IV, or V, 1150
corrupting another with drugs is a felony of the second degree 1151
and the court shall impose as a mandatory prison term a second 1152
degree felony mandatory prison term. 1153

(6) If the offense is a violation of division (A) (5) of 1154
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 1155
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1156
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1157
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1158
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1159
corrupting another with drugs is a felony of the third degree 1160
and division (C) of section 2929.13 of the Revised Code applies 1161
in determining whether to impose a prison term on the offender. 1162

(D) In addition to any prison term authorized or required 1163
by division (C) or (E) of this section and sections 2929.13 and 1164
2929.14 of the Revised Code and in addition to any other 1165
sanction imposed for the offense under this section or sections 1166
2929.11 to 2929.18 of the Revised Code, the court that sentences 1167
an offender who is convicted of or pleads guilty to a violation 1168
of division (A) of this section may suspend for not more than 1169
five years the offender's driver's or commercial driver's 1170

license or permit. However, if the offender pleaded guilty to or 1171
was convicted of a violation of section 4511.19 of the Revised 1172
Code or a substantially similar municipal ordinance or the law 1173
of another state or the United States arising out of the same 1174
set of circumstances as the violation, the court shall suspend 1175
the offender's driver's or commercial driver's license or permit 1176
for not more than five years. The court also shall do all of the 1177
following that are applicable regarding the offender: 1178

(1) (a) If the violation is a felony of the first, second, 1179
or third degree, the court shall impose upon the offender the 1180
mandatory fine specified for the offense under division (B) (1) 1181
of section 2929.18 of the Revised Code unless, as specified in 1182
that division, the court determines that the offender is 1183
indigent. 1184

(b) Notwithstanding any contrary provision of section 1185
3719.21 of the Revised Code, any mandatory fine imposed pursuant 1186
to division (D) (1) (a) of this section and any fine imposed for a 1187
violation of this section pursuant to division (A) of section 1188
2929.18 of the Revised Code shall be paid by the clerk of the 1189
court in accordance with and subject to the requirements of, and 1190
shall be used as specified in, division (F) of section 2925.03 1191
of the Revised Code. 1192

(c) If a person is charged with any violation of this 1193
section that is a felony of the first, second, or third degree, 1194
posts bail, and forfeits the bail, the forfeited bail shall be 1195
paid by the clerk of the court pursuant to division (D) (1) (b) of 1196
this section as if it were a fine imposed for a violation of 1197
this section. 1198

(2) If the offender is a professionally licensed person, 1199
in addition to any other sanction imposed for a violation of 1200

this section, the court immediately shall comply with section 1201
2925.38 of the Revised Code. 1202

(E) Notwithstanding the prison term otherwise authorized 1203
or required for the offense under division (C) of this section 1204
and sections 2929.13 and 2929.14 of the Revised Code, if the 1205
violation of division (A) of this section involves the sale, 1206
offer to sell, or possession of a schedule I or II controlled 1207
substance, with the exception of marihuana, 1-Pentyl-3-(1- 1208
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1209
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1210
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1211
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1212
if the court imposing sentence upon the offender finds that the 1213
offender as a result of the violation is a major drug offender 1214
and is guilty of a specification of the type described in 1215
division (A) of section 2941.1410 of the Revised Code, the 1216
court, in lieu of the prison term that otherwise is authorized 1217
or required, shall impose upon the offender the mandatory prison 1218
term specified in division (B) (3) (a) of section 2929.14 of the 1219
Revised Code. 1220

(F) (1) If the sentencing court suspends the offender's 1221
driver's or commercial driver's license or permit under division 1222
(D) of this section, the offender, at any time after the 1223
expiration of two years from the day on which the offender's 1224
sentence was imposed or from the day on which the offender 1225
finally was released from a prison term under the sentence, 1226
whichever is later, may file a motion with the sentencing court 1227
requesting termination of the suspension. Upon the filing of the 1228
motion and the court's finding of good cause for the 1229
determination, the court may terminate the suspension. 1230

(2) Any offender who received a mandatory suspension of 1231
the offender's driver's or commercial driver's license or permit 1232
under this section prior to September 13, 2016, may file a 1233
motion with the sentencing court requesting the termination of 1234
the suspension. However, an offender who pleaded guilty to or 1235
was convicted of a violation of section 4511.19 of the Revised 1236
Code or a substantially similar municipal ordinance or law of 1237
another state or the United States that arose out of the same 1238
set of circumstances as the violation for which the offender's 1239
license or permit was suspended under this section shall not 1240
file such a motion. 1241

Upon the filing of a motion under division (F)(2) of this 1242
section, the sentencing court, in its discretion, may terminate 1243
the suspension. 1244

Sec. 2925.03. (A) No person shall knowingly do any of the 1245
following: 1246

(1) Sell or offer to sell a controlled substance or a 1247
controlled substance analog; 1248

(2) Prepare for shipment, ship, transport, deliver, 1249
prepare for distribution, or distribute a controlled substance 1250
or a controlled substance analog, when the offender knows or has 1251
reasonable cause to believe that the controlled substance or a 1252
controlled substance analog is intended for sale or resale by 1253
the offender or another person. 1254

(B) This section does not apply to any of the following: 1255

(1) Manufacturers, licensed health professionals 1256
authorized to prescribe drugs, pharmacists, owners of 1257
pharmacies, and other persons whose conduct is in accordance 1258
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1259

4741., and 4772. of the Revised Code; 1260

(2) If the offense involves an anabolic steroid, any 1261
person who is conducting or participating in a research project 1262
involving the use of an anabolic steroid if the project has been 1263
approved by the United States food and drug administration; 1264

(3) Any person who sells, offers for sale, prescribes, 1265
dispenses, or administers for livestock or other nonhuman 1266
species an anabolic steroid that is expressly intended for 1267
administration through implants to livestock or other nonhuman 1268
species and approved for that purpose under the "Federal Food, 1269
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1270
as amended, and is sold, offered for sale, prescribed, 1271
dispensed, or administered for that purpose in accordance with 1272
that act. 1273

(C) Whoever violates division (A) of this section is 1274
guilty of one of the following: 1275

(1) If the drug involved in the violation is any compound, 1276
mixture, preparation, or substance included in schedule I or 1277
schedule II, with the exception of marihuana, cocaine, L.S.D., 1278
heroin, any fentanyl-related compound, hashish, and any 1279
controlled substance analog, whoever violates division (A) of 1280
this section is guilty of aggravated trafficking in drugs. The 1281
penalty for the offense shall be determined as follows: 1282

(a) Except as otherwise provided in division (C) (1) (b), 1283
(c), (d), (e), or (f) of this section, aggravated trafficking in 1284
drugs is a felony of the fourth degree, and division (C) of 1285
section 2929.13 of the Revised Code applies in determining 1286
whether to impose a prison term on the offender. 1287

(b) Except as otherwise provided in division (C) (1) (c), 1288

(d), (e), or (f) of this section, if the offense was committed 1289
in the vicinity of a school, in the vicinity of a juvenile, or 1290
in the vicinity of a substance addiction services provider or a 1291
recovering addict, aggravated trafficking in drugs is a felony 1292
of the third degree, and division (C) of section 2929.13 of the 1293
Revised Code applies in determining whether to impose a prison 1294
term on the offender. 1295

(c) Except as otherwise provided in this division, if the 1296
amount of the drug involved equals or exceeds the bulk amount 1297
but is less than five times the bulk amount, aggravated 1298
trafficking in drugs is a felony of the third degree, and, 1299
except as otherwise provided in this division, there is a 1300
presumption for a prison term for the offense. If aggravated 1301
trafficking in drugs is a felony of the third degree under this 1302
division and if the offender two or more times previously has 1303
been convicted of or pleaded guilty to a felony drug abuse 1304
offense, the court shall impose as a mandatory prison term one 1305
of the prison terms prescribed for a felony of the third degree. 1306
If the amount of the drug involved is within that range and if 1307
the offense was committed in the vicinity of a school, in the 1308
vicinity of a juvenile, or in the vicinity of a substance 1309
addiction services provider or a recovering addict, aggravated 1310
trafficking in drugs is a felony of the second degree, and the 1311
court shall impose as a mandatory prison term a second degree 1312
felony mandatory prison term. 1313

(d) Except as otherwise provided in this division, if the 1314
amount of the drug involved equals or exceeds five times the 1315
bulk amount but is less than fifty times the bulk amount, 1316
aggravated trafficking in drugs is a felony of the second 1317
degree, and the court shall impose as a mandatory prison term a 1318
second degree felony mandatory prison term. If the amount of the 1319

drug involved is within that range and if the offense was 1320
committed in the vicinity of a school, in the vicinity of a 1321
juvenile, or in the vicinity of a substance addiction services 1322
provider or a recovering addict, aggravated trafficking in drugs 1323
is a felony of the first degree, and the court shall impose as a 1324
mandatory prison term a first degree felony mandatory prison 1325
term. 1326

(e) If the amount of the drug involved equals or exceeds 1327
fifty times the bulk amount but is less than one hundred times 1328
the bulk amount and regardless of whether the offense was 1329
committed in the vicinity of a school, in the vicinity of a 1330
juvenile, or in the vicinity of a substance addiction services 1331
provider or a recovering addict, aggravated trafficking in drugs 1332
is a felony of the first degree, and the court shall impose as a 1333
mandatory prison term a first degree felony mandatory prison 1334
term. 1335

(f) If the amount of the drug involved equals or exceeds 1336
one hundred times the bulk amount and regardless of whether the 1337
offense was committed in the vicinity of a school, in the 1338
vicinity of a juvenile, or in the vicinity of a substance 1339
addiction services provider or a recovering addict, aggravated 1340
trafficking in drugs is a felony of the first degree, the 1341
offender is a major drug offender, and the court shall impose as 1342
a mandatory prison term a maximum first degree felony mandatory 1343
prison term. 1344

(2) If the drug involved in the violation is any compound, 1345
mixture, preparation, or substance included in schedule III, IV, 1346
or V, whoever violates division (A) of this section is guilty of 1347
trafficking in drugs. The penalty for the offense shall be 1348
determined as follows: 1349

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

(b) Except as otherwise provided in division (C) (2) (c), 1355
(d), or (e) of this section, if the offense was committed in the 1356
vicinity of a school or in the vicinity of a juvenile, 1357
trafficking in drugs is a felony of the fourth degree, and 1358
division (C) of section 2929.13 of the Revised Code applies in 1359
determining whether to impose a prison term on the offender. 1360

(c) Except as otherwise provided in this division, if the 1361
amount of the drug involved equals or exceeds the bulk amount 1362
but is less than five times the bulk amount, trafficking in 1363
drugs is a felony of the fourth degree, and division (B) of 1364
section 2929.13 of the Revised Code applies in determining 1365
whether to impose a prison term for the offense. If the amount 1366
of the drug involved is within that range and if the offense was 1367
committed in the vicinity of a school or in the vicinity of a 1368
juvenile, trafficking in drugs is a felony of the third degree, 1369
and there is a presumption for a prison term for the offense. 1370

(d) Except as otherwise provided in this division, if the 1371
amount of the drug involved equals or exceeds five times the 1372
bulk amount but is less than fifty times the bulk amount, 1373
trafficking in drugs is a felony of the third degree, and there 1374
is a presumption for a prison term for the offense. If the 1375
amount of the drug involved is within that range and if the 1376
offense was committed in the vicinity of a school or in the 1377
vicinity of a juvenile, trafficking in drugs is a felony of the 1378
second degree, and there is a presumption for a prison term for 1379

the offense. 1380

(e) Except as otherwise provided in this division, if the 1381
amount of the drug involved equals or exceeds fifty times the 1382
bulk amount, trafficking in drugs is a felony of the second 1383
degree, and the court shall impose as a mandatory prison term a 1384
second degree felony mandatory prison term. If the amount of the 1385
drug involved equals or exceeds fifty times the bulk amount and 1386
if the offense was committed in the vicinity of a school or in 1387
the vicinity of a juvenile, trafficking in drugs is a felony of 1388
the first degree, and the court shall impose as a mandatory 1389
prison term a first degree felony mandatory prison term. 1390

(3) If the drug involved in the violation is marihuana or 1391
a compound, mixture, preparation, or substance containing 1392
marihuana other than hashish, whoever violates division (A) of 1393
this section is guilty of trafficking in marihuana. The penalty 1394
for the offense shall be determined as follows: 1395

(a) Except as otherwise provided in division (C) (3) (b), 1396
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1397
marihuana is a felony of the fifth degree, and division (B) of 1398
section 2929.13 of the Revised Code applies in determining 1399
whether to impose a prison term on the offender. 1400

(b) Except as otherwise provided in division (C) (3) (c), 1401
(d), (e), (f), (g), or (h) of this section, if the offense was 1402
committed in the vicinity of a school or in the vicinity of a 1403
juvenile, trafficking in marihuana is a felony of the fourth 1404
degree, and division (B) of section 2929.13 of the Revised Code 1405
applies in determining whether to impose a prison term on the 1406
offender. 1407

(c) Except as otherwise provided in this division, if the 1408

amount of the drug involved equals or exceeds two hundred grams 1409
but is less than one thousand grams, trafficking in marihuana is 1410
a felony of the fourth degree, and division (B) of section 1411
2929.13 of the Revised Code applies in determining whether to 1412
impose a prison term on the offender. If the amount of the drug 1413
involved is within that range and if the offense was committed 1414
in the vicinity of a school or in the vicinity of a juvenile, 1415
trafficking in marihuana is a felony of the third degree, and 1416
division (C) of section 2929.13 of the Revised Code applies in 1417
determining whether to impose a prison term on the offender. 1418

(d) Except as otherwise provided in this division, if the 1419
amount of the drug involved equals or exceeds one thousand grams 1420
but is less than five thousand grams, trafficking in marihuana 1421
is a felony of the third degree, and division (C) of section 1422
2929.13 of the Revised Code applies in determining whether to 1423
impose a prison term on the offender. If the amount of the drug 1424
involved is within that range and if the offense was committed 1425
in the vicinity of a school or in the vicinity of a juvenile, 1426
trafficking in marihuana is a felony of the second degree, and 1427
there is a presumption that a prison term shall be imposed for 1428
the offense. 1429

(e) Except as otherwise provided in this division, if the 1430
amount of the drug involved equals or exceeds five thousand 1431
grams but is less than twenty thousand grams, trafficking in 1432
marihuana is a felony of the third degree, and there is a 1433
presumption that a prison term shall be imposed for the offense. 1434
If the amount of the drug involved is within that range and if 1435
the offense was committed in the vicinity of a school or in the 1436
vicinity of a juvenile, trafficking in marihuana is a felony of 1437
the second degree, and there is a presumption that a prison term 1438
shall be imposed for the offense. 1439

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

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

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

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

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

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

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

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

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

(f) If the amount of the drug involved equals or exceeds
twenty-seven grams but is less than one hundred grams of cocaine

and regardless of whether the offense was committed in the 1531
vicinity of a school, in the vicinity of a juvenile, or in the 1532
vicinity of a substance addiction services provider or a 1533
recovering addict, trafficking in cocaine is a felony of the 1534
first degree, and the court shall impose as a mandatory prison 1535
term a first degree felony mandatory prison term. 1536

(g) If the amount of the drug involved equals or exceeds 1537
one hundred grams of cocaine and regardless of whether the 1538
offense was committed in the vicinity of a school, in the 1539
vicinity of a juvenile, or in the vicinity of a substance 1540
addiction services provider or a recovering addict, trafficking 1541
in cocaine is a felony of the first degree, the offender is a 1542
major drug offender, and the court shall impose as a mandatory 1543
prison term a maximum first degree felony mandatory prison term. 1544

(5) If the drug involved in the violation is L.S.D. or a 1545
compound, mixture, preparation, or substance containing L.S.D., 1546
whoever violates division (A) of this section is guilty of 1547
trafficking in L.S.D. The penalty for the offense shall be 1548
determined as follows: 1549

(a) Except as otherwise provided in division (C) (5) (b), 1550
(c), (d), (e), (f), or (g) of this section, trafficking in 1551
L.S.D. is a felony of the fifth degree, and division (B) of 1552
section 2929.13 of the Revised Code applies in determining 1553
whether to impose a prison term on the offender. 1554

(b) Except as otherwise provided in division (C) (5) (c), 1555
(d), (e), (f), or (g) of this section, if the offense was 1556
committed in the vicinity of a school, in the vicinity of a 1557
juvenile, or in the vicinity of a substance addiction services 1558
provider or a recovering addict, trafficking in L.S.D. is a 1559
felony of the fourth degree, and division (C) of section 2929.13 1560

of the Revised Code applies in determining whether to impose a 1561
prison term on the offender. 1562

(c) Except as otherwise provided in this division, if the 1563
amount of the drug involved equals or exceeds ten unit doses but 1564
is less than fifty unit doses of L.S.D. in a solid form or 1565
equals or exceeds one gram but is less than five grams of L.S.D. 1566
in a liquid concentrate, liquid extract, or liquid distillate 1567
form, trafficking in L.S.D. is a felony of the fourth degree, 1568
and division (B) of section 2929.13 of the Revised Code applies 1569
in determining whether to impose a prison term for the offense. 1570
If the amount of the drug involved is within that range and if 1571
the offense was committed in the vicinity of a school, in the 1572
vicinity of a juvenile, or in the vicinity of a substance 1573
addiction services provider or a recovering addict, trafficking 1574
in L.S.D. is a felony of the third degree, and there is a 1575
presumption for a prison term for the offense. 1576

(d) Except as otherwise provided in this division, if the 1577
amount of the drug involved equals or exceeds fifty unit doses 1578
but is less than two hundred fifty unit doses of L.S.D. in a 1579
solid form or equals or exceeds five grams but is less than 1580
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1581
extract, or liquid distillate form, trafficking in L.S.D. is a 1582
felony of the third degree, and, except as otherwise provided in 1583
this division, there is a presumption for a prison term for the 1584
offense. If trafficking in L.S.D. is a felony of the third 1585
degree under this division and if the offender two or more times 1586
previously has been convicted of or pleaded guilty to a felony 1587
drug abuse offense, the court shall impose as a mandatory prison 1588
term one of the prison terms prescribed for a felony of the 1589
third degree. If the amount of the drug involved is within that 1590
range and if the offense was committed in the vicinity of a 1591

school, in the vicinity of a juvenile, or in the vicinity of a 1592
substance addiction services provider or a recovering addict, 1593
trafficking in L.S.D. is a felony of the second degree, and the 1594
court shall impose as a mandatory prison term a second degree 1595
felony mandatory prison term. 1596

(e) Except as otherwise provided in this division, if the 1597
amount of the drug involved equals or exceeds two hundred fifty 1598
unit doses but is less than one thousand unit doses of L.S.D. in 1599
a solid form or equals or exceeds twenty-five grams but is less 1600
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1601
extract, or liquid distillate form, trafficking in L.S.D. is a 1602
felony of the second degree, and the court shall impose as a 1603
mandatory prison term a second degree felony mandatory prison 1604
term. If the amount of the drug involved is within that range 1605
and if the offense was committed in the vicinity of a school, in 1606
the vicinity of a juvenile, or in the vicinity of a substance 1607
addiction services provider or a recovering addict, trafficking 1608
in L.S.D. is a felony of the first degree, and the court shall 1609
impose as a mandatory prison term a first degree felony 1610
mandatory prison term. 1611

(f) If the amount of the drug involved equals or exceeds 1612
one thousand unit doses but is less than five thousand unit 1613
doses of L.S.D. in a solid form or equals or exceeds one hundred 1614
grams but is less than five hundred grams of L.S.D. in a liquid 1615
concentrate, liquid extract, or liquid distillate form and 1616
regardless of whether the offense was committed in the vicinity 1617
of a school, in the vicinity of a juvenile, or in the vicinity 1618
of a substance addiction services provider or a recovering 1619
addict, trafficking in L.S.D. is a felony of the first degree, 1620
and the court shall impose as a mandatory prison term a first 1621
degree felony mandatory prison term. 1622

(g) If the amount of the drug involved equals or exceeds 1623
five thousand unit doses of L.S.D. in a solid form or equals or 1624
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1625
liquid extract, or liquid distillate form and regardless of 1626
whether the offense was committed in the vicinity of a school, 1627
in the vicinity of a juvenile, or in the vicinity of a substance 1628
addiction services provider or a recovering addict, trafficking 1629
in L.S.D. is a felony of the first degree, the offender is a 1630
major drug offender, and the court shall impose as a mandatory 1631
prison term a maximum first degree felony mandatory prison term. 1632

(6) If the drug involved in the violation is heroin or a 1633
compound, mixture, preparation, or substance containing heroin, 1634
whoever violates division (A) of this section is guilty of 1635
trafficking in heroin. The penalty for the offense shall be 1636
determined as follows: 1637

(a) Except as otherwise provided in division (C) (6) (b), 1638
(c), (d), (e), (f), or (g) of this section, trafficking in 1639
heroin is a felony of the fifth degree, and division (B) of 1640
section 2929.13 of the Revised Code applies in determining 1641
whether to impose a prison term on the offender. 1642

(b) Except as otherwise provided in division (C) (6) (c), 1643
(d), (e), (f), or (g) of this section, if the offense was 1644
committed in the vicinity of a school, in the vicinity of a 1645
juvenile, or in the vicinity of a substance addiction services 1646
provider or a recovering addict, trafficking in heroin is a 1647
felony of the fourth degree, and division (C) of section 2929.13 1648
of the Revised Code applies in determining whether to impose a 1649
prison term on the offender. 1650

(c) Except as otherwise provided in this division, if the 1651
amount of the drug involved equals or exceeds ten unit doses but 1652

is less than fifty unit doses or equals or exceeds one gram but 1653
is less than five grams, trafficking in heroin is a felony of 1654
the fourth degree, and division (B) of section 2929.13 of the 1655
Revised Code applies in determining whether to impose a prison 1656
term for the offense. If the amount of the drug involved is 1657
within that range and if the offense was committed in the 1658
vicinity of a school, in the vicinity of a juvenile, or in the 1659
vicinity of a substance addiction services provider or a 1660
recovering addict, trafficking in heroin is a felony of the 1661
third degree, and there is a presumption for a prison term for 1662
the offense. 1663

(d) Except as otherwise provided in this division, if the 1664
amount of the drug involved equals or exceeds fifty unit doses 1665
but is less than one hundred unit doses or equals or exceeds 1666
five grams but is less than ten grams, trafficking in heroin is 1667
a felony of the third degree, and there is a presumption for a 1668
prison term for the offense. If the amount of the drug involved 1669
is within that range and if the offense was committed in the 1670
vicinity of a school, in the vicinity of a juvenile, or in the 1671
vicinity of a substance addiction services provider or a 1672
recovering addict, trafficking in heroin is a felony of the 1673
second degree, and there is a presumption for a prison term for 1674
the offense. 1675

(e) Except as otherwise provided in this division, if the 1676
amount of the drug involved equals or exceeds one hundred unit 1677
doses but is less than five hundred unit doses or equals or 1678
exceeds ten grams but is less than fifty grams, trafficking in 1679
heroin is a felony of the second degree, and the court shall 1680
impose as a mandatory prison term a second degree felony 1681
mandatory prison term. If the amount of the drug involved is 1682
within that range and if the offense was committed in the 1683

vicinity of a school, in the vicinity of a juvenile, or in the 1684
vicinity of a substance addiction services provider or a 1685
recovering addict, trafficking in heroin is a felony of the 1686
first degree, and the court shall impose as a mandatory prison 1687
term a first degree felony mandatory prison term. 1688

(f) If the amount of the drug involved equals or exceeds 1689
five hundred unit doses but is less than one thousand unit doses 1690
or equals or exceeds fifty grams but is less than one hundred 1691
grams and regardless of whether the offense was committed in the 1692
vicinity of a school, in the vicinity of a juvenile, or in the 1693
vicinity of a substance addiction services provider or a 1694
recovering addict, trafficking in heroin is a felony of the 1695
first degree, and the court shall impose as a mandatory prison 1696
term a first degree felony mandatory prison term. 1697

(g) If the amount of the drug involved equals or exceeds 1698
one thousand unit doses or equals or exceeds one hundred grams 1699
and regardless of whether the offense was committed in the 1700
vicinity of a school, in the vicinity of a juvenile, or in the 1701
vicinity of a substance addiction services provider or a 1702
recovering addict, trafficking in heroin is a felony of the 1703
first degree, the offender is a major drug offender, and the 1704
court shall impose as a mandatory prison term a maximum first 1705
degree felony mandatory prison term. 1706

(7) If the drug involved in the violation is hashish or a 1707
compound, mixture, preparation, or substance containing hashish, 1708
whoever violates division (A) of this section is guilty of 1709
trafficking in hashish. The penalty for the offense shall be 1710
determined as follows: 1711

(a) Except as otherwise provided in division (C) (7) (b), 1712
(c), (d), (e), (f), or (g) of this section, trafficking in 1713

hashish is a felony of the fifth degree, and division (B) of 1714
section 2929.13 of the Revised Code applies in determining 1715
whether to impose a prison term on the offender. 1716

(b) Except as otherwise provided in division (C) (7) (c), 1717
(d), (e), (f), or (g) of this section, if the offense was 1718
committed in the vicinity of a school, in the vicinity of a 1719
juvenile, or in the vicinity of a substance addiction services 1720
provider or a recovering addict, trafficking in hashish is a 1721
felony of the fourth degree, and division (B) of section 2929.13 1722
of the Revised Code applies in determining whether to impose a 1723
prison term on the offender. 1724

(c) Except as otherwise provided in this division, if the 1725
amount of the drug involved equals or exceeds ten grams but is 1726
less than fifty grams of hashish in a solid form or equals or 1727
exceeds two grams but is less than ten grams of hashish in a 1728
liquid concentrate, liquid extract, or liquid distillate form, 1729
trafficking in hashish is a felony of the fourth degree, and 1730
division (B) of section 2929.13 of the Revised Code applies in 1731
determining whether to impose a prison term on the offender. If 1732
the amount of the drug involved is within that range and if the 1733
offense was committed in the vicinity of a school, in the 1734
vicinity of a juvenile, or in the vicinity of a substance 1735
addiction services provider or a recovering addict, trafficking 1736
in hashish is a felony of the third degree, and division (C) of 1737
section 2929.13 of the Revised Code applies in determining 1738
whether to impose a prison term on the offender. 1739

(d) Except as otherwise provided in this division, if the 1740
amount of the drug involved equals or exceeds fifty grams but is 1741
less than two hundred fifty grams of hashish in a solid form or 1742
equals or exceeds ten grams but is less than fifty grams of 1743

hashish in a liquid concentrate, liquid extract, or liquid 1744
distillate form, trafficking in hashish is a felony of the third 1745
degree, and division (C) of section 2929.13 of the Revised Code 1746
applies in determining whether to impose a prison term on the 1747
offender. If the amount of the drug involved is within that 1748
range and if the offense was committed in the vicinity of a 1749
school, in the vicinity of a juvenile, or in the vicinity of a 1750
substance addiction services provider or a recovering addict, 1751
trafficking in hashish is a felony of the second degree, and 1752
there is a presumption that a prison term shall be imposed for 1753
the offense. 1754

(e) Except as otherwise provided in this division, if the 1755
amount of the drug involved equals or exceeds two hundred fifty 1756
grams but is less than one thousand grams of hashish in a solid 1757
form or equals or exceeds fifty grams but is less than two 1758
hundred grams of hashish in a liquid concentrate, liquid 1759
extract, or liquid distillate form, trafficking in hashish is a 1760
felony of the third degree, and there is a presumption that a 1761
prison term shall be imposed for the offense. If the amount of 1762
the drug involved is within that range and if the offense was 1763
committed in the vicinity of a school, in the vicinity of a 1764
juvenile, or in the vicinity of a substance addiction services 1765
provider or a recovering addict, trafficking in hashish is a 1766
felony of the second degree, and there is a presumption that a 1767
prison term shall be imposed for the offense. 1768

(f) Except as otherwise provided in this division, if the 1769
amount of the drug involved equals or exceeds one thousand grams 1770
but is less than two thousand grams of hashish in a solid form 1771
or equals or exceeds two hundred grams but is less than four 1772
hundred grams of hashish in a liquid concentrate, liquid 1773
extract, or liquid distillate form, trafficking in hashish is a 1774

felony of the second degree, and the court shall impose as a 1775
mandatory prison term a second degree felony mandatory prison 1776
term of five, six, seven, or eight years. If the amount of the 1777
drug involved is within that range and if the offense was 1778
committed in the vicinity of a school, in the vicinity of a 1779
juvenile, or in the vicinity of a substance addiction services 1780
provider or a recovering addict, trafficking in hashish is a 1781
felony of the first degree, and the court shall impose as a 1782
mandatory prison term a maximum first degree felony mandatory 1783
prison term. 1784

(g) Except as otherwise provided in this division, if the 1785
amount of the drug involved equals or exceeds two thousand grams 1786
of hashish in a solid form or equals or exceeds four hundred 1787
grams of hashish in a liquid concentrate, liquid extract, or 1788
liquid distillate form, trafficking in hashish is a felony of 1789
the second degree, and the court shall impose as a mandatory 1790
prison term a maximum second degree felony mandatory prison 1791
term. If the amount of the drug involved equals or exceeds two 1792
thousand grams of hashish in a solid form or equals or exceeds 1793
four hundred grams of hashish in a liquid concentrate, liquid 1794
extract, or liquid distillate form and if the offense was 1795
committed in the vicinity of a school, in the vicinity of a 1796
juvenile, or in the vicinity of a substance addiction services 1797
provider or a recovering addict, trafficking in hashish is a 1798
felony of the first degree, and the court shall impose as a 1799
mandatory prison term a maximum first degree felony mandatory 1800
prison term. 1801

(8) If the drug involved in the violation is a controlled 1802
substance analog or compound, mixture, preparation, or substance 1803
that contains a controlled substance analog, whoever violates 1804
division (A) of this section is guilty of trafficking in a 1805

controlled substance analog. The penalty for the offense shall 1806
be determined as follows: 1807

(a) Except as otherwise provided in division (C) (8) (b), 1808
(c), (d), (e), (f), or (g) of this section, trafficking in a 1809
controlled substance analog is a felony of the fifth degree, and 1810
division (C) of section 2929.13 of the Revised Code applies in 1811
determining whether to impose a prison term on the offender. 1812

(b) Except as otherwise provided in division (C) (8) (c), 1813
(d), (e), (f), or (g) of this section, if the offense was 1814
committed in the vicinity of a school, in the vicinity of a 1815
juvenile, or in the vicinity of a substance addiction services 1816
provider or a recovering addict, trafficking in a controlled 1817
substance analog is a felony of the fourth degree, and division 1818
(C) of section 2929.13 of the Revised Code applies in 1819
determining whether to impose a prison term on the offender. 1820

(c) Except as otherwise provided in this division, if the 1821
amount of the drug involved equals or exceeds ten grams but is 1822
less than twenty grams, trafficking in a controlled substance 1823
analog is a felony of the fourth degree, and division (B) of 1824
section 2929.13 of the Revised Code applies in determining 1825
whether to impose a prison term for the offense. If the amount 1826
of the drug involved is within that range and if the offense was 1827
committed in the vicinity of a school, in the vicinity of a 1828
juvenile, or in the vicinity of a substance addiction services 1829
provider or a recovering addict, trafficking in a controlled 1830
substance analog is a felony of the third degree, and there is a 1831
presumption for a prison term for the offense. 1832

(d) Except as otherwise provided in this division, if the 1833
amount of the drug involved equals or exceeds twenty grams but 1834
is less than thirty grams, trafficking in a controlled substance 1835

analog is a felony of the third degree, and there is a 1836
presumption for a prison term for the offense. If the amount of 1837
the drug involved is within that range and if the offense was 1838
committed in the vicinity of a school, in the vicinity of a 1839
juvenile, or in the vicinity of a substance addiction services 1840
provider or a recovering addict, trafficking in a controlled 1841
substance analog is a felony of the second degree, and there is 1842
a presumption for a prison term for the offense. 1843

(e) Except as otherwise provided in this division, if the 1844
amount of the drug involved equals or exceeds thirty grams but 1845
is less than forty grams, trafficking in a controlled substance 1846
analog is a felony of the second degree, and the court shall 1847
impose as a mandatory prison term a second degree felony 1848
mandatory prison term. If the amount of the drug involved is 1849
within that range and if the offense was committed in the 1850
vicinity of a school, in the vicinity of a juvenile, or in the 1851
vicinity of a substance addiction services provider or a 1852
recovering addict, trafficking in a controlled substance analog 1853
is a felony of the first degree, and the court shall impose as a 1854
mandatory prison term a first degree felony mandatory prison 1855
term. 1856

(f) If the amount of the drug involved equals or exceeds 1857
forty grams but is less than fifty grams and regardless of 1858
whether the offense was committed in the vicinity of a school, 1859
in the vicinity of a juvenile, or in the vicinity of a substance 1860
addiction services provider or a recovering addict, trafficking 1861
in a controlled substance analog is a felony of the first 1862
degree, and the court shall impose as a mandatory prison term a 1863
first degree felony mandatory prison term. 1864

(g) If the amount of the drug involved equals or exceeds 1865

fifty grams and regardless of whether the offense was committed 1866
in the vicinity of a school, in the vicinity of a juvenile, or 1867
in the vicinity of a substance addiction services provider or a 1868
recovering addict, trafficking in a controlled substance analog 1869
is a felony of the first degree, the offender is a major drug 1870
offender, and the court shall impose as a mandatory prison term 1871
a maximum first degree felony mandatory prison term. 1872

(9) If the drug involved in the violation is a fentanyl- 1873
related compound or a compound, mixture, preparation, or 1874
substance containing a fentanyl-related compound and division 1875
(C) (10) (a) of this section does not apply to the drug involved, 1876
whoever violates division (A) of this section is guilty of 1877
trafficking in a fentanyl-related compound. The penalty for the 1878
offense shall be determined as follows: 1879

(a) Except as otherwise provided in division (C) (9) (b), 1880
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1881
a fentanyl-related compound is a felony of the fifth degree, and 1882
division (B) of section 2929.13 of the Revised Code applies in 1883
determining whether to impose a prison term on the offender. 1884

(b) Except as otherwise provided in division (C) (9) (c), 1885
(d), (e), (f), (g), or (h) of this section, if the offense was 1886
committed in the vicinity of a school, in the vicinity of a 1887
juvenile, or in the vicinity of a substance addiction services 1888
provider or a recovering addict, trafficking in a fentanyl- 1889
related compound is a felony of the fourth degree, and division 1890
(C) of section 2929.13 of the Revised Code applies in 1891
determining whether to impose a prison term on the offender. 1892

(c) Except as otherwise provided in this division, if the 1893
amount of the drug involved equals or exceeds ten unit doses but 1894
is less than fifty unit doses or equals or exceeds one gram but 1895

is less than five grams, trafficking in a fentanyl-related 1896
compound is a felony of the fourth degree, and division (B) of 1897
section 2929.13 of the Revised Code applies in determining 1898
whether to impose a prison term for the offense. If the amount 1899
of the drug involved is within that range and if the offense was 1900
committed in the vicinity of a school, in the vicinity of a 1901
juvenile, or in the vicinity of a substance addiction services 1902
provider or a recovering addict, trafficking in a fentanyl- 1903
related compound is a felony of the third degree, and there is a 1904
presumption for a prison term for the offense. 1905

(d) Except as otherwise provided in this division, if the 1906
amount of the drug involved equals or exceeds fifty unit doses 1907
but is less than one hundred unit doses or equals or exceeds 1908
five grams but is less than ten grams, trafficking in a 1909
fentanyl-related compound is a felony of the third degree, and 1910
there is a presumption for a prison term for the offense. If the 1911
amount of the drug involved is within that range and if the 1912
offense was committed in the vicinity of a school, in the 1913
vicinity of a juvenile, or in the vicinity of a substance 1914
addiction services provider or a recovering addict, trafficking 1915
in a fentanyl-related compound is a felony of the second degree, 1916
and there is a presumption for a prison term for the offense. 1917

(e) Except as otherwise provided in this division, if the 1918
amount of the drug involved equals or exceeds one hundred unit 1919
doses but is less than two hundred unit doses or equals or 1920
exceeds ten grams but is less than twenty grams, trafficking in 1921
a fentanyl-related compound is a felony of the second degree, 1922
and the court shall impose as a mandatory prison term one of the 1923
prison terms prescribed for a felony of the second degree. If 1924
the amount of the drug involved is within that range and if the 1925
offense was committed in the vicinity of a school, in the 1926

vicinity of a juvenile, or in the vicinity of a substance 1927
addiction services provider or a recovering addict, trafficking 1928
in a fentanyl-related compound is a felony of the first degree, 1929
and the court shall impose as a mandatory prison term one of the 1930
prison terms prescribed for a felony of the first degree. 1931

(f) If the amount of the drug involved equals or exceeds 1932
two hundred unit doses but is less than five hundred unit doses 1933
or equals or exceeds twenty grams but is less than fifty grams 1934
and regardless of whether the offense was committed in the 1935
vicinity of a school, in the vicinity of a juvenile, or in the 1936
vicinity of a substance addiction services provider or a 1937
recovering addict, trafficking in a fentanyl-related compound is 1938
a felony of the first degree, and the court shall impose as a 1939
mandatory prison term one of the prison terms prescribed for a 1940
felony of the first degree. 1941

(g) If the amount of the drug involved equals or exceeds 1942
five hundred unit doses but is less than one thousand unit doses 1943
or equals or exceeds fifty grams but is less than one hundred 1944
grams and regardless of whether the offense was committed in the 1945
vicinity of a school, in the vicinity of a juvenile, or in the 1946
vicinity of a substance addiction services provider or a 1947
recovering addict, trafficking in a fentanyl-related compound is 1948
a felony of the first degree, and the court shall impose as a 1949
mandatory prison term the maximum prison term prescribed for a 1950
felony of the first degree. 1951

(h) If the amount of the drug involved equals or exceeds 1952
one thousand unit doses or equals or exceeds one hundred grams 1953
and regardless of whether the offense was committed in the 1954
vicinity of a school, in the vicinity of a juvenile, or in the 1955
vicinity of a substance addiction services provider or a 1956

recovering addict, trafficking in a fentanyl-related compound is 1957
a felony of the first degree, the offender is a major drug 1958
offender, and the court shall impose as a mandatory prison term 1959
the maximum prison term prescribed for a felony of the first 1960
degree. 1961

(10) If the drug involved in the violation is a compound, 1962
mixture, preparation, or substance that is a combination of a 1963
fentanyl-related compound and marihuana, one of the following 1964
applies: 1965

(a) Except as otherwise provided in division (C) (10) (b) of 1966
this section, the offender is guilty of trafficking in marihuana 1967
and shall be punished under division (C) (3) of this section. The 1968
offender is not guilty of trafficking in a fentanyl-related 1969
compound and shall not be charged with, convicted of, or 1970
punished under division (C) (9) of this section for trafficking 1971
in a fentanyl-related compound. 1972

(b) If the offender knows or has reason to know that the 1973
compound, mixture, preparation, or substance that is the drug 1974
involved contains a fentanyl-related compound, the offender is 1975
guilty of trafficking in a fentanyl-related compound and shall 1976
be punished under division (C) (9) of this section. 1977

(D) In addition to any prison term authorized or required 1978
by division (C) of this section and sections 2929.13 and 2929.14 1979
of the Revised Code, and in addition to any other sanction 1980
imposed for the offense under this section or sections 2929.11 1981
to 2929.18 of the Revised Code, the court that sentences an 1982
offender who is convicted of or pleads guilty to a violation of 1983
division (A) of this section may suspend the driver's or 1984
commercial driver's license or permit of the offender in 1985
accordance with division (G) of this section. However, if the 1986

offender pleaded guilty to or was convicted of a violation of 1987
section 4511.19 of the Revised Code or a substantially similar 1988
municipal ordinance or the law of another state or the United 1989
States arising out of the same set of circumstances as the 1990
violation, the court shall suspend the offender's driver's or 1991
commercial driver's license or permit in accordance with 1992
division (G) of this section. If applicable, the court also 1993
shall do the following: 1994

(1) If the violation of division (A) of this section is a 1995
felony of the first, second, or third degree, the court shall 1996
impose upon the offender the mandatory fine specified for the 1997
offense under division (B)(1) of section 2929.18 of the Revised 1998
Code unless, as specified in that division, the court determines 1999
that the offender is indigent. Except as otherwise provided in 2000
division (H)(1) of this section, a mandatory fine or any other 2001
fine imposed for a violation of this section is subject to 2002
division (F) of this section. If a person is charged with a 2003
violation of this section that is a felony of the first, second, 2004
or third degree, posts bail, and forfeits the bail, the clerk of 2005
the court shall pay the forfeited bail pursuant to divisions (D) 2006
(1) and (F) of this section, as if the forfeited bail was a fine 2007
imposed for a violation of this section. If any amount of the 2008
forfeited bail remains after that payment and if a fine is 2009
imposed under division (H)(1) of this section, the clerk of the 2010
court shall pay the remaining amount of the forfeited bail 2011
pursuant to divisions (H)(2) and (3) of this section, as if that 2012
remaining amount was a fine imposed under division (H)(1) of 2013
this section. 2014

(2) If the offender is a professionally licensed person, 2015
the court immediately shall comply with section 2925.38 of the 2016
Revised Code. 2017

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

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

recipient agency under division (F) (2) of this section. 2049

(2) Prior to receiving any fine moneys under division (F) 2050
(1) of this section or division (B) of section 2925.42 of the 2051
Revised Code, a law enforcement agency shall adopt a written 2052
internal control policy that addresses the agency's use and 2053
disposition of all fine moneys so received and that provides for 2054
the keeping of detailed financial records of the receipts of 2055
those fine moneys, the general types of expenditures made out of 2056
those fine moneys, and the specific amount of each general type 2057
of expenditure. The policy shall not provide for or permit the 2058
identification of any specific expenditure that is made in an 2059
ongoing investigation. All financial records of the receipts of 2060
those fine moneys, the general types of expenditures made out of 2061
those fine moneys, and the specific amount of each general type 2062
of expenditure by an agency are public records open for 2063
inspection under section 149.43 of the Revised Code. 2064
Additionally, a written internal control policy adopted under 2065
this division is such a public record, and the agency that 2066
adopted it shall comply with it. 2067

(3) As used in division (F) of this section: 2068

(a) "Law enforcement agencies" includes, but is not 2069
limited to, the state board of pharmacy and the office of a 2070
prosecutor. 2071

(b) "Prosecutor" has the same meaning as in section 2072
2935.01 of the Revised Code. 2073

(G) (1) If the sentencing court suspends the offender's 2074
driver's or commercial driver's license or permit under division 2075
(D) of this section or any other provision of this chapter, the 2076
court shall suspend the license, by order, for not more than 2077

five years. If an offender's driver's or commercial driver's 2078
license or permit is suspended pursuant to this division, the 2079
offender, at any time after the expiration of two years from the 2080
day on which the offender's sentence was imposed or from the day 2081
on which the offender finally was released from a prison term 2082
under the sentence, whichever is later, may file a motion with 2083
the sentencing court requesting termination of the suspension; 2084
upon the filing of such a motion and the court's finding of good 2085
cause for the termination, the court may terminate the 2086
suspension. 2087

(2) Any offender who received a mandatory suspension of 2088
the offender's driver's or commercial driver's license or permit 2089
under this section prior to September 13, 2016, may file a 2090
motion with the sentencing court requesting the termination of 2091
the suspension. However, an offender who pleaded guilty to or 2092
was convicted of a violation of section 4511.19 of the Revised 2093
Code or a substantially similar municipal ordinance or law of 2094
another state or the United States that arose out of the same 2095
set of circumstances as the violation for which the offender's 2096
license or permit was suspended under this section shall not 2097
file such a motion. 2098

Upon the filing of a motion under division (G) (2) of this 2099
section, the sentencing court, in its discretion, may terminate 2100
the suspension. 2101

(H) (1) In addition to any prison term authorized or 2102
required by division (C) of this section and sections 2929.13 2103
and 2929.14 of the Revised Code, in addition to any other 2104
penalty or sanction imposed for the offense under this section 2105
or sections 2929.11 to 2929.18 of the Revised Code, and in 2106
addition to the forfeiture of property in connection with the 2107

offense as prescribed in Chapter 2981. of the Revised Code, the 2108
court that sentences an offender who is convicted of or pleads 2109
guilty to a violation of division (A) of this section may impose 2110
upon the offender an additional fine specified for the offense 2111
in division (B)(4) of section 2929.18 of the Revised Code. A 2112
fine imposed under division (H)(1) of this section is not 2113
subject to division (F) of this section and shall be used solely 2114
for the support of one or more eligible community addiction 2115
services providers in accordance with divisions (H)(2) and (3) 2116
of this section. 2117

(2) The court that imposes a fine under division (H)(1) of 2118
this section shall specify in the judgment that imposes the fine 2119
one or more eligible community addiction services providers for 2120
the support of which the fine money is to be used. No community 2121
addiction services provider shall receive or use money paid or 2122
collected in satisfaction of a fine imposed under division (H) 2123
(1) of this section unless the services provider is specified in 2124
the judgment that imposes the fine. No community addiction 2125
services provider shall be specified in the judgment unless the 2126
services provider is an eligible community addiction services 2127
provider and, except as otherwise provided in division (H)(2) of 2128
this section, unless the services provider is located in the 2129
county in which the court that imposes the fine is located or in 2130
a county that is immediately contiguous to the county in which 2131
that court is located. If no eligible community addiction 2132
services provider is located in any of those counties, the 2133
judgment may specify an eligible community addiction services 2134
provider that is located anywhere within this state. 2135

(3) Notwithstanding any contrary provision of section 2136
3719.21 of the Revised Code, the clerk of the court shall pay 2137
any fine imposed under division (H)(1) of this section to the 2138

eligible community addiction services provider specified 2139
pursuant to division (H) (2) of this section in the judgment. The 2140
eligible community addiction services provider that receives the 2141
fine moneys shall use the moneys only for the alcohol and drug 2142
addiction services identified in the application for 2143
certification of services under section 5119.36 of the Revised 2144
Code or in the application for a license under section 5119.37 2145
of the Revised Code filed with the department of mental health 2146
and addiction services by the community addiction services 2147
provider specified in the judgment. 2148

(4) Each community addiction services provider that 2149
receives in a calendar year any fine moneys under division (H) 2150
(3) of this section shall file an annual report covering that 2151
calendar year with the court of common pleas and the board of 2152
county commissioners of the county in which the services 2153
provider is located, with the court of common pleas and the 2154
board of county commissioners of each county from which the 2155
services provider received the moneys if that county is 2156
different from the county in which the services provider is 2157
located, and with the attorney general. The community addiction 2158
services provider shall file the report no later than the first 2159
day of March in the calendar year following the calendar year in 2160
which the services provider received the fine moneys. The report 2161
shall include statistics on the number of persons served by the 2162
community addiction services provider, identify the types of 2163
alcohol and drug addiction services provided to those persons, 2164
and include a specific accounting of the purposes for which the 2165
fine moneys received were used. No information contained in the 2166
report shall identify, or enable a person to determine the 2167
identity of, any person served by the community addiction 2168
services provider. Each report received by a court of common 2169

pleas, a board of county commissioners, or the attorney general 2170
is a public record open for inspection under section 149.43 of 2171
the Revised Code. 2172

(5) As used in divisions (H) (1) to (5) of this section: 2173

(a) "Community addiction services provider" and "alcohol 2174
and drug addiction services" have the same meanings as in 2175
section 5119.01 of the Revised Code. 2176

(b) "Eligible community addiction services provider" means 2177
a community addiction services provider, including a community 2178
addiction services provider that operates an opioid treatment 2179
program licensed under section 5119.37 of the Revised Code. 2180

(I) As used in this section, "drug" includes any substance 2181
that is represented to be a drug. 2182

(J) It is an affirmative defense to a charge of 2183
trafficking in a controlled substance analog under division (C) 2184
(8) of this section that the person charged with violating that 2185
offense sold or offered to sell, or prepared for shipment, 2186
shipped, transported, delivered, prepared for distribution, or 2187
distributed one of the following items that are excluded from 2188
the meaning of "controlled substance analog" under section 2189
3719.01 of the Revised Code: 2190

(1) A controlled substance; 2191

(2) Any substance for which there is an approved new drug 2192
application; 2193

(3) With respect to a particular person, any substance if 2194
an exemption is in effect for investigational use for that 2195
person pursuant to federal law to the extent that conduct with 2196
respect to that substance is pursuant to that exemption. 2197

Sec. 2925.11. (A) No person shall knowingly obtain, 2198
possess, or use a controlled substance or a controlled substance 2199
analog. 2200

(B) (1) This section does not apply to any of the 2201
following: 2202

(a) Manufacturers, licensed health professionals 2203
authorized to prescribe drugs, pharmacists, owners of 2204
pharmacies, and other persons whose conduct was in accordance 2205
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2206
4741., and 4772. of the Revised Code; 2207

(b) If the offense involves an anabolic steroid, any 2208
person who is conducting or participating in a research project 2209
involving the use of an anabolic steroid if the project has been 2210
approved by the United States food and drug administration; 2211

(c) Any person who sells, offers for sale, prescribes, 2212
dispenses, or administers for livestock or other nonhuman 2213
species an anabolic steroid that is expressly intended for 2214
administration through implants to livestock or other nonhuman 2215
species and approved for that purpose under the "Federal Food, 2216
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2217
as amended, and is sold, offered for sale, prescribed, 2218
dispensed, or administered for that purpose in accordance with 2219
that act; 2220

(d) Any person who obtained the controlled substance 2221
pursuant to a prescription issued by a licensed health 2222
professional authorized to prescribe drugs if the prescription 2223
was issued for a legitimate medical purpose and not altered, 2224
forged, or obtained through deception or commission of a theft 2225
offense. 2226

As used in division (B) (1) (d) of this section, "deception" 2227
and "theft offense" have the same meanings as in section 2913.01 2228
of the Revised Code. 2229

(2) (a) As used in division (B) (2) of this section: 2230

(i) "Community addiction services provider" has the same 2231
meaning as in section 5119.01 of the Revised Code. 2232

(ii) "Community control sanction" and "drug treatment 2233
program" have the same meanings as in section 2929.01 of the 2234
Revised Code. 2235

(iii) "Health care facility" has the same meaning as in 2236
section 2919.16 of the Revised Code. 2237

(iv) "Minor drug possession offense" means a violation of 2238
this section that is a misdemeanor or a felony of the fifth 2239
degree. 2240

(v) "Post-release control sanction" has the same meaning 2241
as in section 2967.28 of the Revised Code. 2242

(vi) "Peace officer" has the same meaning as in section 2243
2935.01 of the Revised Code. 2244

(vii) "Public agency" has the same meaning as in section 2245
2930.01 of the Revised Code. 2246

(viii) "Qualified individual" means a person who is acting 2247
in good faith who seeks or obtains medical assistance for 2248
another person who is experiencing a drug overdose, a person who 2249
experiences a drug overdose and who seeks medical assistance for 2250
that overdose, or a person who is the subject of another person 2251
seeking or obtaining medical assistance for that overdose as 2252
described in division (B) (2) (b) of this section. 2253

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

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

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

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

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

(c) If a person who is serving a community control 2284
sanction or is under a sanction on post-release control acts 2285
pursuant to division (B) (2) (b) of this section, then division 2286
(B) of section 2929.141, division (B) (2) of section 2929.15, 2287
division (D) (3) of section 2929.25, or division (F) (3) of 2288
section 2967.28 of the Revised Code applies to the person with 2289
respect to any violation of the sanction or post-release control 2290
sanction based on a minor drug possession offense, as defined in 2291
section 2925.11 of the Revised Code, or a violation of section 2292
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2293
of the Revised Code. 2294

(d) Nothing in division (B) (2) (b) of this section shall be 2295
construed to do any of the following: 2296

(i) Limit the admissibility of any evidence in connection 2297
with the investigation or prosecution of a crime with regards to 2298
a defendant who does not qualify for the protections of division 2299
(B) (2) (b) of this section or with regards to any crime other 2300
than a minor drug possession offense or a violation of section 2301
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2302
of the Revised Code committed by a person who qualifies for 2303
protection pursuant to division (B) (2) (b) of this section; 2304

(ii) Limit any seizure of evidence or contraband otherwise 2305
permitted by law; 2306

(iii) Limit or abridge the authority of a peace officer to 2307
detain or take into custody a person in the course of an 2308
investigation or to effectuate an arrest for any offense except 2309
as provided in that division; 2310

(iv) Limit, modify, or remove any immunity from liability 2311
available pursuant to law in effect prior to September 13, 2016, 2312

to any public agency or to an employee of any public agency. 2313

(e) Division (B) (2) (b) of this section does not apply to 2314
any person who twice previously has been granted an immunity 2315
under division (B) (2) (b) of this section. No person shall be 2316
granted an immunity under division (B) (2) (b) of this section 2317
more than two times. 2318

(f) Nothing in this section shall compel any qualified 2319
individual to disclose protected health information in a way 2320
that conflicts with the requirements of the "Health Insurance 2321
Portability and Accountability Act of 1996," 104 Pub. L. No. 2322
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2323
regulations promulgated by the United States department of 2324
health and human services to implement the act or the 2325
requirements of 42 C.F.R. Part 2. 2326

(C) Whoever violates division (A) of this section is 2327
guilty of one of the following: 2328

(1) If the drug involved in the violation is a compound, 2329
mixture, preparation, or substance included in schedule I or II, 2330
with the exception of marihuana, cocaine, L.S.D., heroin, any 2331
fentanyl-related compound, hashish, and any controlled substance 2332
analog, whoever violates division (A) of this section is guilty 2333
of aggravated possession of drugs. The penalty for the offense 2334
shall be determined as follows: 2335

(a) Except as otherwise provided in division (C) (1) (b), 2336
(c), (d), or (e) of this section, aggravated possession of drugs 2337
is a felony of the fifth degree, and division (B) of section 2338
2929.13 of the Revised Code applies in determining whether to 2339
impose a prison term on the offender. 2340

(b) If the amount of the drug involved equals or exceeds 2341

the bulk amount but is less than five times the bulk amount, 2342
aggravated possession of drugs is a felony of the third degree, 2343
and there is a presumption for a prison term for the offense. 2344

(c) If the amount of the drug involved equals or exceeds 2345
five times the bulk amount but is less than fifty times the bulk 2346
amount, aggravated possession of drugs is a felony of the second 2347
degree, and the court shall impose as a mandatory prison term a 2348
second degree felony mandatory prison term. 2349

(d) If the amount of the drug involved equals or exceeds 2350
fifty times the bulk amount but is less than one hundred times 2351
the bulk amount, aggravated possession of drugs is a felony of 2352
the first degree, and the court shall impose as a mandatory 2353
prison term a first degree felony mandatory prison term. 2354

(e) If the amount of the drug involved equals or exceeds 2355
one hundred times the bulk amount, aggravated possession of 2356
drugs is a felony of the first degree, the offender is a major 2357
drug offender, and the court shall impose as a mandatory prison 2358
term a maximum first degree felony mandatory prison term. 2359

(2) If the drug involved in the violation is a compound, 2360
mixture, preparation, or substance included in schedule III, IV, 2361
or V, whoever violates division (A) of this section is guilty of 2362
possession of drugs. The penalty for the offense shall be 2363
determined as follows: 2364

(a) Except as otherwise provided in division (C) (2) (b), 2365
(c), or (d) of this section, possession of drugs is a 2366
misdemeanor of the first degree or, if the offender previously 2367
has been convicted of a drug abuse offense, a felony of the 2368
fifth degree. 2369

(b) If the amount of the drug involved equals or exceeds 2370

the bulk amount but is less than five times the bulk amount, 2371
possession of drugs is a felony of the fourth degree, and 2372
division (C) of section 2929.13 of the Revised Code applies in 2373
determining whether to impose a prison term on the offender. 2374

(c) If the amount of the drug involved equals or exceeds 2375
five times the bulk amount but is less than fifty times the bulk 2376
amount, possession of drugs is a felony of the third degree, and 2377
there is a presumption for a prison term for the offense. 2378

(d) If the amount of the drug involved equals or exceeds 2379
fifty times the bulk amount, possession of drugs is a felony of 2380
the second degree, and the court shall impose upon the offender 2381
as a mandatory prison term a second degree felony mandatory 2382
prison term. 2383

(3) If the drug involved in the violation is marihuana or 2384
a compound, mixture, preparation, or substance containing 2385
marihuana other than hashish, whoever violates division (A) of 2386
this section is guilty of possession of marihuana. The penalty 2387
for the offense shall be determined as follows: 2388

(a) Except as otherwise provided in division (C) (3) (b), 2389
(c), (d), (e), (f), or (g) of this section, possession of 2390
marihuana is a minor misdemeanor. 2391

(b) If the amount of the drug involved equals or exceeds 2392
one hundred grams but is less than two hundred grams, possession 2393
of marihuana is a misdemeanor of the fourth degree. 2394

(c) If the amount of the drug involved equals or exceeds 2395
two hundred grams but is less than one thousand grams, 2396
possession of marihuana is a felony of the fifth degree, and 2397
division (B) of section 2929.13 of the Revised Code applies in 2398
determining whether to impose a prison term on the offender. 2399

(d) If the amount of the drug involved equals or exceeds 2400
one thousand grams but is less than five thousand grams, 2401
possession of marihuana is a felony of the third degree, and 2402
division (C) of section 2929.13 of the Revised Code applies in 2403
determining whether to impose a prison term on the offender. 2404

(e) If the amount of the drug involved equals or exceeds 2405
five thousand grams but is less than twenty thousand grams, 2406
possession of marihuana is a felony of the third degree, and 2407
there is a presumption that a prison term shall be imposed for 2408
the offense. 2409

(f) If the amount of the drug involved equals or exceeds 2410
twenty thousand grams but is less than forty thousand grams, 2411
possession of marihuana is a felony of the second degree, and 2412
the court shall impose as a mandatory prison term a second 2413
degree felony mandatory prison term of five, six, seven, or 2414
eight years. 2415

(g) If the amount of the drug involved equals or exceeds 2416
forty thousand grams, possession of marihuana is a felony of the 2417
second degree, and the court shall impose as a mandatory prison 2418
term a maximum second degree felony mandatory prison term. 2419

(4) If the drug involved in the violation is cocaine or a 2420
compound, mixture, preparation, or substance containing cocaine, 2421
whoever violates division (A) of this section is guilty of 2422
possession of cocaine. The penalty for the offense shall be 2423
determined as follows: 2424

(a) Except as otherwise provided in division (C) (4) (b), 2425
(c), (d), (e), or (f) of this section, possession of cocaine is 2426
a felony of the fifth degree, and division (B) of section 2427
2929.13 of the Revised Code applies in determining whether to 2428

impose a prison term on the offender. 2429

(b) If the amount of the drug involved equals or exceeds 2430
five grams but is less than ten grams of cocaine, possession of 2431
cocaine is a felony of the fourth degree, and division (B) of 2432
section 2929.13 of the Revised Code applies in determining 2433
whether to impose a prison term on the offender. 2434

(c) If the amount of the drug involved equals or exceeds 2435
ten grams but is less than twenty grams of cocaine, possession 2436
of cocaine is a felony of the third degree, and, except as 2437
otherwise provided in this division, there is a presumption for 2438
a prison term for the offense. If possession of cocaine is a 2439
felony of the third degree under this division and if the 2440
offender two or more times previously has been convicted of or 2441
pleaded guilty to a felony drug abuse offense, the court shall 2442
impose as a mandatory prison term one of the prison terms 2443
prescribed for a felony of the third degree. 2444

(d) If the amount of the drug involved equals or exceeds 2445
twenty grams but is less than twenty-seven grams of cocaine, 2446
possession of cocaine is a felony of the second degree, and the 2447
court shall impose as a mandatory prison term a second degree 2448
felony mandatory prison term. 2449

(e) If the amount of the drug involved equals or exceeds 2450
twenty-seven grams but is less than one hundred grams of 2451
cocaine, possession of cocaine is a felony of the first degree, 2452
and the court shall impose as a mandatory prison term a first 2453
degree felony mandatory prison term. 2454

(f) If the amount of the drug involved equals or exceeds 2455
one hundred grams of cocaine, possession of cocaine is a felony 2456
of the first degree, the offender is a major drug offender, and 2457

the court shall impose as a mandatory prison term a maximum 2458
first degree felony mandatory prison term. 2459

(5) If the drug involved in the violation is L.S.D., 2460
whoever violates division (A) of this section is guilty of 2461
possession of L.S.D. The penalty for the offense shall be 2462
determined as follows: 2463

(a) Except as otherwise provided in division (C) (5) (b), 2464
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2465
felony of the fifth degree, and division (B) of section 2929.13 2466
of the Revised Code applies in determining whether to impose a 2467
prison term on the offender. 2468

(b) If the amount of L.S.D. involved equals or exceeds ten 2469
unit doses but is less than fifty unit doses of L.S.D. in a 2470
solid form or equals or exceeds one gram but is less than five 2471
grams of L.S.D. in a liquid concentrate, liquid extract, or 2472
liquid distillate form, possession of L.S.D. is a felony of the 2473
fourth degree, and division (C) of section 2929.13 of the 2474
Revised Code applies in determining whether to impose a prison 2475
term on the offender. 2476

(c) If the amount of L.S.D. involved equals or exceeds 2477
fifty unit doses, but is less than two hundred fifty unit doses 2478
of L.S.D. in a solid form or equals or exceeds five grams but is 2479
less than twenty-five grams of L.S.D. in a liquid concentrate, 2480
liquid extract, or liquid distillate form, possession of L.S.D. 2481
is a felony of the third degree, and there is a presumption for 2482
a prison term for the offense. 2483

(d) If the amount of L.S.D. involved equals or exceeds two 2484
hundred fifty unit doses but is less than one thousand unit 2485
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2486

grams but is less than one hundred grams of L.S.D. in a liquid 2487
concentrate, liquid extract, or liquid distillate form, 2488
possession of L.S.D. is a felony of the second degree, and the 2489
court shall impose as a mandatory prison term a second degree 2490
felony mandatory prison term. 2491

(e) If the amount of L.S.D. involved equals or exceeds one 2492
thousand unit doses but is less than five thousand unit doses of 2493
L.S.D. in a solid form or equals or exceeds one hundred grams 2494
but is less than five hundred grams of L.S.D. in a liquid 2495
concentrate, liquid extract, or liquid distillate form, 2496
possession of L.S.D. is a felony of the first degree, and the 2497
court shall impose as a mandatory prison term a first degree 2498
felony mandatory prison term. 2499

(f) If the amount of L.S.D. involved equals or exceeds 2500
five thousand unit doses of L.S.D. in a solid form or equals or 2501
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2502
liquid extract, or liquid distillate form, possession of L.S.D. 2503
is a felony of the first degree, the offender is a major drug 2504
offender, and the court shall impose as a mandatory prison term 2505
a maximum first degree felony mandatory prison term. 2506

(6) If the drug involved in the violation is heroin or a 2507
compound, mixture, preparation, or substance containing heroin, 2508
whoever violates division (A) of this section is guilty of 2509
possession of heroin. The penalty for the offense shall be 2510
determined as follows: 2511

(a) Except as otherwise provided in division (C) (6) (b), 2512
(c), (d), (e), or (f) of this section, possession of heroin is a 2513
felony of the fifth degree, and division (B) of section 2929.13 2514
of the Revised Code applies in determining whether to impose a 2515
prison term on the offender. 2516

(b) If the amount of the drug involved equals or exceeds 2517
ten unit doses but is less than fifty unit doses or equals or 2518
exceeds one gram but is less than five grams, possession of 2519
heroin is a felony of the fourth degree, and division (C) of 2520
section 2929.13 of the Revised Code applies in determining 2521
whether to impose a prison term on the offender. 2522

(c) If the amount of the drug involved equals or exceeds 2523
fifty unit doses but is less than one hundred unit doses or 2524
equals or exceeds five grams but is less than ten grams, 2525
possession of heroin is a felony of the third degree, and there 2526
is a presumption for a prison term for the offense. 2527

(d) If the amount of the drug involved equals or exceeds 2528
one hundred unit doses but is less than five hundred unit doses 2529
or equals or exceeds ten grams but is less than fifty grams, 2530
possession of heroin is a felony of the second degree, and the 2531
court shall impose as a mandatory prison term a second degree 2532
felony mandatory prison term. 2533

(e) If the amount of the drug involved equals or exceeds 2534
five hundred unit doses but is less than one thousand unit doses 2535
or equals or exceeds fifty grams but is less than one hundred 2536
grams, possession of heroin is a felony of the first degree, and 2537
the court shall impose as a mandatory prison term a first degree 2538
felony mandatory prison term. 2539

(f) If the amount of the drug involved equals or exceeds 2540
one thousand unit doses or equals or exceeds one hundred grams, 2541
possession of heroin is a felony of the first degree, the 2542
offender is a major drug offender, and the court shall impose as 2543
a mandatory prison term a maximum first degree felony mandatory 2544
prison term. 2545

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

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

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

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

(d) If the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish 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.

(e) If the amount of the drug involved equals or exceeds 2576
two hundred fifty grams but is less than one thousand grams of 2577
hashish in a solid form or equals or exceeds fifty grams but is 2578
less than two hundred grams of hashish in a liquid concentrate, 2579
liquid extract, or liquid distillate form, possession of hashish 2580
is a felony of the third degree, and there is a presumption that 2581
a prison term shall be imposed for the offense. 2582

(f) If the amount of the drug involved equals or exceeds 2583
one thousand grams but is less than two thousand grams of 2584
hashish in a solid form or equals or exceeds two hundred grams 2585
but is less than four hundred grams of hashish in a liquid 2586
concentrate, liquid extract, or liquid distillate form, 2587
possession of hashish is a felony of the second degree, and the 2588
court shall impose as a mandatory prison term a second degree 2589
felony mandatory prison term of five, six, seven, or eight 2590
years. 2591

(g) If the amount of the drug involved equals or exceeds 2592
two thousand grams of hashish in a solid form or equals or 2593
exceeds four hundred grams of hashish in a liquid concentrate, 2594
liquid extract, or liquid distillate form, possession of hashish 2595
is a felony of the second degree, and the court shall impose as 2596
a mandatory prison term a maximum second degree felony mandatory 2597
prison term. 2598

(8) If the drug involved is a controlled substance analog 2599
or compound, mixture, preparation, or substance that contains a 2600
controlled substance analog, whoever violates division (A) of 2601
this section is guilty of possession of a controlled substance 2602
analog. The penalty for the offense shall be determined as 2603
follows: 2604

(a) Except as otherwise provided in division (C) (8) (b), 2605

(c), (d), (e), or (f) of this section, possession of a 2606
controlled substance analog is a felony of the fifth degree, and 2607
division (B) of section 2929.13 of the Revised Code applies in 2608
determining whether to impose a prison term on the offender. 2609

(b) If the amount of the drug involved equals or exceeds 2610
ten grams but is less than twenty grams, possession of a 2611
controlled substance analog is a felony of the fourth degree, 2612
and there is a presumption for a prison term for the offense. 2613

(c) If the amount of the drug involved equals or exceeds 2614
twenty grams but is less than thirty grams, possession of a 2615
controlled substance analog is a felony of the third degree, and 2616
there is a presumption for a prison term for the offense. 2617

(d) If the amount of the drug involved equals or exceeds 2618
thirty grams but is less than forty grams, possession of a 2619
controlled substance analog is a felony of the second degree, 2620
and the court shall impose as a mandatory prison term a second 2621
degree felony mandatory prison term. 2622

(e) If the amount of the drug involved equals or exceeds 2623
forty grams but is less than fifty grams, possession of a 2624
controlled substance analog is a felony of the first degree, and 2625
the court shall impose as a mandatory prison term a first degree 2626
felony mandatory prison term. 2627

(f) If the amount of the drug involved equals or exceeds 2628
fifty grams, possession of a controlled substance analog is a 2629
felony of the first degree, the offender is a major drug 2630
offender, and the court shall impose as a mandatory prison term 2631
a maximum first degree felony mandatory prison term. 2632

(9) If the drug involved in the violation is a compound, 2633
mixture, preparation, or substance that is a combination of a 2634

fentanyl-related compound and marihuana, one of the following 2635
applies: 2636

(a) Except as otherwise provided in division (C) (9) (b) of 2637
this section, the offender is guilty of possession of marihuana 2638
and shall be punished as provided in division (C) (3) of this 2639
section. Except as otherwise provided in division (C) (9) (b) of 2640
this section, the offender is not guilty of possession of a 2641
fentanyl-related compound under division (C) (11) of this section 2642
and shall not be charged with, convicted of, or punished under 2643
division (C) (11) of this section for possession of a fentanyl- 2644
related compound. 2645

(b) If the offender knows or has reason to know that the 2646
compound, mixture, preparation, or substance that is the drug 2647
involved contains a fentanyl-related compound, the offender is 2648
guilty of possession of a fentanyl-related compound and shall be 2649
punished under division (C) (11) of this section. 2650

(10) If the drug involved in the violation is a compound, 2651
mixture, preparation, or substance that is a combination of a 2652
fentanyl-related compound and any schedule III, schedule IV, or 2653
schedule V controlled substance that is not a fentanyl-related 2654
compound, one of the following applies: 2655

(a) Except as otherwise provided in division (C) (10) (b) of 2656
this section, the offender is guilty of possession of drugs and 2657
shall be punished as provided in division (C) (2) of this 2658
section. Except as otherwise provided in division (C) (10) (b) of 2659
this section, the offender is not guilty of possession of a 2660
fentanyl-related compound under division (C) (11) of this section 2661
and shall not be charged with, convicted of, or punished under 2662
division (C) (11) of this section for possession of a fentanyl- 2663
related compound. 2664

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

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

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

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

(c) If the amount of the drug involved equals or exceeds
fifty unit doses but is less than one hundred unit doses or
equals or exceeds five grams but is less than ten grams,

possession of a fentanyl-related compound is a felony of the 2695
third degree, and there is a presumption for a prison term for 2696
the offense. 2697

(d) If the amount of the drug involved equals or exceeds 2698
one hundred unit doses but is less than two hundred unit doses 2699
or equals or exceeds ten grams but is less than twenty grams, 2700
possession of a fentanyl-related compound is a felony of the 2701
second degree, and the court shall impose as a mandatory prison 2702
term one of the prison terms prescribed for a felony of the 2703
second degree. 2704

(e) If the amount of the drug involved equals or exceeds 2705
two hundred unit doses but is less than five hundred unit doses 2706
or equals or exceeds twenty grams but is less than fifty grams, 2707
possession of a fentanyl-related compound is a felony of the 2708
first degree, and the court shall impose as a mandatory prison 2709
term one of the prison terms prescribed for a felony of the 2710
first degree. 2711

(f) If the amount of the drug involved equals or exceeds 2712
five hundred unit doses but is less than one thousand unit doses 2713
or equals or exceeds fifty grams but is less than one hundred 2714
grams, possession of a fentanyl-related compound is a felony of 2715
the first degree, and the court shall impose as a mandatory 2716
prison term the maximum prison term prescribed for a felony of 2717
the first degree. 2718

(g) If the amount of the drug involved equals or exceeds 2719
one thousand unit doses or equals or exceeds one hundred grams, 2720
possession of a fentanyl-related compound is a felony of the 2721
first degree, the offender is a major drug offender, and the 2722
court shall impose as a mandatory prison term the maximum prison 2723
term prescribed for a felony of the first degree. 2724

(D) Arrest or conviction for a minor misdemeanor violation 2725
of this section does not constitute a criminal record and need 2726
not be reported by the person so arrested or convicted in 2727
response to any inquiries about the person's criminal record, 2728
including any inquiries contained in any application for 2729
employment, license, or other right or privilege, or made in 2730
connection with the person's appearance as a witness. 2731

(E) In addition to any prison term or jail term authorized 2732
or required by division (C) of this section and sections 2733
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2734
Code and in addition to any other sanction that is imposed for 2735
the offense under this section, sections 2929.11 to 2929.18, or 2736
sections 2929.21 to 2929.28 of the Revised Code, the court that 2737
sentences an offender who is convicted of or pleads guilty to a 2738
violation of division (A) of this section may suspend the 2739
offender's driver's or commercial driver's license or permit for 2740
not more than five years. However, if the offender pleaded 2741
guilty to or was convicted of a violation of section 4511.19 of 2742
the Revised Code or a substantially similar municipal ordinance 2743
or the law of another state or the United States arising out of 2744
the same set of circumstances as the violation, the court shall 2745
suspend the offender's driver's or commercial driver's license 2746
or permit for not more than five years. If applicable, the court 2747
also shall do the following: 2748

(1) (a) If the violation is a felony of the first, second, 2749
or third degree, the court shall impose upon the offender the 2750
mandatory fine specified for the offense under division (B) (1) 2751
of section 2929.18 of the Revised Code unless, as specified in 2752
that division, the court determines that the offender is 2753
indigent. 2754

(b) Notwithstanding any contrary provision of section 2755
3719.21 of the Revised Code, the clerk of the court shall pay a 2756
mandatory fine or other fine imposed for a violation of this 2757
section pursuant to division (A) of section 2929.18 of the 2758
Revised Code in accordance with and subject to the requirements 2759
of division (F) of section 2925.03 of the Revised Code. The 2760
agency that receives the fine shall use the fine as specified in 2761
division (F) of section 2925.03 of the Revised Code. 2762

(c) If a person is charged with a violation of this 2763
section that is a felony of the first, second, or third degree, 2764
posts bail, and forfeits the bail, the clerk shall pay the 2765
forfeited bail pursuant to division (E)(1)(b) of this section as 2766
if it were a mandatory fine imposed under division (E)(1)(a) of 2767
this section. 2768

(2) If the offender is a professionally licensed person, 2769
in addition to any other sanction imposed for a violation of 2770
this section, the court immediately shall comply with section 2771
2925.38 of the Revised Code. 2772

(F) It is an affirmative defense, as provided in section 2773
2901.05 of the Revised Code, to a charge of a fourth degree 2774
felony violation under this section that the controlled 2775
substance that gave rise to the charge is in an amount, is in a 2776
form, is prepared, compounded, or mixed with substances that are 2777
not controlled substances in a manner, or is possessed under any 2778
other circumstances, that indicate that the substance was 2779
possessed solely for personal use. Notwithstanding any contrary 2780
provision of this section, if, in accordance with section 2781
2901.05 of the Revised Code, an accused who is charged with a 2782
fourth degree felony violation of division (C)(2), (4), (5), or 2783
(6) of this section sustains the burden of going forward with 2784

evidence of and establishes by a preponderance of the evidence 2785
the affirmative defense described in this division, the accused 2786
may be prosecuted for and may plead guilty to or be convicted of 2787
a misdemeanor violation of division (C) (2) of this section or a 2788
fifth degree felony violation of division (C) (4), (5), or (6) of 2789
this section respectively. 2790

(G) When a person is charged with possessing a bulk amount 2791
or multiple of a bulk amount, division (E) of section 2925.03 of 2792
the Revised Code applies regarding the determination of the 2793
amount of the controlled substance involved at the time of the 2794
offense. 2795

(H) It is an affirmative defense to a charge of possession 2796
of a controlled substance analog under division (C) (8) of this 2797
section that the person charged with violating that offense 2798
obtained, possessed, or used one of the following items that are 2799
excluded from the meaning of "controlled substance analog" under 2800
section 3719.01 of the Revised Code: 2801

(1) A controlled substance; 2802

(2) Any substance for which there is an approved new drug 2803
application; 2804

(3) With respect to a particular person, any substance if 2805
an exemption is in effect for investigational use for that 2806
person pursuant to federal law to the extent that conduct with 2807
respect to that substance is pursuant to that exemption. 2808

(I) Any offender who received a mandatory suspension of 2809
the offender's driver's or commercial driver's license or permit 2810
under this section prior to September 13, 2016, may file a 2811
motion with the sentencing court requesting the termination of 2812
the suspension. However, an offender who pleaded guilty to or 2813

was convicted of a violation of section 4511.19 of the Revised 2814
Code or a substantially similar municipal ordinance or law of 2815
another state or the United States that arose out of the same 2816
set of circumstances as the violation for which the offender's 2817
license or permit was suspended under this section shall not 2818
file such a motion. 2819

Upon the filing of a motion under division (I) of this 2820
section, the sentencing court, in its discretion, may terminate 2821
the suspension. 2822

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2823
possess, or use any instrument, article, or thing the customary 2824
and primary purpose of which is for the administration or use of 2825
a dangerous drug, other than marihuana, when the instrument 2826
involved is a hypodermic or syringe, whether or not of crude or 2827
extemporized manufacture or assembly, and the instrument, 2828
article, or thing involved has been used by the offender to 2829
unlawfully administer or use a dangerous drug, other than 2830
marihuana, or to prepare a dangerous drug, other than marihuana, 2831
for unlawful administration or use. 2832

(B) (1) This section does not apply to manufacturers, 2833
licensed health professionals authorized to prescribe drugs, 2834
pharmacists, owners of pharmacies, and other persons whose 2835
conduct was in accordance with Chapters 3719., 4715., 4723., 2836
4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code. 2837

(2) Division (B) (2) of section 2925.11 of the Revised Code 2838
applies with respect to a violation of this section when a 2839
person seeks or obtains medical assistance for another person 2840
who is experiencing a drug overdose, a person experiences a drug 2841
overdose and seeks medical assistance for that overdose, or a 2842
person is the subject of another person seeking or obtaining 2843

medical assistance for that overdose. 2844

(C) Whoever violates this section is guilty of possessing 2845
drug abuse instruments, a misdemeanor of the second degree. If 2846
the offender previously has been convicted of a drug abuse 2847
offense, a violation of this section is a misdemeanor of the 2848
first degree. 2849

(D) (1) In addition to any other sanction imposed upon an 2850
offender for a violation of this section, the court may suspend 2851
for not more than five years the offender's driver's or 2852
commercial driver's license or permit. However, if the offender 2853
pleaded guilty to or was convicted of a violation of section 2854
4511.19 of the Revised Code or a substantially similar municipal 2855
ordinance or the law of another state or the United States 2856
arising out of the same set of circumstances as the violation, 2857
the court shall suspend the offender's driver's or commercial 2858
driver's license or permit for not more than five years. If the 2859
offender is a professionally licensed person, in addition to any 2860
other sanction imposed for a violation of this section, the 2861
court immediately shall comply with section 2925.38 of the 2862
Revised Code. 2863

(2) Any offender who received a mandatory suspension of 2864
the offender's driver's or commercial driver's license or permit 2865
under this section prior to September 13, 2016, may file a 2866
motion with the sentencing court requesting the termination of 2867
the suspension. However, an offender who pleaded guilty to or 2868
was convicted of a violation of section 4511.19 of the Revised 2869
Code or a substantially similar municipal ordinance or law of 2870
another state or the United States that arose out of the same 2871
set of circumstances as the violation for which the offender's 2872
license or permit was suspended under this section shall not 2873

file such a motion. 2874

Upon the filing of a motion under division (D) (2) of this 2875
section, the sentencing court, in its discretion, may terminate 2876
the suspension. 2877

Sec. 2925.14. (A) As used in this section, "drug 2878
paraphernalia" means any equipment, product, or material of any 2879
kind that is used by the offender, intended by the offender for 2880
use, or designed for use, in propagating, cultivating, growing, 2881
harvesting, manufacturing, compounding, converting, producing, 2882
processing, preparing, testing, analyzing, packaging, 2883
repackaging, storing, containing, concealing, injecting, 2884
ingesting, inhaling, or otherwise introducing into the human 2885
body, a controlled substance in violation of this chapter. "Drug 2886
paraphernalia" includes, but is not limited to, any of the 2887
following equipment, products, or materials that are used by the 2888
offender, intended by the offender for use, or designed by the 2889
offender for use, in any of the following manners: 2890

(1) A kit for propagating, cultivating, growing, or 2891
harvesting any species of a plant that is a controlled substance 2892
or from which a controlled substance can be derived; 2893

(2) A kit for manufacturing, compounding, converting, 2894
producing, processing, or preparing a controlled substance; 2895

(3) Any object, instrument, or device for manufacturing, 2896
compounding, converting, producing, processing, or preparing 2897
methamphetamine; 2898

(4) An isomerization device for increasing the potency of 2899
any species of a plant that is a controlled substance; 2900

(5) Testing equipment for identifying, or analyzing the 2901
strength, effectiveness, or purity of, a controlled substance, 2902

except for those exempted in division (D) (4) of this section; 2903

(6) A scale or balance for weighing or measuring a 2904
controlled substance; 2905

(7) A diluent or adulterant, such as quinine 2906
hydrochloride, mannitol, mannite, dextrose, or lactose, for 2907
cutting a controlled substance; 2908

(8) A separation gin or sifter for removing twigs and 2909
seeds from, or otherwise cleaning or refining, marihuana; 2910

(9) A blender, bowl, container, spoon, or mixing device 2911
for compounding a controlled substance; 2912

(10) A capsule, balloon, envelope, or container for 2913
packaging small quantities of a controlled substance; 2914

(11) A container or device for storing or concealing a 2915
controlled substance; 2916

(12) A hypodermic syringe, needle, or instrument for 2917
parenterally injecting a controlled substance into the human 2918
body; 2919

(13) An object, instrument, or device for ingesting, 2920
inhaling, or otherwise introducing into the human body, 2921
marihuana, cocaine, hashish, or hashish oil, such as a metal, 2922
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 2923
without a screen, permanent screen, hashish head, or punctured 2924
metal bowl; water pipe; carburetion tube or device; smoking or 2925
carburetion mask; roach clip or similar object used to hold 2926
burning material, such as a marihuana cigarette, that has become 2927
too small or too short to be held in the hand; miniature cocaine 2928
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2929
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2930

(B) In determining if any equipment, product, or material 2931
is drug paraphernalia, a court or law enforcement officer shall 2932
consider, in addition to other relevant factors, the following: 2933

(1) Any statement by the owner, or by anyone in control, 2934
of the equipment, product, or material, concerning its use; 2935

(2) The proximity in time or space of the equipment, 2936
product, or material, or of the act relating to the equipment, 2937
product, or material, to a violation of any provision of this 2938
chapter; 2939

(3) The proximity of the equipment, product, or material 2940
to any controlled substance; 2941

(4) The existence of any residue of a controlled substance 2942
on the equipment, product, or material; 2943

(5) Direct or circumstantial evidence of the intent of the 2944
owner, or of anyone in control, of the equipment, product, or 2945
material, to deliver it to any person whom the owner or person 2946
in control of the equipment, product, or material knows intends 2947
to use the object to facilitate a violation of any provision of 2948
this chapter. A finding that the owner, or anyone in control, of 2949
the equipment, product, or material, is not guilty of a 2950
violation of any other provision of this chapter does not 2951
prevent a finding that the equipment, product, or material was 2952
intended or designed by the offender for use as drug 2953
paraphernalia. 2954

(6) Any oral or written instruction provided with the 2955
equipment, product, or material concerning its use; 2956

(7) Any descriptive material accompanying the equipment, 2957
product, or material and explaining or depicting its use; 2958

(8) National or local advertising concerning the use of the equipment, product, or material; 2959
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(9) The manner and circumstances in which the equipment, product, or material is displayed for sale; 2961
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(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise; 2963
2964
2965

(11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 2966
2967

(12) Expert testimony concerning the use of the equipment, product, or material. 2968
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(C) (1) Subject to divisions (D) (2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia. 2970
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(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia. 2973
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(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia. 2977
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(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose 2984
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conduct is in accordance with Chapters 3719., 4715., 4723., 2987
4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code. 2988
This section shall not be construed to prohibit the possession 2989
or use of a hypodermic as authorized by section 3719.172 of the 2990
Revised Code. 2991

(2) Division (C)(1) of this section does not apply to a 2992
person's use, or possession with purpose to use, any drug 2993
paraphernalia that is equipment, a product, or material of any 2994
kind that is used by the person, intended by the person for use, 2995
or designed for use in storing, containing, concealing, 2996
injecting, ingesting, inhaling, or otherwise introducing into 2997
the human body marihuana. 2998

(3) Division (B)(2) of section 2925.11 of the Revised Code 2999
applies with respect to a violation of division (C)(1) of this 3000
section when a person seeks or obtains medical assistance for 3001
another person who is experiencing a drug overdose, a person 3002
experiences a drug overdose and seeks medical assistance for 3003
that overdose, or a person is the subject of another person 3004
seeking or obtaining medical assistance for that overdose. 3005

(4) Division (C)(1) of this section does not apply to a 3006
person's use, or possession with purpose to use, any drug 3007
testing strips to determine the presence of fentanyl or a 3008
fentanyl-related compound. 3009

(E) Notwithstanding Chapter 2981. of the Revised Code, any 3010
drug paraphernalia that was used, possessed, sold, or 3011
manufactured in a violation of this section shall be seized, 3012
after a conviction for that violation shall be forfeited, and 3013
upon forfeiture shall be disposed of pursuant to division (B) of 3014
section 2981.12 of the Revised Code. 3015

(F) (1) Whoever violates division (C) (1) of this section is 3016
guilty of illegal use or possession of drug paraphernalia, a 3017
misdemeanor of the fourth degree. 3018

(2) Except as provided in division (F) (3) of this section, 3019
whoever violates division (C) (2) of this section is guilty of 3020
dealing in drug paraphernalia, a misdemeanor of the second 3021
degree. 3022

(3) Whoever violates division (C) (2) of this section by 3023
selling drug paraphernalia to a juvenile is guilty of selling 3024
drug paraphernalia to juveniles, a misdemeanor of the first 3025
degree. 3026

(4) Whoever violates division (C) (3) of this section is 3027
guilty of illegal advertising of drug paraphernalia, a 3028
misdemeanor of the second degree. 3029

(G) (1) In addition to any other sanction imposed upon an 3030
offender for a violation of this section, the court may suspend 3031
for not more than five years the offender's driver's or 3032
commercial driver's license or permit. However, if the offender 3033
pleaded guilty to or was convicted of a violation of section 3034
4511.19 of the Revised Code or a substantially similar municipal 3035
ordinance or the law of another state or the United States 3036
arising out of the same set of circumstances as the violation, 3037
the court shall suspend the offender's driver's or commercial 3038
driver's license or permit for not more than five years. If the 3039
offender is a professionally licensed person, in addition to any 3040
other sanction imposed for a violation of this section, the 3041
court immediately shall comply with section 2925.38 of the 3042
Revised Code. 3043

(2) Any offender who received a mandatory suspension of 3044

the offender's driver's or commercial driver's license or permit 3045
under this section prior to September 13, 2016, may file a 3046
motion with the sentencing court requesting the termination of 3047
the suspension. However, an offender who pleaded guilty to or 3048
was convicted of a violation of section 4511.19 of the Revised 3049
Code or a substantially similar municipal ordinance or law of 3050
another state or the United States that arose out of the same 3051
set of circumstances as the violation for which the offender's 3052
license or permit was suspended under this section shall not 3053
file such a motion. 3054

Upon the filing of a motion under division (G) (2) of this 3055
section, the sentencing court, in its discretion, may terminate 3056
the suspension. 3057

Sec. 2925.23. (A) No person shall knowingly make a false 3058
statement in any prescription, order, report, or record required 3059
by Chapter 3719. or 4729. of the Revised Code. 3060

(B) No person shall intentionally make, utter, or sell, or 3061
knowingly possess any of the following that is a false or 3062
forged: 3063

(1) Prescription; 3064

(2) Uncompleted preprinted prescription blank used for 3065
writing a prescription; 3066

(3) Official written order; 3067

(4) License for a terminal distributor of dangerous drugs, 3068
as defined in section 4729.01 of the Revised Code; 3069

(5) License for a manufacturer of dangerous drugs, 3070
outsourcing facility, third-party logistics provider, repackager 3071
of dangerous drugs, or wholesale distributor of dangerous drugs, 3072

as defined in section 4729.01 of the Revised Code. 3073

(C) No person, by theft as defined in section 2913.02 of 3074
the Revised Code, shall acquire any of the following: 3075

(1) A prescription; 3076

(2) An uncompleted preprinted prescription blank used for 3077
writing a prescription; 3078

(3) An official written order; 3079

(4) A blank official written order; 3080

(5) A license or blank license for a terminal distributor 3081
of dangerous drugs, as defined in section 4729.01 of the Revised 3082
Code; 3083

(6) A license or blank license for a manufacturer of 3084
dangerous drugs, outsourcing facility, third-party logistics 3085
provider, repackager of dangerous drugs, or wholesale 3086
distributor of dangerous drugs, as defined in section 4729.01 of 3087
the Revised Code. 3088

(D) No person shall knowingly make or affix any false or 3089
forged label to a package or receptacle containing any dangerous 3090
drugs. 3091

(E) Divisions (A) and (D) of this section do not apply to 3092
licensed health professionals authorized to prescribe drugs, 3093
pharmacists, owners of pharmacies, and other persons whose 3094
conduct is in accordance with Chapters 3719., 4715., 4723., 3095
4725., 4729., 4730., 4731., ~~and 4741.~~ 4772. of the Revised 3096
Code. 3097

(F) Whoever violates this section is guilty of illegal 3098
processing of drug documents. If the offender violates division 3099

(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3100
section, illegal processing of drug documents is a felony of the 3101
fifth degree. If the offender violates division (A), division 3102
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3103
section, the penalty for illegal processing of drug documents 3104
shall be determined as follows: 3105

(1) If the drug involved is a compound, mixture, 3106
preparation, or substance included in schedule I or II, with the 3107
exception of marihuana, illegal processing of drug documents is 3108
a felony of the fourth degree, and division (C) of section 3109
2929.13 of the Revised Code applies in determining whether to 3110
impose a prison term on the offender. 3111

(2) If the drug involved is a dangerous drug or a 3112
compound, mixture, preparation, or substance included in 3113
schedule III, IV, or V or is marihuana, illegal processing of 3114
drug documents is a felony of the fifth degree, and division (C) 3115
of section 2929.13 of the Revised Code applies in determining 3116
whether to impose a prison term on the offender. 3117

(G) (1) In addition to any prison term authorized or 3118
required by division (F) of this section and sections 2929.13 3119
and 2929.14 of the Revised Code and in addition to any other 3120
sanction imposed for the offense under this section or sections 3121
2929.11 to 2929.18 of the Revised Code, the court that sentences 3122
an offender who is convicted of or pleads guilty to any 3123
violation of divisions (A) to (D) of this section may suspend 3124
for not more than five years the offender's driver's or 3125
commercial driver's license or permit. However, if the offender 3126
pleaded guilty to or was convicted of a violation of section 3127
4511.19 of the Revised Code or a substantially similar municipal 3128
ordinance or the law of another state or the United States 3129

arising out of the same set of circumstances as the violation, 3130
the court shall suspend the offender's driver's or commercial 3131
driver's license or permit for not more than five years. 3132

If the offender is a professionally licensed person, in 3133
addition to any other sanction imposed for a violation of this 3134
section, the court immediately shall comply with section 2925.38 3135
of the Revised Code. 3136

(2) Any offender who received a mandatory suspension of 3137
the offender's driver's or commercial driver's license or permit 3138
under this section prior to September 13, 2016, may file a 3139
motion with the sentencing court requesting the termination of 3140
the suspension. However, an offender who pleaded guilty to or 3141
was convicted of a violation of section 4511.19 of the Revised 3142
Code or a substantially similar municipal ordinance or law of 3143
another state or the United States that arose out of the same 3144
set of circumstances as the violation for which the offender's 3145
license or permit was suspended under this section shall not 3146
file such a motion. 3147

Upon the filing of a motion under division (G) (2) of this 3148
section, the sentencing court, in its discretion, may terminate 3149
the suspension. 3150

(H) Notwithstanding any contrary provision of section 3151
3719.21 of the Revised Code, the clerk of court shall pay a fine 3152
imposed for a violation of this section pursuant to division (A) 3153
of section 2929.18 of the Revised Code in accordance with and 3154
subject to the requirements of division (F) of section 2925.03 3155
of the Revised Code. The agency that receives the fine shall use 3156
the fine as specified in division (F) of section 2925.03 of the 3157
Revised Code. 3158

Sec. 2925.36. (A) No person shall knowingly furnish 3159
another a sample drug. 3160

(B) Division (A) of this section does not apply to 3161
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3162
licensed health professionals authorized to prescribe drugs, and 3163
other persons whose conduct is in accordance with Chapters 3164
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and 3165
4772. of the Revised Code. 3166

(C) (1) Whoever violates this section is guilty of illegal 3167
dispensing of drug samples. 3168

(2) If the drug involved in the offense is a compound, 3169
mixture, preparation, or substance included in schedule I or II, 3170
with the exception of marihuana, the penalty for the offense 3171
shall be determined as follows: 3172

(a) Except as otherwise provided in division (C) (2) (b) of 3173
this section, illegal dispensing of drug samples is a felony of 3174
the fifth degree, and, subject to division (E) of this section, 3175
division (C) of section 2929.13 of the Revised Code applies in 3176
determining whether to impose a prison term on the offender. 3177

(b) If the offense was committed in the vicinity of a 3178
school or in the vicinity of a juvenile, illegal dispensing of 3179
drug samples is a felony of the fourth degree, and, subject to 3180
division (E) of this section, division (C) of section 2929.13 of 3181
the Revised Code applies in determining whether to impose a 3182
prison term on the offender. 3183

(3) If the drug involved in the offense is a dangerous 3184
drug or a compound, mixture, preparation, or substance included 3185
in schedule III, IV, or V, or is marihuana, the penalty for the 3186
offense shall be determined as follows: 3187

(a) Except as otherwise provided in division (C) (3) (b) of 3188
this section, illegal dispensing of drug samples is a 3189
misdemeanor of the second degree. 3190

(b) If the offense was committed in the vicinity of a 3191
school or in the vicinity of a juvenile, illegal dispensing of 3192
drug samples is a misdemeanor of the first degree. 3193

(D) (1) In addition to any prison term authorized or 3194
required by division (C) or (E) of this section and sections 3195
2929.13 and 2929.14 of the Revised Code and in addition to any 3196
other sanction imposed for the offense under this section or 3197
sections 2929.11 to 2929.18 of the Revised Code, the court that 3198
sentences an offender who is convicted of or pleads guilty to a 3199
violation of division (A) of this section may suspend for not 3200
more than five years the offender's driver's or commercial 3201
driver's license or permit. However, if the offender pleaded 3202
guilty to or was convicted of a violation of section 4511.19 of 3203
the Revised Code or a substantially similar municipal ordinance 3204
or the law of another state or the United States arising out of 3205
the same set of circumstances as the violation, the court shall 3206
suspend the offender's driver's or commercial driver's license 3207
or permit for not more than five years. 3208

If the offender is a professionally licensed person, in 3209
addition to any other sanction imposed for a violation of this 3210
section, the court immediately shall comply with section 2925.38 3211
of the Revised Code. 3212

(2) Any offender who received a mandatory suspension of 3213
the offender's driver's or commercial driver's license or permit 3214
under this section prior to September 13, 2016, may file a 3215
motion with the sentencing court requesting the termination of 3216
the suspension. However, an offender who pleaded guilty to or 3217

was convicted of a violation of section 4511.19 of the Revised 3218
Code or a substantially similar municipal ordinance or law of 3219
another state or the United States that arose out of the same 3220
set of circumstances as the violation for which the offender's 3221
license or permit was suspended under this section shall not 3222
file such a motion. 3223

Upon the filing of a motion under division (D) (2) of this 3224
section, the sentencing court, in its discretion, may terminate 3225
the suspension. 3226

(E) Notwithstanding the prison term authorized or required 3227
by division (C) of this section and sections 2929.13 and 2929.14 3228
of the Revised Code, if the violation of division (A) of this 3229
section involves the sale, offer to sell, or possession of a 3230
schedule I or II controlled substance, with the exception of 3231
marihuana, and if the court imposing sentence upon the offender 3232
finds that the offender as a result of the violation is a major 3233
drug offender and is guilty of a specification of the type 3234
described in division (A) of section 2941.1410 of the Revised 3235
Code, the court, in lieu of the prison term otherwise authorized 3236
or required, shall impose upon the offender the mandatory prison 3237
term specified in division (B) (3) (a) of section 2929.14 of the 3238
Revised Code. 3239

(F) Notwithstanding any contrary provision of section 3240
3719.21 of the Revised Code, the clerk of the court shall pay a 3241
fine imposed for a violation of this section pursuant to 3242
division (A) of section 2929.18 of the Revised Code in 3243
accordance with and subject to the requirements of division (F) 3244
of section 2925.03 of the Revised Code. The agency that receives 3245
the fine shall use the fine as specified in division (F) of 3246
section 2925.03 of the Revised Code. 3247

Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58 3248
of the Revised Code: 3249

(1) "Consumer product" means any food or drink that is 3250
consumed or used by humans and any drug, including a drug that 3251
may be provided legally only pursuant to a prescription, that is 3252
intended to be consumed or used by humans. 3253

(2) "Terminal distributor of dangerous drugs" has the same 3254
meaning as in section 4729.01 of the Revised Code. 3255

(3) "Pseudoephedrine" means any material, compound, 3256
mixture, or preparation that contains any quantity of 3257
pseudoephedrine, any of its salts, optical isomers, or salts of 3258
optical isomers. 3259

(4) "Pseudoephedrine product" means a consumer product 3260
that contains pseudoephedrine. 3261

(5) "Retailer" means a place of business that offers 3262
consumer products for sale to the general public. 3263

(6) "Single-ingredient preparation" means a compound, 3264
mixture, preparation, or substance that contains a single active 3265
ingredient. 3266

(7) "Ephedrine" means any material, compound, mixture, or 3267
preparation that contains any quantity of ephedrine, any of its 3268
salts, optical isomers, or salts of optical isomers. 3269

(8) "Ephedrine product" means a consumer product that 3270
contains ephedrine. 3271

(B) (1) No individual shall knowingly purchase, receive, or 3272
otherwise acquire an amount of pseudoephedrine product or 3273
ephedrine product that is greater than either of the following 3274
unless the pseudoephedrine product or ephedrine product is 3275

dispensed by a pharmacist pursuant to a valid prescription 3276
issued by a licensed health professional authorized to prescribe 3277
drugs and the conduct of the pharmacist and the licensed health 3278
professional authorized to prescribe drugs is in accordance with 3279
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3280
4772. of the Revised Code: 3281

(a) Three and six tenths grams within a period of a single 3282
day; 3283

(b) Nine grams within a period of thirty consecutive days. 3284

The limits specified in divisions (B)(1)(a) and (b) of 3285
this section apply to the total amount of base pseudoephedrine 3286
or base ephedrine in the pseudoephedrine product or ephedrine 3287
product, respectively. The limits do not apply to the product's 3288
overall weight. 3289

(2) It is not a violation of division (B)(1) of this 3290
section for an individual to receive or accept more than an 3291
amount of pseudoephedrine product or ephedrine product specified 3292
in division (B)(1)(a) or (b) of this section if the individual 3293
is an employee of a retailer or terminal distributor of 3294
dangerous drugs, and the employee receives or accepts from the 3295
retailer or terminal distributor of dangerous drugs the 3296
pseudoephedrine product or ephedrine product in a sealed 3297
container in connection with manufacturing, warehousing, 3298
placement, stocking, bagging, loading, or unloading of the 3299
product. 3300

(C)(1) No individual under eighteen years of age shall 3301
knowingly purchase, receive, or otherwise acquire a 3302
pseudoephedrine product or ephedrine product unless the 3303
pseudoephedrine product or ephedrine product is dispensed by a 3304

pharmacist pursuant to a valid prescription issued by a licensed 3305
health professional authorized to prescribe drugs and the 3306
conduct of the pharmacist and the licensed health professional 3307
authorized to prescribe drugs is in accordance with Chapter 3308
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3309
the Revised Code. 3310

(2) Division (C)(1) of this section does not apply to an 3311
individual under eighteen years of age who purchases, receives, 3312
or otherwise acquires a pseudoephedrine product or ephedrine 3313
product from any of the following: 3314

(a) A licensed health professional authorized to prescribe 3315
drugs or pharmacist who dispenses, sells, or otherwise provides 3316
the pseudoephedrine product or ephedrine product to that 3317
individual and whose conduct is in accordance with Chapter 3318
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3319
the Revised Code; 3320

(b) A parent or guardian of that individual who provides 3321
the pseudoephedrine product or ephedrine product to the 3322
individual; 3323

(c) A person, as authorized by that individual's parent or 3324
guardian, who dispenses, sells, or otherwise provides the 3325
pseudoephedrine product or ephedrine product to the individual; 3326

(d) A retailer or terminal distributor of dangerous drugs 3327
who provides the pseudoephedrine product or ephedrine product to 3328
that individual if the individual is an employee of the retailer 3329
or terminal distributor of dangerous drugs and the individual 3330
receives or accepts from the retailer or terminal distributor of 3331
dangerous drugs the pseudoephedrine product or ephedrine product 3332
in a sealed container in connection with manufacturing, 3333

warehousing, placement, stocking, bagging, loading, or unloading 3334
of the product. 3335

(D) No individual under eighteen years of age shall 3336
knowingly show or give false information concerning the 3337
individual's name, age, or other identification for the purpose 3338
of purchasing, receiving, or otherwise acquiring a 3339
pseudoephedrine product or ephedrine product. 3340

(E) No individual shall knowingly fail to comply with the 3341
requirements of division (B) of section 3715.051 of the Revised 3342
Code. 3343

(F) Whoever violates division (B) (1) of this section is 3344
guilty of unlawful purchase of a pseudoephedrine product or 3345
ephedrine product, a misdemeanor of the first degree. 3346

(G) Whoever violates division (C) (1) of this section is 3347
guilty of underage purchase of a pseudoephedrine product or 3348
ephedrine product, a delinquent act that would be a misdemeanor 3349
of the fourth degree if it could be committed by an adult. 3350

(H) Whoever violates division (D) of this section is 3351
guilty of using false information to purchase a pseudoephedrine 3352
product or ephedrine product, a delinquent act that would be a 3353
misdemeanor of the first degree if it could be committed by an 3354
adult. 3355

(I) Whoever violates division (E) of this section is 3356
guilty of improper purchase of a pseudoephedrine product or 3357
ephedrine product, a misdemeanor of the fourth degree. 3358

Sec. 2925.56. (A) (1) Except as provided in division (A) (2) 3359
of this section, no retailer or terminal distributor of 3360
dangerous drugs or an employee of a retailer or terminal 3361
distributor of dangerous drugs shall knowingly sell, offer to 3362

sell, hold for sale, deliver, or otherwise provide to any 3363
individual an amount of pseudoephedrine product or ephedrine 3364
product that is greater than either of the following: 3365

(a) Three and ~~sixtenths~~ six-tenths grams within a period 3366
of a single day; 3367

(b) Nine grams within a period of thirty consecutive days. 3368

The maximum amounts specified in divisions (A) (1) (a) and 3369
(b) of this section apply to the total amount of base 3370
pseudoephedrine or base ephedrine in the pseudoephedrine product 3371
or ephedrine product, respectively. The maximum amounts do not 3372
apply to the product's overall weight. 3373

(2) (a) Division (A) (1) of this section does not apply to 3374
any quantity of pseudoephedrine product or ephedrine product 3375
dispensed by a pharmacist pursuant to a valid prescription 3376
issued by a licensed health professional authorized to prescribe 3377
drugs if the conduct of the pharmacist and the licensed health 3378
professional authorized to prescribe drugs is in accordance with 3379
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3380
4772. of the Revised Code. 3381

(b) It is not a violation of division (A) (1) of this 3382
section for a retailer, terminal distributor of dangerous drugs, 3383
or employee of either to provide to an individual more than an 3384
amount of pseudoephedrine product or ephedrine product specified 3385
in division (A) (1) (a) or (b) of this section under either of the 3386
following circumstances: 3387

(i) The individual is an employee of the retailer or 3388
terminal distributor of dangerous drugs, and the employee 3389
receives or accepts from the retailer, terminal distributor of 3390
dangerous drugs, or employee the pseudoephedrine product or 3391

ephedrine product in a sealed container in connection with 3392
manufacturing, warehousing, placement, stocking, bagging, 3393
loading, or unloading of the product; 3394

(ii) A stop-sale alert is generated after the submission 3395
of information to the national precursor log exchange under the 3396
conditions described in division (A)(2) of section 3715.052 of 3397
the Revised Code. 3398

(B)(1) Except as provided in division (B)(2) of this 3399
section, no retailer or terminal distributor of dangerous drugs 3400
or an employee of a retailer or terminal distributor of 3401
dangerous drugs shall sell, offer to sell, hold for sale, 3402
deliver, or otherwise provide a pseudoephedrine product or 3403
ephedrine product to an individual who is under eighteen years 3404
of age. 3405

(2) Division (B)(1) of this section does not apply to any 3406
of the following: 3407

(a) A licensed health professional authorized to prescribe 3408
drugs or pharmacist who dispenses, sells, or otherwise provides 3409
a pseudoephedrine product or ephedrine product to an individual 3410
under eighteen years of age and whose conduct is in accordance 3411
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 3412
or 4772. of the Revised Code; 3413

(b) A parent or guardian of an individual under eighteen 3414
years of age who provides a pseudoephedrine product or ephedrine 3415
product to the individual; 3416

(c) A person who, as authorized by the individual's parent 3417
or guardian, dispenses, sells, or otherwise provides a 3418
pseudoephedrine product or ephedrine product to an individual 3419
under eighteen years of age; 3420

(d) The provision by a retailer, terminal distributor of 3421
dangerous drugs, or employee of either of a pseudoephedrine 3422
product or ephedrine product in a sealed container to an 3423
employee of the retailer or terminal distributor of dangerous 3424
drugs who is under eighteen years of age in connection with 3425
manufacturing, warehousing, placement, stocking, bagging, 3426
loading, or unloading of the product. 3427

(C) No retailer or terminal distributor of dangerous drugs 3428
shall fail to comply with the requirements of division (A) of 3429
section 3715.051 or division (A) (2) of section 3715.052 of the 3430
Revised Code. 3431

(D) No retailer or terminal distributor of dangerous drugs 3432
shall fail to comply with the requirements of division (A) (1) of 3433
section 3715.052 of the Revised Code. 3434

(E) Whoever violates division (A) (1) of this section is 3435
guilty of unlawfully selling a pseudoephedrine product or 3436
ephedrine product, a misdemeanor of the first degree. 3437

(F) Whoever violates division (B) (1) of this section is 3438
guilty of unlawfully selling a pseudoephedrine product or 3439
ephedrine product to a minor, a misdemeanor of the fourth 3440
degree. 3441

(G) Whoever violates division (C) of this section is 3442
guilty of improper sale of a pseudoephedrine product or 3443
ephedrine product, a misdemeanor of the second degree. 3444

(H) Whoever violates division (D) of this section is 3445
guilty of failing to submit information to the national 3446
precursor log exchange, a misdemeanor for which the offender 3447
shall be fined not more than one thousand dollars per violation. 3448

Sec. 2929.42. (A) The prosecutor in any case against any 3449

person licensed, certified, registered, or otherwise authorized 3450
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 3451
4731., 4734., ~~or 4741.~~ or 4772. of the Revised Code shall 3452
notify the appropriate licensing board, on forms provided by the 3453
board, of any of the following regarding the person: 3454

(1) A plea of guilty to, or a conviction of, a felony, or 3455
a court order dismissing a felony charge on technical or 3456
procedural grounds; 3457

(2) A plea of guilty to, or a conviction of, a misdemeanor 3458
committed in the course of practice or in the course of 3459
business, or a court order dismissing such a misdemeanor charge 3460
on technical or procedural grounds; 3461

(3) A plea of guilty to, or a conviction of, a misdemeanor 3462
involving moral turpitude, or a court order dismissing such a 3463
charge on technical or procedural grounds. 3464

(B) The report required by division (A) of this section 3465
shall include the name and address of the person, the nature of 3466
the offense, and certified copies of court entries in the 3467
action. 3468

Sec. 3701.048. (A) As used in this section: 3469

(1) "Board of health" means the board of health of a city 3470
or general health district or the authority having the duties of 3471
a board of health under section 3709.05 of the Revised Code. 3472

(2) "Controlled substance" has the same meaning as in 3473
section 3719.01 of the Revised Code. 3474

(3) "Drug," "dangerous drug," and "licensed health 3475
professional authorized to prescribe drugs" have the same 3476
meanings as in section 4729.01 of the Revised Code. 3477

(4) "Registered volunteer" has the same meaning as in 3478
section 5502.281 of the Revised Code. 3479

(B) In consultation with the appropriate professional 3480
regulatory boards of this state, the director of health shall 3481
develop one or more protocols that authorize the following 3482
individuals to administer, deliver, or distribute drugs, other 3483
than schedule II and III controlled substances, during a period 3484
of time described in division (E) of this section, 3485
notwithstanding any statute or rule that otherwise prohibits or 3486
restricts the administration, delivery, or distribution of drugs 3487
by those individuals: 3488

(1) A physician authorized under Chapter 4731. of the 3489
Revised Code to practice medicine and surgery, osteopathic 3490
medicine and surgery, or podiatric medicine and surgery; 3491

(2) A physician assistant licensed under Chapter 4730. of 3492
the Revised Code; 3493

(3) A dentist or dental hygienist licensed under Chapter 3494
4715. of the Revised Code; 3495

(4) A registered nurse licensed under Chapter 4723. of the 3496
Revised Code, including an advanced practice registered nurse, 3497
as defined in section 4723.01 of the Revised Code; 3498

(5) A licensed practical nurse licensed under Chapter 3499
4723. of the Revised Code; 3500

(6) An optometrist licensed under Chapter 4725. of the 3501
Revised Code; 3502

(7) A pharmacist or pharmacy intern licensed under Chapter 3503
4729. of the Revised Code; 3504

(8) A respiratory care professional licensed under Chapter 3505

4761. of the Revised Code; 3506

(9) An emergency medical technician-basic, emergency 3507
medical technician-intermediate, or emergency medical 3508
technician-paramedic who holds a certificate to practice issued 3509
under Chapter 4765. of the Revised Code; 3510

(10) A veterinarian licensed under Chapter 4741. of the 3511
Revised Code; 3512

(11) A certified mental health assistant licensed under 3513
Chapter 4772. of the Revised Code. 3514

(C) In consultation with the executive director of the 3515
emergency management agency, the director of health shall 3516
develop one or more protocols that authorize employees of boards 3517
of health and registered volunteers to deliver or distribute 3518
drugs, other than schedule II and III controlled substances, 3519
during a period of time described in division (E) of this 3520
section, notwithstanding any statute or rule that otherwise 3521
prohibits or restricts the delivery or distribution of drugs by 3522
those individuals. 3523

(D) In consultation with the state board of pharmacy, the 3524
director of health shall develop one or more protocols that 3525
authorize pharmacists and pharmacy interns to dispense, during a 3526
period of time described in division (E) of this section, 3527
limited quantities of dangerous drugs, other than schedule II 3528
and III controlled substances, without a written, oral, or 3529
electronic prescription from a licensed health professional 3530
authorized to prescribe drugs or without a record of a 3531
prescription, notwithstanding any statute or rule that otherwise 3532
prohibits or restricts the dispensing of drugs without a 3533
prescription or record of a prescription. 3534

(E) On the governor's declaration of an emergency that 3535
affects the public health, the director of health may issue an 3536
order to implement one or more of the protocols developed 3537
pursuant to division (B), (C), or (D) of this section. At a 3538
minimum, the director's order shall identify the one or more 3539
protocols to be implemented and the period of time during which 3540
the one or more protocols are to be effective. 3541

(F) (1) An individual who administers, delivers, 3542
distributes, or dispenses a drug or dangerous drug in accordance 3543
with one or more of the protocols implemented under division (E) 3544
of this section is not liable for damages in any civil action 3545
unless the individual's acts or omissions in performing those 3546
activities constitute willful or wanton misconduct. 3547

(2) An individual who administers, delivers, distributes, 3548
or dispenses a drug or dangerous drug in accordance with one or 3549
more of the protocols implemented under division (E) of this 3550
section is not subject to criminal prosecution or professional 3551
disciplinary action under any chapter in Title XLVII of the 3552
Revised Code. 3553

Sec. 3701.74. (A) As used in this section and section 3554
3701.741 of the Revised Code: 3555

(1) "Ambulatory care facility" means a facility that 3556
provides medical, diagnostic, or surgical treatment to patients 3557
who do not require hospitalization, including a dialysis center, 3558
ambulatory surgical facility, cardiac catheterization facility, 3559
diagnostic imaging center, extracorporeal shock wave lithotripsy 3560
center, home health agency, inpatient hospice, birthing center, 3561
radiation therapy center, emergency facility, and an urgent care 3562
center. "Ambulatory care facility" does not include the private 3563
office of a physician or dentist, whether the office is for an 3564

individual or group practice. 3565

(2) "Chiropractor" means an individual licensed under 3566
Chapter 4734. of the Revised Code to practice chiropractic. 3567

(3) "Emergency facility" means a hospital emergency 3568
department or any other facility that provides emergency medical 3569
services. 3570

(4) "Health care practitioner" means all of the following: 3571

(a) A dentist or dental hygienist licensed under Chapter 3572
4715. of the Revised Code; 3573

(b) A registered or licensed practical nurse licensed 3574
under Chapter 4723. of the Revised Code; 3575

(c) An optometrist licensed under Chapter 4725. of the 3576
Revised Code; 3577

(d) A dispensing optician, spectacle dispensing optician, 3578
contact lens dispensing optician, or spectacle-contact lens 3579
dispensing optician licensed under Chapter 4725. of the Revised 3580
Code; 3581

(e) A pharmacist licensed under Chapter 4729. of the 3582
Revised Code; 3583

(f) A physician; 3584

(g) A physician assistant authorized under Chapter 4730. 3585
of the Revised Code to practice as a physician assistant; 3586

(h) A practitioner of a limited branch of medicine issued 3587
a certificate under Chapter 4731. of the Revised Code; 3588

(i) A psychologist licensed under Chapter 4732. of the 3589
Revised Code; 3590

(j) A chiropractor;	3591
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	3592 3593
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3594 3595
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	3596 3597
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	3598 3599
(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	3600 3601 3602 3603 3604
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	3605 3606
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	3607 3608
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	3609 3610 3611 3612
<u>(s) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3613 3614
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	3615 3616 3617

(6) "Hospital" has the same meaning as in section 3727.01 3618
of the Revised Code. 3619

(7) "Long-term care facility" means a nursing home, 3620
residential care facility, or home for the aging, as those terms 3621
are defined in section 3721.01 of the Revised Code; a 3622
residential facility licensed under section 5119.34 of the 3623
Revised Code that provides accommodations, supervision, and 3624
personal care services for three to sixteen unrelated adults; a 3625
nursing facility, as defined in section 5165.01 of the Revised 3626
Code; a skilled nursing facility, as defined in section 5165.01 3627
of the Revised Code; and an intermediate care facility for 3628
individuals with intellectual disabilities, as defined in 3629
section 5124.01 of the Revised Code. 3630

(8) "Medical record" means data in any form that pertains 3631
to a patient's medical history, diagnosis, prognosis, or medical 3632
condition and that is generated and maintained by a health care 3633
provider in the process of the patient's health care treatment. 3634

(9) "Medical records company" means a person who stores, 3635
locates, or copies medical records for a health care provider, 3636
or is compensated for doing so by a health care provider, and 3637
charges a fee for providing medical records to a patient or 3638
patient's representative. 3639

(10) "Patient" means either of the following: 3640

(a) An individual who received health care treatment from 3641
a health care provider; 3642

(b) A guardian, as defined in section 1337.11 of the 3643
Revised Code, of an individual described in division (A)(10)(a) 3644
of this section. 3645

(11) "Patient's personal representative" means a minor 3646

patient's parent or other person acting in loco parentis, a 3647
court-appointed guardian, or a person with durable power of 3648
attorney for health care for a patient, the executor or 3649
administrator of the patient's estate, or the person responsible 3650
for the patient's estate if it is not to be probated. "Patient's 3651
personal representative" does not include an insurer authorized 3652
under Title XXXIX of the Revised Code to do the business of 3653
sickness and accident insurance in this state, a health insuring 3654
corporation holding a certificate of authority under Chapter 3655
1751. of the Revised Code, or any other person not named in this 3656
division. 3657

(12) "Pharmacy" has the same meaning as in section 4729.01 3658
of the Revised Code. 3659

(13) "Physician" means a person authorized under Chapter 3660
4731. of the Revised Code to practice medicine and surgery, 3661
osteopathic medicine and surgery, or podiatric medicine and 3662
surgery. 3663

(14) "Authorized person" means a person to whom a patient 3664
has given written authorization to act on the patient's behalf 3665
regarding the patient's medical record. 3666

(B) A patient, a patient's personal representative, or an 3667
authorized person who wishes to examine or obtain a copy of part 3668
or all of a medical record shall submit to the health care 3669
provider a written request signed by the patient, personal 3670
representative, or authorized person dated not more than one 3671
year before the date on which it is submitted. The request shall 3672
indicate whether the copy is to be sent to the requestor, 3673
physician or chiropractor, or held for the requestor at the 3674
office of the health care provider. Within a reasonable time 3675
after receiving a request that meets the requirements of this 3676

division and includes sufficient information to identify the 3677
record requested, a health care provider that has the patient's 3678
medical records shall permit the patient to examine the record 3679
during regular business hours without charge or, on request, 3680
shall provide a copy of the record in accordance with section 3681
3701.741 of the Revised Code, except that if a physician, 3682
psychologist, licensed professional clinical counselor, licensed 3683
professional counselor, independent social worker, social 3684
worker, independent marriage and family therapist, marriage and 3685
family therapist, or chiropractor who has treated the patient 3686
determines for clearly stated treatment reasons that disclosure 3687
of the requested record is likely to have an adverse effect on 3688
the patient, the health care provider shall provide the record 3689
to a physician, psychologist, licensed professional clinical 3690
counselor, licensed professional counselor, independent social 3691
worker, social worker, independent marriage and family 3692
therapist, marriage and family therapist, or chiropractor 3693
designated by the patient. The health care provider shall take 3694
reasonable steps to establish the identity of the person making 3695
the request to examine or obtain a copy of the patient's record. 3696

(C) If a health care provider fails to furnish a medical 3697
record as required by division (B) of this section, the patient, 3698
personal representative, or authorized person who requested the 3699
record may bring a civil action to enforce the patient's right 3700
of access to the record. 3701

(D) (1) This section does not apply to medical records 3702
whose release is covered by section 173.20 or 3721.13 of the 3703
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 3704
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 3705
Abuse Patient Records," or by 42 C.F.R. 483.10. 3706

(2) Nothing in this section is intended to supersede the 3707
confidentiality provisions of sections 2305.24, 2305.25, 3708
2305.251, and 2305.252 of the Revised Code. 3709

Sec. 3709.161. (A) The board of health of a city or 3710
general health district may procure a policy or policies of 3711
insurance insuring the members of the board, the health 3712
commissioner, and the employees of the board against liability 3713
on account of damage or injury to persons and property resulting 3714
from any act or omission that occurs in the individual's 3715
official capacity as a member or employee of the board or 3716
resulting solely out of such membership or employment. 3717

(B) (1) As used in this division, "health care 3718
professional" means all of the following: 3719

(a) A dentist or dental hygienist licensed under Chapter 3720
4715. of the Revised Code; 3721

(b) A registered nurse or licensed practical nurse 3722
licensed under Chapter 4723. of the Revised Code; 3723

(c) A person licensed under Chapter 4729. of the Revised 3724
Code to practice as a pharmacist; 3725

(d) A person authorized under Chapter 4730. of the Revised 3726
Code to practice as a physician assistant; 3727

(e) A person authorized under Chapter 4731. of the Revised 3728
Code to practice medicine and surgery, osteopathic medicine and 3729
surgery, or podiatry; 3730

(f) A psychologist licensed under Chapter 4732. of the 3731
Revised Code; 3732

(g) A veterinarian licensed under Chapter 4741. of the 3733
Revised Code; 3734

(h) A speech-language pathologist or audiologist licensed 3735
under Chapter 4753. of the Revised Code; 3736

(i) An occupational therapist, physical therapist, 3737
physical therapist assistant, or athletic trainer licensed under 3738
Chapter 4755. of the Revised Code; 3739

(j) A licensed professional clinical counselor, licensed 3740
professional counselor, independent social worker, or social 3741
worker licensed under Chapter 4757. of the Revised Code; 3742

(k) A dietitian licensed under Chapter 4759. of the 3743
Revised Code; 3744

(l) A certified mental health assistant licensed under 3745
Chapter 4772. of the Revised Code. 3746

(2) The board of health of a city or general health 3747
district may purchase liability insurance for a health care 3748
professional with whom the board contracts for the provision of 3749
health care services against liability on account of damage or 3750
injury to persons and property arising from the health care 3751
professional's performance of services under the contract. The 3752
policy shall be purchased from an insurance company licensed to 3753
do business in this state, if such a policy is available from 3754
such a company. The board of health of a city or general health 3755
district shall report the cost of the liability insurance policy 3756
and subsequent increases in the cost to the director of health 3757
on a form prescribed by the director. 3758

Sec. 3715.50. (A) As used in this section and in sections 3759
3715.501 to 3715.505 of the Revised Code: 3760

(1) "Advanced practice registered nurse" means an 3761
individual who holds a current, valid license issued under 3762
Chapter 4723. of the Revised Code and is designated as a 3763

clinical nurse specialist, certified nurse-midwife, or certified
nurse practitioner. 3764
3765

(2) "Overdose reversal drug" has the same meaning as in 3766
section 4729.01 of the Revised Code. 3767

(3) "Pharmacist" means an individual licensed under 3768
Chapter 4729. of the Revised Code to practice as a pharmacist. 3769

(4) "Pharmacy intern" means an individual licensed under 3770
Chapter 4729. of the Revised Code to practice as a pharmacy 3771
intern. 3772

(5) "Physician" means an individual authorized under 3773
Chapter 4731. of the Revised Code to practice medicine and 3774
surgery, osteopathic medicine and surgery, or podiatric medicine 3775
and surgery. 3776

(6) "Physician assistant" means an individual who is 3777
licensed under Chapter 4730. of the Revised Code, holds a valid 3778
prescriber number issued by the state medical board, and has 3779
been granted physician-delegated prescriptive authority. 3780

(7) "Certified mental health assistant" means an 3781
individual who is licensed under Chapter 4772. of the Revised 3782
Code and has been granted physician-delegated prescriptive 3783
authority. 3784

(B) Notwithstanding any conflicting provision of the 3785
Revised Code, any person or government entity may purchase, 3786
possess, distribute, dispense, personally furnish, sell, or 3787
otherwise obtain or provide an overdose reversal drug, which 3788
includes any instrument or device used to administer the drug, 3789
if all of the following conditions are met: 3790

(1) The overdose reversal drug is in its original 3791

manufacturer's packaging. 3792

(2) The overdose reversal drug's packaging contains the 3793
manufacturer's instructions for use. 3794

(3) The overdose reversal drug is stored in accordance 3795
with the manufacturer's or distributor's instructions. 3796

(C) In addition to actions authorized by division (B) of 3797
this section, any person or government entity may obtain and 3798
maintain a supply of an overdose reversal drug for either or 3799
both of the following purposes: for use in an emergency 3800
situation and for distribution through an automated mechanism. 3801

(1) In the case of a supply of an overdose reversal drug 3802
obtained and maintained for use in an emergency situation, a 3803
person or government entity shall do all of the following: 3804

(a) Provide to any individual who accesses the supply 3805
instructions regarding emergency administration of the drug, 3806
including a specific instruction to summon emergency services as 3807
necessary; 3808

(b) Establish a process for replacing within a reasonable 3809
time period any overdose reversal drug that has been accessed; 3810

(c) Store the overdose reversal drug in accordance with 3811
the manufacturer's or distributor's instructions. 3812

(2) In the case of a supply of an overdose reversal drug 3813
obtained and maintained for distribution through an automated 3814
mechanism, a person or government entity shall do all of the 3815
following: 3816

(a) Ensure that the mechanism is securely fastened to a 3817
permanent structure or is of an appropriate size and weight to 3818
reasonably prevent it from being removed from its intended 3819

location; 3820

(b) Provide to any individual who accesses the supply 3821
instructions regarding emergency administration of the drug, 3822
including a specific instruction to summon emergency services as 3823
necessary; 3824

(c) Develop a process for monitoring and replenishing the 3825
supply maintained in the automated mechanism; 3826

(d) Store the overdose reversal drug in accordance with 3827
the manufacturer's or distributor's instructions. 3828

(D) If the authority granted by division (B) or (C) of 3829
this section is exercised in good faith, the following 3830
immunities apply: 3831

(1) The person or government entity exercising the 3832
authority is not subject to administrative action or criminal 3833
prosecution and is not liable for damages in a civil action for 3834
injury, death, or loss to person or property for an act or 3835
omission that arises from exercising that authority. 3836

(2) After an overdose reversal drug has been dispensed or 3837
personally furnished, the person or government entity is not 3838
liable for or subject to any of the following for any act or 3839
omission of the individual to whom the drug is dispensed or 3840
personally furnished: damages in any civil action, prosecution 3841
in any criminal proceeding, or professional disciplinary action. 3842

(E) (1) This section does not affect any other authority to 3843
issue a prescription for, or personally furnish a supply of, an 3844
overdose reversal drug. 3845

(2) This section does not eliminate, limit, or reduce any 3846
other immunity or defense that a person or government entity may 3847

be entitled to under section 9.86, Chapter 2744., section 3848
4765.49, or any other provision of the Revised Code or the 3849
common law of this state. 3850

Sec. 3715.501. (A) Notwithstanding any conflicting 3851
provision of the Revised Code or of any rule adopted by the 3852
state board of pharmacy, state medical board, or board of 3853
nursing, both of the following apply: 3854

(1) A physician, physician assistant, ~~or~~ advanced practice 3855
registered nurse, or certified mental health assistant may issue 3856
a prescription for an overdose reversal drug, or personally 3857
furnish a supply of the drug, without having examined the 3858
individual to whom it may be administered. The physician, 3859
physician assistant, ~~or~~ advanced practice registered nurse, or 3860
certified mental health assistant exercising this authority 3861
shall provide, to the individual receiving the prescription or 3862
supply, instructions regarding the emergency administration of 3863
the drug, including a specific instruction to summon emergency 3864
services as necessary. 3865

(2) In the event that a prescription for an overdose 3866
reversal drug does not include the name of the individual to 3867
whom the drug may be administered, a pharmacist or pharmacy 3868
intern may dispense the drug to the individual who received the 3869
prescription. 3870

(B) (1) A physician, physician assistant, ~~or~~ advanced 3871
practice registered nurse, or certified mental health assistant 3872
who in good faith exercises the authority conferred by division 3873
(A) (1) of this section is not liable for or subject to any of 3874
the following for any act or omission of the individual to whom 3875
a prescription for an overdose reversal drug is issued or the 3876
supply of such a drug is furnished: damages in any civil action, 3877

prosecution in any criminal proceeding, or professional 3878
disciplinary action. 3879

(2) A pharmacist or pharmacy intern who in good faith 3880
exercises the authority conferred by division (A)(2) of this 3881
section is not liable for or subject to any of the following: 3882
damages in any civil action, prosecution in any criminal 3883
proceeding, or professional disciplinary action. 3884

Sec. 3715.502. (A) A physician, physician assistant, ~~or~~ 3885
advanced practice registered nurse, or certified mental health 3886
assistant may authorize one or more pharmacists and any of the 3887
pharmacy interns supervised by the one or more pharmacists to 3888
use a protocol developed pursuant to rules adopted under this 3889
section for the purpose of dispensing overdose reversal drugs. 3890
If use of the protocol has been authorized, a pharmacist or 3891
pharmacy intern may dispense overdose reversal drugs without a 3892
prescription to either of the following in accordance with that 3893
protocol: 3894

(1) An individual who there is reason to believe is 3895
experiencing or at risk of experiencing an opioid-related 3896
overdose; 3897

(2) A family member, friend, or other individual in a 3898
position to assist an individual who there is reason to believe 3899
is at risk of experiencing an opioid-related overdose. 3900

(B) A pharmacist or pharmacy intern who dispenses overdose 3901
reversal drugs under this section shall instruct the individual 3902
to whom the drugs are dispensed to summon emergency services as 3903
soon as practicable either before or after administering the 3904
drugs. 3905

(C) A pharmacist may document on a prescription form the 3906

dispensing of overdose reversal drugs by the pharmacist or a 3907
pharmacy intern supervised by the pharmacist. The form may be 3908
assigned a number for recordkeeping purposes. 3909

(D) This section does not affect the authority of a 3910
pharmacist or pharmacy intern to fill or refill a prescription 3911
for overdose reversal drugs. 3912

(E) A physician, physician assistant, ~~or~~ advanced practice 3913
registered nurse, or certified mental health assistant who in 3914
good faith authorizes a pharmacist or pharmacy intern to 3915
dispense overdose reversal drugs without a prescription, as 3916
provided in this section, is not liable for or subject to any of 3917
the following for any act or omission of the individual to whom 3918
the drugs are dispensed: damages in any civil action, 3919
prosecution in any criminal proceeding, or professional 3920
disciplinary action. 3921

A pharmacist or pharmacy intern authorized under this 3922
section to dispense overdose reversal drugs without a 3923
prescription who does so in good faith is not liable for or 3924
subject to any of the following for any act or omission of the 3925
individual to whom the drugs are dispensed: damages in any civil 3926
action, prosecution in any criminal proceeding, or professional 3927
disciplinary action. 3928

(F) The state board of pharmacy, after consulting with the 3929
state medical board and board of nursing, shall adopt rules to 3930
implement this section. The rules shall specify a protocol under 3931
which pharmacists or pharmacy interns may dispense overdose 3932
reversal drugs without a prescription. 3933

All rules adopted under this section shall be adopted in 3934
accordance with Chapter 119. of the Revised Code. 3935

(G) (1) The state board of pharmacy shall develop a program 3936
to educate all of the following about the authority of a 3937
pharmacist or pharmacy intern to dispense overdose reversal 3938
drugs without a prescription: 3939

(a) Holders of licenses issued under Chapter 4729. of the 3940
Revised Code that engage in the sale or dispensing of overdose 3941
reversal drugs pursuant to this section; 3942

(b) Registered pharmacy technicians, certified pharmacy 3943
technicians, and pharmacy technician trainees registered under 3944
Chapter 4729. of the Revised Code who engage in the sale of 3945
overdose reversal drugs pursuant to this section; 3946

(c) Individuals who are not licensed or registered under 3947
Chapter 4729. of the Revised Code but are employed by license 3948
holders described in division (G) (1) (a) of this section. 3949

(2) As part of the program, the board also shall educate 3950
the license holders, pharmacy technicians, and employees 3951
described in division (G) (1) of this section about maintaining 3952
an adequate supply of overdose reversal drugs and methods for 3953
determining a pharmacy's stock of such drugs. 3954

(3) The board may use its web site to share information 3955
under the program. 3956

Sec. 3715.503. (A) In addition to the actions authorized 3957
by section 3715.50 of the Revised Code and subject to division 3958
(B) of this section, a physician, physician assistant, ~~or~~ 3959
advanced practice registered nurse, or certified mental health 3960
assistant may elect to establish a protocol authorizing any 3961
individual to personally furnish a supply of an overdose 3962
reversal drug to another individual pursuant to the protocol. A 3963
person authorized to personally furnish an overdose reversal 3964

drug pursuant to the protocol may do so without having examined 3965
the individual to whom the drug may be administered. 3966

(B) A protocol established by a physician, physician 3967
assistant, ~~or~~ advanced practice registered nurse, or certified 3968
mental health assistant for purposes of this section shall 3969
include all of the following: 3970

(1) Any limitations to be applied concerning the 3971
individuals to whom the overdose reversal drug may be personally 3972
furnished; 3973

(2) The overdose reversal drug dosage that may be 3974
personally furnished and any variation in the dosage based on 3975
circumstances specified in the protocol; 3976

(3) Any labeling, storage, recordkeeping, and 3977
administrative requirements; 3978

(4) Training requirements that must be met before a person 3979
will be authorized to personally furnish overdose reversal 3980
drugs; 3981

(5) Any instructions or training that the authorized 3982
person must provide to an individual to whom an overdose 3983
reversal drug is personally furnished. 3984

(C) A physician, physician assistant, ~~or~~ advanced practice 3985
registered nurse, or certified mental health assistant who in 3986
good faith authorizes an individual to personally furnish a 3987
supply of an overdose reversal drug in accordance with a 3988
protocol established under this section, and an individual who 3989
in good faith personally furnishes a supply under that 3990
authority, is not liable for or subject to any of the following 3991
for any act or omission of the individual to whom the overdose 3992
reversal drug is personally furnished: damages in any civil 3993

action, prosecution in any criminal proceeding, or professional disciplinary action.

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

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

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

(3) Physician assistants licensed under Chapter 4730. of the Revised Code;

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

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

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

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

(B) For matters related to activities conducted under the drug repository program, all of the following apply:

(1) A pharmacy, drug manufacturer, health care facility, or other person or government entity that donates or gives drugs to the program, and any person or government entity that facilitates the donation or gift, shall not be subject to liability in tort or other civil action for injury, death, or

loss to person or property. 4021

(2) A pharmacy, hospital, or nonprofit clinic that accepts 4022
or distributes drugs under the program shall not be subject to 4023
liability in tort or other civil action for injury, death, or 4024
loss to person or property, unless an action or omission of the 4025
pharmacy, hospital, or nonprofit clinic constitutes willful and 4026
wanton misconduct. 4027

(3) A health care professional who accepts, dispenses, or 4028
personally furnishes drugs under the program on behalf of a 4029
pharmacy, hospital, or nonprofit clinic participating in the 4030
program, and the pharmacy, hospital, or nonprofit clinic that 4031
employs or otherwise uses the services of the health care 4032
professional, shall not be subject to liability in tort or other 4033
civil action for injury, death, or loss to person or property, 4034
unless an action or omission of the health care professional, 4035
pharmacy, hospital, or nonprofit clinic constitutes willful and 4036
wanton misconduct. 4037

(4) The state board of pharmacy shall not be subject to 4038
liability in tort or other civil action for injury, death, or 4039
loss to person or property, unless an action or omission of the 4040
board constitutes willful and wanton misconduct. 4041

(5) In addition to the civil immunity granted under 4042
division (B)(1) of this section, a pharmacy, drug manufacturer, 4043
health care facility, or other person or government entity that 4044
donates or gives drugs to the program, and any person or 4045
government entity that facilitates the donation or gift, shall 4046
not be subject to criminal prosecution for matters related to 4047
activities that it conducts or another party conducts under the 4048
program, unless an action or omission of the party that donates, 4049
gives, or facilitates the donation or gift of the drugs does not 4050

comply with the provisions of this chapter or the rules adopted 4051
under it. 4052

(6) In the case of a drug manufacturer, the immunities 4053
from civil liability and criminal prosecution granted to another 4054
party under divisions (B)(1) and (5) of this section extend to 4055
the manufacturer when any drug it manufactures is the subject of 4056
an activity conducted under the program. This extension of 4057
immunities includes, but is not limited to, immunity from 4058
liability or prosecution for failure to transfer or communicate 4059
product or consumer information or the expiration date of a drug 4060
that is donated or given. 4061

Sec. 3719.06. (A)(1) A licensed health professional 4062
authorized to prescribe drugs, if acting in the course of 4063
professional practice, in accordance with the laws regulating 4064
the professional's practice, and in accordance with rules 4065
adopted by the state board of pharmacy, may, except as provided 4066
in division (A)(2) ~~or~~, (3), or (4) of this section, do the 4067
following: 4068

(a) Prescribe schedule II, III, IV, and V controlled 4069
substances; 4070

(b) Administer or personally furnish to patients schedule 4071
II, III, IV, and V controlled substances; 4072

(c) Cause schedule II, III, IV, and V controlled 4073
substances to be administered under the prescriber's direction 4074
and supervision. 4075

(2) A licensed health professional authorized to prescribe 4076
drugs who is a clinical nurse specialist, certified nurse- 4077
midwife, or certified nurse practitioner is subject to both of 4078
the following: 4079

(a) A schedule II controlled substance may be prescribed 4080
only in accordance with division (C) of section 4723.481 of the 4081
Revised Code. 4082

(b) No schedule II controlled substance shall be 4083
personally furnished to any patient. 4084

(3) A licensed health professional authorized to prescribe 4085
drugs who is a physician assistant is subject to all of the 4086
following: 4087

(a) A controlled substance may be prescribed or personally 4088
furnished only if it is included in the physician-delegated 4089
prescriptive authority granted to the physician assistant in 4090
accordance with Chapter 4730. of the Revised Code. 4091

(b) A schedule II controlled substance may be prescribed 4092
only in accordance with division (B)(4) of section 4730.41 and 4093
section 4730.411 of the Revised Code. 4094

(c) No schedule II controlled substance shall be 4095
personally furnished to any patient. 4096

(4) A licensed health professional authorized to prescribe 4097
drugs who is a certified mental health assistant is subject to 4098
both of the following: 4099

(a) A controlled substance may be prescribed or personally 4100
furnished only in accordance with sections 4772.12 and 4772.13 4101
of the Revised Code. 4102

(b) No schedule II controlled substance shall be 4103
personally furnished to any patient. 4104

(B) No licensed health professional authorized to 4105
prescribe drugs shall prescribe, administer, or personally 4106
furnish a schedule III anabolic steroid for the purpose of human 4107

muscle building or enhancing human athletic performance and no 4108
pharmacist shall dispense a schedule III anabolic steroid for 4109
either purpose, unless it has been approved for that purpose 4110
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 4111
(1938), 21 U.S.C.A. 301, as amended. 4112

(C) When issuing a prescription for a schedule II 4113
controlled substance, a licensed health professional authorized 4114
to prescribe drugs shall do so only upon an electronic 4115
prescription, except that the prescriber may issue a written 4116
prescription if any of the following apply: 4117

(1) A temporary technical, electrical, or broadband 4118
failure occurs preventing the prescriber from issuing an 4119
electronic prescription. 4120

(2) The prescription is issued for a nursing home resident 4121
or hospice care patient. 4122

(3) The prescriber is employed by or under contract with 4123
the same entity that operates the pharmacy. 4124

(4) The prescriber determines that an electronic 4125
prescription cannot be issued in a timely manner and the 4126
patient's medical condition is at risk. 4127

(5) The prescriber issues the prescription from a health 4128
care facility, which may include an emergency department, and 4129
reasonably determines that an electronic prescription would be 4130
impractical for the patient or would cause a delay that may 4131
adversely impact the patient's medical condition. 4132

(6) The prescriber issues per year not more than fifty 4133
prescriptions for schedule II controlled substances. 4134

(7) The prescriber is a veterinarian licensed under 4135

Chapter 4741. of the Revised Code. 4136

(D) Each written or electronic prescription for a 4137
controlled substance shall be properly executed, dated, and 4138
signed by the prescriber on the day when issued and shall bear 4139
the full name and address of the person for whom, or the owner 4140
of the animal for which, the controlled substance is prescribed 4141
and the full name, address, and registry number under the 4142
federal drug abuse control laws of the prescriber. If the 4143
prescription is for an animal, it shall state the species of the 4144
animal for which the controlled substance is prescribed. 4145

Sec. 3719.064. (A) As used in this section: 4146

(1) "Medication-assisted treatment" has the same meaning 4147
as in section 340.01 of the Revised Code. 4148

(2) "Prescriber" means any of the following: 4149

(a) An advanced practice registered nurse who holds a 4150
current, valid license issued under Chapter 4723. of the Revised 4151
Code and is designated as a clinical nurse specialist, certified 4152
nurse-midwife, or certified nurse practitioner; 4153

(b) A physician authorized under Chapter 4731. of the 4154
Revised Code to practice medicine and surgery or osteopathic 4155
medicine and surgery; 4156

(c) A physician assistant who is licensed under Chapter 4157
4730. of the Revised Code, holds a valid prescriber number 4158
issued by the state medical board, and has been granted 4159
physician-delegated prescriptive authority; 4160

(d) A certified mental health assistant who is licensed 4161
under Chapter 4772. of the Revised Code and has been granted 4162
physician-delegated prescriptive authority by the physician 4163

supervising the certified mental health assistant. 4164

(3) "Qualifying practitioner" has the same meaning as in 4165
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 4166
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 4167

(B) Before initiating medication-assisted treatment, a 4168
prescriber shall give the patient or the patient's 4169
representative information about all drugs approved by the 4170
United States food and drug administration for use in 4171
medication-assisted treatment. The information must be provided 4172
both orally and in writing. The prescriber or the prescriber's 4173
delegate shall note in the patient's medical record when this 4174
information was provided and make the record available to 4175
employees of the board of nursing or state medical board on 4176
their request. 4177

If the prescriber is not a qualifying practitioner and the 4178
patient's choice is opioid treatment and the prescriber 4179
determines that such treatment is clinically appropriate and 4180
meets generally accepted standards of medicine, the prescriber 4181
shall refer the patient to an opioid treatment program licensed 4182
under section 5119.37 of the Revised Code or a qualifying 4183
practitioner. The prescriber or the prescriber's delegate shall 4184
make a notation in the patient's medical record naming the 4185
program or practitioner to whom the patient was referred and 4186
specifying when the referral was made. 4187

Sec. 3719.121. (A) Except as otherwise provided in section 4188
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or 4734.41, or~~ 4189
4772.20 of the Revised Code, the license, certificate, or 4190
registration of any dentist, chiropractor, physician, 4191
podiatrist, registered nurse, advanced practice registered 4192
nurse, licensed practical nurse, physician assistant, 4193

pharmacist, pharmacy intern, pharmacy technician trainee, 4194
registered pharmacy technician, certified pharmacy technician, 4195
optometrist, ~~or~~ veterinarian, or certified mental health 4196
assistant who is or becomes addicted to the use of controlled 4197
substances shall be suspended by the board that authorized the 4198
person's license, certificate, or registration until the person 4199
offers satisfactory proof to the board that the person no longer 4200
is addicted to the use of controlled substances. 4201

(B) If the board under which a person has been issued a 4202
license, certificate, or evidence of registration determines 4203
that there is clear and convincing evidence that continuation of 4204
the person's professional practice or method of administering, 4205
prescribing, preparing, distributing, dispensing, or personally 4206
furnishing controlled substances or other dangerous drugs 4207
presents a danger of immediate and serious harm to others, the 4208
board may suspend the person's license, certificate, or 4209
registration without a hearing. Except as otherwise provided in 4210
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 4211
4734.36, and 4772.20 of the Revised Code, the board shall follow 4212
the procedure for suspension without a prior hearing in section 4213
119.07 of the Revised Code. The suspension shall remain in 4214
effect, unless removed by the board, until the board's final 4215
adjudication order becomes effective, except that if the board 4216
does not issue its final adjudication order within ninety days 4217
after the hearing, the suspension shall be void on the ninety- 4218
first day after the hearing. 4219

(C) On receiving notification pursuant to section 2929.42 4220
or 3719.12 of the Revised Code, the board under which a person 4221
has been issued a license, certificate, or evidence of 4222
registration immediately shall suspend the license, certificate, 4223
or registration of that person on a plea of guilty to, a finding 4224

by a jury or court of the person's guilt of, or conviction of a 4225
felony drug abuse offense; a finding by a court of the person's 4226
eligibility for intervention in lieu of conviction; a plea of 4227
guilty to, or a finding by a jury or court of the person's guilt 4228
of, or the person's conviction of an offense in another 4229
jurisdiction that is essentially the same as a felony drug abuse 4230
offense; or a finding by a court of the person's eligibility for 4231
treatment or intervention in lieu of conviction in another 4232
jurisdiction. The board shall notify the holder of the license, 4233
certificate, or registration of the suspension, which shall 4234
remain in effect until the board holds an adjudicatory hearing 4235
under Chapter 119. of the Revised Code. 4236

Sec. 3719.13. Prescriptions, orders, and records, required 4237
by Chapter 3719. of the Revised Code, and stocks of dangerous 4238
drugs and controlled substances, shall be open for inspection 4239
only to federal, state, county, and municipal officers, and 4240
employees of the state board of pharmacy whose duty it is to 4241
enforce the laws of this state or of the United States relating 4242
to controlled substances. Such prescriptions, orders, records, 4243
and stocks shall be open for inspection by employees of the 4244
state medical board for purposes of enforcing Chapters 4730.~~and~~ 4245
, 4731., and 4772. of the Revised Code, employees of the board 4246
of nursing for purposes of enforcing Chapter 4723. of the 4247
Revised Code, and employees of the department of mental health 4248
and addiction services for purposes of section 5119.37 of the 4249
Revised Code. No person having knowledge of any such 4250
prescription, order, or record shall divulge such knowledge, 4251
except in connection with a prosecution or proceeding in court 4252
or before a licensing or registration board or officer, to which 4253
prosecution or proceeding the person to whom such prescriptions, 4254
orders, or records relate is a party. 4255

Sec. 3719.81. (A) As used in this section, "sample drug" 4256
has the same meaning as in section 2925.01 of the Revised Code. 4257

(B) A person may furnish another a sample drug, if all of 4258
the following apply: 4259

(1) The sample drug is furnished free of charge by a 4260
manufacturer, manufacturer's representative, or wholesale dealer 4261
in pharmaceuticals to a licensed health professional authorized 4262
to prescribe drugs, or is furnished free of charge by such a 4263
professional to a patient for use as medication; 4264

(2) The sample drug is in the original container in which 4265
it was placed by the manufacturer, and the container is plainly 4266
marked as a sample; 4267

(3) Prior to its being furnished, the sample drug has been 4268
stored under the proper conditions to prevent its deterioration 4269
or contamination; 4270

(4) If the sample drug is of a type which deteriorates 4271
with time, the sample container is plainly marked with the date 4272
beyond which the sample drug is unsafe to use, and the date has 4273
not expired on the sample furnished. Compliance with the 4274
labeling requirements of the "Federal Food, Drug, and Cosmetic 4275
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 4276
be deemed compliance with this section. 4277

(5) The sample drug is distributed, stored, or discarded 4278
in such a way that the sample drug may not be acquired or used 4279
by any unauthorized person, or by any person, including a child, 4280
for whom it may present a health or safety hazard. 4281

(C) Division (B) of this section does not do any of the 4282
following: 4283

(1) Apply to or restrict the furnishing of any sample of a 4284
nonnarcotic substance if the substance may, under the "Federal 4285
Food, Drug, and Cosmetic Act" and under the laws of this state, 4286
otherwise be lawfully sold over the counter without a 4287
prescription; 4288

(2) Authorize a licensed health professional authorized to 4289
prescribe drugs who is a clinical nurse specialist, certified 4290
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 4291
physician assistant, or certified mental health assistant to 4292
furnish a sample drug that is not a drug the professional is 4293
authorized to prescribe. 4294

(3) Prohibit a licensed health professional authorized to 4295
prescribe drugs, manufacturer of dangerous drugs, wholesale 4296
distributor of dangerous drugs, or representative of a 4297
manufacturer of dangerous drugs from furnishing a sample drug to 4298
a charitable pharmacy in accordance with section 3719.811 of the 4299
Revised Code. 4300

(4) Prohibit a pharmacist working, whether or not for 4301
compensation, in a charitable pharmacy from dispensing a sample 4302
drug to a person in accordance with section 3719.811 of the 4303
Revised Code. 4304

(D) The state board of pharmacy shall, in accordance with 4305
Chapter 119. of the Revised Code, adopt rules as necessary to 4306
give effect to this section. 4307

Sec. 4729.01. As used in this chapter: 4308

(A) "Pharmacy," except when used in a context that refers 4309
to the practice of pharmacy, means any area, room, rooms, place 4310
of business, department, or portion of any of the foregoing 4311
where the practice of pharmacy is conducted. 4312

(B) "Practice of pharmacy" means providing pharmacist care 4313
requiring specialized knowledge, judgment, and skill derived 4314
from the principles of biological, chemical, behavioral, social, 4315
pharmaceutical, and clinical sciences. As used in this division, 4316
"pharmacist care" includes the following: 4317

(1) Interpreting prescriptions; 4318

(2) Dispensing drugs and drug therapy related devices; 4319

(3) Compounding drugs; 4320

(4) Counseling individuals with regard to their drug 4321
therapy, recommending drug therapy related devices, and 4322
assisting in the selection of drugs and appliances for treatment 4323
of common diseases and injuries and providing instruction in the 4324
proper use of the drugs and appliances; 4325

(5) Performing drug regimen reviews with individuals by 4326
discussing all of the drugs that the individual is taking and 4327
explaining the interactions of the drugs; 4328

(6) Performing drug utilization reviews with licensed 4329
health professionals authorized to prescribe drugs when the 4330
pharmacist determines that an individual with a prescription has 4331
a drug regimen that warrants additional discussion with the 4332
prescriber; 4333

(7) Advising an individual and the health care 4334
professionals treating an individual with regard to the 4335
individual's drug therapy; 4336

(8) Acting pursuant to a consult agreement, if an 4337
agreement has been established; 4338

(9) Engaging in the administration of immunizations to the 4339
extent authorized by section 4729.41 of the Revised Code; 4340

(10) Engaging in the administration of drugs to the extent 4341
authorized by section 4729.45 of the Revised Code. 4342

(C) "Compounding" means the preparation, mixing, 4343
assembling, packaging, and labeling of one or more drugs in any 4344
of the following circumstances: 4345

(1) Pursuant to a prescription issued by a licensed health 4346
professional authorized to prescribe drugs; 4347

(2) Pursuant to the modification of a prescription made in 4348
accordance with a consult agreement; 4349

(3) As an incident to research, teaching activities, or 4350
chemical analysis; 4351

(4) In anticipation of orders for drugs pursuant to 4352
prescriptions, based on routine, regularly observed dispensing 4353
patterns; 4354

(5) Pursuant to a request made by a licensed health 4355
professional authorized to prescribe drugs for a drug that is to 4356
be used by the professional for the purpose of direct 4357
administration to patients in the course of the professional's 4358
practice, if all of the following apply: 4359

(a) At the time the request is made, the drug is not 4360
commercially available regardless of the reason that the drug is 4361
not available, including the absence of a manufacturer for the 4362
drug or the lack of a readily available supply of the drug from 4363
a manufacturer. 4364

(b) A limited quantity of the drug is compounded and 4365
provided to the professional. 4366

(c) The drug is compounded and provided to the 4367
professional as an occasional exception to the normal practice 4368

of dispensing drugs pursuant to patient-specific prescriptions. 4369

(D) "Consult agreement" means an agreement that has been 4370
entered into under section 4729.39 of the Revised Code. 4371

(E) "Drug" means: 4372

(1) Any article recognized in the United States 4373
pharmacopoeia and national formulary, or any supplement to them, 4374
intended for use in the diagnosis, cure, mitigation, treatment, 4375
or prevention of disease in humans or animals; 4376

(2) Any other article intended for use in the diagnosis, 4377
cure, mitigation, treatment, or prevention of disease in humans 4378
or animals; 4379

(3) Any article, other than food, intended to affect the 4380
structure or any function of the body of humans or animals; 4381

(4) Any article intended for use as a component of any 4382
article specified in division (E) (1), (2), or (3) of this 4383
section; but does not include devices or their components, 4384
parts, or accessories. 4385

"Drug" does not include "hemp" or a "hemp product" as 4386
those terms are defined in section 928.01 of the Revised Code. 4387

(F) "Dangerous drug" means any of the following: 4388

(1) Any drug to which either of the following applies: 4389

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 4390
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 4391
required to bear a label containing the legend "Caution: Federal 4392
law prohibits dispensing without prescription" or "Caution: 4393
Federal law restricts this drug to use by or on the order of a 4394
licensed veterinarian" or any similar restrictive statement, or 4395

the drug may be dispensed only upon a prescription; 4396

(b) Under Chapter 3715. or 3719. of the Revised Code, the 4397
drug may be dispensed only upon a prescription. 4398

(2) Any drug that contains a schedule V controlled 4399
substance and that is exempt from Chapter 3719. of the Revised 4400
Code or to which that chapter does not apply; 4401

(3) Any drug intended for administration by injection into 4402
the human body other than through a natural orifice of the human 4403
body; 4404

(4) Any drug that is a biological product, as defined in 4405
section 3715.01 of the Revised Code. 4406

(G) "Federal drug abuse control laws" has the same meaning 4407
as in section 3719.01 of the Revised Code. 4408

(H) "Prescription" means all of the following: 4409

(1) A written, electronic, or oral order for drugs or 4410
combinations or mixtures of drugs to be used by a particular 4411
individual or for treating a particular animal, issued by a 4412
licensed health professional authorized to prescribe drugs; 4413

(2) For purposes of sections 4723.4810, 4729.282, 4414
4730.432, and 4731.93 of the Revised Code, a written, 4415
electronic, or oral order for a drug to treat chlamydia, 4416
gonorrhea, or trichomoniasis issued to and in the name of a 4417
patient who is not the intended user of the drug but is the 4418
sexual partner of the intended user; 4419

(3) For purposes of sections 3313.7110, 3313.7111, 4420
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4421
4731.96, and 5101.76 of the Revised Code, a written, electronic, 4422
or oral order for an epinephrine autoinjector issued to and in 4423

the name of a school, school district, or camp; 4424

(4) For purposes of Chapter 3728. and sections 4723.483, 4425
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 4426
electronic, or oral order for an epinephrine autoinjector issued 4427
to and in the name of a qualified entity, as defined in section 4428
3728.01 of the Revised Code; 4429

(5) For purposes of sections 3313.7115, 3313.7116, 4430
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 4431
5101.78 of the Revised Code, a written, electronic, or oral 4432
order for injectable or nasally administered glucagon in the 4433
name of a school, school district, or camp. 4434

(I) "Licensed health professional authorized to prescribe 4435
drugs" or "prescriber" means an individual who is authorized by 4436
law to prescribe drugs or dangerous drugs or drug therapy 4437
related devices in the course of the individual's professional 4438
practice, including only the following: 4439

(1) A dentist licensed under Chapter 4715. of the Revised 4440
Code; 4441

(2) A clinical nurse specialist, certified nurse-midwife, 4442
or certified nurse practitioner who holds a current, valid 4443
license issued under Chapter 4723. of the Revised Code to 4444
practice nursing as an advanced practice registered nurse; 4445

(3) A certified registered nurse anesthetist who holds a 4446
current, valid license issued under Chapter 4723. of the Revised 4447
Code to practice nursing as an advanced practice registered 4448
nurse, but only to the extent of the nurse's authority under 4449
sections 4723.43 and 4723.434 of the Revised Code; 4450

(4) An optometrist licensed under Chapter 4725. of the 4451
Revised Code to practice optometry; 4452

(5) A physician authorized under Chapter 4731. of the 4453
Revised Code to practice medicine and surgery, osteopathic 4454
medicine and surgery, or podiatric medicine and surgery; 4455

(6) A physician assistant who holds a license to practice 4456
as a physician assistant issued under Chapter 4730. of the 4457
Revised Code, holds a valid prescriber number issued by the 4458
state medical board, and has been granted physician-delegated 4459
prescriptive authority; 4460

(7) A veterinarian licensed under Chapter 4741. of the 4461
Revised Code; 4462

(8) A certified mental health assistant licensed under 4463
Chapter 4772. of the Revised Code who has been granted 4464
physician-delegated prescriptive authority by the physician 4465
supervising the certified mental health assistant. 4466

(J) "Sale" or "sell" includes any transaction made by any 4467
person, whether as principal proprietor, agent, or employee, to 4468
do or offer to do any of the following: deliver, distribute, 4469
broker, exchange, gift or otherwise give away, or transfer, 4470
whether the transfer is by passage of title, physical movement, 4471
or both. 4472

(K) "Wholesale sale" and "sale at wholesale" mean any sale 4473
in which the purpose of the purchaser is to resell the article 4474
purchased or received by the purchaser. 4475

(L) "Retail sale" and "sale at retail" mean any sale other 4476
than a wholesale sale or sale at wholesale. 4477

(M) "Retail seller" means any person that sells any 4478
dangerous drug to consumers without assuming control over and 4479
responsibility for its administration. Mere advice or 4480
instructions regarding administration do not constitute control 4481

or establish responsibility. 4482

(N) "Price information" means the price charged for a 4483
prescription for a particular drug product and, in an easily 4484
understandable manner, all of the following: 4485

(1) The proprietary name of the drug product; 4486

(2) The established (generic) name of the drug product; 4487

(3) The strength of the drug product if the product 4488
contains a single active ingredient or if the drug product 4489
contains more than one active ingredient and a relevant strength 4490
can be associated with the product without indicating each 4491
active ingredient. The established name and quantity of each 4492
active ingredient are required if such a relevant strength 4493
cannot be so associated with a drug product containing more than 4494
one ingredient. 4495

(4) The dosage form; 4496

(5) The price charged for a specific quantity of the drug 4497
product. The stated price shall include all charges to the 4498
consumer, including, but not limited to, the cost of the drug 4499
product, professional fees, handling fees, if any, and a 4500
statement identifying professional services routinely furnished 4501
by the pharmacy. Any mailing fees and delivery fees may be 4502
stated separately without repetition. The information shall not 4503
be false or misleading. 4504

(O) "Wholesale distributor of dangerous drugs" or 4505
"wholesale distributor" means a person engaged in the sale of 4506
dangerous drugs at wholesale and includes any agent or employee 4507
of such a person authorized by the person to engage in the sale 4508
of dangerous drugs at wholesale. 4509

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4510
means a person, other than a pharmacist or prescriber, who 4511
manufactures dangerous drugs and who is engaged in the sale of 4512
those dangerous drugs. 4513

(Q) "Terminal distributor of dangerous drugs" or "terminal 4514
distributor" means a person who is engaged in the sale of 4515
dangerous drugs at retail, or any person, other than a 4516
manufacturer, repackager, outsourcing facility, third-party 4517
logistics provider, wholesale distributor, or pharmacist, who 4518
has possession, custody, or control of dangerous drugs for any 4519
purpose other than for that person's own use and consumption. 4520
"Terminal distributor" includes pharmacies, hospitals, nursing 4521
homes, and laboratories and all other persons who procure 4522
dangerous drugs for sale or other distribution by or under the 4523
supervision of a pharmacist, licensed health professional 4524
authorized to prescribe drugs, or other person authorized by the 4525
state board of pharmacy. 4526

(R) "Promote to the public" means disseminating a 4527
representation to the public in any manner or by any means, 4528
other than by labeling, for the purpose of inducing, or that is 4529
likely to induce, directly or indirectly, the purchase of a 4530
dangerous drug at retail. 4531

(S) "Person" includes any individual, partnership, 4532
association, limited liability company, or corporation, the 4533
state, any political subdivision of the state, and any district, 4534
department, or agency of the state or its political 4535
subdivisions. 4536

(T) (1) "Animal shelter" means a facility operated by a 4537
humane society or any society organized under Chapter 1717. of 4538
the Revised Code or a dog pound operated pursuant to Chapter 4539

955. of the Revised Code. 4540

(2) "County dog warden" means a dog warden or deputy dog 4541
warden appointed or employed under section 955.12 of the Revised 4542
Code. 4543

(U) "Food" has the same meaning as in section 3715.01 of 4544
the Revised Code. 4545

(V) "Pain management clinic" has the same meaning as in 4546
section 4731.054 of the Revised Code. 4547

(W) "Investigational drug or product" means a drug or 4548
product that has successfully completed phase one of the United 4549
States food and drug administration clinical trials and remains 4550
under clinical trial, but has not been approved for general use 4551
by the United States food and drug administration. 4552
"Investigational drug or product" does not include controlled 4553
substances in schedule I, as defined in section 3719.01 of the 4554
Revised Code. 4555

(X) "Product," when used in reference to an 4556
investigational drug or product, means a biological product, 4557
other than a drug, that is made from a natural human, animal, or 4558
microorganism source and is intended to treat a disease or 4559
medical condition. 4560

(Y) "Third-party logistics provider" means a person that 4561
provides or coordinates warehousing or other logistics services 4562
pertaining to dangerous drugs including distribution, on behalf 4563
of a manufacturer, wholesale distributor, or terminal 4564
distributor of dangerous drugs, but does not take ownership of 4565
the drugs or have responsibility to direct the sale or 4566
disposition of the drugs. 4567

(Z) "Repackager of dangerous drugs" or "repackager" means 4568

a person that repacks and relabels dangerous drugs for sale or distribution. 4569
4570

(AA) "Outsourcing facility" means a facility that is 4571
engaged in the compounding and sale of sterile drugs and is 4572
registered as an outsourcing facility with the United States 4573
food and drug administration. 4574

(BB) "Laboratory" means a laboratory licensed under this 4575
chapter as a terminal distributor of dangerous drugs and 4576
entrusted to have custody of any of the following drugs and to 4577
use the drugs for scientific and clinical purposes and for 4578
purposes of instruction: dangerous drugs that are not controlled 4579
substances, as defined in section 3719.01 of the Revised Code; 4580
dangerous drugs that are controlled substances, as defined in 4581
that section; and controlled substances in schedule I, as 4582
defined in that section. 4583

(CC) "Overdose reversal drug" means both of the following: 4584

(1) Naloxone; 4585

(2) Any other drug that the state board of pharmacy, 4586
through rules adopted in accordance with Chapter 119. of the 4587
Revised Code, designates as a drug that is approved by the 4588
federal food and drug administration for the reversal of a known 4589
or suspected opioid-related overdose. 4590

Sec. 4729.51. (A) No person other than a licensed 4591
manufacturer of dangerous drugs, outsourcing facility, third- 4592
party logistics provider, repackager of dangerous drugs, or 4593
wholesale distributor of dangerous drugs shall possess for sale, 4594
sell, distribute, or deliver, at wholesale, dangerous drugs or 4595
investigational drugs or products, except as follows: 4596

(1) A licensed terminal distributor of dangerous drugs 4597

that is a pharmacy may make occasional sales of dangerous drugs 4598
or investigational drugs or products at wholesale. 4599

(2) A licensed terminal distributor of dangerous drugs 4600
having more than one licensed location may transfer or deliver 4601
dangerous drugs from one licensed location to another licensed 4602
location owned by the terminal distributor if the license issued 4603
for each location is in effect at the time of the transfer or 4604
delivery. 4605

(3) A licensed terminal distributor of dangerous drugs 4606
that is not a pharmacy may make occasional sales of the 4607
following at wholesale: 4608

(a) Overdose reversal drugs; 4609

(b) Dangerous drugs if the drugs being sold are in 4610
shortage, as defined in rules adopted under section 4729.26 of 4611
the Revised Code; 4612

(c) Dangerous drugs other than those described in 4613
divisions (A) (3) (a) and (b) of this section or investigational 4614
drugs or products if authorized by rules adopted under section 4615
4729.26 of the Revised Code. 4616

(B) No licensed manufacturer, outsourcing facility, third- 4617
party logistics provider, repackager, or wholesale distributor 4618
shall possess for sale, sell, or distribute, at wholesale, 4619
dangerous drugs or investigational drugs or products to any 4620
person other than the following: 4621

(1) Subject to division (D) of this section, a licensed 4622
terminal distributor of dangerous drugs; 4623

(2) Subject to division (C) of this section, any person 4624
exempt from licensure as a terminal distributor of dangerous 4625

drugs under section 4729.541 of the Revised Code; 4626

(3) A licensed manufacturer, outsourcing facility, third- 4627
party logistics provider, repackager, or wholesale distributor; 4628

(4) A terminal distributor, manufacturer, outsourcing 4629
facility, third-party logistics provider, repackager, or 4630
wholesale distributor that is located in another state, is not 4631
engaged in the sale of dangerous drugs within this state, and is 4632
actively licensed to engage in the sale of dangerous drugs by 4633
the state in which the distributor conducts business. 4634

(C) No licensed manufacturer, outsourcing facility, third- 4635
party logistics provider, repackager, or wholesale distributor 4636
shall possess for sale, sell, or distribute, at wholesale, 4637
dangerous drugs or investigational drugs or products to either 4638
of the following: 4639

(1) A prescriber who is employed by either of the 4640
following: 4641

(a) A pain management clinic that is not licensed as a 4642
terminal distributor of dangerous drugs with a pain management 4643
clinic classification issued under section 4729.552 of the 4644
Revised Code; 4645

(b) A facility, clinic, or other location that provides 4646
office-based opioid treatment but is not licensed as a terminal 4647
distributor of dangerous drugs with an office-based opioid 4648
treatment classification issued under section 4729.553 of the 4649
Revised Code if such a license is required by that section. 4650

(2) A business entity described in division (A) (2) or (3) 4651
of section 4729.541 of the Revised Code that is, or is 4652
operating, either of the following: 4653

(a) A pain management clinic without a license as a 4654
terminal distributor of dangerous drugs with a pain management 4655
clinic classification issued under section 4729.552 of the 4656
Revised Code; 4657

(b) A facility, clinic, or other location that provides 4658
office-based opioid treatment without a license as a terminal 4659
distributor of dangerous drugs with an office-based opioid 4660
treatment classification issued under section 4729.553 of the 4661
Revised Code if such a license is required by that section. 4662

(D) No licensed manufacturer, outsourcing facility, third- 4663
party logistics provider, repackager, or wholesale distributor 4664
shall possess dangerous drugs or investigational drugs or 4665
products for sale at wholesale, or sell or distribute such drugs 4666
at wholesale, to a licensed terminal distributor of dangerous 4667
drugs, except as follows: 4668

(1) In the case of a terminal distributor with a category 4669
II license, only dangerous drugs in category II, as defined in 4670
division (A)(1) of section 4729.54 of the Revised Code; 4671

(2) In the case of a terminal distributor with a category 4672
III license, dangerous drugs in category II and category III, as 4673
defined in divisions (A)(1) and (2) of section 4729.54 of the 4674
Revised Code; 4675

(3) In the case of a terminal distributor with a limited 4676
category II or III license, only the dangerous drugs specified 4677
in the license. 4678

(E)(1) Except as provided in division (E)(2) of this 4679
section, no person shall do any of the following: 4680

(a) Sell or distribute, at retail, dangerous drugs; 4681

(b) Possess for sale, at retail, dangerous drugs; 4682

(c) Possess dangerous drugs. 4683

(2) (a) Divisions (E) (1) (a), (b), and (c) of this section 4684
do not apply to any of the following: 4685

(i) A licensed terminal distributor of dangerous drugs; 4686

(ii) A person who possesses, or possesses for sale or 4687
sells, at retail, a dangerous drug in accordance with Chapters 4688
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741., and~~ 4689
4772. of the Revised Code; 4690

(iii) Any of the persons identified in divisions (A) (1) to 4691
(5) and (15) of section 4729.541 of the Revised Code, but only 4692
to the extent specified in that section. 4693

(b) Division (E) (1) (c) of this section does not apply to 4694
any of the following: 4695

(i) A licensed manufacturer, outsourcing facility, third- 4696
party logistics provider, repackager, or wholesale distributor; 4697

(ii) Any of the persons identified in divisions (A) (6) to 4698
(14) of section 4729.541 of the Revised Code, but only to the 4699
extent specified in that section. 4700

(F) No licensed terminal distributor of dangerous drugs or 4701
person that is exempt from licensure under section 4729.541 of 4702
the Revised Code shall purchase dangerous drugs or 4703
investigational drugs or products from any person other than a 4704
licensed manufacturer, outsourcing facility, third-party 4705
logistics provider, repackager, or wholesale distributor, except 4706
as follows: 4707

(1) A licensed terminal distributor of dangerous drugs or 4708

person that is exempt from licensure under section 4729.541 of 4709
the Revised Code may make occasional purchases of dangerous 4710
drugs or investigational drugs or products that are sold in 4711
accordance with division (A) (1) or (3) of this section. 4712

(2) A licensed terminal distributor of dangerous drugs 4713
having more than one licensed location may transfer or deliver 4714
dangerous drugs or investigational drugs or products from one 4715
licensed location to another licensed location if the license 4716
issued for each location is in effect at the time of the 4717
transfer or delivery. 4718

(G) No licensed terminal distributor of dangerous drugs 4719
shall engage in the retail sale or other distribution of 4720
dangerous drugs or investigational drugs or products or maintain 4721
possession, custody, or control of dangerous drugs or 4722
investigational drugs or products for any purpose other than the 4723
distributor's personal use or consumption, at any establishment 4724
or place other than that or those described in the license 4725
issued by the state board of pharmacy to such terminal 4726
distributor. 4727

(H) Nothing in this section shall be construed to 4728
interfere with the performance of official duties by any law 4729
enforcement official authorized by municipal, county, state, or 4730
federal law to collect samples of any drug, regardless of its 4731
nature or in whose possession it may be. 4732

(I) Notwithstanding anything to the contrary in this 4733
section, the board of education of a city, local, exempted 4734
village, or joint vocational school district may distribute 4735
epinephrine autoinjectors for use in accordance with section 4736
3313.7110 of the Revised Code, may distribute inhalers for use 4737
in accordance with section 3313.7113 of the Revised Code, and 4738

may distribute injectable or nasally administered glucagon for 4739
use in accordance with section 3313.7115 of the Revised Code. 4740

Sec. 4729.553. (A) As used in this section: 4741

(1) "Advanced practice registered nurse" has the same 4742
meaning as in section 4723.01 of the Revised Code. 4743

(2) "Controlled substance" has the same meaning as in 4744
section 3719.01 of the Revised Code. 4745

(3) "Hospital" means a hospital registered with the 4746
department of health under section 3701.07 of the Revised Code. 4747

(4) "Office-based opioid treatment" means the treatment of 4748
opioid dependence or addiction using a controlled substance. 4749

(5) "Physician" means an individual who is authorized 4750
under Chapter 4731. of the Revised Code to practice medicine and 4751
surgery or osteopathic medicine and surgery. 4752

(6) "Physician assistant" means an individual who is 4753
licensed under Chapter 4730. of the Revised Code. 4754

(7) "Certified mental health assistant" means an 4755
individual who is licensed under Chapter 4772. of the Revised 4756
Code. 4757

(B) (1) Except as provided in divisions (B) (2) and (3) of 4758
this section, no person shall knowingly operate a facility, 4759
clinic, or other location where a prescriber provides office- 4760
based opioid treatment to more than thirty patients or that 4761
meets any other identifying criteria established in rules 4762
adopted under this section without holding a category III 4763
terminal distributor of dangerous drugs license with an office- 4764
based opioid treatment classification. 4765

(2) Division (B)(1) of this section does not apply to any 4766
of the following: 4767

(a) A hospital; 4768

(b) A facility for the treatment of opioid dependence or 4769
addiction that is operated by a hospital; 4770

(c) A physician practice owned or controlled, in whole or 4771
in part, by a hospital or by an entity that owns or controls, in 4772
whole or in part, one or more hospitals; 4773

(d) A facility that conducts only clinical research and 4774
uses controlled substances in studies approved by a hospital- 4775
based institutional review board or an institutional review 4776
board that is accredited by the association for the 4777
accreditation of human research protection programs, inc.; 4778

(e) A facility that holds a category III terminal 4779
distributor of dangerous drugs license in accordance with 4780
section 4729.54 of the Revised Code for the purpose of treating 4781
drug dependence or addiction as part of an opioid treatment 4782
program and is the subject of a current, valid certification 4783
from the substance abuse and mental health services 4784
administration of the United States department of health and 4785
human services pursuant to 42 C.F.R. 8.11; 4786

(f) A program or facility that holds a license or 4787
certification issued by the department of mental health and 4788
addiction services under Chapter 5119. of the Revised Code if 4789
the license or certification is approved by the state board of 4790
pharmacy; 4791

(g) A federally qualified health center or federally 4792
qualified health center look-alike, as defined in section 4793
3701.047 of the Revised Code; 4794

(h) A state or local correctional facility, as defined in 4795
section 5163.45 of the Revised Code; 4796

(i) A facility in which patients are treated on-site for 4797
opioid dependence or addiction exclusively through direct 4798
administration by a physician, physician assistant, ~~or~~ advanced 4799
practice registered nurse, or certified mental health assistant 4800
of drugs that are used for treatment of opioid dependence or 4801
addiction and are neither dispensed nor personally furnished to 4802
patients for off-site self-administration; 4803

(j) Any other facility specified in rules adopted under 4804
this section. 4805

(3) A patient who receives treatment on-site for opioid 4806
dependence or addiction through direct administration of a drug 4807
by a physician, physician assistant, ~~or~~ advanced practice 4808
registered nurse, or certified mental health assistant shall not 4809
be included in determining whether more than thirty patients are 4810
being provided office-based opioid treatment in a particular 4811
facility, clinic, or other location that is subject to division 4812
(B) (1) of this section. 4813

(C) To be eligible to receive a license as a category III 4814
terminal distributor of dangerous drugs with an office-based 4815
opioid treatment classification, an applicant shall submit 4816
evidence satisfactory to the state board of pharmacy that the 4817
applicant's office-based opioid treatment will be operated in 4818
accordance with the requirements specified in division (D) of 4819
this section and that the applicant meets any other applicable 4820
requirements of this chapter. 4821

If the board determines that an applicant meets all of the 4822
requirements, the board shall issue to the applicant a license 4823

as a category III terminal distributor of dangerous drugs with 4824
an office-based opioid treatment classification. 4825

(D) The holder of a category III terminal distributor 4826
license with an office-based opioid treatment classification 4827
shall do all of the following: 4828

(1) Be in control of a facility that is owned and operated 4829
solely by one or more physicians, unless the state board of 4830
pharmacy waives this requirement for the holder; 4831

(2) Comply with the requirements for conducting office- 4832
based opioid treatment, as established by the state medical 4833
board in rules adopted under section 4731.056 of the Revised 4834
Code; 4835

(3) Require any person with ownership of the facility to 4836
submit to a criminal records check in accordance with section 4837
4776.02 of the Revised Code and send the results of the criminal 4838
records check directly to the state board of pharmacy for review 4839
and decision under section 4729.071 of the Revised Code; 4840

(4) Require each person employed by or seeking employment 4841
with the facility to submit to a criminal records check in 4842
accordance with section 4776.02 of the Revised Code; 4843

(5) Ensure that a person is not employed by the facility 4844
if the person, within the ten years immediately preceding the 4845
date the person applied for employment, was convicted of or 4846
pleaded guilty to either of the following, unless the state 4847
board of pharmacy permits the person to be employed by waiving 4848
this requirement for the facility: 4849

(a) A theft offense, described in division (K)(3) of 4850
section 2913.01 of the Revised Code, that would constitute a 4851
felony under the laws of this state, any other state, or the 4852

United States; 4853

(b) A felony drug offense, as defined in section 2925.01 4854
of the Revised Code. 4855

(6) Maintain a list of each person with ownership of the 4856
facility and notify the state board of pharmacy of any change to 4857
that list. 4858

(E) No person subject to licensure as a category III 4859
terminal distributor of dangerous drugs with an office-based 4860
opioid treatment classification shall knowingly fail to remain 4861
in compliance with the requirements of division (D) of this 4862
section and any other applicable requirements of this chapter. 4863

(F) The state board of pharmacy may impose a fine of not 4864
more than five thousand dollars on a person who violates 4865
division (B) or (E) of this section. A separate fine may be 4866
imposed for each day the violation continues. In imposing the 4867
fine, the board's actions shall be taken in accordance with 4868
Chapter 119. of the Revised Code. 4869

(G) The state board of pharmacy shall adopt rules as it 4870
considers necessary to implement and administer this section. 4871
The rules shall be adopted in accordance with Chapter 119. of 4872
the Revised Code. 4873

Sec. 4731.051. The state medical board shall adopt rules 4874
in accordance with Chapter 119. of the Revised Code establishing 4875
universal blood and body fluid precautions that shall be used by 4876
each person who performs exposure prone invasive procedures and 4877
is authorized to practice by this chapter or Chapter 4730., 4878
4759., 4760., 4761., 4762., 4772., or 4774. of the Revised Code. 4879
The rules shall define and establish requirements for universal 4880
blood and body fluid precautions that include the following: 4881

(A) Appropriate use of hand washing; 4882

(B) Disinfection and sterilization of equipment; 4883

(C) Handling and disposal of needles and other sharp 4884
instruments; 4885

(D) Wearing and disposal of gloves and other protective 4886
garments and devices. 4887

Sec. 4731.07. (A) The state medical board shall keep a 4888
record of its proceedings. The minutes of a meeting of the board 4889
shall, on approval by the board, constitute an official record 4890
of its proceedings. 4891

(B) The board shall keep a register of applicants for 4892
licenses and certificates issued under this chapter; licenses 4893
issued under Chapters 4730., 4760., 4762., 4772., 4774., and 4894
4778.; and licenses and limited permits issued under Chapters 4895
4759. and 4761. of the Revised Code. The register shall show the 4896
name of the applicant and whether the applicant was granted or 4897
refused the license, certificate, or limited permit being 4898
sought. 4899

With respect to applicants to practice medicine and 4900
surgery or osteopathic medicine and surgery, the register shall 4901
show the name of the institution that granted the applicant the 4902
degree of doctor of medicine or osteopathic medicine. With 4903
respect to applicants to practice respiratory care, the register 4904
shall show the addresses of the person's last known place of 4905
business and residence, the effective date and identification 4906
number of the license or limited permit, and, if applicable, the 4907
name and location of the institution that granted the person's 4908
degree or certificate of completion of respiratory care 4909
educational requirements and the date the degree or certificate 4910

of completion was issued. 4911

(C) The books and records of the board shall be prima- 4912
facie evidence of matters therein contained. 4913

Sec. 4731.071. The state medical board shall develop and 4914
publish on its internet web site a directory containing the 4915
names of, and contact information for, all persons who hold 4916
current, valid certificates or licenses issued by the board 4917
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4918
4772., 4774., or 4778. of the Revised Code. Except as provided 4919
in section 4731.10 of the Revised Code, the directory shall be 4920
the sole source for verifying that a person holds a current, 4921
valid certificate or license issued by the board. 4922

Sec. 4731.22. (A) The state medical board, by an 4923
affirmative vote of not fewer than six of its members, may 4924
limit, revoke, or suspend a license or certificate to practice 4925
or certificate to recommend, refuse to grant a license or 4926
certificate, refuse to renew a license or certificate, refuse to 4927
reinstate a license or certificate, or reprimand or place on 4928
probation the holder of a license or certificate if the 4929
individual applying for or holding the license or certificate is 4930
found by the board to have committed fraud during the 4931
administration of the examination for a license or certificate 4932
to practice or to have committed fraud, misrepresentation, or 4933
deception in applying for, renewing, or securing any license or 4934
certificate to practice or certificate to recommend issued by 4935
the board. 4936

(B) Except as provided in division (P) of this section, 4937
the board, by an affirmative vote of not fewer than six members, 4938
shall, to the extent permitted by law, limit, revoke, or suspend 4939
a license or certificate to practice or certificate to 4940

recommend, refuse to issue a license or certificate, refuse to 4941
renew a license or certificate, refuse to reinstate a license or 4942
certificate, or reprimand or place on probation the holder of a 4943
license or certificate for one or more of the following reasons: 4944

(1) Permitting one's name or one's license or certificate 4945
to practice to be used by a person, group, or corporation when 4946
the individual concerned is not actually directing the treatment 4947
given; 4948

(2) Failure to maintain minimal standards applicable to 4949
the selection or administration of drugs, or failure to employ 4950
acceptable scientific methods in the selection of drugs or other 4951
modalities for treatment of disease; 4952

(3) Except as provided in section 4731.97 of the Revised 4953
Code, selling, giving away, personally furnishing, prescribing, 4954
or administering drugs for other than legal and legitimate 4955
therapeutic purposes or a plea of guilty to, a judicial finding 4956
of guilt of, or a judicial finding of eligibility for 4957
intervention in lieu of conviction of, a violation of any 4958
federal or state law regulating the possession, distribution, or 4959
use of any drug; 4960

(4) Willfully betraying a professional confidence. 4961

For purposes of this division, "willfully betraying a 4962
professional confidence" does not include providing any 4963
information, documents, or reports under sections 307.621 to 4964
307.629 of the Revised Code to a child fatality review board; 4965
does not include providing any information, documents, or 4966
reports under sections 307.631 to 307.6410 of the Revised Code 4967
to a drug overdose fatality review committee, a suicide fatality 4968
review committee, or hybrid drug overdose fatality and suicide 4969

fatality review committee; does not include providing any 4970
information, documents, or reports under sections 307.651 to 4971
307.659 of the Revised Code to a domestic violence fatality 4972
review board; does not include providing any information, 4973
documents, or reports to the director of health pursuant to 4974
guidelines established under section 3701.70 of the Revised 4975
Code; does not include written notice to a mental health 4976
professional under section 4731.62 of the Revised Code; and does 4977
not include the making of a report of an employee's use of a 4978
drug of abuse, or a report of a condition of an employee other 4979
than one involving the use of a drug of abuse, to the employer 4980
of the employee as described in division (B) of section 2305.33 4981
of the Revised Code. Nothing in this division affects the 4982
immunity from civil liability conferred by section 2305.33 or 4983
4731.62 of the Revised Code upon a physician who makes a report 4984
in accordance with section 2305.33 or notifies a mental health 4985
professional in accordance with section 4731.62 of the Revised 4986
Code. As used in this division, "employee," "employer," and 4987
"physician" have the same meanings as in section 2305.33 of the 4988
Revised Code. 4989

(5) Making a false, fraudulent, deceptive, or misleading 4990
statement in the solicitation of or advertising for patients; in 4991
relation to the practice of medicine and surgery, osteopathic 4992
medicine and surgery, podiatric medicine and surgery, or a 4993
limited branch of medicine; or in securing or attempting to 4994
secure any license or certificate to practice issued by the 4995
board. 4996

As used in this division, "false, fraudulent, deceptive, 4997
or misleading statement" means a statement that includes a 4998
misrepresentation of fact, is likely to mislead or deceive 4999
because of a failure to disclose material facts, is intended or 5000

is likely to create false or unjustified expectations of 5001
favorable results, or includes representations or implications 5002
that in reasonable probability will cause an ordinarily prudent 5003
person to misunderstand or be deceived. 5004

(6) A departure from, or the failure to conform to, 5005
minimal standards of care of similar practitioners under the 5006
same or similar circumstances, whether or not actual injury to a 5007
patient is established; 5008

(7) Representing, with the purpose of obtaining 5009
compensation or other advantage as personal gain or for any 5010
other person, that an incurable disease or injury, or other 5011
incurable condition, can be permanently cured; 5012

(8) The obtaining of, or attempting to obtain, money or 5013
anything of value by fraudulent misrepresentations in the course 5014
of practice; 5015

(9) A plea of guilty to, a judicial finding of guilt of, 5016
or a judicial finding of eligibility for intervention in lieu of 5017
conviction for, a felony; 5018

(10) Commission of an act that constitutes a felony in 5019
this state, regardless of the jurisdiction in which the act was 5020
committed; 5021

(11) A plea of guilty to, a judicial finding of guilt of, 5022
or a judicial finding of eligibility for intervention in lieu of 5023
conviction for, a misdemeanor committed in the course of 5024
practice; 5025

(12) Commission of an act in the course of practice that 5026
constitutes a misdemeanor in this state, regardless of the 5027
jurisdiction in which the act was committed; 5028

(13) A plea of guilty to, a judicial finding of guilt of, 5029
or a judicial finding of eligibility for intervention in lieu of 5030
conviction for, a misdemeanor involving moral turpitude; 5031

(14) Commission of an act involving moral turpitude that 5032
constitutes a misdemeanor in this state, regardless of the 5033
jurisdiction in which the act was committed; 5034

(15) Violation of the conditions of limitation placed by 5035
the board upon a license or certificate to practice; 5036

(16) Failure to pay license renewal fees specified in this 5037
chapter; 5038

(17) Except as authorized in section 4731.31 of the 5039
Revised Code, engaging in the division of fees for referral of 5040
patients, or the receiving of a thing of value in return for a 5041
specific referral of a patient to utilize a particular service 5042
or business; 5043

(18) Subject to section 4731.226 of the Revised Code, 5044
violation of any provision of a code of ethics of the American 5045
medical association, the American osteopathic association, the 5046
American podiatric medical association, or any other national 5047
professional organizations that the board specifies by rule. The 5048
state medical board shall obtain and keep on file current copies 5049
of the codes of ethics of the various national professional 5050
organizations. The individual whose license or certificate is 5051
being suspended or revoked shall not be found to have violated 5052
any provision of a code of ethics of an organization not 5053
appropriate to the individual's profession. 5054

For purposes of this division, a "provision of a code of 5055
ethics of a national professional organization" does not include 5056
any provision that would preclude the making of a report by a 5057

physician of an employee's use of a drug of abuse, or of a 5058
condition of an employee other than one involving the use of a 5059
drug of abuse, to the employer of the employee as described in 5060
division (B) of section 2305.33 of the Revised Code. Nothing in 5061
this division affects the immunity from civil liability 5062
conferred by that section upon a physician who makes either type 5063
of report in accordance with division (B) of that section. As 5064
used in this division, "employee," "employer," and "physician" 5065
have the same meanings as in section 2305.33 of the Revised 5066
Code. 5067

(19) Inability to practice according to acceptable and 5068
prevailing standards of care by reason of mental illness or 5069
physical illness, including, but not limited to, physical 5070
deterioration that adversely affects cognitive, motor, or 5071
perceptive skills. 5072

In enforcing this division, the board, upon a showing of a 5073
possible violation, may compel any individual authorized to 5074
practice by this chapter or who has submitted an application 5075
pursuant to this chapter to submit to a mental examination, 5076
physical examination, including an HIV test, or both a mental 5077
and a physical examination. The expense of the examination is 5078
the responsibility of the individual compelled to be examined. 5079
Failure to submit to a mental or physical examination or consent 5080
to an HIV test ordered by the board constitutes an admission of 5081
the allegations against the individual unless the failure is due 5082
to circumstances beyond the individual's control, and a default 5083
and final order may be entered without the taking of testimony 5084
or presentation of evidence. If the board finds an individual 5085
unable to practice because of the reasons set forth in this 5086
division, the board shall require the individual to submit to 5087
care, counseling, or treatment by physicians approved or 5088

designated by the board, as a condition for initial, continued, 5089
reinstated, or renewed authority to practice. An individual 5090
affected under this division shall be afforded an opportunity to 5091
demonstrate to the board the ability to resume practice in 5092
compliance with acceptable and prevailing standards under the 5093
provisions of the individual's license or certificate. For the 5094
purpose of this division, any individual who applies for or 5095
receives a license or certificate to practice under this chapter 5096
accepts the privilege of practicing in this state and, by so 5097
doing, shall be deemed to have given consent to submit to a 5098
mental or physical examination when directed to do so in writing 5099
by the board, and to have waived all objections to the 5100
admissibility of testimony or examination reports that 5101
constitute a privileged communication. 5102

(20) Except as provided in division (F)(1)(b) of section 5103
4731.282 of the Revised Code or when civil penalties are imposed 5104
under section 4731.225 of the Revised Code, and subject to 5105
section 4731.226 of the Revised Code, violating or attempting to 5106
violate, directly or indirectly, or assisting in or abetting the 5107
violation of, or conspiring to violate, any provisions of this 5108
chapter or any rule promulgated by the board. 5109

This division does not apply to a violation or attempted 5110
violation of, assisting in or abetting the violation of, or a 5111
conspiracy to violate, any provision of this chapter or any rule 5112
adopted by the board that would preclude the making of a report 5113
by a physician of an employee's use of a drug of abuse, or of a 5114
condition of an employee other than one involving the use of a 5115
drug of abuse, to the employer of the employee as described in 5116
division (B) of section 2305.33 of the Revised Code. Nothing in 5117
this division affects the immunity from civil liability 5118
conferred by that section upon a physician who makes either type 5119

of report in accordance with division (B) of that section. As 5120
used in this division, "employee," "employer," and "physician" 5121
have the same meanings as in section 2305.33 of the Revised 5122
Code. 5123

(21) The violation of section 3701.79 of the Revised Code 5124
or of any abortion rule adopted by the director of health 5125
pursuant to section 3701.341 of the Revised Code; 5126

(22) Any of the following actions taken by an agency 5127
responsible for authorizing, certifying, or regulating an 5128
individual to practice a health care occupation or provide 5129
health care services in this state or another jurisdiction, for 5130
any reason other than the nonpayment of fees: the limitation, 5131
revocation, or suspension of an individual's license to 5132
practice; acceptance of an individual's license surrender; 5133
denial of a license; refusal to renew or reinstate a license; 5134
imposition of probation; or issuance of an order of censure or 5135
other reprimand; 5136

(23) The violation of section 2919.12 of the Revised Code 5137
or the performance or inducement of an abortion upon a pregnant 5138
woman with actual knowledge that the conditions specified in 5139
division (B) of section 2317.56 of the Revised Code have not 5140
been satisfied or with a heedless indifference as to whether 5141
those conditions have been satisfied, unless an affirmative 5142
defense as specified in division (H)(2) of that section would 5143
apply in a civil action authorized by division (H)(1) of that 5144
section; 5145

(24) The revocation, suspension, restriction, reduction, 5146
or termination of clinical privileges by the United States 5147
department of defense or department of veterans affairs or the 5148
termination or suspension of a certificate of registration to 5149

prescribe drugs by the drug enforcement administration of the 5150
United States department of justice; 5151

(25) Termination or suspension from participation in the 5152
medicare or medicaid programs by the department of health and 5153
human services or other responsible agency; 5154

(26) Impairment of ability to practice according to 5155
acceptable and prevailing standards of care because of habitual 5156
or excessive use or abuse of drugs, alcohol, or other substances 5157
that impair ability to practice. 5158

For the purposes of this division, any individual 5159
authorized to practice by this chapter accepts the privilege of 5160
practicing in this state subject to supervision by the board. By 5161
filing an application for or holding a license or certificate to 5162
practice under this chapter, an individual shall be deemed to 5163
have given consent to submit to a mental or physical examination 5164
when ordered to do so by the board in writing, and to have 5165
waived all objections to the admissibility of testimony or 5166
examination reports that constitute privileged communications. 5167

If it has reason to believe that any individual authorized 5168
to practice by this chapter or any applicant for licensure or 5169
certification to practice suffers such impairment, the board may 5170
compel the individual to submit to a mental or physical 5171
examination, or both. The expense of the examination is the 5172
responsibility of the individual compelled to be examined. Any 5173
mental or physical examination required under this division 5174
shall be undertaken by a treatment provider or physician who is 5175
qualified to conduct the examination and who is chosen by the 5176
board. 5177

Failure to submit to a mental or physical examination 5178

ordered by the board constitutes an admission of the allegations 5179
against the individual unless the failure is due to 5180
circumstances beyond the individual's control, and a default and 5181
final order may be entered without the taking of testimony or 5182
presentation of evidence. If the board determines that the 5183
individual's ability to practice is impaired, the board shall 5184
suspend the individual's license or certificate or deny the 5185
individual's application and shall require the individual, as a 5186
condition for initial, continued, reinstated, or renewed 5187
licensure or certification to practice, to submit to treatment. 5188

Before being eligible to apply for reinstatement of a 5189
license or certificate suspended under this division, the 5190
impaired practitioner shall demonstrate to the board the ability 5191
to resume practice in compliance with acceptable and prevailing 5192
standards of care under the provisions of the practitioner's 5193
license or certificate. The demonstration shall include, but 5194
shall not be limited to, the following: 5195

(a) Certification from a treatment provider approved under 5196
section 4731.25 of the Revised Code that the individual has 5197
successfully completed any required inpatient treatment; 5198

(b) Evidence of continuing full compliance with an 5199
aftercare contract or consent agreement; 5200

(c) Two written reports indicating that the individual's 5201
ability to practice has been assessed and that the individual 5202
has been found capable of practicing according to acceptable and 5203
prevailing standards of care. The reports shall be made by 5204
individuals or providers approved by the board for making the 5205
assessments and shall describe the basis for their 5206
determination. 5207

The board may reinstate a license or certificate suspended 5208
under this division after that demonstration and after the 5209
individual has entered into a written consent agreement. 5210

When the impaired practitioner resumes practice, the board 5211
shall require continued monitoring of the individual. The 5212
monitoring shall include, but not be limited to, compliance with 5213
the written consent agreement entered into before reinstatement 5214
or with conditions imposed by board order after a hearing, and, 5215
upon termination of the consent agreement, submission to the 5216
board for at least two years of annual written progress reports 5217
made under penalty of perjury stating whether the individual has 5218
maintained sobriety. 5219

(27) A second or subsequent violation of section 4731.66 5220
or 4731.69 of the Revised Code; 5221

(28) Except as provided in division (N) of this section: 5222

(a) Waiving the payment of all or any part of a deductible 5223
or copayment that a patient, pursuant to a health insurance or 5224
health care policy, contract, or plan that covers the 5225
individual's services, otherwise would be required to pay if the 5226
waiver is used as an enticement to a patient or group of 5227
patients to receive health care services from that individual; 5228

(b) Advertising that the individual will waive the payment 5229
of all or any part of a deductible or copayment that a patient, 5230
pursuant to a health insurance or health care policy, contract, 5231
or plan that covers the individual's services, otherwise would 5232
be required to pay. 5233

(29) Failure to use universal blood and body fluid 5234
precautions established by rules adopted under section 4731.051 5235
of the Revised Code; 5236

(30) Failure to provide notice to, and receive 5237
acknowledgment of the notice from, a patient when required by 5238
section 4731.143 of the Revised Code prior to providing 5239
nonemergency professional services, or failure to maintain that 5240
notice in the patient's medical record; 5241

(31) Failure of a physician supervising a physician 5242
assistant to maintain supervision in accordance with the 5243
requirements of Chapter 4730. of the Revised Code and the rules 5244
adopted under that chapter; 5245

(32) Failure of a physician or podiatrist to enter into a 5246
standard care arrangement with a clinical nurse specialist, 5247
certified nurse-midwife, or certified nurse practitioner with 5248
whom the physician or podiatrist is in collaboration pursuant to 5249
section 4731.27 of the Revised Code or failure to fulfill the 5250
responsibilities of collaboration after entering into a standard 5251
care arrangement; 5252

(33) Failure to comply with the terms of a consult 5253
agreement entered into with a pharmacist pursuant to section 5254
4729.39 of the Revised Code; 5255

(34) Failure to cooperate in an investigation conducted by 5256
the board under division (F) of this section, including failure 5257
to comply with a subpoena or order issued by the board or 5258
failure to answer truthfully a question presented by the board 5259
in an investigative interview, an investigative office 5260
conference, at a deposition, or in written interrogatories, 5261
except that failure to cooperate with an investigation shall not 5262
constitute grounds for discipline under this section if a court 5263
of competent jurisdiction has issued an order that either 5264
quashes a subpoena or permits the individual to withhold the 5265
testimony or evidence in issue; 5266

(35) Failure to supervise an acupuncturist in accordance	5267
with Chapter 4762. of the Revised Code and the board's rules for	5268
providing that supervision;	5269
(36) Failure to supervise an anesthesiologist assistant in	5270
accordance with Chapter 4760. of the Revised Code and the	5271
board's rules for supervision of an anesthesiologist assistant;	5272
(37) Assisting suicide, as defined in section 3795.01 of	5273
the Revised Code;	5274
(38) Failure to comply with the requirements of section	5275
2317.561 of the Revised Code;	5276
(39) Failure to supervise a radiologist assistant in	5277
accordance with Chapter 4774. of the Revised Code and the	5278
board's rules for supervision of radiologist assistants;	5279
(40) Performing or inducing an abortion at an office or	5280
facility with knowledge that the office or facility fails to	5281
post the notice required under section 3701.791 of the Revised	5282
Code;	5283
(41) Failure to comply with the standards and procedures	5284
established in rules under section 4731.054 of the Revised Code	5285
for the operation of or the provision of care at a pain	5286
management clinic;	5287
(42) Failure to comply with the standards and procedures	5288
established in rules under section 4731.054 of the Revised Code	5289
for providing supervision, direction, and control of individuals	5290
at a pain management clinic;	5291
(43) Failure to comply with the requirements of section	5292
4729.79 or 4731.055 of the Revised Code, unless the state board	5293
of pharmacy no longer maintains a drug database pursuant to	5294

section 4729.75 of the Revised Code; 5295

(44) Failure to comply with the requirements of section 5296
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 5297
to submit to the department of health in accordance with a court 5298
order a complete report as described in section 2919.171 or 5299
2919.202 of the Revised Code; 5300

(45) Practicing at a facility that is subject to licensure 5301
as a category III terminal distributor of dangerous drugs with a 5302
pain management clinic classification unless the person 5303
operating the facility has obtained and maintains the license 5304
with the classification; 5305

(46) Owning a facility that is subject to licensure as a 5306
category III terminal distributor of dangerous drugs with a pain 5307
management clinic classification unless the facility is licensed 5308
with the classification; 5309

(47) Failure to comply with any of the requirements 5310
regarding making or maintaining medical records or documents 5311
described in division (A) of section 2919.192, division (C) of 5312
section 2919.193, division (B) of section 2919.195, or division 5313
(A) of section 2919.196 of the Revised Code; 5314

(48) Failure to comply with the requirements in section 5315
3719.061 of the Revised Code before issuing for a minor a 5316
prescription for an opioid analgesic, as defined in section 5317
3719.01 of the Revised Code; 5318

(49) Failure to comply with the requirements of section 5319
4731.30 of the Revised Code or rules adopted under section 5320
4731.301 of the Revised Code when recommending treatment with 5321
medical marijuana; 5322

(50) Practicing at a facility, clinic, or other location 5323

that is subject to licensure as a category III terminal 5324
distributor of dangerous drugs with an office-based opioid 5325
treatment classification unless the person operating that place 5326
has obtained and maintains the license with the classification; 5327

(51) Owning a facility, clinic, or other location that is 5328
subject to licensure as a category III terminal distributor of 5329
dangerous drugs with an office-based opioid treatment 5330
classification unless that place is licensed with the 5331
classification; 5332

(52) A pattern of continuous or repeated violations of 5333
division (E) (2) or (3) of section 3963.02 of the Revised Code; 5334

(53) Failure to fulfill the responsibilities of a 5335
collaboration agreement entered into with an athletic trainer as 5336
described in section 4755.621 of the Revised Code; 5337

(54) Failure to take the steps specified in section 5338
4731.911 of the Revised Code following an abortion or attempted 5339
abortion in an ambulatory surgical facility or other location 5340
that is not a hospital when a child is born alive; 5341

(55) Failure of a physician supervising a certified mental 5342
health assistant to maintain supervision in accordance with the 5343
requirements of Chapter 4772. of the Revised Code and the rules 5344
adopted under that chapter. 5345

(C) Disciplinary actions taken by the board under 5346
divisions (A) and (B) of this section shall be taken pursuant to 5347
an adjudication under Chapter 119. of the Revised Code, except 5348
that in lieu of an adjudication, the board may enter into a 5349
consent agreement with an individual to resolve an allegation of 5350
a violation of this chapter or any rule adopted under it. A 5351
consent agreement, when ratified by an affirmative vote of not 5352

fewer than six members of the board, shall constitute the 5353
findings and order of the board with respect to the matter 5354
addressed in the agreement. If the board refuses to ratify a 5355
consent agreement, the admissions and findings contained in the 5356
consent agreement shall be of no force or effect. 5357

A telephone conference call may be utilized for 5358
ratification of a consent agreement that revokes or suspends an 5359
individual's license or certificate to practice or certificate 5360
to recommend. The telephone conference call shall be considered 5361
a special meeting under division (F) of section 121.22 of the 5362
Revised Code. 5363

If the board takes disciplinary action against an 5364
individual under division (B) of this section for a second or 5365
subsequent plea of guilty to, or judicial finding of guilt of, a 5366
violation of section 2919.123 or 2919.124 of the Revised Code, 5367
the disciplinary action shall consist of a suspension of the 5368
individual's license or certificate to practice for a period of 5369
at least one year or, if determined appropriate by the board, a 5370
more serious sanction involving the individual's license or 5371
certificate to practice. Any consent agreement entered into 5372
under this division with an individual that pertains to a second 5373
or subsequent plea of guilty to, or judicial finding of guilt 5374
of, a violation of that section shall provide for a suspension 5375
of the individual's license or certificate to practice for a 5376
period of at least one year or, if determined appropriate by the 5377
board, a more serious sanction involving the individual's 5378
license or certificate to practice. 5379

(D) For purposes of divisions (B) (10), (12), and (14) of 5380
this section, the commission of the act may be established by a 5381
finding by the board, pursuant to an adjudication under Chapter 5382

119. of the Revised Code, that the individual committed the act. 5383
The board does not have jurisdiction under those divisions if 5384
the trial court renders a final judgment in the individual's 5385
favor and that judgment is based upon an adjudication on the 5386
merits. The board has jurisdiction under those divisions if the 5387
trial court issues an order of dismissal upon technical or 5388
procedural grounds. 5389

(E) The sealing or expungement of conviction records by 5390
any court shall have no effect upon a prior board order entered 5391
under this section or upon the board's jurisdiction to take 5392
action under this section if, based upon a plea of guilty, a 5393
judicial finding of guilt, or a judicial finding of eligibility 5394
for intervention in lieu of conviction, the board issued a 5395
notice of opportunity for a hearing prior to the court's order 5396
to seal or expunge the records. The board shall not be required 5397
to seal, expunge, destroy, redact, or otherwise modify its 5398
records to reflect the court's sealing of conviction records. 5399

(F) (1) The board shall investigate evidence that appears 5400
to show that a person has violated any provision of this chapter 5401
or any rule adopted under it. Any person may report to the board 5402
in a signed writing any information that the person may have 5403
that appears to show a violation of any provision of this 5404
chapter or any rule adopted under it. In the absence of bad 5405
faith, any person who reports information of that nature or who 5406
testifies before the board in any adjudication conducted under 5407
Chapter 119. of the Revised Code shall not be liable in damages 5408
in a civil action as a result of the report or testimony. Each 5409
complaint or allegation of a violation received by the board 5410
shall be assigned a case number and shall be recorded by the 5411
board. 5412

(2) Investigations of alleged violations of this chapter 5413
or any rule adopted under it shall be supervised by the 5414
supervising member elected by the board in accordance with 5415
section 4731.02 of the Revised Code and by the secretary as 5416
provided in section 4731.39 of the Revised Code. The president 5417
may designate another member of the board to supervise the 5418
investigation in place of the supervising member. No member of 5419
the board who supervises the investigation of a case shall 5420
participate in further adjudication of the case. 5421

(3) In investigating a possible violation of this chapter 5422
or any rule adopted under this chapter, or in conducting an 5423
inspection under division (E) of section 4731.054 of the Revised 5424
Code, the board may question witnesses, conduct interviews, 5425
administer oaths, order the taking of depositions, inspect and 5426
copy any books, accounts, papers, records, or documents, issue 5427
subpoenas, and compel the attendance of witnesses and production 5428
of books, accounts, papers, records, documents, and testimony, 5429
except that a subpoena for patient record information shall not 5430
be issued without consultation with the attorney general's 5431
office and approval of the secretary and supervising member of 5432
the board. 5433

(a) Before issuance of a subpoena for patient record 5434
information, the secretary and supervising member shall 5435
determine whether there is probable cause to believe that the 5436
complaint filed alleges a violation of this chapter or any rule 5437
adopted under it and that the records sought are relevant to the 5438
alleged violation and material to the investigation. The 5439
subpoena may apply only to records that cover a reasonable 5440
period of time surrounding the alleged violation. 5441

(b) On failure to comply with any subpoena issued by the 5442

board and after reasonable notice to the person being 5443
subpoenaed, the board may move for an order compelling the 5444
production of persons or records pursuant to the Rules of Civil 5445
Procedure. 5446

(c) A subpoena issued by the board may be served by a 5447
sheriff, the sheriff's deputy, or a board employee or agent 5448
designated by the board. Service of a subpoena issued by the 5449
board may be made by delivering a copy of the subpoena to the 5450
person named therein, reading it to the person, or leaving it at 5451
the person's usual place of residence, usual place of business, 5452
or address on file with the board. When serving a subpoena to an 5453
applicant for or the holder of a license or certificate issued 5454
under this chapter, service of the subpoena may be made by 5455
certified mail, return receipt requested, and the subpoena shall 5456
be deemed served on the date delivery is made or the date the 5457
person refuses to accept delivery. If the person being served 5458
refuses to accept the subpoena or is not located, service may be 5459
made to an attorney who notifies the board that the attorney is 5460
representing the person. 5461

(d) A sheriff's deputy who serves a subpoena shall receive 5462
the same fees as a sheriff. Each witness who appears before the 5463
board in obedience to a subpoena shall receive the fees and 5464
mileage provided for under section 119.094 of the Revised Code. 5465

(4) All hearings, investigations, and inspections of the 5466
board shall be considered civil actions for the purposes of 5467
section 2305.252 of the Revised Code. 5468

(5) A report required to be submitted to the board under 5469
this chapter, a complaint, or information received by the board 5470
pursuant to an investigation or pursuant to an inspection under 5471
division (E) of section 4731.054 of the Revised Code is 5472

confidential and not subject to discovery in any civil action. 5473

The board shall conduct all investigations or inspections 5474
and proceedings in a manner that protects the confidentiality of 5475
patients and persons who file complaints with the board. The 5476
board shall not make public the names or any other identifying 5477
information about patients or complainants unless proper consent 5478
is given or, in the case of a patient, a waiver of the patient 5479
privilege exists under division (B) of section 2317.02 of the 5480
Revised Code, except that consent or a waiver of that nature is 5481
not required if the board possesses reliable and substantial 5482
evidence that no bona fide physician-patient relationship 5483
exists. 5484

The board may share any information it receives pursuant 5485
to an investigation or inspection, including patient records and 5486
patient record information, with law enforcement agencies, other 5487
licensing boards, and other governmental agencies that are 5488
prosecuting, adjudicating, or investigating alleged violations 5489
of statutes or administrative rules. An agency or board that 5490
receives the information shall comply with the same requirements 5491
regarding confidentiality as those with which the state medical 5492
board must comply, notwithstanding any conflicting provision of 5493
the Revised Code or procedure of the agency or board that 5494
applies when it is dealing with other information in its 5495
possession. In a judicial proceeding, the information may be 5496
admitted into evidence only in accordance with the Rules of 5497
Evidence, but the court shall require that appropriate measures 5498
are taken to ensure that confidentiality is maintained with 5499
respect to any part of the information that contains names or 5500
other identifying information about patients or complainants 5501
whose confidentiality was protected by the state medical board 5502
when the information was in the board's possession. Measures to 5503

ensure confidentiality that may be taken by the court include 5504
sealing its records or deleting specific information from its 5505
records. 5506

(6) On a quarterly basis, the board shall prepare a report 5507
that documents the disposition of all cases during the preceding 5508
three months. The report shall contain the following information 5509
for each case with which the board has completed its activities: 5510

(a) The case number assigned to the complaint or alleged 5511
violation; 5512

(b) The type of license or certificate to practice, if 5513
any, held by the individual against whom the complaint is 5514
directed; 5515

(c) A description of the allegations contained in the 5516
complaint; 5517

(d) The disposition of the case. 5518

The report shall state how many cases are still pending 5519
and shall be prepared in a manner that protects the identity of 5520
each person involved in each case. The report shall be a public 5521
record under section 149.43 of the Revised Code. 5522

(G) If the secretary and supervising member determine both 5523
of the following, they may recommend that the board suspend an 5524
individual's license or certificate to practice or certificate 5525
to recommend without a prior hearing: 5526

(1) That there is clear and convincing evidence that an 5527
individual has violated division (B) of this section; 5528

(2) That the individual's continued practice presents a 5529
danger of immediate and serious harm to the public. 5530

Written allegations shall be prepared for consideration by 5531
the board. The board, upon review of those allegations and by an 5532
affirmative vote of not fewer than six of its members, excluding 5533
the secretary and supervising member, may suspend a license or 5534
certificate without a prior hearing. A telephone conference call 5535
may be utilized for reviewing the allegations and taking the 5536
vote on the summary suspension. 5537

The board shall issue a written order of suspension by 5538
certified mail or in person in accordance with section 119.07 of 5539
the Revised Code. The order shall not be subject to suspension 5540
by the court during pendency of any appeal filed under section 5541
119.12 of the Revised Code. If the individual subject to the 5542
summary suspension requests an adjudicatory hearing by the 5543
board, the date set for the hearing shall be within fifteen 5544
days, but not earlier than seven days, after the individual 5545
requests the hearing, unless otherwise agreed to by both the 5546
board and the individual. 5547

Any summary suspension imposed under this division shall 5548
remain in effect, unless reversed on appeal, until a final 5549
adjudicative order issued by the board pursuant to this section 5550
and Chapter 119. of the Revised Code becomes effective. The 5551
board shall issue its final adjudicative order within seventy- 5552
five days after completion of its hearing. A failure to issue 5553
the order within seventy-five days shall result in dissolution 5554
of the summary suspension order but shall not invalidate any 5555
subsequent, final adjudicative order. 5556

(H) If the board takes action under division (B) (9), (11), 5557
or (13) of this section and the judicial finding of guilt, 5558
guilty plea, or judicial finding of eligibility for intervention 5559
in lieu of conviction is overturned on appeal, upon exhaustion 5560

of the criminal appeal, a petition for reconsideration of the 5561
order may be filed with the board along with appropriate court 5562
documents. Upon receipt of a petition of that nature and 5563
supporting court documents, the board shall reinstate the 5564
individual's license or certificate to practice. The board may 5565
then hold an adjudication under Chapter 119. of the Revised Code 5566
to determine whether the individual committed the act in 5567
question. Notice of an opportunity for a hearing shall be given 5568
in accordance with Chapter 119. of the Revised Code. If the 5569
board finds, pursuant to an adjudication held under this 5570
division, that the individual committed the act or if no hearing 5571
is requested, the board may order any of the sanctions 5572
identified under division (B) of this section. 5573

(I) The license or certificate to practice issued to an 5574
individual under this chapter and the individual's practice in 5575
this state are automatically suspended as of the date of the 5576
individual's second or subsequent plea of guilty to, or judicial 5577
finding of guilt of, a violation of section 2919.123 or 2919.124 5578
of the Revised Code. In addition, the license or certificate to 5579
practice or certificate to recommend issued to an individual 5580
under this chapter and the individual's practice in this state 5581
are automatically suspended as of the date the individual pleads 5582
guilty to, is found by a judge or jury to be guilty of, or is 5583
subject to a judicial finding of eligibility for intervention in 5584
lieu of conviction in this state or treatment or intervention in 5585
lieu of conviction in another jurisdiction for any of the 5586
following criminal offenses in this state or a substantially 5587
equivalent criminal offense in another jurisdiction: aggravated 5588
murder, murder, voluntary manslaughter, felonious assault, 5589
kidnapping, rape, sexual battery, gross sexual imposition, 5590
aggravated arson, aggravated robbery, or aggravated burglary. 5591

Continued practice after suspension shall be considered 5592
practicing without a license or certificate. 5593

The board shall notify the individual subject to the 5594
suspension by certified mail or in person in accordance with 5595
section 119.07 of the Revised Code. If an individual whose 5596
license or certificate is automatically suspended under this 5597
division fails to make a timely request for an adjudication 5598
under Chapter 119. of the Revised Code, the board shall do 5599
whichever of the following is applicable: 5600

(1) If the automatic suspension under this division is for 5601
a second or subsequent plea of guilty to, or judicial finding of 5602
guilt of, a violation of section 2919.123 or 2919.124 of the 5603
Revised Code, the board shall enter an order suspending the 5604
individual's license or certificate to practice for a period of 5605
at least one year or, if determined appropriate by the board, 5606
imposing a more serious sanction involving the individual's 5607
license or certificate to practice. 5608

(2) In all circumstances in which division (I)(1) of this 5609
section does not apply, enter a final order permanently revoking 5610
the individual's license or certificate to practice. 5611

(J) If the board is required by Chapter 119. of the 5612
Revised Code to give notice of an opportunity for a hearing and 5613
if the individual subject to the notice does not timely request 5614
a hearing in accordance with section 119.07 of the Revised Code, 5615
the board is not required to hold a hearing, but may adopt, by 5616
an affirmative vote of not fewer than six of its members, a 5617
final order that contains the board's findings. In that final 5618
order, the board may order any of the sanctions identified under 5619
division (A) or (B) of this section. 5620

(K) Any action taken by the board under division (B) of
this section resulting in a suspension from practice shall be
accompanied by a written statement of the conditions under which
the individual's license or certificate to practice may be
reinstated. The board shall adopt rules governing conditions to
be imposed for reinstatement. Reinstatement of a license or
certificate suspended pursuant to division (B) of this section
requires an affirmative vote of not fewer than six members of
the board.

(L) When the board refuses to grant or issue a license or
certificate to practice to an applicant, revokes an individual's
license or certificate to practice, refuses to renew an
individual's license or certificate to practice, or refuses to
reinstate an individual's license or certificate to practice,
the board may specify that its action is permanent. An
individual subject to a permanent action taken by the board is
forever thereafter ineligible to hold a license or certificate
to practice and the board shall not accept an application for
reinstatement of the license or certificate or for issuance of a
new license or certificate.

(M) Notwithstanding any other provision of the Revised
Code, all of the following apply:

(1) The surrender of a license or certificate issued under
this chapter shall not be effective unless or until accepted by
the board. A telephone conference call may be utilized for
acceptance of the surrender of an individual's license or
certificate to practice. The telephone conference call shall be
considered a special meeting under division (F) of section
121.22 of the Revised Code. Reinstatement of a license or
certificate surrendered to the board requires an affirmative

vote of not fewer than six members of the board. 5651

(2) An application for a license or certificate made under 5652
the provisions of this chapter may not be withdrawn without 5653
approval of the board. 5654

(3) Failure by an individual to renew a license or 5655
certificate to practice in accordance with this chapter or a 5656
certificate to recommend in accordance with rules adopted under 5657
section 4731.301 of the Revised Code shall not remove or limit 5658
the board's jurisdiction to take any disciplinary action under 5659
this section against the individual. 5660

(4) At the request of the board, a license or certificate 5661
holder shall immediately surrender to the board a license or 5662
certificate that the board has suspended, revoked, or 5663
permanently revoked. 5664

(N) Sanctions shall not be imposed under division (B) (28) 5665
of this section against any person who waives deductibles and 5666
copayments as follows: 5667

(1) In compliance with the health benefit plan that 5668
expressly allows such a practice. Waiver of the deductibles or 5669
copayments shall be made only with the full knowledge and 5670
consent of the plan purchaser, payer, and third-party 5671
administrator. Documentation of the consent shall be made 5672
available to the board upon request. 5673

(2) For professional services rendered to any other person 5674
authorized to practice pursuant to this chapter, to the extent 5675
allowed by this chapter and rules adopted by the board. 5676

(O) Under the board's investigative duties described in 5677
this section and subject to division (F) of this section, the 5678
board shall develop and implement a quality intervention program 5679

designed to improve through remedial education the clinical and 5680
communication skills of individuals authorized under this 5681
chapter to practice medicine and surgery, osteopathic medicine 5682
and surgery, and podiatric medicine and surgery. In developing 5683
and implementing the quality intervention program, the board may 5684
do all of the following: 5685

(1) Offer in appropriate cases as determined by the board 5686
an educational and assessment program pursuant to an 5687
investigation the board conducts under this section; 5688

(2) Select providers of educational and assessment 5689
services, including a quality intervention program panel of case 5690
reviewers; 5691

(3) Make referrals to educational and assessment service 5692
providers and approve individual educational programs 5693
recommended by those providers. The board shall monitor the 5694
progress of each individual undertaking a recommended individual 5695
educational program. 5696

(4) Determine what constitutes successful completion of an 5697
individual educational program and require further monitoring of 5698
the individual who completed the program or other action that 5699
the board determines to be appropriate; 5700

(5) Adopt rules in accordance with Chapter 119. of the 5701
Revised Code to further implement the quality intervention 5702
program. 5703

An individual who participates in an individual 5704
educational program pursuant to this division shall pay the 5705
financial obligations arising from that educational program. 5706

(P) The board shall not refuse to issue a license to an 5707
applicant because of a conviction, plea of guilty, judicial 5708

finding of guilt, judicial finding of eligibility for 5709
intervention in lieu of conviction, or the commission of an act 5710
that constitutes a criminal offense, unless the refusal is in 5711
accordance with section 9.79 of the Revised Code. 5712

Sec. 4731.224. (A) Within sixty days after the imposition 5713
of any formal disciplinary action taken by any health care 5714
facility, including a hospital, health care facility operated by 5715
a health insuring corporation, ambulatory surgical center, or 5716
similar facility, against any individual holding a valid license 5717
or certificate to practice issued pursuant to this chapter, the 5718
chief administrator or executive officer of the facility shall 5719
report to the state medical board the name of the individual, 5720
the action taken by the facility, and a summary of the 5721
underlying facts leading to the action taken. Upon request, the 5722
board shall be provided certified copies of the patient records 5723
that were the basis for the facility's action. Prior to release 5724
to the board, the summary shall be approved by the peer review 5725
committee that reviewed the case or by the governing board of 5726
the facility. As used in this division, "formal disciplinary 5727
action" means any action resulting in the revocation, 5728
restriction, reduction, or termination of clinical privileges 5729
for violations of professional ethics, or for reasons of medical 5730
incompetence or medical malpractice. "Formal disciplinary 5731
action" includes a summary action, an action that takes effect 5732
notwithstanding any appeal rights that may exist, and an action 5733
that results in an individual surrendering clinical privileges 5734
while under investigation and during proceedings regarding the 5735
action being taken or in return for not being investigated or 5736
having proceedings held. "Formal disciplinary action" does not 5737
include any action taken for the sole reason of failure to 5738
maintain records on a timely basis or failure to attend staff or 5739

section meetings. 5740

The filing or nonfiling of a report with the board, 5741
investigation by the board, or any disciplinary action taken by 5742
the board, shall not preclude any action by a health care 5743
facility to suspend, restrict, or revoke the individual's 5744
clinical privileges. 5745

In the absence of fraud or bad faith, no individual or 5746
entity that provides patient records to the board shall be 5747
liable in damages to any person as a result of providing the 5748
records. 5749

(B) (1) Except as provided in division (B) (2) of this 5750
section, if any individual authorized to practice under this 5751
chapter or any professional association or society of such 5752
individuals believes that a violation of any provision of this 5753
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4772., 5754
4774., or 4778. of the Revised Code, or any rule of the board 5755
has occurred, the individual, association, or society shall 5756
report to the board the information upon which the belief is 5757
based. 5758

(2) If any individual authorized to practice under this 5759
chapter or any professional association or society of such 5760
individuals believes that a violation of division (B) (26) of 5761
section 4731.22 of the Revised Code has occurred, the 5762
individual, association, or society shall report the information 5763
upon which the belief is based to the monitoring organization 5764
conducting the program established by the board under section 5765
4731.251 of the Revised Code. If any such report is made to the 5766
board, it shall be referred to the monitoring organization 5767
unless the board is aware that the individual who is the subject 5768
of the report does not meet the program eligibility requirements 5769

of section 4731.252 of the Revised Code. 5770

(C) Any professional association or society composed 5771
primarily of doctors of medicine and surgery, doctors of 5772
osteopathic medicine and surgery, doctors of podiatric medicine 5773
and surgery, or practitioners of limited branches of medicine 5774
that suspends or revokes an individual's membership for 5775
violations of professional ethics, or for reasons of 5776
professional incompetence or professional malpractice, within 5777
sixty days after a final decision shall report to the board, on 5778
forms prescribed and provided by the board, the name of the 5779
individual, the action taken by the professional organization, 5780
and a summary of the underlying facts leading to the action 5781
taken. 5782

The filing of a report with the board or decision not to 5783
file a report, investigation by the board, or any disciplinary 5784
action taken by the board, does not preclude a professional 5785
organization from taking disciplinary action against an 5786
individual. 5787

(D) Any insurer providing professional liability insurance 5788
to an individual authorized to practice under this chapter, or 5789
any other entity that seeks to indemnify the professional 5790
liability of such an individual, shall notify the board within 5791
thirty days after the final disposition of any written claim for 5792
damages where such disposition results in a payment exceeding 5793
twenty-five thousand dollars. The notice shall contain the 5794
following information: 5795

(1) The name and address of the person submitting the 5796
notification; 5797

(2) The name and address of the insured who is the subject 5798

of the claim; 5799

(3) The name of the person filing the written claim; 5800

(4) The date of final disposition; 5801

(5) If applicable, the identity of the court in which the 5802
final disposition of the claim took place. 5803

(E) The board may investigate possible violations of this 5804
chapter or the rules adopted under it that are brought to its 5805
attention as a result of the reporting requirements of this 5806
section, except that the board shall conduct an investigation if 5807
a possible violation involves repeated malpractice. As used in 5808
this division, "repeated malpractice" means three or more claims 5809
for medical malpractice within the previous five-year period, 5810
each resulting in a judgment or settlement in excess of twenty- 5811
five thousand dollars in favor of the claimant, and each 5812
involving negligent conduct by the practicing individual. 5813

(F) All summaries, reports, and records received and 5814
maintained by the board pursuant to this section shall be held 5815
in confidence and shall not be subject to discovery or 5816
introduction in evidence in any federal or state civil action 5817
involving a health care professional or facility arising out of 5818
matters that are the subject of the reporting required by this 5819
section. The board may use the information obtained only as the 5820
basis for an investigation, as evidence in a disciplinary 5821
hearing against an individual whose practice is regulated under 5822
this chapter, or in any subsequent trial or appeal of a board 5823
action or order. 5824

The board may disclose the summaries and reports it 5825
receives under this section only to health care facility 5826
committees within or outside this state that are involved in 5827

credentialing or recredentialing the individual or in reviewing 5828
the individual's clinical privileges. The board shall indicate 5829
whether or not the information has been verified. Information 5830
transmitted by the board shall be subject to the same 5831
confidentiality provisions as when maintained by the board. 5832

(G) Except for reports filed by an individual pursuant to 5833
division (B) of this section, the board shall send a copy of any 5834
reports or summaries it receives pursuant to this section to the 5835
individual who is the subject of the reports or summaries. The 5836
individual shall have the right to file a statement with the 5837
board concerning the correctness or relevance of the 5838
information. The statement shall at all times accompany that 5839
part of the record in contention. 5840

(H) An individual or entity that, pursuant to this 5841
section, reports to the board, reports to the monitoring 5842
organization described in section 4731.251 of the Revised Code, 5843
or refers an impaired practitioner to a treatment provider 5844
approved by the board under section 4731.25 of the Revised Code 5845
shall not be subject to suit for civil damages as a result of 5846
the report, referral, or provision of the information. 5847

(I) In the absence of fraud or bad faith, no professional 5848
association or society of individuals authorized to practice 5849
under this chapter that sponsors a committee or program to 5850
provide peer assistance to practitioners with substance abuse 5851
problems, no representative or agent of such a committee or 5852
program, no representative or agent of the monitoring 5853
organization described in section 4731.251 of the Revised Code, 5854
and no member of the state medical board shall be held liable in 5855
damages to any person by reason of actions taken to refer a 5856
practitioner to a treatment provider approved under section 5857

4731.25 of the Revised Code for examination or treatment. 5858

Sec. 4731.24. Except as provided in sections 4731.281 and 5859
4731.40 of the Revised Code, all receipts of the state medical 5860
board, from any source, shall be deposited in the state 5861
treasury. The funds shall be deposited to the credit of the 5862
state medical board operating fund, which is hereby created. 5863
Except as provided in sections 4730.252, 4731.225, 4731.24, 5864
4759.071, 4760.133, 4761.091, 4762.133, 4772.203, 4774.133, and 5865
4778.141 of the Revised Code, all funds deposited into the state 5866
treasury under this section shall be used solely for the 5867
administration and enforcement of this chapter and Chapters 5868
4730., 4759., 4760., 4761., 4762., 4772., 4774., and 4778. of 5869
the Revised Code by the board. 5870

Sec. 4731.25. The state medical board, in accordance with 5871
Chapter 119. of the Revised Code, shall adopt and may amend and 5872
rescind rules establishing standards for approval of physicians 5873
and facilities as treatment providers for practitioners 5874
suffering or showing evidence of suffering impairment as 5875
described in division (B) (5) of section 4730.25, division (B) 5876
(26) of section 4731.22, division (A) (18) of section 4759.07, 5877
division (B) (6) of section 4760.13, division (A) (18) of section 5878
4761.09, division (B) (6) of section 4762.13, division (B) (6) of 5879
section 4772.20, division (B) (6) of section 4774.13, or division 5880
(B) (6) of section 4778.14 of the Revised Code. The rules shall 5881
include standards for both inpatient and outpatient treatment 5882
and for care and monitoring that continues after treatment. The 5883
rules shall provide that in order to be approved, a treatment 5884
provider must have the capability of making an initial 5885
examination to determine what type of treatment an impaired 5886
practitioner requires. Subject to the rules, the board shall 5887
review and approve treatment providers on a regular basis. The 5888

board, at its discretion, may withdraw or deny approval subject 5889
to the rules. 5890

An approved impaired practitioner treatment provider shall 5891
do all of the following: 5892

(A) Report to the board the name of any practitioner 5893
suffering or showing evidence of suffering impairment who fails 5894
to comply within one week with a referral for examination; 5895

(B) Report to the board the name of any impaired 5896
practitioner who fails to enter treatment within forty-eight 5897
hours following the provider's determination that the 5898
practitioner needs treatment; 5899

(C) Require every practitioner who enters treatment to 5900
agree to a treatment contract establishing the terms of 5901
treatment and aftercare, including any required supervision or 5902
restrictions of practice during treatment or aftercare; 5903

(D) Require a practitioner to suspend practice upon entry 5904
into any required inpatient treatment; 5905

(E) Report to the board any failure by an impaired 5906
practitioner to comply with the terms of the treatment contract 5907
during inpatient or outpatient treatment or aftercare; 5908

(F) Report to the board the resumption of practice of any 5909
impaired practitioner before the treatment provider has made a 5910
clear determination that the practitioner is capable of 5911
practicing according to acceptable and prevailing standards of 5912
care; 5913

(G) Require a practitioner who resumes practice after 5914
completion of treatment to comply with an aftercare contract 5915
that meets the requirements of rules adopted by the board for 5916

approval of treatment providers; 5917

(H) Report the identity of any practitioner practicing 5918
under the terms of an aftercare contract to hospital 5919
administrators, medical chiefs of staff, and chairpersons of 5920
impaired practitioner committees of all health care institutions 5921
at which the practitioner holds clinical privileges or otherwise 5922
practices. If the practitioner does not hold clinical privileges 5923
at any health care institution, the treatment provider shall 5924
report the practitioner's identity to the impaired practitioner 5925
committee of the county medical society, osteopathic academy, or 5926
podiatric medical association in every county in which the 5927
practitioner practices. If there are no impaired practitioner 5928
committees in the county, the treatment provider shall report 5929
the practitioner's identity to the president or other designated 5930
member of the county medical society, osteopathic academy, or 5931
podiatric medical association. 5932

(I) Report to the board the identity of any practitioner 5933
who suffers a relapse at any time during or following aftercare. 5934

Any individual authorized to practice under this chapter 5935
who enters into treatment by an approved treatment provider 5936
shall be deemed to have waived any confidentiality requirements 5937
that would otherwise prevent the treatment provider from making 5938
reports required under this section. 5939

In the absence of fraud or bad faith, no person or 5940
organization that conducts an approved impaired practitioner 5941
treatment program, no member of such an organization, and no 5942
employee, representative, or agent of the treatment provider 5943
shall be held liable in damages to any person by reason of 5944
actions taken or recommendations made by the treatment provider 5945
or its employees, representatives, or agents. 5946

Sec. 4731.251. (A) As used in this section and in sections 5947
4731.252 to 4731.254 of the Revised Code: 5948

(1) "Applicant" means an individual who has applied under 5949
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., 5950
or 4778. of the Revised Code for a license, training or other 5951
certificate, limited permit, or other authority to practice as 5952
any one of the following practitioners: a physician assistant, 5953
physician, podiatrist, limited branch of medicine practitioner, 5954
dietitian, anesthesiologist assistant, respiratory care 5955
professional, acupuncturist, certified mental health assistant, 5956
radiologist assistant, or genetic counselor. "Applicant" may 5957
include an individual who has been granted authority by the 5958
state medical board to practice as one type of practitioner, but 5959
has applied for authority to practice as another type of 5960
practitioner. 5961

(2) "Impaired" or "impairment" has the same meaning as in 5962
division (B)(5) of section 4730.25, division (B)(26) of section 5963
4731.22, division (A)(18) of section 4759.07, division (B)(6) of 5964
section 4760.13, division (A)(18) of section 4761.09, division 5965
(B)(6) of section 4762.13, division (B)(6) of section 4772.20, 5966
division (B)(6) of section 4774.13, or division (B)(6) of 5967
section 4778.14 of the Revised Code. 5968

(3) "Practitioner" means any of the following: 5969

(a) An individual authorized under this chapter to 5970
practice medicine and surgery, osteopathic medicine and surgery, 5971
podiatric medicine and surgery, or a limited branch of medicine; 5972

(b) An individual licensed under Chapter 4730. of the 5973
Revised Code to practice as a physician assistant; 5974

(c) An individual authorized under Chapter 4759. of the 5975

Revised Code to practice as a dietitian; 5976

(d) An individual authorized under Chapter 4760. of the 5977
Revised Code to practice as an anesthesiologist assistant; 5978

(e) An individual authorized under Chapter 4761. of the 5979
Revised Code to practice respiratory care; 5980

(f) An individual authorized under Chapter 4762. of the 5981
Revised Code to practice as an acupuncturist; 5982

(g) An individual licensed under Chapter 4772. of the 5983
Revised Code to practice as a certified mental health assistant; 5984

(h) An individual authorized under Chapter 4774. of the 5985
Revised Code to practice as a radiologist assistant; 5986

~~(h)~~ (i) An individual licensed under Chapter 4778. of the 5987
Revised Code to practice as a genetic counselor. 5988

(B) The state medical board shall establish a confidential 5989
program for the treatment of impaired practitioners and 5990
applicants, which shall be known as the one-bite program. The 5991
board shall contract with one organization to conduct the 5992
program and perform monitoring services. 5993

To be qualified to contract with the board under this 5994
section, an organization must meet all of the following 5995
requirements: 5996

(1) Be sponsored by one or more professional associations 5997
or societies of practitioners; 5998

(2) Be organized as a not-for-profit entity and exempt 5999
from federal income taxation under subsection 501(c)(3) of the 6000
Internal Revenue Code; 6001

(3) Contract with or employ to serve as the organization's 6002

medical director an individual who is authorized under this 6003
chapter to practice medicine and surgery or osteopathic medicine 6004
and surgery and specializes or has training and expertise in 6005
addiction medicine; 6006

(4) Contract with or employ one or more of the following 6007
as necessary for the organization's operation: 6008

(a) An individual licensed under Chapter 4758. of the 6009
Revised Code as an independent chemical dependency counselor- 6010
clinical supervisor, independent chemical dependency counselor, 6011
chemical dependency counselor III, or chemical dependency 6012
counselor II; 6013

(b) An individual licensed under Chapter 4757. of the 6014
Revised Code as an independent social worker, social worker, 6015
licensed professional clinical counselor, or licensed 6016
professional counselor; 6017

(c) An individual licensed under Chapter 4732. of the 6018
Revised Code as a psychologist. 6019

(C) The monitoring organization shall do all of the 6020
following pursuant to the contract: 6021

(1) Receive any report of suspected practitioner 6022
impairment, including a report made under division (B) (2) of 6023
section 4730.32, division (B) (2) of section 4731.224, section 6024
4759.13, division (B) (2) of section 4760.16, section 4761.19, 6025
division (B) (2) of section 4762.16, division (B) (2) of section 6026
4772.23, division (B) (2) of section 4774.16, or section 4778.17 6027
of the Revised Code; 6028

(2) Notify a practitioner who is the subject of a report 6029
received under division (C) (1) of this section that the report 6030
has been made and that the practitioner may be eligible to 6031

participate in the program conducted under this section; 6032

(3) Receive from the board a referral regarding an 6033
applicant, as described in section 4731.253 of the Revised Code; 6034

(4) Evaluate the records of an applicant who is the 6035
subject of a referral received under division (C)(3) of this 6036
section, in particular records from another jurisdiction 6037
regarding the applicant's prior treatment for impairment or 6038
current monitoring; 6039

(5) Determine whether a practitioner reported or applicant 6040
referred to the monitoring organization is eligible to 6041
participate in the program and notify the practitioner or 6042
applicant of the determination; 6043

(6) In the case of a practitioner reported by a treatment 6044
provider, notify the treatment provider of the eligibility 6045
determination; 6046

(7) Report to the board any practitioner or applicant who 6047
is determined ineligible to participate in the program; 6048

(8) Refer an eligible practitioner who chooses to 6049
participate in the program for evaluation by a treatment 6050
provider approved by the board under section 4731.25 of the 6051
Revised Code, unless the report received by the monitoring 6052
organization was made by an approved treatment provider and the 6053
practitioner has already been evaluated by the treatment 6054
provider; 6055

(9) Monitor the evaluation of an eligible practitioner; 6056

(10) Refer an eligible practitioner who chooses to 6057
participate in the program to a treatment provider approved by 6058
the board under section 4731.25 of the Revised Code; 6059

(11) Establish, in consultation with the treatment 6060
provider to which a practitioner is referred, the terms and 6061
conditions with which the practitioner must comply for continued 6062
participation in and successful completion of the program; 6063

(12) Report to the board any practitioner who does not 6064
complete evaluation or treatment or does not comply with any of 6065
the terms and conditions established by the monitoring 6066
organization and the treatment provider; 6067

(13) Perform any other activities specified in the 6068
contract with the board or that the monitoring organization 6069
considers necessary to comply with this section and sections 6070
4731.252 to 4731.254 of the Revised Code. 6071

(D) The monitoring organization shall not disclose to the 6072
board the name of a practitioner or applicant or any records 6073
relating to a practitioner or applicant, unless any of the 6074
following occurs: 6075

(1) The practitioner or applicant is determined to be 6076
ineligible to participate in the program. 6077

(2) The practitioner or applicant requests the disclosure. 6078

(3) The practitioner or applicant is unwilling or unable 6079
to complete or comply with any part of the program, including 6080
evaluation, treatment, or monitoring. 6081

(4) The practitioner or applicant presents an imminent 6082
danger to the public or to the practitioner, as a result of the 6083
practitioner's or applicant's impairment. 6084

(5) The practitioner has relapsed or the practitioner's 6085
impairment has not been substantially alleviated by 6086
participation in the program. 6087

- (E) (1) The monitoring organization shall develop 6088
procedures governing each of the following: 6089
- (a) Receiving reports of practitioner impairment; 6090
 - (b) Notifying practitioners of reports and eligibility 6091
determinations; 6092
 - (c) Receiving applicant referrals as described in section 6093
4731.253 of the Revised Code; 6094
 - (d) Evaluating records of referred applicants, in 6095
particular records from other jurisdictions regarding prior 6096
treatment for impairment or continued monitoring; 6097
 - (e) Notifying applicants of eligibility determinations; 6098
 - (f) Referring eligible practitioners for evaluation or 6099
treatment; 6100
 - (g) Establishing individualized treatment plans for 6101
eligible practitioners, as recommended by treatment providers; 6102
 - (h) Establishing individualized terms and conditions with 6103
which eligible practitioners or applicants must comply for 6104
continued participation in and successful completion of the 6105
program. 6106
- (2) The monitoring organization, in consultation with the 6107
board, shall develop procedures governing each of the following: 6108
- (a) Providing reports to the board on a periodic basis on 6109
the total number of practitioners or applicants participating in 6110
the program, without disclosing the names or records of any 6111
program participants other than those about whom reports are 6112
required by this section; 6113
 - (b) Reporting to the board any practitioner or applicant 6114

who due to impairment presents an imminent danger to the public 6115
or to the practitioner or applicant; 6116

(c) Reporting to the board any practitioner or applicant 6117
who is unwilling or unable to complete or comply with any part 6118
of the program, including evaluation, treatment, or monitoring; 6119

(d) Reporting to the board any practitioner or applicant 6120
whose impairment was not substantially alleviated by 6121
participation in the program or who has relapsed. 6122

(F) The board may adopt any rules it considers necessary 6123
to implement this section and sections 4731.252 to 4731.254 of 6124
the Revised Code, including rules regarding the monitoring 6125
organization and treatment providers that provide treatment to 6126
practitioners referred by the monitoring organization. Any such 6127
rules shall be adopted in accordance with Chapter 119. of the 6128
Revised Code. 6129

Sec. 4734.99. (A) Whoever violates section 4734.14 or 6130
4734.141 of the Revised Code is guilty of a felony of the fifth 6131
degree on a first offense, unless the offender previously has 6132
been convicted of or has pleaded guilty to a violation of 6133
section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 6134
2913.40, 2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 6135
4725.02, 4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 6136
4730.02, 4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 6137
4741.18, 4741.19, 4755.48, 4757.02, 4759.02, 4761.10, 4772.02, 6138
or 4773.02 of the Revised Code or an offense under an existing 6139
or former law of this state, another state, or the United States 6140
that is or was substantially equivalent to a violation of any of 6141
those sections, in which case the offender is guilty of a felony 6142
of the fourth degree. For each subsequent offense, the offender 6143
is guilty of a felony of the fourth degree. 6144

(B) Whoever violates section 4734.161 of the Revised Code 6145
is guilty of a misdemeanor of the first degree. 6146

(C) Whoever violates division (A), (B), (C), or (D) of 6147
section 4734.32 of the Revised Code is guilty of a minor 6148
misdemeanor on a first offense; on each subsequent offense, the 6149
person is guilty of a misdemeanor of the fourth degree, except 6150
that an individual guilty of a subsequent offense shall not be 6151
subject to imprisonment, but to a fine alone of up to one 6152
thousand dollars for each offense. 6153

Sec. 4743.09. (A) As used in this section: 6154

(1) "Durable medical equipment" means a type of equipment, 6155
such as a remote monitoring device utilized by a physician, 6156
physician assistant, or advanced practice registered nurse in 6157
accordance with this section, that can withstand repeated use, 6158
is primarily and customarily used to serve a medical purpose, 6159
and generally is not useful to a person in the absence of 6160
illness or injury and, in addition, includes repair and 6161
replacement parts for the equipment. 6162

(2) "Facility fee" means any fee charged or billed for 6163
telehealth services provided in a facility that is intended to 6164
compensate the facility for its operational expenses and is 6165
separate and distinct from a professional fee. 6166

(3) "Health care professional" means: 6167

(a) An advanced practice registered nurse, as defined in 6168
section 4723.01 of the Revised Code; 6169

(b) An optometrist licensed under Chapter 4725. of the 6170
Revised Code to practice optometry; 6171

(c) A pharmacist licensed under Chapter 4729. of the 6172

Revised Code;	6173
(d) A physician assistant licensed under Chapter 4730. of	6174
the Revised Code;	6175
(e) A physician licensed under Chapter 4731. of the	6176
Revised Code to practice medicine and surgery, osteopathic	6177
medicine and surgery, or podiatric medicine and surgery;	6178
(f) A psychologist, independent school psychologist, or	6179
school psychologist licensed under Chapter 4732. of the Revised	6180
Code;	6181
(g) A chiropractor licensed under Chapter 4734. of the	6182
Revised Code;	6183
(h) An audiologist or speech-language pathologist licensed	6184
under Chapter 4753. of the Revised Code;	6185
(i) An occupational therapist or physical therapist	6186
licensed under Chapter 4755. of the Revised Code;	6187
(j) An occupational therapy assistant or physical	6188
therapist assistant licensed under Chapter 4755. of the Revised	6189
Code;	6190
(k) A professional clinical counselor, independent social	6191
worker, or independent marriage and family therapist licensed	6192
under Chapter 4757. of the Revised Code;	6193
(l) An independent chemical dependency counselor licensed	6194
under Chapter 4758. of the Revised Code;	6195
(m) A dietitian licensed under Chapter 4759. of the	6196
Revised Code;	6197
(n) A respiratory care professional licensed under Chapter	6198
4761. of the Revised Code;	6199

(o) A genetic counselor licensed under Chapter 4778. of 6200
the Revised Code; 6201

(p) A certified Ohio behavior analyst certified under 6202
Chapter 4783. of the Revised Code; 6203

(q) A certified mental health assistant licensed under 6204
Chapter 4772. of the Revised Code. 6205

(4) "Health care professional licensing board" means any 6206
of the following: 6207

(a) The board of nursing; 6208

(b) The state vision professionals board; 6209

(c) The state board of pharmacy; 6210

(d) The state medical board; 6211

(e) The state board of psychology; 6212

(f) The state chiropractic board; 6213

(g) The state speech and hearing professionals board; 6214

(h) The Ohio occupational therapy, physical therapy, and 6215
athletic trainers board; 6216

(i) The counselor, social worker, and marriage and family 6217
therapist board; 6218

(j) The chemical dependency professionals board. 6219

(5) "Health plan issuer" has the same meaning as in 6220
section 3922.01 of the Revised Code. 6221

(6) "Telehealth services" means health care services 6222
provided through the use of information and communication 6223
technology by a health care professional, within the 6224

professional's scope of practice, who is located at a site other 6225
than the site where either of the following is located: 6226

(a) The patient receiving the services; 6227

(b) Another health care professional with whom the 6228
provider of the services is consulting regarding the patient. 6229

(B) (1) Each health care professional licensing board shall 6230
permit a health care professional under its jurisdiction to 6231
provide the professional's services as telehealth services in 6232
accordance with this section. Subject to division (B) (2) of this 6233
section, a board may adopt any rules it considers necessary to 6234
implement this section. All rules adopted under this section 6235
shall be adopted in accordance with Chapter 119. of the Revised 6236
Code. Any such rules adopted by a board are not subject to the 6237
requirements of division (F) of section 121.95 of the Revised 6238
Code. 6239

(2) (a) Except as provided in division (B) (2) (b) of this 6240
section, the rules adopted by a health care professional 6241
licensing board under this section shall establish a standard of 6242
care for telehealth services that is equal to the standard of 6243
care for in-person services. 6244

(b) Subject to division (B) (2) (c) of this section, a board 6245
may require an initial in-person visit prior to prescribing a 6246
schedule II controlled substance to a new patient, equivalent to 6247
applicable state and federal requirements. 6248

(c) (i) A board shall not require an initial in-person 6249
visit for a new patient whose medical record indicates that the 6250
patient is receiving hospice or palliative care, who is 6251
receiving medication-assisted treatment or any other medication 6252
for opioid-use disorder, who is a patient with a mental health 6253

condition, or who, as determined by the clinical judgment of a 6254
health care professional, is in an emergency situation. 6255

(ii) Notwithstanding division (B) of section 3796.01 of 6256
the Revised Code, medical marijuana shall not be considered a 6257
schedule II controlled substance. 6258

(C) With respect to the provision of telehealth services, 6259
all of the following apply: 6260

(1) A health care professional may use synchronous or 6261
asynchronous technology to provide telehealth services to a 6262
patient during an initial visit if the appropriate standard of 6263
care for an initial visit is satisfied. 6264

(2) A health care professional may deny a patient 6265
telehealth services and, instead, require the patient to undergo 6266
an in-person visit. 6267

(3) When providing telehealth services in accordance with 6268
this section, a health care professional shall comply with all 6269
requirements under state and federal law regarding the 6270
protection of patient information. A health care professional 6271
shall ensure that any username or password information and any 6272
electronic communications between the professional and a patient 6273
are securely transmitted and stored. 6274

(4) A health care professional may use synchronous or 6275
asynchronous technology to provide telehealth services to a 6276
patient during an annual visit if the appropriate standard of 6277
care for an annual visit is satisfied. 6278

(5) In the case of a health care professional who is a 6279
physician, physician assistant, or advanced practice registered 6280
nurse, both of the following apply: 6281

(a) The professional may provide telehealth services to a 6282
patient located outside of this state if permitted by the laws 6283
of the state in which the patient is located. 6284

(b) The professional may provide telehealth services 6285
through the use of medical devices that enable remote 6286
monitoring, including such activities as monitoring a patient's 6287
blood pressure, heart rate, or glucose level. 6288

(D) When a patient has consented to receiving telehealth 6289
services, the health care professional who provides those 6290
services is not liable in damages under any claim made on the 6291
basis that the services do not meet the same standard of care 6292
that would apply if the services were provided in-person. 6293

(E) (1) A health care professional providing telehealth 6294
services shall not charge a patient or a health plan issuer 6295
covering telehealth services under section 3902.30 of the 6296
Revised Code any of the following: a facility fee, an 6297
origination fee, or any fee associated with the cost of the 6298
equipment used at the provider site to provide telehealth 6299
services. 6300

A health care professional providing telehealth services 6301
may charge a health plan issuer for durable medical equipment 6302
used at a patient or client site. 6303

(2) A health care professional may negotiate with a health 6304
plan issuer to establish a reimbursement rate for fees 6305
associated with the administrative costs incurred in providing 6306
telehealth services as long as a patient is not responsible for 6307
any portion of the fee. 6308

(3) A health care professional providing telehealth 6309
services shall obtain a patient's consent before billing for the 6310

cost of providing the services, but the requirement to do so 6311
applies only once. 6312

(F) Nothing in this section limits or otherwise affects 6313
any other provision of the Revised Code that requires a health 6314
care professional who is not a physician to practice under the 6315
supervision of, in collaboration with, in consultation with, or 6316
pursuant to the referral of another health care professional. 6317

(G) It is the intent of the general assembly, through the 6318
amendments to this section, to expand access to and investment 6319
in telehealth services in this state in congruence with the 6320
expansion and investment in telehealth services made during the 6321
COVID-19 pandemic. 6322

Sec. 4755.48. (A) No person shall employ fraud or 6323
deception in applying for or securing a license to practice 6324
physical therapy or to be a physical therapist assistant. 6325

(B) No person shall practice or in any way imply or claim 6326
to the public by words, actions, or the use of letters as 6327
described in division (C) of this section to be able to practice 6328
physical therapy or to provide physical therapy services, 6329
including practice as a physical therapist assistant, unless the 6330
person holds a valid license under sections 4755.40 to 4755.56 6331
of the Revised Code or except for submission of claims as 6332
provided in section 4755.56 of the Revised Code. 6333

(C) No person shall use the words or letters, physical 6334
therapist, physical therapy, physical therapy services, 6335
physiotherapist, physiotherapy, physiotherapy services, licensed 6336
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 6337
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 6338
therapist assistant, physical therapy technician, licensed 6339

physical therapist assistant, L.P.T.A., R.P.T.A., or any other 6340
letters, words, abbreviations, or insignia, indicating or 6341
implying that the person is a physical therapist or physical 6342
therapist assistant without a valid license under sections 6343
4755.40 to 4755.56 of the Revised Code. 6344

(D) No person who practices physical therapy or assists in 6345
the provision of physical therapy treatments under the 6346
supervision of a physical therapist shall fail to display the 6347
person's current license granted under sections 4755.40 to 6348
4755.56 of the Revised Code in a conspicuous location in the 6349
place where the person spends the major part of the person's 6350
time so engaged. 6351

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 6352
Code shall affect or interfere with the performance of the 6353
duties of any physical therapist or physical therapist assistant 6354
in active service in the army, navy, coast guard, marine corps, 6355
air force, public health service, or marine hospital service of 6356
the United States, while so serving. 6357

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 6358
Code shall prevent or restrict the activities or services of a 6359
person pursuing a course of study leading to a degree in 6360
physical therapy in an accredited or approved educational 6361
program if the activities or services constitute a part of a 6362
supervised course of study and the person is designated by a 6363
title that clearly indicates the person's status as a student. 6364

(G) (1) Subject to division (G) (2) of this section, nothing 6365
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 6366
or restrict the activities or services of any person who holds a 6367
current, unrestricted license to practice physical therapy in 6368
another state when that person, pursuant to contract or 6369

employment with an athletic team located in the state in which 6370
the person holds the license, provides physical therapy to any 6371
of the following while the team is traveling to or from or 6372
participating in a sporting event in this state: 6373

(a) A member of the athletic team; 6374

(b) A member of the athletic team's coaching, 6375
communications, equipment, or sports medicine staff; 6376

(c) A member of a band or cheerleading squad accompanying 6377
the athletic team; 6378

(d) The athletic team's mascot. 6379

(2) In providing physical therapy pursuant to division (G) 6380
(1) of this section, the person shall not do either of the 6381
following: 6382

(a) Provide physical therapy at a health care facility; 6383

(b) Provide physical therapy for more than sixty days in a 6384
calendar year. 6385

(3) The limitations described in divisions (G) (1) and (2) 6386
of this section do not apply to a person who is practicing in 6387
accordance with the compact privilege granted by this state 6388
through the "Physical Therapy Licensure Compact" entered into 6389
under section 4755.57 of the Revised Code. 6390

(H) (1) Except as provided in division (H) (2) of this 6391
section and subject to division (I) of this section, no person 6392
shall practice physical therapy other than on the prescription 6393
of, or the referral of a patient by, a person who is licensed in 6394
this or another state to do at least one of the following: 6395

(a) Practice medicine and surgery, chiropractic, 6396

dentistry, osteopathic medicine and surgery, podiatric medicine 6397
and surgery; 6398

(b) Practice as a physician assistant; 6399

(c) Practice nursing as an advanced practice registered 6400
nurse; 6401

(d) Practice as a certified mental health assistant. 6402

(2) The prohibition in division (H) (1) of this section on 6403
practicing physical therapy other than on the prescription of, 6404
or the referral of a patient by, any of the persons described in 6405
that division does not apply if either of the following applies 6406
to the person: 6407

(a) The person holds a master's or doctorate degree from a 6408
professional physical therapy program that is accredited by a 6409
national physical therapy accreditation agency approved by the 6410
physical therapy section of the Ohio occupational therapy, 6411
physical therapy, and athletic trainers board. 6412

(b) On or before December 31, 2004, the person has 6413
completed at least two years of practical experience as a 6414
licensed physical therapist. 6415

(I) To be authorized to prescribe physical therapy or 6416
refer a patient to a physical therapist for physical therapy, a 6417
person described in division (H) (1) of this section must be in 6418
good standing with the relevant licensing board in this state or 6419
the state in which the person is licensed and must act only 6420
within the person's scope of practice. 6421

(J) In the prosecution of any person for violation of 6422
division (B) or (C) of this section, it is not necessary to 6423
allege or prove want of a valid license to practice physical 6424

therapy or to practice as a physical therapist assistant, but 6425
such matters shall be a matter of defense to be established by 6426
the accused. 6427

Sec. 4755.623. (A) A person licensed as an athletic 6428
trainer pursuant to this chapter shall engage in the activities 6429
described in section 4755.621 or 4755.622 of the Revised Code 6430
only if the person acts upon the referral of one or more of the 6431
following: 6432

(1) A physician; 6433

(2) A dentist licensed under Chapter 4715. of the Revised 6434
Code; 6435

(3) A physical therapist licensed under this chapter; 6436

(4) A chiropractor licensed under Chapter 4734. of the 6437
Revised Code; 6438

(5) Subject to division (B) of this section, an athletic 6439
trainer licensed under this chapter; 6440

(6) A physician assistant licensed under Chapter 4730. of 6441
the Revised Code; 6442

(7) A certified nurse practitioner licensed under Chapter 6443
4723. of the Revised Code; 6444

(8) A certified mental health assistant licensed under 6445
Chapter 4772. of the Revised Code. 6446

(B) A person licensed as an athletic trainer pursuant to 6447
this chapter may practice upon the referral of an athletic 6448
trainer described in division (A) of this section only if 6449
athletic training has already been recommended and referred by a 6450
health care provider described in division (A) of this section 6451

who is not an athletic trainer. 6452

Sec. 4765.51. Nothing in this chapter prevents or 6453
restricts the practice, services, or activities of any 6454
registered nurse practicing within the scope of the registered 6455
nurse's practice. 6456

Nothing in this chapter prevents or restricts the 6457
practice, services, or activities of any physician assistant 6458
practicing in accordance with a supervision agreement entered 6459
into under section 4730.19 of the Revised Code, including, if 6460
applicable, the policies of the health care facility in which 6461
the physician assistant is practicing. 6462

Nothing in this chapter prevents or restricts the 6463
practice, services, or activities of any certified mental health 6464
assistant practicing in accordance with a supervision agreement 6465
entered into under section 4772.10 of the Revised Code. 6466

Sec. 4769.01. As used in this chapter: 6467

(A) "Medicare" means the program established by Title 6468
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 6469
U.S.C.A. 301, as amended. 6470

(B) "Balance billing" means charging or collecting from a 6471
medicare beneficiary an amount in excess of the medicare 6472
reimbursement rate for medicare-covered services or supplies 6473
provided to a medicare beneficiary, except when medicare is the 6474
secondary insurer. When medicare is the secondary insurer, the 6475
health care practitioner may pursue full reimbursement under the 6476
terms and conditions of the primary coverage and, if applicable, 6477
the charge allowed under the terms and conditions of the 6478
appropriate provider contract, from the primary insurer, but the 6479
medicare beneficiary cannot be balance billed above the medicare 6480

reimbursement rate for a medicare-covered service or supply. 6481

"Balance billing" does not include charging or collecting 6482

deductibles or coinsurance required by the program. 6483

(C) "Health care practitioner" means all of the following: 6484

(1) A dentist or dental hygienist licensed under Chapter 6485

4715. of the Revised Code; 6486

(2) A registered or licensed practical nurse licensed 6487

under Chapter 4723. of the Revised Code; 6488

(3) An optometrist licensed under Chapter 4725. of the 6489

Revised Code; 6490

(4) A dispensing optician, spectacle dispensing optician, 6491

or spectacle-contact lens dispensing optician licensed under 6492

Chapter 4725. of the Revised Code; 6493

(5) A pharmacist licensed under Chapter 4729. of the 6494

Revised Code; 6495

(6) A physician authorized under Chapter 4731. of the 6496

Revised Code to practice medicine and surgery, osteopathic 6497

medicine and surgery, or podiatry; 6498

(7) A physician assistant authorized under Chapter 4730. 6499

of the Revised Code to practice as a physician assistant; 6500

(8) A practitioner of a limited branch of medicine issued 6501

a certificate under Chapter 4731. of the Revised Code; 6502

(9) A psychologist licensed under Chapter 4732. of the 6503

Revised Code; 6504

(10) A chiropractor licensed under Chapter 4734. of the 6505

Revised Code; 6506

(11) A hearing aid dealer or fitter licensed under Chapter 6507

4747. of the Revised Code;	6508
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	6509 6510
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	6511 6512
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	6513 6514
(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	6515 6516 6517 6518
(16) A dietitian licensed under Chapter 4759. of the Revised Code;	6519 6520
(17) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	6521 6522
(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	6523 6524 6525 6526
<u>(19) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6527 6528
<u>Sec. 4772.01. As used in this chapter:</u>	6529
<u>(A) "Certified mental health assistant" means an individual who, under physician supervision, provides mental health care by engaging in any of the activities authorized under section 4772.09 of the Revised Code.</u>	6530 6531 6532 6533
<u>(B) "Controlled substance" has the same meaning as in</u>	6534

section 3719.01 of the Revised Code. 6535

(C) "Drug database" means the database established and 6536
maintained by the state board of pharmacy pursuant to section 6537
4729.75 of the Revised Code. 6538

(D) "Medication-assisted treatment" has the same meaning 6539
as in section 340.01 of the Revised Code. 6540

(E) "Physician" means an individual authorized under 6541
Chapter 4731. of the Revised Code to practice medicine and 6542
surgery or osteopathic medicine and surgery. 6543

Sec. 4772.02. (A) No person shall hold that person out as 6544
being able to function as a certified mental health assistant, 6545
or use any words or letters indicating or implying that the 6546
person is a certified mental health assistant, without a 6547
current, valid license to practice as a certified mental health 6548
assistant issued pursuant to this chapter. 6549

(B) No person shall practice as a certified mental health 6550
assistant without the supervision, control, and direction of a 6551
physician. 6552

(C) No person shall practice as a certified mental health 6553
assistant without having entered into a supervision agreement 6554
with a supervising physician under section 4772.10 of the 6555
Revised Code. 6556

(D) No person acting as the supervising physician of a 6557
certified mental health assistant shall authorize the certified 6558
mental health assistant to perform services if either of the 6559
following is the case: 6560

(1) The services are not within the physician's normal 6561
course of practice and expertise. 6562

(2) The services are inconsistent with the supervision 6563
agreement under which the certified mental health assistant is 6564
being supervised. 6565

(E) No person shall advertise to provide services as a 6566
certified mental health assistant, except for the purpose of 6567
seeking employment. 6568

(F) No person practicing as a certified mental health 6569
assistant shall fail to wear at all times when on duty a 6570
placard, plate, or other device identifying that person as a 6571
"certified mental health assistant." 6572

Sec. 4772.03. Nothing in this chapter shall: 6573

(A) Be construed to affect or interfere with the 6574
performance of duties of any medical personnel who are either of 6575
the following: 6576

(1) In active service in the army, navy, coast guard, 6577
marine corps, air force, public health service, or marine 6578
hospital service of the United States while so serving; 6579

(2) Employed by the veterans administration of the United 6580
States while so employed. 6581

(B) Prevent any person from performing any of the services 6582
a certified mental health assistant may be authorized to 6583
perform, if the person's professional scope of practice 6584
established under any other chapter of the Revised Code 6585
authorizes the person to perform the services; 6586

(C) Prohibit a physician from delegating responsibilities 6587
to any nurse or other qualified person who does not hold a 6588
license to practice as a certified mental health assistant, 6589
provided that the nurse or other qualified person is not held 6590

out to be a certified mental health assistant; 6591

(D) Be construed as authorizing a certified mental health 6592
assistant independently to order or direct the execution of 6593
procedures or techniques by a registered nurse or licensed 6594
practical nurse in the care and treatment of a person in any 6595
setting, except to the extent that the certified mental health 6596
assistant is authorized to do so by a physician who is 6597
responsible for supervising the certified mental health 6598
assistant. 6599

Sec. 4772.04. (A) An individual seeking a license to 6600
practice as a certified mental health assistant shall file with 6601
the state medical board a written application on a form 6602
prescribed and supplied by the board. The application shall 6603
include all the information the board considers necessary to 6604
process the application, including evidence satisfactory to the 6605
board that the applicant meets the requirements specified in 6606
division (B) of this section. 6607

At the time an application is submitted, the applicant 6608
shall pay the board the application fee specified by the board 6609
in rules adopted under section 4772.19 of the Revised Code. No 6610
part of the fee shall be returned. 6611

(B) To be eligible to receive a license to practice as a 6612
certified mental health assistant, an applicant shall meet both 6613
of the following requirements: 6614

(1) Be at least eighteen years of age; 6615

(2) Meet either of the following educational requirements: 6616

(a) Hold a master's or higher degree obtained from a 6617
program approved by the board pursuant to section 4772.05 of the 6618
Revised Code; 6619

(b) Meet both of the following requirements:

(i) Hold a diploma from a medical school or osteopathic
medical school that, at the time the diploma was issued, was a
medical school accredited by the liaison committee on medical
education or an osteopathic medical school accredited by the
American osteopathic association;

(ii) Have completed twelve months of coursework from a
program approved by the board pursuant to section 4772.05 of the
Revised Code.

(C) The board shall review all applications received under
this section. Not later than sixty days after receiving an
application the board considers to be complete, the board shall
determine whether the applicant meets the requirements to
receive a license to practice as a certified mental health
assistant.

Sec. 4772.041. In addition to any other eligibility
requirement set forth in this chapter, each applicant for a
license to practice as a certified mental health assistant shall
comply with sections 4776.01 to 4776.04 of the Revised Code.

Sec. 4772.05. (A) The state medical board shall establish
a process by which a person who seeks to operate an education
program for certified mental health assistants shall apply to
the board for approval of the program. Applications shall be
submitted in accordance with rules adopted under section 4772.19
of the Revised Code. The person shall include with the
application the fee prescribed in those rules.

(B) To be eligible for approval by the board, an education
program shall meet all of the following:

(1) Be accredited by an organization recognized by the

board; 6649

(2) Include courses in each of the following areas for at 6650
least the number of hours established by the board's rules: 6651

(a) Psychiatric diagnoses included in the diagnostic and 6652
statistical manual of mental disorders published by the American 6653
psychiatric association, or a similar publication if designated 6654
by the board; 6655

(b) Laboratory studies used in diagnosing or managing 6656
psychiatric conditions; 6657

(c) Medical conditions that mimic or present as 6658
psychiatric conditions; 6659

(d) Medical conditions associated with psychiatric 6660
conditions or treatment; 6661

(e) Psychopharmacology, including treatment of psychiatric 6662
conditions, interactions, and recognition and management of drug 6663
side effects and complications; 6664

(f) Psychosocial interventions; 6665

(g) Conducting suicide and homicide risk assessments; 6666

(h) Forensic issues in psychiatry, including involuntary 6667
hospitalization and mandated treatment; 6668

(i) Basic behavioral health counseling; 6669

(j) Clinical experiences in inpatient psychiatric units, 6670
outpatient mental health clinics, psychiatric consultation and 6671
liaison services, and addiction services; 6672

(k) Any other area established by the board's rules. 6673

(3) Meet any other standards established by the board's 6674

rules.

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(C) If the program meets the requirements for approval as
specified in this section and the board's rules, the board shall
approve the program. The board's rules shall specify any reasons
for which an approval shall be denied or withdrawn and may
require a program to periodically apply for reapproval.

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Sec. 4772.06. If the state medical board determines under
section 4772.04 of the Revised Code that an applicant meets the
requirements for a license to practice as a certified mental
health assistant, the secretary of the board shall register the
applicant as a certified mental health assistant and issue to
the applicant a license to practice as a certified mental health
assistant. The license shall be valid for a two-year period
unless revoked or suspended, shall expire on the date that is
two years after the date of issuance, and may be renewed for
additional two-year periods in accordance with section 4772.08
of the Revised Code.

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Sec. 4772.07. On application by the holder of a license to
practice as a certified mental health assistant, the state
medical board shall issue a duplicate license to replace one
that is missing or damaged, to reflect a name change, or for any
other reasonable cause. The fee for a duplicate license is
thirty-five dollars.

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Sec. 4772.08. (A) An individual seeking to renew a license
to practice as a certified mental health assistant shall, on or
before the license's expiration date, apply to the state medical
board for renewal. The board shall provide renewal notices to
license holders at least one month prior to the expiration date.

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Renewal applications shall be submitted to the board in a

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manner prescribed by the board. Each application shall be 6704
accompanied by a biennial renewal fee specified by the board in 6705
rules adopted under section 4772.19 of the Revised Code. 6706

The applicant shall report any criminal offense that 6707
constitutes grounds for refusing to issue a license under 6708
section 4772.20 of the Revised Code to which the applicant has 6709
pleaded guilty, of which the applicant has been found guilty, or 6710
for which the applicant has been found eligible for intervention 6711
in lieu of conviction, since last signing an application for a 6712
license to practice as a certified mental health assistant. 6713

(B) To be eligible for renewal, a certified mental health 6714
assistant shall certify to the board that the assistant has 6715
complied with the renewal eligibility requirements established 6716
under section 4772.081 of the Revised Code that pertain to the 6717
applicant. 6718

(C) If an applicant submits a renewal application that the 6719
board considers to be complete and qualifies for renewal 6720
pursuant to division (B) of this section, the board shall issue 6721
to the applicant a renewed license to practice as a certified 6722
mental health assistant. 6723

(D) The board may require a random sample of license 6724
holders to submit materials documenting that the continuing 6725
education requirements of section 4772.081 of the Revised Code, 6726
and any other continuing education required by the board's 6727
rules, have been satisfied. 6728

Division (D) of this section does not limit the board's 6729
authority to conduct investigations pursuant to section 4772.20 6730
of the Revised Code. 6731

(E) A license that is not renewed on or before its 6732

expiration date is automatically suspended on its expiration 6733
date, subject to the provisions of section 119.06 of the Revised 6734
Code specifying that an applicant who appropriately files a 6735
renewal application is not required to discontinue practicing 6736
merely because the board has failed to act on the application. 6737

If a license has been suspended pursuant to this division 6738
for two years or less, the board shall reinstate the license 6739
upon an applicant's submission of a renewal application, the 6740
biennial renewal fee, and the applicable monetary penalty. The 6741
penalty for reinstatement is twenty-five dollars. 6742

If a license has been suspended pursuant to this division 6743
for more than two years, it may be restored. Subject to section 6744
4772.082 of the Revised Code, the board may restore the license 6745
upon an applicant's submission of a restoration application, the 6746
biennial renewal fee, the applicable monetary penalty, and 6747
compliance with sections 4776.01 to 4776.04 of the Revised Code. 6748
The board shall not restore a license unless the board, in its 6749
discretion, decides that the results of the criminal records 6750
check do not make the applicant ineligible for a certificate 6751
issued pursuant to section 4772.06 of the Revised Code. The 6752
penalty for restoration is fifty dollars. 6753

(F) (1) If, through a random sample conducted under 6754
division (D) of this section or any other means, the board finds 6755
that an individual who certified completion of the continuing 6756
education required to renew, reinstate, or restore a license to 6757
practice did not complete the requisite continuing medical 6758
education, the board may do either of the following: 6759

(a) Take disciplinary action against the individual under 6760
section 4772.20 of the Revised Code, impose a civil penalty, or 6761
both; 6762

(b) Permit the individual to agree in writing to complete 6763
the continuing medical education and pay a civil penalty. 6764

(2) The board's finding in any disciplinary action taken 6765
under division (F)(1)(a) of this section shall be made pursuant 6766
to an adjudication under Chapter 119. of the Revised Code and by 6767
an affirmative vote of not fewer than six of its members. 6768

(3) A civil penalty imposed under division (F)(1)(a) of 6769
this section or paid under division (F)(1)(b) of this section 6770
shall be in an amount specified by the board of not more than 6771
five thousand dollars. The board shall deposit civil penalties 6772
in accordance with section 4731.24 of the Revised Code. 6773

Sec. 4772.081. (A) To be eligible for renewal of a license 6774
to practice as a certified mental health assistant, an applicant 6775
who has been granted physician-delegated prescriptive authority 6776
by the physician supervising the certified mental health 6777
assistant is subject to both of the following: 6778

(1) The applicant shall complete every two years at least 6779
twelve hours of continuing education in pharmacology obtained 6780
through a program or course approved by the state medical board 6781
or a person the board has authorized to approve continuing 6782
pharmacology education programs and courses. Except as provided 6783
in section 5903.12 of the Revised Code, the continuing education 6784
shall be completed not later than the date on which the 6785
applicant's license expires. 6786

(2) (a) Except as provided in division (A)(2)(b) of this 6787
section, in the case of an applicant who prescribes opioid 6788
analgesics or benzodiazepines, as defined in section 3719.01 of 6789
the Revised Code, the applicant shall certify to the board 6790
whether the applicant has been granted access to the drug 6791

database. 6792

(b) The requirement described in division (A) (2) (a) of 6793
this section does not apply if any of the following is the case: 6794

(i) The state board of pharmacy notifies the state medical 6795
board pursuant to section 4729.861 of the Revised Code that the 6796
applicant has been restricted from obtaining further information 6797
from the drug database. 6798

(ii) The state board of pharmacy no longer maintains the 6799
drug database. 6800

(iii) The applicant does not practice as a certified 6801
mental health assistant in this state. 6802

(c) If an applicant certifies to the state medical board 6803
that the applicant has been granted access to the drug database 6804
and the board finds through an audit or other means that the 6805
applicant has not been granted access, the board may take action 6806
under section 4772.20 of the Revised Code. 6807

(B) The state medical board shall provide for pro rata 6808
reductions by month of the number of hours of continuing 6809
education in pharmacology that is required to be completed for 6810
certified mental health assistants who have been disabled due to 6811
illness or accident or have been absent from the country. The 6812
board shall adopt rules, in accordance with Chapter 119. of the 6813
Revised Code, as necessary to implement this division. 6814

(C) The continuing education required by this section is 6815
in addition to any other continuing education required by the 6816
board's rules. 6817

(D) If the board chooses to authorize persons to approve 6818
continuing pharmacology education programs and courses, it shall 6819

establish standards for granting that authority and grant the 6820
authority in accordance with the standards. 6821

Sec. 4772.082. (A) This section applies to both of the 6822
following: 6823

(1) An applicant seeking restoration of a license issued 6824
under this chapter that has been in a suspended or inactive 6825
state for any cause for more than two years; 6826

(2) An applicant seeking issuance of a license pursuant to 6827
this chapter who for more than two years has not been practicing 6828
as a certified mental health assistant as either of the 6829
following: 6830

(a) An active practitioner; 6831

(b) A student in an academic program as described in 6832
section 4772.04 of the Revised Code. 6833

(B) Before issuing a license to an applicant subject to 6834
this section or restoring a license to good standing for an 6835
applicant subject to this section, the state medical board may 6836
impose terms and conditions including any one or more of the 6837
following: 6838

(1) Requiring the applicant to pass an oral or written 6839
examination, or both, to determine the applicant's present 6840
fitness to resume practice; 6841

(2) Requiring the applicant to obtain additional training 6842
and to pass an examination upon completion of such training; 6843

(3) Requiring an assessment of the applicant's physical 6844
skills for purposes of determining whether the applicant's 6845
coordination, fine motor skills, and dexterity are sufficient 6846
for performing evaluations and procedures in a manner that meets 6847

the minimal standards of care; 6848

(4) Requiring an assessment of the applicant's skills in 6849
recognizing and understanding diseases and conditions; 6850

(5) Requiring the applicant to undergo a comprehensive 6851
physical examination, which may include an assessment of 6852
physical abilities, evaluation of sensory capabilities, or 6853
screening for the presence of neurological disorders; 6854

(6) Restricting or limiting the extent, scope, or type of 6855
practice of the applicant. 6856

The board shall consider the moral background and the 6857
activities of the applicant during the period of suspension or 6858
inactivity. The board shall not issue or restore a license under 6859
this section unless the applicant complies with sections 4776.01 6860
to 4776.04 of the Revised Code. 6861

Sec. 4772.09. A license to practice as a certified mental 6862
health assistant issued under this chapter authorizes the holder 6863
to practice as a certified mental health assistant as follows: 6864

(A) The certified mental health assistant shall practice 6865
only under the supervision, control, and direction of a 6866
physician with whom the certified mental health assistant has 6867
entered into a supervision agreement under section 4772.10 of 6868
the Revised Code. 6869

(B) The certified mental health assistant shall practice 6870
in accordance with the supervision agreement entered into with 6871
the physician who is responsible for supervising the certified 6872
mental health assistant. 6873

(C) Subject to division (D) of this section, a certified 6874
mental health assistant licensed under this chapter may perform 6875

any of the following services authorized by the supervising 6876
physician that are part of the supervising physician's normal 6877
course of practice and expertise: 6878

(1) Ordering diagnostic, therapeutic, and other medical 6879
services as appropriate based on a patient's diagnosis that has 6880
been made in accordance with division (D) of this section; 6881

(2) Ordering, prescribing, personally furnishing, and 6882
administering drugs and medical devices in accordance with 6883
sections 4772.12 to 4772.15 of the Revised Code; 6884

(3) Prescribing physical therapy or referring a patient to 6885
a physical therapist for physical therapy, if related to a 6886
diagnosis that has been made in accordance with division (D) of 6887
this section; 6888

(4) Ordering occupational therapy or referring a patient 6889
to an occupational therapist for occupational therapy, if 6890
related to a diagnosis that has been made in accordance with 6891
division (D) of this section; 6892

(5) Referring a patient to emergency medical services for 6893
acute safety concerns, provided the certified mental health 6894
assistant consults with the assistant's supervising physician as 6895
soon as possible thereafter; 6896

(6) Referring a patient for voluntary or involuntary 6897
admission for substance use disorder treatment or inpatient 6898
psychiatric care, but only after consulting with the certified 6899
mental health assistant's supervising physician; 6900

(7) Any other services specified by the state medical 6901
board in rules adopted under section 4772.19 of the Revised 6902
Code. 6903

(D) A certified mental health assistant shall not do any 6904
of the following: 6905

(1) Make an initial diagnosis; 6906

(2) Treat a patient for any diagnosis or condition not 6907
found in the most recent edition of the diagnostic and 6908
statistical manual of mental disorders published by the American 6909
psychiatric association, or a similar publication if designated 6910
by the board; 6911

(3) Engage in electroconvulsive therapy, transcranial 6912
magnetic stimulation, or any other intervention designated as 6913
invasive by the board's rules. 6914

Sec. 4772.091. A certified mental health assistant may 6915
provide telehealth services in accordance with section 4743.09 6916
of the Revised Code. 6917

Sec. 4772.092. (A) Acting pursuant to a supervision 6918
agreement, a certified mental health assistant may delegate 6919
performance of a task to implement a patient's plan of care or, 6920
if the conditions in division (C) of this section are met, may 6921
delegate administration of a drug. Subject to division (D) of 6922
section 4772.03 of the Revised Code, delegation may be to any 6923
person. The certified mental health assistant must be physically 6924
present at the location where the task is performed or the drug 6925
administered. 6926

(B) Prior to delegating a task or administration of a 6927
drug, a certified mental health assistant shall determine that 6928
the task or drug is appropriate for the patient and the person 6929
to whom the delegation is to be made may safely perform the task 6930
or administer the drug. 6931

(C) A certified mental health assistant may delegate 6932

administration of a drug only if all of the following conditions 6933
are met: 6934

(1) The certified mental health assistant has been granted 6935
physician-delegated prescriptive authority by the physician 6936
supervising the certified mental health assistant and is 6937
authorized to prescribe the drug. 6938

(2) The drug is not a controlled substance. 6939

(3) The drug will not be administered intravenously. 6940

(4) The drug will not be administered in a hospital 6941
inpatient care unit, as defined in section 3727.50 of the 6942
Revised Code; a hospital emergency department; a freestanding 6943
emergency department; or an ambulatory surgical facility 6944
licensed under section 3702.30 of the Revised Code. 6945

(D) A person not otherwise authorized to administer a drug 6946
or perform a specific task may do so in accordance with a 6947
certified mental health assistant's delegation under this 6948
section. 6949

Sec. 4772.10. (A) Before initiating supervision of one or 6950
more certified mental health assistants licensed under this 6951
chapter, a physician shall enter into a supervision agreement 6952
with each certified mental health assistant who will be 6953
supervised. A supervision agreement may apply to one or more 6954
certified mental health assistants, but, except as provided in 6955
division (B) (5) of this section, may apply to not more than one 6956
physician. The supervision agreement shall specify that the 6957
physician agrees to supervise the certified mental health 6958
assistant and the certified mental health assistant agrees to 6959
practice under that physician's supervision. 6960

The agreement shall clearly state that the supervising 6961

physician is legally responsible and assumes legal liability for 6962
the services provided by the certified mental health assistant. 6963
The agreement shall be signed by the physician and the certified 6964
mental health assistant. 6965

(B) A supervision agreement shall include terms that 6966
specify all of the following: 6967

(1) The responsibilities to be fulfilled by the physician 6968
in supervising the certified mental health assistant; 6969

(2) The responsibilities to be fulfilled by the certified 6970
mental health assistant when performing services under the 6971
physician's supervision; 6972

(3) Any limitations on the responsibilities to be 6973
fulfilled by the certified mental health assistant; 6974

(4) The circumstances under which the certified mental 6975
health assistant is required to refer a patient to the 6976
supervising physician; 6977

(5) If the supervising physician chooses to designate 6978
physicians to act as alternate supervising physicians, the 6979
names, business addresses, and business telephone numbers of the 6980
physicians who have agreed to act in that capacity. 6981

(C) A supervision agreement may be amended to modify the 6982
responsibilities of one or more certified mental health 6983
assistants or to include one or more additional certified mental 6984
health assistants. 6985

(D) The supervising physician who entered into a 6986
supervision agreement shall retain a copy of the agreement in 6987
the records maintained by the supervising physician. Each 6988
certified mental health assistant who entered into the 6989

supervision agreement shall retain a copy of the agreement in 6990
the records maintained by the certified mental health assistant. 6991

(E) (1) If the board finds, through a review conducted 6992
under this section or through any other means, any of the 6993
following, the board may take disciplinary action against the 6994
individual under section 4731.22 or 4772.20 of the Revised Code, 6995
impose a civil penalty, or both: 6996

(a) That a certified mental health assistant has practiced 6997
in a manner that departs from, or fails to conform to, the terms 6998
of a supervision agreement entered into under this section; 6999

(b) That a physician has supervised a certified mental 7000
health assistant in a manner that departs from, or fails to 7001
conform to, the terms of a supervision agreement entered into 7002
under this section; 7003

(c) That a physician or certified mental health assistant 7004
failed to comply with division (A) or (B) of this section. 7005

(2) If the board finds, through a review conducted under 7006
this section or through any other means, that a physician or 7007
certified mental health assistant failed to comply with division 7008
(D) of this section, the board may do either of the following: 7009

(a) Take disciplinary action against the individual under 7010
section 4731.22 or 4772.20 of the Revised Code, impose a civil 7011
penalty, or both; 7012

(b) Permit the individual to agree in writing to update 7013
the records to comply with division (D) of this section and pay 7014
a civil penalty. 7015

(3) The board's finding in any disciplinary action taken 7016
under division (E) of this section shall be made pursuant to an 7017

adjudication conducted under Chapter 119. of the Revised Code. 7018

(4) A civil penalty imposed under division (E) (1) or (2) 7019
(a) of this section or paid under division (E) (2) (b) of this 7020
section shall be in an amount specified by the board of not more 7021
than five thousand dollars and shall be deposited in accordance 7022
with section 4731.24 of the Revised Code. 7023

Sec. 4772.11. (A) The supervising physician of a certified 7024
mental health assistant exercises supervision, control, and 7025
direction of the certified mental health assistant. A certified 7026
mental health assistant may practice in any setting within which 7027
the supervising physician has supervision, control, and 7028
direction of the certified mental health assistant. 7029

In supervising a certified mental health assistant, all of 7030
the following apply: 7031

(1) (a) Except as provided in division (A) (1) (b) of this 7032
section, the supervising physician shall be continuously 7033
available for direct communication with the certified mental 7034
health assistant by either of the following means: 7035

(i) Being physically present at the location where the 7036
certified mental health assistant is practicing; 7037

(ii) Being readily available to the certified mental 7038
health assistant through some means of telecommunication and 7039
being in a location that is a distance from the location where 7040
the certified mental health assistant is practicing that 7041
reasonably allows the physician to assure proper care of 7042
patients. 7043

(b) During the first five hundred hours of a certified 7044
mental health assistant's practice, the supervising physician 7045
shall be continuously available for direct communication with 7046

the certified mental health assistant only by being physically 7047
present at the location where the certified mental health 7048
assistant is practicing. This division does not require that the 7049
supervising physician be in the same room as the certified 7050
mental health assistant. 7051

(2) Prior to a certified mental health assistant providing 7052
services to a patient, the supervising physician must have 7053
evaluated the patient and diagnosed the patient with a diagnosis 7054
or condition found in the most recent edition of the diagnostic 7055
and statistical manual of mental disorders published by the 7056
American psychiatric association, or a similar publication if 7057
designated by the board. 7058

(3) (a) After the initial diagnosis, the supervising 7059
physician shall personally and actively review the certified 7060
mental health assistant's professional activities, on not less 7061
than a weekly basis. 7062

(b) (i) Except as provided in division (A) (3) (b) (ii) of 7063
this section, the supervising physician must reevaluate the 7064
patient not less than every two years, and sooner if there is a 7065
significant change in the patient's condition or possible change 7066
in the patient's diagnosis. 7067

(ii) The supervising physician shall reevaluate a patient 7068
annually if the patient has been prescribed by a certified 7069
mental health assistant, in accordance with section 4772.13 of 7070
the Revised Code, a controlled substance related to a diagnosis 7071
or condition found in the most recent edition of the diagnostic 7072
and statistical manual of mental disorders published by the 7073
American psychiatric association, or a similar publication if 7074
designated by the board. 7075

(4) The supervising physician shall ensure that the 7076
quality assurance system established pursuant to division (E) of 7077
this section is implemented and maintained. 7078

(5) The supervising physician shall regularly perform any 7079
other reviews of the certified mental health assistant that the 7080
supervising physician considers necessary. 7081

(B) A physician may enter into supervision agreements with 7082
any number of certified mental health assistants, but the 7083
physician may not supervise more than five certified mental 7084
health assistants at any one time. A certified mental health 7085
assistant may enter into supervision agreements with any number 7086
of supervising physicians. 7087

(C) A supervising physician may authorize a certified 7088
mental health assistant to perform a service only if the 7089
physician is satisfied that the certified mental health 7090
assistant is capable of competently performing the service. A 7091
supervising physician shall not authorize a certified mental 7092
health assistant to perform any service that is beyond the 7093
physician's or the certified mental health assistant's normal 7094
course of practice and expertise. 7095

(D) Each time a certified mental health assistant writes a 7096
medical order, including prescriptions written in the exercise 7097
of physician-delegated prescriptive authority, the certified 7098
mental health assistant shall sign the form on which the order 7099
is written and record on the form the time and date that the 7100
order is written. 7101

(E) (1) The supervising physician of a certified mental 7102
health assistant shall establish a quality assurance system to 7103
be used in supervising the certified mental health assistant. 7104

All or part of the system may be applied to other certified 7105
mental health assistants who are supervised by the supervising 7106
physician. The system shall be developed in consultation with 7107
each certified mental health assistant to be supervised by the 7108
physician. 7109

(2) In establishing the quality assurance system, the 7110
supervising physician shall describe a process to be used for 7111
all of the following: 7112

(a) Routine review by the physician of selected patient 7113
record entries made by the certified mental health assistant and 7114
selected medical orders issued by the certified mental health 7115
assistant; 7116

(b) Discussion of complex cases; 7117

(c) Discussion of new medical developments relevant to the 7118
practice of the physician and certified mental health assistant; 7119

(d) Performance of any quality assurance activities 7120
required in rules adopted by the state medical board; 7121

(e) Performance of any other quality assurance activities 7122
that the supervising physician considers to be appropriate. 7123

(3) The supervising physician and certified mental health 7124
assistant shall keep records of their quality assurance 7125
activities. On request, the records shall be made available to 7126
the board. 7127

(F) When performing authorized services, a certified 7128
mental health assistant acts as the agent of the certified 7129
mental health assistant's supervising physician. The supervising 7130
physician is legally responsible and assumes legal liability for 7131
the services provided by the certified mental health assistant. 7132

The physician is not responsible or liable for any 7133
services provided by the certified mental health assistant after 7134
their supervision agreement expires or is terminated. 7135

Sec. 4772.12. (A) A license issued by the state medical 7136
board under section 4772.06 of the Revised Code authorizes the 7137
license holder to prescribe and personally furnish drugs and 7138
therapeutic devices in the exercise of physician-delegated 7139
prescriptive authority. 7140

(B) In exercising physician-delegated prescriptive 7141
authority, a certified mental health assistant is subject to 7142
section 4772.13 of the Revised Code and all of the following: 7143

(1) The certified mental health assistant shall exercise 7144
physician-delegated prescriptive authority only to the extent 7145
that the physician supervising the certified mental health 7146
assistant has granted that authority. 7147

(2) (a) The certified mental health assistant shall comply 7148
with all conditions placed on the physician-delegated 7149
prescriptive authority, as specified by the supervising 7150
physician who is supervising the certified mental health 7151
assistant in the exercise of physician-delegated prescriptive 7152
authority. If conditions are placed on that authority, the 7153
supervising physician shall maintain a written record of the 7154
conditions and make the record available to the state medical 7155
board on request. 7156

(b) The conditions that a supervising physician may place 7157
on the physician-delegated prescriptive authority granted to a 7158
certified mental health assistant include the following: 7159

(i) Identification by class and specific generic 7160
nomenclature of drugs and therapeutic devices that the physician 7161

chooses not to permit the certified mental health assistant to 7162
prescribe; 7163

(ii) Limitations on the dosage units or refills that the 7164
certified mental health assistant is authorized to prescribe; 7165

(iii) Specification of circumstances under which the 7166
certified mental health assistant is required to refer patients 7167
to the supervising physician or another physician when 7168
exercising physician-delegated prescriptive authority; 7169

(iv) Responsibilities to be fulfilled by the physician in 7170
supervising the certified mental health assistant that are not 7171
otherwise specified in the supervision agreement or otherwise 7172
required by this chapter. 7173

(3) If the certified mental health assistant possesses 7174
physician-delegated prescriptive authority for controlled 7175
substances, both of the following apply: 7176

(a) The certified mental health assistant shall register 7177
with the federal drug enforcement administration. 7178

(b) The certified mental health assistant shall comply 7179
with section 4772.13 of the Revised Code. 7180

(4) If the certified mental health assistant possesses 7181
physician-delegated prescriptive authority to prescribe for a 7182
minor an opioid analgesic, as those terms are defined in 7183
sections 3719.01 and 3719.061 of the Revised Code, respectively, 7184
the certified mental health assistant shall comply with section 7185
3719.061 of the Revised Code. 7186

(C) A certified mental health assistant shall not 7187
prescribe any drug in violation of state or federal law. 7188

Sec. 4772.13. (A) Subject to division (B) of this section, 7189

a certified mental health assistant may prescribe to a patient a 7190
controlled substance only if the controlled substance is one of 7191
the following: 7192

(1) Buprenorphine, but only for a patient that is actively 7193
engaged in opioid use disorder treatment; 7194

(2) A benzodiazepine, but only in the following 7195
circumstances: 7196

(a) For a patient diagnosed by the supervising physician 7197
as having a chronic anxiety disorder; 7198

(b) For a patient with acute anxiety or agitation, but 7199
only in an amount indicated for a period not to exceed seven 7200
days. 7201

(3) A stimulant that has been approved by the federal food 7202
and drug administration for the treatment of attention deficit 7203
hyperactivity disorder, but only if the supervising physician 7204
has diagnosed the patient with, or confirmed the patient's 7205
diagnosis of, attention deficit hyper activity disorder. 7206

(B) Except as provided in division (C) of this section, a 7207
certified mental health assistant licensed under this chapter 7208
who has been granted physician-delegated prescriptive authority 7209
by the physician supervising the certified mental health 7210
assistant shall comply with all of the following as conditions 7211
of prescribing a controlled substance identified in division (A) 7212
of this section as part of a patient's course of treatment for a 7213
particular condition: 7214

(1) Before initially prescribing the drug, the certified 7215
mental health assistant or the certified mental health 7216
assistant's delegate shall request from the drug database a 7217
report of information related to the patient that covers at 7218

least the twelve months immediately preceding the date of the 7219
request. If the certified mental health assistant practices 7220
primarily in a county of this state that adjoins another state, 7221
the certified mental health assistant or delegate also shall 7222
request a report of any information available in the drug 7223
database that pertains to prescriptions issued or drugs 7224
furnished to the patient in the state adjoining that county. 7225

(2) If the patient's course of treatment for the condition 7226
continues for more than ninety days after the initial report is 7227
requested, the certified mental health assistant or delegate 7228
shall make periodic requests for reports of information from the 7229
drug database until the course of treatment has ended. The 7230
requests shall be made at intervals not exceeding ninety days, 7231
determined according to the date the initial request was made. 7232
The request shall be made in the same manner provided in 7233
division (B) (1) of this section for requesting the initial 7234
report of information from the drug database. 7235

(3) On receipt of a report under division (B) (1) or (2) of 7236
this section, the certified mental health assistant shall assess 7237
the information in the report. The certified mental health 7238
assistant shall document in the patient's record that the report 7239
was received and the information was assessed. 7240

(C) Division (B) of this section does not apply in any of 7241
the following circumstances: 7242

(1) A drug database report regarding the patient is not 7243
available, in which case the certified mental health assistant 7244
shall document in the patient's record the reason that the 7245
report is not available. 7246

(2) The drug is prescribed in an amount indicated for a 7247

period not to exceed seven days. 7248

(3) The drug is prescribed to a hospice patient in a 7249
hospice care program, as those terms are defined in section 7250
3712.01 of the Revised Code, or any other patient diagnosed as 7251
terminally ill. 7252

(4) The drug is prescribed for administration in a 7253
hospital, nursing home, or residential care facility. 7254

(5) If the state board of pharmacy no longer maintains the 7255
drug database. 7256

(D) The state medical board shall adopt rules in 7257
accordance with Chapter 119. of the Revised Code to implement 7258
this section, including both of the following: 7259

(1) Standards and procedures to be followed by a certified 7260
mental health assistant who has been granted physician-delegated 7261
prescriptive authority regarding the review of patient 7262
information available through the drug database under division 7263
(A) (5) of section 4729.80 of the Revised Code. 7264

The rules adopted under this division do not apply if the 7265
state board of pharmacy no longer maintains the drug database. 7266

(2) Standards and procedures to be followed by a certified 7267
mental health assistant in the use of buprenorphine for use in 7268
medication-assisted treatment, including regarding 7269
detoxification, relapse prevention, patient assessment, 7270
individual treatment planning, counseling and recovery supports, 7271
diversion control, and other topics selected by the board after 7272
considering best practices in medication-assisted treatment. 7273

The board may apply the rules to all circumstances in 7274
which a certified mental health assistant prescribes drugs for 7275

use in medication-assisted treatment or limit the application of 7276
the rules to prescriptions for medication-assisted treatment 7277
issued for patients being treated in office-based practices or 7278
other practice types or locations specified by the board. 7279

The rules adopted under this division shall be consistent 7280
with this chapter and, to the extent consistent with this 7281
chapter, rules adopted under sections 4723.51, 4730.55, and 7282
4731.056 of the Revised Code. 7283

Sec. 4772.14. (A) A certified mental health assistant who 7284
has been granted physician-delegated prescriptive authority by 7285
the physician supervising the certified mental health assistant 7286
may personally furnish to a patient samples of drugs and 7287
therapeutic devices that are included in the certified mental 7288
health assistant's physician-delegated prescriptive authority, 7289
subject to all of the following: 7290

(1) The amount of the sample furnished shall not exceed a 7291
seventy-two-hour supply, except when the minimum available 7292
quantity of the sample is packaged in an amount that is greater 7293
than a seventy-two-hour supply, in which case the certified 7294
mental health assistant may furnish the sample in the package 7295
amount. 7296

(2) No charge may be imposed for the sample or for 7297
furnishing it. 7298

(3) Samples of controlled substances may not be personally 7299
furnished. 7300

(B) A certified mental health assistant who has been 7301
granted physician-delegated prescriptive authority by the 7302
physician supervising the certified mental health assistant may 7303
personally furnish to a patient a complete or partial supply of 7304

the drugs and therapeutic devices that are included in the 7305
certified mental health assistant's physician-delegated 7306
prescriptive authority, subject to all of the following: 7307

(1) The certified mental health assistant shall not 7308
furnish the drugs and devices in locations other than the 7309
following: 7310

(a) A health department operated by the board of health of 7311
a city or general health district or the authority having the 7312
duties of a board of health under section 3709.05 of the Revised 7313
Code; 7314

(b) A federally funded comprehensive primary care clinic; 7315

(c) A nonprofit health care clinic or program; 7316

(d) An employer-based clinic that provides health care 7317
services to the employer's employees. 7318

(2) The certified mental health assistant shall comply 7319
with all standards and procedures for personally furnishing 7320
supplies of drugs and devices, as established in rules adopted 7321
under this section. 7322

(3) Complete or partial supplies of controlled substances 7323
may not be personally furnished. 7324

(C) The state medical board shall adopt rules establishing 7325
standards and procedures to be followed by a certified mental 7326
health assistant in personally furnishing samples of drugs or 7327
complete or partial supplies of drugs to patients under this 7328
section. Rules adopted under this section shall be adopted in 7329
accordance with Chapter 119. of the Revised Code. 7330

Sec. 4772.15. (A) As used in this section, "community 7331
addiction services provider" has the same meaning as in section 7332

5119.01 of the Revised Code. 7333

(B) A certified mental health assistant shall comply with 7334
section 3719.064 of the Revised Code and rules adopted under 7335
section 4772.13 of the Revised Code when treating a patient with 7336
medication-assisted treatment or proposing to initiate such 7337
treatment. 7338

(C) A certified mental health assistant who fails to 7339
comply with this section shall treat not more than thirty 7340
patients at any one time with medication-assisted treatment even 7341
if the facility or location at which the treatment is provided 7342
is either of the following: 7343

(1) Exempted by divisions (B) (2) (a) to (d) or (i) of 7344
section 4729.553 of the Revised Code from being required to 7345
possess a category III terminal distributor of dangerous drugs 7346
license with an office-based opioid treatment classification; 7347

(2) A community addiction services provider that provides 7348
alcohol and drug addiction services that are certified by the 7349
department of mental health and addiction services under section 7350
5119.36 of the Revised Code. 7351

Sec. 4772.19. (A) The state medical board shall adopt 7352
rules in accordance with Chapter 119. of the Revised Code to 7353
implement and administer this chapter. 7354

(B) The rules adopted under this section shall include all 7355
of the following: 7356

(1) Standards and procedures for issuing and renewing 7357
licenses to practice as a certified mental health assistant; 7358

(2) Application fees for an initial or renewed license; 7359

(3) Regarding certified mental health assistant education 7360

programs, rules regarding the application process, fees, 7361
requirements for approval, reapproval, and withdrawing approval, 7362
and curriculum standards; 7363

(4) Any additional services that certified mental health 7364
assistants may perform pursuant to division (C) (7) of section 7365
4772.09 of the Revised Code; 7366

(5) Rules governing physician-delegated prescriptive 7367
authority for certified mental health assistants; 7368

(6) Any other standards and procedures the board considers 7369
necessary to govern the practice of certified mental health 7370
assistants, the supervisory relationship between certified 7371
mental health assistants and supervising physicians, and the 7372
administration and enforcement of this chapter. 7373

Sec. 4772.20. (A) The state medical board, by an 7374
affirmative vote of not fewer than six members, may revoke or 7375
may refuse to grant a license to practice as a certified mental 7376
health assistant to an individual found by the board to have 7377
committed fraud, misrepresentation, or deception in applying for 7378
or securing the license. 7379

(B) The board, by an affirmative vote of not fewer than 7380
six members, shall, except as provided in division (C) of this 7381
section, and to the extent permitted by law, limit, revoke, or 7382
suspend an individual's license to practice as a certified 7383
mental health assistant, refuse to issue a license to an 7384
applicant, refuse to renew a license, refuse to reinstate a 7385
license, or reprimand or place on probation the holder of a 7386
license for any of the following reasons: 7387

(1) Permitting the holder's name or license to be used by 7388
another person; 7389

(2) Failure to comply with the requirements of this 7390
chapter, Chapter 4731. of the Revised Code, or any rules adopted 7391
by the board; 7392

(3) Violating or attempting to violate, directly or 7393
indirectly, or assisting in or abetting the violation of, or 7394
conspiring to violate, any provision of this chapter, Chapter 7395
4731. of the Revised Code, or the rules adopted by the board; 7396

(4) A departure from, or failure to conform to, minimal 7397
standards of care of similar practitioners under the same or 7398
similar circumstances whether or not actual injury to the 7399
patient is established; 7400

(5) Inability to practice according to acceptable and 7401
prevailing standards of care by reason of mental illness or 7402
physical illness, including physical deterioration that 7403
adversely affects cognitive, motor, or perceptive skills; 7404

(6) Impairment of ability to practice according to 7405
acceptable and prevailing standards of care because of habitual 7406
or excessive use or abuse of drugs, alcohol, or other substances 7407
that impair ability to practice; 7408

(7) Willfully betraying a professional confidence; 7409

(8) Making a false, fraudulent, deceptive, or misleading 7410
statement in securing or attempting to secure a license to 7411
practice as a certified mental health assistant. 7412

As used in this division, "false, fraudulent, deceptive, 7413
or misleading statement" means a statement that includes a 7414
misrepresentation of fact, is likely to mislead or deceive 7415
because of a failure to disclose material facts, is intended or 7416
is likely to create false or unjustified expectations of 7417
favorable results, or includes representations or implications 7418

that in reasonable probability will cause an ordinarily prudent 7419
person to misunderstand or be deceived. 7420

(9) The obtaining of, or attempting to obtain, money or a 7421
thing of value by fraudulent misrepresentations in the course of 7422
practice; 7423

(10) A plea of guilty to, a judicial finding of guilt of, 7424
or a judicial finding of eligibility for intervention in lieu of 7425
conviction for, a felony; 7426

(11) Commission of an act that constitutes a felony in 7427
this state, regardless of the jurisdiction in which the act was 7428
committed; 7429

(12) A plea of guilty to, a judicial finding of guilt of, 7430
or a judicial finding of eligibility for intervention in lieu of 7431
conviction for, a misdemeanor committed in the course of 7432
practice; 7433

(13) A plea of guilty to, a judicial finding of guilt of, 7434
or a judicial finding of eligibility for intervention in lieu of 7435
conviction for, a misdemeanor involving moral turpitude; 7436

(14) Commission of an act in the course of practice that 7437
constitutes a misdemeanor in this state, regardless of the 7438
jurisdiction in which the act was committed; 7439

(15) Commission of an act involving moral turpitude that 7440
constitutes a misdemeanor in this state, regardless of the 7441
jurisdiction in which the act was committed; 7442

(16) A plea of guilty to, a judicial finding of guilt of, 7443
or a judicial finding of eligibility for intervention in lieu of 7444
conviction for violating any state or federal law regulating the 7445
possession, distribution, or use of any drug, including 7446

trafficking in drugs; 7447

(17) Any of the following actions taken by the state 7448
agency responsible for regulating the practice of certified 7449
mental health assistants in another jurisdiction, for any reason 7450
other than the nonpayment of fees: the limitation, revocation, 7451
or suspension of an individual's license to practice; acceptance 7452
of an individual's license surrender; denial of a license; 7453
refusal to renew or reinstate a license; imposition of 7454
probation; or issuance of an order of censure or other 7455
reprimand; 7456

(18) Violation of the conditions placed by the board on a 7457
license to practice as a certified mental health assistant; 7458

(19) Failure to use universal blood and body fluid 7459
precautions established by rules adopted under section 4731.051 7460
of the Revised Code; 7461

(20) Failure to cooperate in an investigation conducted by 7462
the board under section 4772.21 of the Revised Code, including 7463
failure to comply with a subpoena or order issued by the board 7464
or failure to answer truthfully a question presented by the 7465
board at a deposition or in written interrogatories, except that 7466
failure to cooperate with an investigation shall not constitute 7467
grounds for discipline under this section if a court of 7468
competent jurisdiction has issued an order that either quashes a 7469
subpoena or permits the individual to withhold the testimony or 7470
evidence in issue; 7471

(21) Failure to practice in accordance with the 7472
supervising physician's supervision agreement with the certified 7473
mental health assistant; 7474

(22) Administering drugs for purposes other than those 7475

authorized under this chapter; 7476

(23) Failure to comply with section 4772.13 of the Revised 7477
Code, unless the board no longer maintains a drug database 7478
pursuant to section 4729.75 of the Revised Code; 7479

(24) Assisting suicide, as defined in section 3795.01 of 7480
the Revised Code. 7481

(C) The board shall not refuse to issue a license to an 7482
applicant because of a plea of guilty to, a judicial finding of 7483
guilt of, or a judicial finding of eligibility for intervention 7484
in lieu of conviction for an offense unless the refusal is in 7485
accordance with section 9.79 of the Revised Code. 7486

(D) Disciplinary actions taken by the board under 7487
divisions (A) and (B) of this section shall be taken pursuant to 7488
an adjudication under Chapter 119. of the Revised Code, except 7489
that in lieu of an adjudication, the board may enter into a 7490
consent agreement with a certified mental health assistant or 7491
applicant to resolve an allegation of a violation of this 7492
chapter or any rule adopted under it. A consent agreement, when 7493
ratified by an affirmative vote of not fewer than six members of 7494
the board, shall constitute the findings and order of the board 7495
with respect to the matter addressed in the agreement. If the 7496
board refuses to ratify a consent agreement, the admissions and 7497
findings contained in the consent agreement shall be of no force 7498
or effect. 7499

(E) For purposes of divisions (B) (11), (14), and (15) of 7500
this section, the commission of the act may be established by a 7501
finding by the board, pursuant to an adjudication under Chapter 7502
119. of the Revised Code, that the applicant or license holder 7503
committed the act in question. The board shall have no 7504

jurisdiction under these divisions in cases where the trial 7505
court renders a final judgment in the license holder's favor and 7506
that judgment is based upon an adjudication on the merits. The 7507
board shall have jurisdiction under these divisions in cases 7508
where the trial court issues an order of dismissal on technical 7509
or procedural grounds. 7510

(F) The sealing or expungement of conviction records by 7511
any court shall have no effect on a prior board order entered 7512
under the provisions of this section or on the board's 7513
jurisdiction to take action under the provisions of this section 7514
if, based upon a plea of guilty, a judicial finding of guilt, or 7515
a judicial finding of eligibility for intervention in lieu of 7516
conviction, the board issued a notice of opportunity for a 7517
hearing prior to the court's order to seal or expunge the 7518
records. The board shall not be required to seal, destroy, 7519
redact, or otherwise modify its records to reflect the court's 7520
sealing or expungement of conviction records. 7521

(G) For purposes of this division, any individual who 7522
holds a license to practice as a certified mental health 7523
assistant issued under this chapter, or applies for a license, 7524
shall be deemed to have given consent to submit to a mental or 7525
physical examination when directed to do so in writing by the 7526
board and to have waived all objections to the admissibility of 7527
testimony or examination reports that constitute a privileged 7528
communication. 7529

(1) In enforcing division (B) (5) of this section, the 7530
board, on a showing of a possible violation, may compel any 7531
individual who holds a license to practice as a certified mental 7532
health assistant issued under this chapter or who has applied 7533
for a license to submit to a mental or physical examination, or 7534

both. A physical examination may include an HIV test. The 7535
expense of the examination is the responsibility of the 7536
individual compelled to be examined. Failure to submit to a 7537
mental or physical examination or consent to an HIV test ordered 7538
by the board constitutes an admission of the allegations against 7539
the individual unless the failure is due to circumstances beyond 7540
the individual's control, and a default and final order may be 7541
entered without the taking of testimony or presentation of 7542
evidence. If the board finds a certified mental health assistant 7543
unable to practice because of the reasons set forth in division 7544
(B) (5) of this section, the board shall require the certified 7545
mental health assistant to submit to care, counseling, or 7546
treatment by physicians approved or designated by the board, as 7547
a condition for an initial, continued, reinstated, or renewed 7548
license. An individual affected by this division shall be 7549
afforded an opportunity to demonstrate to the board the ability 7550
to resume practicing in compliance with acceptable and 7551
prevailing standards of care. 7552

(2) For purposes of division (B) (6) of this section, if 7553
the board has reason to believe that any individual who holds a 7554
license to practice as a certified mental health assistant 7555
issued under this chapter or any applicant for a license suffers 7556
such impairment, the board may compel the individual to submit 7557
to a mental or physical examination, or both. The expense of the 7558
examination is the responsibility of the individual compelled to 7559
be examined. Any mental or physical examination required under 7560
this division shall be undertaken by a treatment provider or 7561
physician qualified to conduct such examination and chosen by 7562
the board. 7563

Failure to submit to a mental or physical examination 7564
ordered by the board constitutes an admission of the allegations 7565

against the individual unless the failure is due to 7566
circumstances beyond the individual's control, and a default and 7567
final order may be entered without the taking of testimony or 7568
presentation of evidence. If the board determines that the 7569
individual's ability to practice is impaired, the board shall 7570
suspend the individual's license or deny the individual's 7571
application and shall require the individual, as a condition for 7572
an initial, continued, reinstated, or renewed license to 7573
practice, to submit to treatment. 7574

Before being eligible to apply for reinstatement of a 7575
license suspended under this division, the certified mental 7576
health assistant shall demonstrate to the board the ability to 7577
resume practice in compliance with acceptable and prevailing 7578
standards of care. The demonstration shall include the 7579
following: 7580

(a) Certification from a treatment provider approved under 7581
section 4731.25 of the Revised Code that the individual has 7582
successfully completed any required inpatient treatment; 7583

(b) Evidence of continuing full compliance with an 7584
aftercare contract or consent agreement; 7585

(c) Two written reports indicating that the individual's 7586
ability to practice has been assessed and that the individual 7587
has been found capable of practicing according to acceptable and 7588
prevailing standards of care. The reports shall be made by 7589
individuals or providers approved by the board for making such 7590
assessments and shall describe the basis for their 7591
determination. 7592

The board may reinstate a license suspended under this 7593
division after such demonstration and after the individual has 7594

entered into a written consent agreement.

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When the impaired certified mental health assistant
resumes practice, the board shall require continued monitoring
of the certified mental health assistant. The monitoring shall
include monitoring of compliance with the written consent
agreement entered into before reinstatement or with conditions
imposed by board order after a hearing, and, on termination of
the consent agreement, submission to the board for at least two
years of annual written progress reports made under penalty of
falsification stating whether the certified mental health
assistant has maintained sobriety.

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(H) If the secretary and supervising member determine that
there is clear and convincing evidence that a certified mental
health assistant has violated division (B) of this section and
that the individual's continued practice presents a danger of
immediate and serious harm to the public, they may recommend
that the board suspend the individual's license to practice
without a prior hearing. Written allegations shall be prepared
for consideration by the board.

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The board, on review of the allegations and by an
affirmative vote of not fewer than six of its members, excluding
the secretary and supervising member, may suspend a license
without a prior hearing. A telephone conference call may be
utilized for reviewing the allegations and taking the vote on
the summary suspension.

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The board shall issue a written order of suspension by
certified mail or in person in accordance with section 119.07 of
the Revised Code. The order shall not be subject to suspension
by the court during pendency of any appeal filed under section
119.12 of the Revised Code. If the certified mental health

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assistant requests an adjudicatory hearing by the board, the 7625
date set for the hearing shall be within fifteen days, but not 7626
earlier than seven days, after the certified mental health 7627
assistant requests the hearing, unless otherwise agreed to by 7628
both the board and the license holder. 7629

A summary suspension imposed under this division shall 7630
remain in effect, unless reversed on appeal, until a final 7631
adjudicative order issued by the board pursuant to this section 7632
and Chapter 119. of the Revised Code becomes effective. The 7633
board shall issue its final adjudicative order within sixty days 7634
after completion of its hearing. Failure to issue the order 7635
within sixty days shall result in dissolution of the summary 7636
suspension order, but shall not invalidate any subsequent, final 7637
adjudicative order. 7638

(I) If the board takes action under division (B) (10), 7639
(12), or (13) of this section, and the judicial finding of 7640
guilt, guilty plea, or judicial finding of eligibility for 7641
intervention in lieu of conviction is overturned on appeal, on 7642
exhaustion of the criminal appeal, a petition for 7643
reconsideration of the order may be filed with the board along 7644
with appropriate court documents. On receipt of a petition and 7645
supporting court documents, the board shall reinstate the 7646
license to practice as a certified mental health assistant. The 7647
board may then hold an adjudication under Chapter 119. of the 7648
Revised Code to determine whether the individual committed the 7649
act in question. Notice of opportunity for hearing shall be 7650
given in accordance with Chapter 119. of the Revised Code. If 7651
the board finds, pursuant to an adjudication held under this 7652
division, that the individual committed the act, or if no 7653
hearing is requested, it may order any of the sanctions 7654
specified in division (B) of this section. 7655

(J) The license to practice of a certified mental health 7656
assistant and the assistant's practice in this state are 7657
automatically suspended as of the date the certified mental 7658
health assistant pleads guilty to, is found by a judge or jury 7659
to be guilty of, or is subject to a judicial finding of 7660
eligibility for intervention in lieu of conviction in this state 7661
or treatment of intervention in lieu of conviction in another 7662
jurisdiction for any of the following criminal offenses in this 7663
state or a substantially equivalent criminal offense in another 7664
jurisdiction: aggravated murder, murder, voluntary manslaughter, 7665
felonious assault, kidnapping, rape, sexual battery, gross 7666
sexual imposition, aggravated arson, aggravated robbery, or 7667
aggravated burglary. Continued practice after the suspension 7668
shall be considered practicing without a license. 7669

The board shall notify the individual subject to the 7670
suspension by certified mail or in person in accordance with 7671
section 119.07 of the Revised Code. If an individual whose 7672
license is suspended under this division fails to make a timely 7673
request for an adjudication under Chapter 119. of the Revised 7674
Code, the board shall enter a final order permanently revoking 7675
the individual's license. 7676

(K) In any instance in which the board is required by 7677
Chapter 119. of the Revised Code to give notice of opportunity 7678
for hearing and the individual subject to the notice does not 7679
timely request a hearing in accordance with section 119.07 of 7680
the Revised Code, the board is not required to hold a hearing, 7681
but may adopt, by an affirmative vote of not fewer than six of 7682
its members, a final order that contains the board's findings. 7683
In the final order, the board may order any of the sanctions 7684
identified under division (A) or (B) of this section. 7685

(L) Any action taken by the board under division (B) of 7686
this section resulting in a suspension shall be accompanied by a 7687
written statement of the conditions under which the certified 7688
mental health assistant's license may be reinstated. The board 7689
shall adopt rules in accordance with Chapter 119. of the Revised 7690
Code governing conditions to be imposed for reinstatement. 7691
Reinstatement of a license suspended pursuant to division (B) of 7692
this section requires an affirmative vote of not fewer than six 7693
members of the board. 7694

(M) When the board refuses to grant or issue a license to 7695
practice as a certified mental health assistant to an applicant, 7696
revokes an individual's license, refuses to renew an 7697
individual's license, or refuses to reinstate an individual's 7698
license, the board may specify that its action is permanent. An 7699
individual subject to a permanent action taken by the board is 7700
forever thereafter ineligible to hold a license to practice as a 7701
certified mental health assistant and the board shall not accept 7702
an application for reinstatement of the license or for issuance 7703
of a new license. 7704

(N) Notwithstanding any other provision of the Revised 7705
Code, all of the following apply: 7706

(1) The surrender of a license to practice as a certified 7707
mental health assistant issued under this chapter is not 7708
effective unless or until accepted by the board. Reinstatement 7709
of a license surrendered to the board requires an affirmative 7710
vote of not fewer than six members of the board. 7711

(2) An application made under this chapter for a license 7712
to practice may not be withdrawn without approval of the board. 7713

(3) Failure by an individual to renew a license to 7714

practice in accordance with section 4772.08 of the Revised Code 7715
shall not remove or limit the board's jurisdiction to take 7716
disciplinary action under this section against the individual. 7717

Sec. 4772.201. On receipt of a notice pursuant to section 7718
3123.43 of the Revised Code, the state medical board shall 7719
comply with sections 3123.41 to 3123.50 of the Revised Code and 7720
any applicable rules adopted under section 3123.63 of the 7721
Revised Code with respect to a license to practice as a 7722
certified mental health assistant issued under this chapter. 7723

Sec. 4772.202. If the state medical board has reason to 7724
believe that any person who has been granted a license to 7725
practice as a certified mental health assistant under this 7726
chapter is mentally ill or mentally incompetent, it may file in 7727
the probate court of the county in which the person has a legal 7728
residence an affidavit in the form prescribed in section 5122.11 7729
of the Revised Code and signed by the board secretary or a 7730
member of the board secretary's staff, whereupon the same 7731
proceedings shall be had as provided in Chapter 5122. of the 7732
Revised Code. The attorney general may represent the board in 7733
any proceeding commenced under this section. 7734

If any person who has been granted a license is adjudged 7735
by a probate court to be mentally ill or mentally incompetent, 7736
the person's license shall be automatically suspended until the 7737
person has filed with the state medical board a certified copy 7738
of an adjudication by a probate court of the person's subsequent 7739
restoration to competency or has submitted to the board proof, 7740
satisfactory to the board, that the person has been discharged 7741
as having a restoration to competency in the manner and form 7742
provided in section 5122.38 of the Revised Code. The judge of 7743
the probate court shall forthwith notify the state medical board 7744

of an adjudication of mental illness or mental incompetence, and 7745
shall note any suspension of a license in the margin of the 7746
court's record of such license. 7747

Sec. 4772.203. (A) (1) If a certified mental health 7748
assistant violates any section of this chapter or any rule 7749
adopted under this chapter, the state medical board may, 7750
pursuant to an adjudication under Chapter 119. of the Revised 7751
Code and an affirmative vote of not fewer than six of its 7752
members, impose a civil penalty. The amount of the civil penalty 7753
shall be determined by the board in accordance with the 7754
guidelines adopted under division (A) (2) of this section. The 7755
civil penalty may be in addition to any other action the board 7756
may take under section 4772.20 of the Revised Code. 7757

(2) The board shall adopt and may amend guidelines 7758
regarding the amounts of civil penalties to be imposed under 7759
this section. Adoption or amendment of the guidelines requires 7760
the approval of not fewer than six board members. 7761

Under the guidelines, no civil penalty amount shall exceed 7762
twenty thousand dollars. 7763

(B) Amounts received from payment of civil penalties 7764
imposed under this section shall be deposited by the board in 7765
accordance with section 4731.24 of the Revised Code. Amounts 7766
received from payment of civil penalties imposed for violations 7767
of division (B) (6) of section 4772.20 of the Revised Code shall 7768
be used by the board solely for investigations, enforcement, and 7769
compliance monitoring. 7770

Sec. 4772.21. (A) The state medical board shall 7771
investigate evidence that appears to show that any person has 7772
violated this chapter or the rules adopted under it. Any person 7773

may report to the board in a signed writing any information the 7774
person has that appears to show a violation of any provision of 7775
this chapter or the rules adopted under it. In the absence of 7776
bad faith, a person who reports such information or testifies 7777
before the board in an adjudication conducted under Chapter 119. 7778
of the Revised Code shall not be liable for civil damages as a 7779
result of reporting the information or providing testimony. Each 7780
complaint or allegation of a violation received by the board 7781
shall be assigned a case number and be recorded by the board. 7782

(B) Investigations of alleged violations of this chapter 7783
or rules adopted under it shall be supervised by the supervising 7784
member elected by the board in accordance with section 4731.02 7785
of the Revised Code and by the secretary as provided in section 7786
4772.24 of the Revised Code. The board's president may designate 7787
another member of the board to supervise the investigation in 7788
place of the supervising member. A member of the board who 7789
supervises the investigation of a case shall not participate in 7790
further adjudication of the case. 7791

(C) In investigating a possible violation of this chapter 7792
or the rules adopted under it, the board may administer oaths, 7793
order the taking of depositions, issue subpoenas, and compel the 7794
attendance of witnesses and production of books, accounts, 7795
papers, records, documents, and testimony, except that a 7796
subpoena for patient record information shall not be issued 7797
without consultation with the attorney general's office and 7798
approval of the secretary and supervising member of the board. 7799
Before issuance of a subpoena for patient record information, 7800
the secretary and supervising member shall determine whether 7801
there is probable cause to believe that the complaint filed 7802
alleges a violation of this chapter or the rules adopted under 7803
it and that the records sought are relevant to the alleged 7804

violation and material to the investigation. The subpoena may 7805
apply only to records that cover a reasonable period of time 7806
surrounding the alleged violation. 7807

On failure to comply with any subpoena issued by the board 7808
and after reasonable notice to the person being subpoenaed, the 7809
board may move for an order compelling the production of persons 7810
or records pursuant to the Rules of Civil Procedure. 7811

A subpoena issued by the board may be served by a sheriff, 7812
the sheriff's deputy, or a board employee designated by the 7813
board. Service of a subpoena issued by the board may be made by 7814
delivering a copy of the subpoena to the person named therein, 7815
reading it to the person, or leaving it at the person's usual 7816
place of residence. When the person being served is a certified 7817
mental health assistant, service of the subpoena may be made by 7818
certified mail, restricted delivery, return receipt requested, 7819
and the subpoena shall be deemed served on the date delivery is 7820
made or the date the person refuses to accept delivery. 7821

A sheriff's deputy who serves a subpoena shall receive the 7822
same fees as a sheriff. Each witness who appears before the 7823
board in obedience to a subpoena shall receive the fees and 7824
mileage provided for witnesses in civil cases in the courts of 7825
common pleas. 7826

(D) All hearings and investigations of the board shall be 7827
considered civil actions for the purposes of section 2305.252 of 7828
the Revised Code. 7829

(E) Information received by the board pursuant to an 7830
investigation is confidential and not subject to discovery in 7831
any civil action. 7832

The board shall conduct all investigations and proceedings 7833

in a manner that protects the confidentiality of patients and 7834
persons who file complaints with the board. The board shall not 7835
make public the names or any other identifying information about 7836
patients or complainants unless proper consent is given. 7837

The board may share any information it receives pursuant 7838
to an investigation, including patient records and patient 7839
record information, with law enforcement agencies, other 7840
licensing boards, and other governmental agencies that are 7841
prosecuting, adjudicating, or investigating alleged violations 7842
of statutes or administrative rules. An agency or board that 7843
receives the information shall comply with the same requirements 7844
regarding confidentiality as those with which the state medical 7845
board must comply, notwithstanding any conflicting provision of 7846
the Revised Code or procedure of the agency or board that 7847
applies when it is dealing with other information in its 7848
possession. In a judicial proceeding, the information may be 7849
admitted into evidence only in accordance with the Rules of 7850
Evidence, but the court shall require that appropriate measures 7851
are taken to ensure that confidentiality is maintained with 7852
respect to any part of the information that contains names or 7853
other identifying information about patients or complainants 7854
whose confidentiality was protected by the state medical board 7855
when the information was in the board's possession. Measures to 7856
ensure confidentiality that may be taken by the court include 7857
sealing its records or deleting specific information from its 7858
records. 7859

(F) On a quarterly basis, the board shall prepare a report 7860
that documents the disposition of all cases during the preceding 7861
three months. The report shall contain the following information 7862
for each case with which the board has completed its activities: 7863

(1) The case number assigned to the complaint or alleged 7864
violation; 7865

(2) The type of license, if any, held by the individual 7866
against whom the complaint is directed; 7867

(3) A description of the allegations contained in the 7868
complaint; 7869

(4) The disposition of the case. 7870

The report shall state how many cases are still pending, 7871
and shall be prepared in a manner that protects the identity of 7872
each person involved in each case. The report is a public record 7873
for purposes of section 149.43 of the Revised Code. 7874

Sec. 4772.22. (A) As used in this section, "prosecutor" 7875
has the same meaning as in section 2935.01 of the Revised Code. 7876

(B) Whenever any person holding a valid license to 7877
practice as a certified mental health assistant issued under 7878
this chapter pleads guilty to, is subject to a judicial finding 7879
of guilt of, or is subject to a judicial finding of eligibility 7880
for intervention in lieu of conviction for a violation of 7881
Chapter 2907., 2925., or 3719. of the Revised Code or of any 7882
substantively comparable ordinance of a municipal corporation in 7883
connection with the person's practice, the prosecutor in the 7884
case, on forms prescribed and provided by the state medical 7885
board, shall promptly notify the board of the conviction. Within 7886
thirty days of receipt of that information, the board shall 7887
initiate action in accordance with Chapter 119. of the Revised 7888
Code to determine whether to suspend or revoke the license under 7889
section 4772.20 of the Revised Code. 7890

(C) The prosecutor in any case against any person holding 7891
a valid license issued under this chapter, on forms prescribed 7892

and provided by the state medical board, shall notify the board 7893
of any of the following: 7894

(1) A plea of guilty to, a finding of guilt by a jury or 7895
court of, or judicial finding of eligibility for intervention in 7896
lieu of conviction for a felony, or a case in which the trial 7897
court issues an order of dismissal upon technical or procedural 7898
grounds of a felony charge; 7899

(2) A plea of guilty to, a finding of guilt by a jury or 7900
court of, or judicial finding of eligibility for intervention in 7901
lieu of conviction for a misdemeanor committed in the course of 7902
practice, or a case in which the trial court issues an order of 7903
dismissal upon technical or procedural grounds of a charge of a 7904
misdemeanor, if the alleged act was committed in the course of 7905
practice; 7906

(3) A plea of guilty to, a finding of guilt by a jury or 7907
court of, or judicial finding of eligibility for intervention in 7908
lieu of conviction for a misdemeanor involving moral turpitude, 7909
or a case in which the trial court issues an order of dismissal 7910
upon technical or procedural grounds of a charge of a 7911
misdemeanor involving moral turpitude. 7912

The report shall include the name and address of the 7913
license holder, the nature of the offense for which the action 7914
was taken, and the certified court documents recording the 7915
action. 7916

Sec. 4772.23. (A) Within sixty days after the imposition 7917
of any formal disciplinary action taken by any health care 7918
facility, including a hospital, health care facility operated by 7919
a health insuring corporation, ambulatory surgical facility, or 7920
similar facility, against any individual holding a valid license 7921

to practice as a certified mental health assistant, the chief 7922
administrator or executive officer of the facility shall report 7923
to the state medical board the name of the individual, the 7924
action taken by the facility, and a summary of the underlying 7925
facts leading to the action taken. On request, the board shall 7926
be provided certified copies of the patient records that were 7927
the basis for the facility's action. Prior to release to the 7928
board, the summary shall be approved by the peer review 7929
committee that reviewed the case or by the governing board of 7930
the facility. 7931

The filing of a report with the board or decision not to 7932
file a report, investigation by the board, or any disciplinary 7933
action taken by the board, does not preclude a health care 7934
facility from taking disciplinary action against a certified 7935
mental health assistant. 7936

In the absence of fraud or bad faith, no individual or 7937
entity that provides patient records to the board shall be 7938
liable in damages to any person as a result of providing the 7939
records. 7940

(B) (1) Except as provided in division (B) (2) of this 7941
section, a certified mental health assistant, professional 7942
association or society of certified mental health assistants, 7943
physician, or professional association or society of physicians 7944
that believes a violation of any provision of this chapter, 7945
Chapter 4731. of the Revised Code, or rule of the board has 7946
occurred shall report to the board the information on which the 7947
belief is based. 7948

(2) A certified mental health assistant, professional 7949
association or society of certified mental health assistants, 7950
physician, or professional association or society of physicians 7951

that believes a violation of division (B)(6) of section 4772.20 7952
of the Revised Code has occurred shall report the information 7953
upon which the belief is based to the monitoring organization 7954
conducting the program established by the board under section 7955
4731.251 of the Revised Code. If any such report is made to the 7956
board, it shall be referred to the monitoring organization 7957
unless the board is aware that the individual who is the subject 7958
of the report does not meet the program eligibility requirements 7959
of section 4731.252 of the Revised Code. 7960

(C) Any professional association or society composed 7961
primarily of certified mental health assistants that suspends or 7962
revokes an individual's membership for violations of 7963
professional ethics, or for reasons of professional incompetence 7964
or professional malpractice, within sixty days after a final 7965
decision, shall report to the board, on forms prescribed and 7966
provided by the board, the name of the individual, the action 7967
taken by the professional organization, and a summary of the 7968
underlying facts leading to the action taken. 7969

The filing of a report with the board or decision not to 7970
file a report, investigation by the board, or any disciplinary 7971
action taken by the board, does not preclude a professional 7972
organization from taking disciplinary action against a certified 7973
mental health assistant. 7974

(D) Any insurer providing professional liability insurance 7975
to any person holding a valid license to practice as a certified 7976
mental health assistant or any other entity that seeks to 7977
indemnify the professional liability of a certified mental 7978
health assistant shall notify the board within thirty days after 7979
the final disposition of any written claim for damages where 7980
such disposition results in a payment exceeding twenty-five 7981

thousand dollars. The notice shall contain the following 7982
information: 7983

(1) The name and address of the person submitting the 7984
notification; 7985

(2) The name and address of the insured who is the subject 7986
of the claim; 7987

(3) The name of the person filing the written claim; 7988

(4) The date of final disposition; 7989

(5) If applicable, the identity of the court in which the 7990
final disposition of the claim took place. 7991

(E) The board may investigate possible violations of this 7992
chapter or the rules adopted under it that are brought to its 7993
attention as a result of the reporting requirements of this 7994
section, except that the board shall conduct an investigation if 7995
a possible violation involves repeated malpractice. As used in 7996
this division, "repeated malpractice" means three or more claims 7997
for malpractice within the previous five-year period, each 7998
resulting in a judgment or settlement in excess of twenty-five 7999
thousand dollars in favor of the claimant, and each involving 8000
negligent conduct by the certified mental health assistant. 8001

(F) All summaries, reports, and records received and 8002
maintained by the board pursuant to this section shall be held 8003
in confidence and shall not be subject to discovery or 8004
introduction in evidence in any federal or state civil action 8005
involving a certified mental health assistant, supervising 8006
physician, or health care facility arising out of matters that 8007
are the subject of the reporting required by this section. The 8008
board may use the information obtained only as the basis for an 8009
investigation, as evidence in a disciplinary hearing against a 8010

certified mental health assistant or supervising physician, or 8011
in any subsequent trial or appeal of a board action or order. 8012

The board may disclose the summaries and reports it 8013
receives under this section only to health care facility 8014
committees within or outside this state that are involved in 8015
credentialing or recredentialing a certified mental health 8016
assistant or supervising physician, if applicable, or reviewing 8017
their privilege to practice within a particular facility. The 8018
board shall indicate whether or not the information has been 8019
verified. Information transmitted by the board shall be subject 8020
to the same confidentiality provisions as when maintained by the 8021
board. 8022

(G) Except for reports filed by an individual pursuant to 8023
division (B) of this section, the board shall send a copy of any 8024
reports or summaries it receives pursuant to this section to the 8025
certified mental health assistant. The certified mental health 8026
assistant shall have the right to file a statement with the 8027
board concerning the correctness or relevance of the 8028
information. The statement shall at all times accompany that 8029
part of the record in contention. 8030

(H) An individual or entity that reports to the board, 8031
reports to the monitoring organization described in section 8032
4731.251 of the Revised Code, or refers an impaired certified 8033
mental health assistant to a treatment provider approved by the 8034
board under section 4731.25 of the Revised Code shall not be 8035
subject to suit for civil damages as a result of the report, 8036
referral, or provision of the information. 8037

(I) In the absence of fraud or bad faith, a professional 8038
association or society of certified mental health assistants 8039
that sponsors a committee or program to provide peer assistance 8040

to a certified mental health assistant with substance abuse 8041
problems, a representative or agent of such a committee or 8042
program, a representative or agent of the monitoring 8043
organization described in section 4731.251 of the Revised Code, 8044
and a member of the state medical board shall not be held liable 8045
in damages to any person by reason of actions taken to refer a 8046
certified mental health assistant to a treatment provider 8047
approved under section 4731.25 of the Revised Code for 8048
examination or treatment. 8049

Sec. 4772.24. The secretary of the state medical board 8050
shall enforce the laws relating to the practice of certified 8051
mental health assistants. If the secretary has knowledge or 8052
notice of a violation of this chapter or the rules adopted under 8053
it, the secretary shall investigate the matter, and, upon 8054
probable cause appearing, file a complaint and prosecute the 8055
offender. When requested by the secretary, the prosecuting 8056
attorney of the proper county shall take charge of and conduct 8057
the prosecution. 8058

Sec. 4772.25. The attorney general, the prosecuting 8059
attorney of any county in which the offense was committed or the 8060
offender resides, the state medical board, or any other person 8061
having knowledge of a person engaged either directly or by 8062
complicity in practicing as a certified mental health assistant 8063
without having first obtained under this chapter a license to 8064
practice as a certified mental health assistant, may, in 8065
accordance with provisions of the Revised Code governing 8066
injunctions, maintain an action in the name of the state to 8067
enjoin any person from engaging either directly or by complicity 8068
in unlawfully practicing as a certified mental health assistant 8069
by applying for an injunction in any court of competent 8070
jurisdiction. 8071

Prior to application for an injunction, the secretary of 8072
the state medical board shall notify the person allegedly 8073
engaged either directly or by complicity in the unlawful 8074
practice by registered mail that the secretary has received 8075
information indicating that this person is so engaged. The 8076
person shall answer the secretary within thirty days showing 8077
that the person is either properly licensed for the stated 8078
activity or that the person is not in violation of this chapter. 8079
If the answer is not forthcoming within thirty days after notice 8080
by the secretary, the secretary shall request that the attorney 8081
general, the prosecuting attorney of the county in which the 8082
offense was committed or the offender resides, or the state 8083
medical board proceed as authorized in this section. 8084

Upon the filing of a verified petition in court, the court 8085
shall conduct a hearing on the petition and shall give the same 8086
preference to this proceeding as is given all proceedings under 8087
Chapter 119. of the Revised Code, irrespective of the position 8088
of the proceeding on the calendar of the court. 8089

Injunction proceedings shall be in addition to, and not in 8090
lieu of, all penalties and other remedies provided in this 8091
chapter. 8092

Sec. 4772.26. The state medical board, subject to the 8093
approval of the controlling board, may establish fees in excess 8094
of the amounts specified in this chapter, except that the fees 8095
may not exceed the specified amounts by more than fifty per 8096
cent. 8097

All fees, penalties, and other funds received by the board 8098
under this chapter shall be deposited in accordance with section 8099
4731.24 of the Revised Code. 8100

Sec. 4772.27. In the absence of fraud or bad faith, the 8101
state medical board, a current or former board member, an agent 8102
of the board, a person formally requested by the board to be the 8103
board's representative, or an employee of the board shall not be 8104
held liable in damages to any person as the result of any act, 8105
omission, proceeding, conduct, or decision related to official 8106
duties undertaken or performed pursuant to this chapter. If any 8107
such person asks to be defended by the state against any claim 8108
or action arising out of any act, omission, proceeding, conduct, 8109
or decision related to the person's official duties, and if the 8110
request is made in writing at a reasonable time before trial and 8111
the person requesting defense cooperates in good faith in the 8112
defense of the claim or action, the state shall provide and pay 8113
for the person's defense and shall pay any resulting judgment, 8114
compromise, or settlement. At no time shall the state pay any 8115
part of a claim or judgment that is for punitive or exemplary 8116
damages. 8117

Sec. 4772.28. The state medical board shall comply with 8118
section 4776.20 of the Revised Code. 8119

Sec. 4772.99. (A) Whoever violates section 4772.02 of the 8120
Revised Code is guilty of a misdemeanor of the first degree on a 8121
first offense; on each subsequent offense, the person is guilty 8122
of a felony of the fourth degree. 8123

(B) Whoever violates division (A), (B), (C), or (D) of 8124
section 4772.23 of the Revised Code is guilty of a minor 8125
misdemeanor on a first offense; on each subsequent offense the 8126
person is guilty of a misdemeanor of the fourth degree, except 8127
that an individual guilty of a subsequent offense shall not be 8128
subject to imprisonment, but to a fine alone of up to one 8129
thousand dollars for each offense. 8130

Sec. 4776.01. As used in this chapter: 8131

(A) "License" means an authorization evidenced by a 8132
license, certificate, registration, permit, card, or other 8133
authority that is issued or conferred by a licensing agency to a 8134
licensee or to an applicant for an initial license by which the 8135
licensee or initial license applicant has or claims the 8136
privilege to engage in a profession, occupation, or occupational 8137
activity, or, except in the case of the state dental board, to 8138
have control of and operate certain specific equipment, 8139
machinery, or premises, over which the licensing agency has 8140
jurisdiction. 8141

(B) Except as provided in section 4776.20 of the Revised 8142
Code, "licensee" means the person to whom the license is issued 8143
by a licensing agency. "Licensee" includes a person who, for 8144
purposes of section 3796.13 of the Revised Code, has complied 8145
with sections 4776.01 to 4776.04 of the Revised Code and has 8146
been determined by the department of commerce or state board of 8147
pharmacy, as the applicable licensing agency, to meet the 8148
requirements for employment. 8149

(C) Except as provided in section 4776.20 of the Revised 8150
Code, "licensing agency" means any of the following: 8151

(1) The board authorized by Chapters 4701., 4717., 4725., 8152
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 8153
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 8154
4778., 4779., and 4783. of the Revised Code to issue a license 8155
to engage in a specific profession, occupation, or occupational 8156
activity, or to have charge of and operate certain specific 8157
equipment, machinery, or premises. 8158

(2) The state dental board, relative to its authority to 8159

issue a license pursuant to section 4715.12, 4715.16, 4715.21, 8160
or 4715.27 of the Revised Code; 8161

(3) The department of commerce or state board of pharmacy, 8162
relative to its authority under Chapter 3796. of the Revised 8163
Code and any rules adopted under that chapter with respect to a 8164
person who is subject to section 3796.13 of the Revised Code; 8165

(4) The director of agriculture, relative to the 8166
director's authority to issue licenses under Chapter 928. of the 8167
Revised Code. 8168

(D) "Applicant for an initial license" includes persons 8169
seeking a license for the first time and persons seeking a 8170
license by reciprocity, endorsement, or similar manner of a 8171
license issued in another state. "Applicant for an initial 8172
license" also includes a person who, for purposes of section 8173
3796.13 of the Revised Code, is required to comply with sections 8174
4776.01 to 4776.04 of the Revised Code. 8175

(E) "Applicant for a restored license" includes persons 8176
seeking restoration of a license under section 4730.14, 4730.28, 8177
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 8178
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 8179
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 8180
"Applicant for a restored license" does not include a person 8181
seeking restoration of a license under section 4751.33 of the 8182
Revised Code. 8183

(F) "Criminal records check" has the same meaning as in 8184
section 109.572 of the Revised Code. 8185

Sec. 5123.47. (A) As used in this section: 8186

(1) "In-home care" means the supportive services provided 8187
within the home of an individual with a developmental disability 8188

who receives funding for the services through a county board of 8189
developmental disabilities, including any recipient of 8190
residential services funded as home and community-based 8191
services, family support services provided under section 5126.11 8192
of the Revised Code, or supported living provided in accordance 8193
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 8194
care" includes care that is provided outside an individual's 8195
home in places incidental to the home, and while traveling to 8196
places incidental to the home, except that "in-home care" does 8197
not include care provided in the facilities of a county board of 8198
developmental disabilities or care provided in schools. 8199

(2) "Parent" means either parent of a child, including an 8200
adoptive parent but not a foster parent. 8201

(3) "Unlicensed in-home care worker" means an individual 8202
who provides in-home care but is not a health care professional. 8203

(4) "Family member" means a parent, sibling, spouse, son, 8204
daughter, grandparent, aunt, uncle, cousin, or guardian of the 8205
individual with a developmental disability if the individual 8206
with a developmental disability lives with the person and is 8207
dependent on the person to the extent that, if the supports were 8208
withdrawn, another living arrangement would have to be found. 8209

(5) "Health care professional" means any of the following: 8210

(a) A dentist who holds a valid license issued under 8211
Chapter 4715. of the Revised Code; 8212

(b) A registered or licensed practical nurse who holds a 8213
valid license issued under Chapter 4723. of the Revised Code; 8214

(c) An optometrist who holds a valid license issued under 8215
Chapter 4725. of the Revised Code; 8216

(d) A pharmacist who holds a valid license issued under 8217
Chapter 4729. of the Revised Code; 8218

(e) A person who holds a valid license or certificate 8219
issued under Chapter 4731. of the Revised Code to practice 8220
medicine and surgery, osteopathic medicine and surgery, 8221
podiatric medicine and surgery, or a limited brand of medicine; 8222

(f) A physician assistant who holds a valid license issued 8223
under Chapter 4730. of the Revised Code; 8224

(g) An occupational therapist or occupational therapy 8225
assistant or a physical therapist or physical therapist 8226
assistant who holds a valid license issued under Chapter 4755. 8227
of the Revised Code; 8228

(h) A respiratory care professional who holds a valid 8229
license issued under Chapter 4761. of the Revised Code; 8230

(i) A certified mental health assistant who holds a valid 8231
license issued under Chapter 4772. of the Revised Code. 8232

(6) "Health care task" means a task that is prescribed, 8233
ordered, delegated, or otherwise directed by a health care 8234
professional acting within the scope of the professional's 8235
practice. "Health care task" includes the administration of oral 8236
and topical prescribed medications; administration of nutrition 8237
and medications through gastrostomy and jejunostomy tubes that 8238
are stable and labeled; administration of oxygen and metered 8239
dose inhaled medications; administration of insulin through 8240
subcutaneous injections, inhalation, and insulin pumps; and 8241
administration of prescribed medications for the treatment of 8242
metabolic glycemic disorders through subcutaneous injections. 8243

(B) Except as provided in division (E) of this section, a 8244
family member of an individual with a developmental disability 8245

may authorize an unlicensed in-home care worker to perform 8246
health care tasks as part of the in-home care the worker 8247
provides to the individual, if all of the following apply: 8248

(1) The family member is the primary supervisor of the 8249
care. 8250

(2) The unlicensed in-home care worker has been selected 8251
by the family member or the individual receiving care and is 8252
under the direct supervision of the family member. 8253

(3) The unlicensed in-home care worker is providing the 8254
care through an employment or other arrangement entered into 8255
directly with the family member and is not otherwise employed by 8256
or under contract with a person or government entity to provide 8257
services to individuals with developmental disabilities. 8258

(4) The health care task is completed in accordance with 8259
standard, written instructions. 8260

(5) Performance of the health care task requires no 8261
judgment based on specialized health care knowledge or 8262
expertise. 8263

(6) The outcome of the health care task is reasonably 8264
predictable. 8265

(7) Performance of the health care task requires no 8266
complex observation of the individual receiving the care. 8267

(8) Improper performance of the health care task will 8268
result in only minimal complications that are not life- 8269
threatening. 8270

(C) A family member shall obtain a prescription, if 8271
applicable, and written instructions from a health care 8272
professional for the care to be provided to the individual. The 8273

family member shall authorize the unlicensed in-home care worker 8274
to provide the care by preparing a written document granting the 8275
authority. The family member shall provide the unlicensed in- 8276
home care worker with appropriate training and written 8277
instructions in accordance with the instructions obtained from 8278
the health care professional. The family member or a health care 8279
professional shall be available to communicate with the 8280
unlicensed in-home care worker either in person or by 8281
telecommunication while the in-home care worker performs a 8282
health care task. 8283

(D) A family member who authorizes an unlicensed in-home 8284
care worker to administer oral and topical prescribed 8285
medications or perform other health care tasks retains full 8286
responsibility for the health and safety of the individual 8287
receiving the care and for ensuring that the worker provides the 8288
care appropriately and safely. No entity that funds or monitors 8289
the provision of in-home care may be held liable for the results 8290
of the care provided under this section by an unlicensed in-home 8291
care worker, including such entities as the county board of 8292
developmental disabilities and the department of developmental 8293
disabilities. 8294

An unlicensed in-home care worker who is authorized under 8295
this section by a family member to provide care to an individual 8296
may not be held liable for any injury caused in providing the 8297
care, unless the worker provides the care in a manner that is 8298
not in accordance with the training and instructions received or 8299
the worker acts in a manner that constitutes willful or wanton 8300
misconduct. 8301

(E) A county board of developmental disabilities may 8302
evaluate the authority granted by a family member under this 8303

section to an unlicensed in-home care worker at any time it 8304
considers necessary and shall evaluate the authority on receipt 8305
of a complaint. If the board determines that a family member has 8306
acted in a manner that is inappropriate for the health and 8307
safety of the individual receiving the care, the authorization 8308
granted by the family member to an unlicensed in-home care 8309
worker is void, and the family member may not authorize other 8310
unlicensed in-home care workers to provide the care. In making 8311
such a determination, the board shall use appropriately licensed 8312
health care professionals and shall provide the family member an 8313
opportunity to file a complaint under section 5126.06 of the 8314
Revised Code. 8315

Sec. 5164.95. (A) As used in this section, "telehealth 8316
service" means a health care service delivered to a patient 8317
through the use of interactive audio, video, or other 8318
telecommunications or electronic technology from a site other 8319
than the site where the patient is located. 8320

(B) The department of medicaid shall establish standards 8321
for medicaid payments for health care services the department 8322
determines are appropriate to be covered by the medicaid program 8323
when provided as telehealth services. The standards shall be 8324
established in rules adopted under section 5164.02 of the 8325
Revised Code. 8326

In accordance with section 5162.021 of the Revised Code, 8327
the medicaid director shall adopt rules authorizing the 8328
directors of other state agencies to adopt rules regarding the 8329
medicaid coverage of telehealth services under programs 8330
administered by the other state agencies. Any such rules adopted 8331
by the medicaid director or the directors of other state 8332
agencies are not subject to the requirements of division (F) of 8333

section 121.95 of the Revised Code. 8334

(C) (1) To the extent permitted under rules adopted under 8335
section 5164.02 of the Revised Code and applicable federal law, 8336
the following practitioners are eligible to provide telehealth 8337
services covered pursuant to this section: 8338

(a) A physician licensed under Chapter 4731. of the 8339
Revised Code to practice medicine and surgery, osteopathic 8340
medicine and surgery, or podiatric medicine and surgery; 8341

(b) A psychologist, independent school psychologist, or 8342
school psychologist licensed under Chapter 4732. of the Revised 8343
Code; 8344

(c) A physician assistant licensed under Chapter 4730. of 8345
the Revised Code; 8346

(d) A clinical nurse specialist, certified nurse-midwife, 8347
or certified nurse practitioner licensed under Chapter 4723. of 8348
the Revised Code; 8349

(e) An independent social worker, independent marriage and 8350
family therapist, or professional clinical counselor licensed 8351
under Chapter 4757. of the Revised Code; 8352

(f) An independent chemical dependency counselor licensed 8353
under Chapter 4758. of the Revised Code; 8354

(g) A supervised practitioner or supervised trainee; 8355

(h) An audiologist or speech-language pathologist licensed 8356
under Chapter 4753. of the Revised Code; 8357

(i) An audiology aide or speech-language pathology aide, 8358
as defined in section 4753.072 of the Revised Code, or an 8359
individual holding a conditional license under section 4753.071 8360

of the Revised Code;	8361
(j) An occupational therapist or physical therapist	8362
licensed under Chapter 4755. of the Revised Code;	8363
(k) An occupational therapy assistant or physical	8364
therapist assistant licensed under Chapter 4755. of the Revised	8365
Code.	8366
(l) A dietitian licensed under Chapter 4759. of the	8367
Revised Code;	8368
(m) A chiropractor licensed under Chapter 4734. of the	8369
Revised Code;	8370
(n) A pharmacist licensed under Chapter 4729. of the	8371
Revised Code;	8372
(o) A genetic counselor licensed under Chapter 4778. of	8373
the Revised Code;	8374
(p) An optometrist licensed under Chapter 4725. of the	8375
Revised Code to practice optometry;	8376
(q) A respiratory care professional licensed under Chapter	8377
4761. of the Revised Code;	8378
(r) A certified Ohio behavior analyst certified under	8379
Chapter 4783. of the Revised Code;	8380
(s) A practitioner who provides services through a	8381
medicaid school program;	8382
(t) Subject to section 5119.368 of the Revised Code, a	8383
practitioner authorized to provide services and supports	8384
certified under section 5119.36 of the Revised Code through a	8385
community mental health services provider or community addiction	8386
services provider;	8387

(u) A certified mental health assistant licensed under 8388
Chapter 4772. of the Revised Code; 8389

(v) Any other practitioner the medicaid director considers 8390
eligible to provide telehealth services. 8391

(2) In accordance with division (B) of this section and to 8392
the extent permitted under rules adopted under section 5164.02 8393
of the Revised Code and applicable federal law, the following 8394
provider types are eligible to submit claims for medicaid 8395
payments for providing telehealth services: 8396

(a) Any practitioner described in division (C) (1) of this 8397
section, except for those described in divisions (C) (1) (g), (i), 8398
and (k) of this section; 8399

(b) A professional medical group; 8400

(c) A federally qualified health center or federally 8401
qualified health center look-alike, as defined in section 8402
3701.047 of the Revised Code; 8403

(d) A rural health clinic; 8404

(e) An ambulatory health care clinic; 8405

(f) An outpatient hospital; 8406

(g) A medicaid school program; 8407

(h) Subject to section 5119.368 of the Revised Code, a 8408
community mental health services provider or community addiction 8409
services provider that offers services and supports certified 8410
under section 5119.36 of the Revised Code; 8411

(i) Any other provider type the medicaid director 8412
considers eligible to submit the claims for payment. 8413

(D) (1) When providing telehealth services under this 8414

section, a practitioner shall comply with all requirements under 8415
state and federal law regarding the protection of patient 8416
information. A practitioner shall ensure that any username or 8417
password information and any electronic communications between 8418
the practitioner and a patient are securely transmitted and 8419
stored. 8420

(2) When providing telehealth services under this section, 8421
every practitioner site shall have access to the medical records 8422
of the patient at the time telehealth services are provided. 8423

Sec. 5903.12. (A) As used in this section: 8424

"Continuing education" means continuing education required 8425
of a licensee by law and includes, but is not limited to, the 8426
continuing education required of licensees under sections 8427
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 8428
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 8429
4735.141, 4736.11, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 8430
4757.33, 4759.06, 4761.06, ~~and 4763.07~~, and 4772.081 of the 8431
Revised Code. 8432

"Reporting period" means the period of time during which a 8433
licensee must complete the number of hours of continuing 8434
education required of the licensee by law. 8435

(B) A licensee may submit an application to a licensing 8436
agency, stating that the licensee requires an extension of the 8437
current reporting period because the licensee has served on 8438
active duty during the current or a prior reporting period. The 8439
licensee shall submit proper documentation certifying the active 8440
duty service and the length of that active duty service. Upon 8441
receiving the application and proper documentation, the 8442
licensing agency shall extend the current reporting period by an 8443

amount of time equal to the total number of months that the 8444
licensee spent on active duty during the current reporting 8445
period. For purposes of this division, any portion of a month 8446
served on active duty shall be considered one full month. 8447

Section 2. That existing sections 2305.234, 2305.51, 8448
2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 8449
2925.36, 2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 8450
3715.50, 3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 8451
3719.064, 3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 8452
4729.553, 4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 8453
4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 4755.48, 4755.623, 8454
4765.51, 4769.01, 4776.01, 5123.47, 5164.95, and 5903.12 of the 8455
Revised Code are hereby repealed. 8456

Section 3. That the version of section 4755.48 of the 8457
Revised Code that is scheduled to take effect December 29, 2023, 8458
be amended to read as follows: 8459

Sec. 4755.48. (A) No person shall employ fraud or 8460
deception in applying for or securing a license to practice 8461
physical therapy or to be a physical therapist assistant. 8462

(B) No person shall practice or in any way imply or claim 8463
to the public by words, actions, or the use of letters as 8464
described in division (C) of this section to be able to practice 8465
physical therapy or to provide physical therapy services, 8466
including practice as a physical therapist assistant, unless the 8467
person holds a valid license under sections 4755.40 to 4755.56 8468
of the Revised Code or except for submission of claims as 8469
provided in section 4755.56 of the Revised Code. 8470

(C) No person shall use the words or letters, physical 8471
therapist, physical therapy, physical therapy services, 8472

physiotherapist, physiotherapy, physiotherapy services, licensed 8473
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 8474
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 8475
therapist assistant, physical therapy technician, licensed 8476
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 8477
letters, words, abbreviations, or insignia, indicating or 8478
implying that the person is a physical therapist or physical 8479
therapist assistant without a valid license under sections 8480
4755.40 to 4755.56 of the Revised Code. 8481

(D) No person who practices physical therapy or assists in 8482
the provision of physical therapy treatments under the 8483
supervision of a physical therapist shall fail to display the 8484
person's current license granted under sections 4755.40 to 8485
4755.56 of the Revised Code in a conspicuous location in the 8486
place where the person spends the major part of the person's 8487
time so engaged. 8488

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 8489
Code shall affect or interfere with the performance of the 8490
duties of any physical therapist or physical therapist assistant 8491
in active service in the army, navy, coast guard, marine corps, 8492
air force, public health service, or marine hospital service of 8493
the United States, while so serving. 8494

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 8495
Code shall prevent or restrict the activities or services of a 8496
person pursuing a course of study leading to a degree in 8497
physical therapy in an accredited or approved educational 8498
program if the activities or services constitute a part of a 8499
supervised course of study and the person is designated by a 8500
title that clearly indicates the person's status as a student. 8501

(G) (1) Subject to division (G) (2) of this section, nothing 8502

in sections 4755.40 to 4755.56 of the Revised Code shall prevent 8503
or restrict the activities or services of any person who holds a 8504
current, unrestricted license to practice physical therapy in 8505
another state when that person, pursuant to contract or 8506
employment with an athletic team located in the state in which 8507
the person holds the license, provides physical therapy to any 8508
of the following while the team is traveling to or from or 8509
participating in a sporting event in this state: 8510

(a) A member of the athletic team; 8511

(b) A member of the athletic team's coaching, 8512
communications, equipment, or sports medicine staff; 8513

(c) A member of a band or cheerleading squad accompanying 8514
the athletic team; 8515

(d) The athletic team's mascot. 8516

(2) In providing physical therapy pursuant to division (G) 8517
(1) of this section, the person shall not do either of the 8518
following: 8519

(a) Provide physical therapy at a health care facility; 8520

(b) Provide physical therapy for more than sixty days in a 8521
calendar year. 8522

(3) The limitations described in divisions (G)(1) and (2) 8523
of this section do not apply to a person who is practicing in 8524
accordance with the compact privilege granted by this state 8525
through the "Physical Therapy Licensure Compact" entered into 8526
under section 4755.57 of the Revised Code. 8527

(4) The physical therapy section of the occupational 8528
therapy, physical therapy, and athletic trainers board shall not 8529
require a nonresident person who holds a license to practice 8530

physical therapy in another state to obtain a license in 8531
accordance with Chapter 4796. of the Revised Code to provide 8532
physical therapy services in the manner described under division 8533
(G) (1) of this section. 8534

(H) (1) Except as provided in division (H) (2) of this 8535
section and subject to division (I) of this section, no person 8536
shall practice physical therapy other than on the prescription 8537
of, or the referral of a patient by, a person who is licensed in 8538
this or another state to do at least one of the following: 8539

(a) Practice medicine and surgery, chiropractic, 8540
dentistry, osteopathic medicine and surgery, podiatric medicine 8541
and surgery; 8542

(b) Practice as a physician assistant; 8543

(c) Practice nursing as an advanced practice registered 8544
nurse; 8545

(d) Practice as a certified mental health assistant. 8546

(2) The prohibition in division (H) (1) of this section on 8547
practicing physical therapy other than on the prescription of, 8548
or the referral of a patient by, any of the persons described in 8549
that division does not apply if either of the following applies 8550
to the person: 8551

(a) The person holds a master's or doctorate degree from a 8552
professional physical therapy program that is accredited by a 8553
national physical therapy accreditation agency approved by the 8554
physical therapy section of the Ohio occupational therapy, 8555
physical therapy, and athletic trainers board. 8556

(b) On or before December 31, 2004, the person has 8557
completed at least two years of practical experience as a 8558

licensed physical therapist. 8559

(I) To be authorized to prescribe physical therapy or 8560
refer a patient to a physical therapist for physical therapy, a 8561
person described in division (H)(1) of this section must be in 8562
good standing with the relevant licensing board in this state or 8563
the state in which the person is licensed and must act only 8564
within the person's scope of practice. 8565

(J) In the prosecution of any person for violation of 8566
division (B) or (C) of this section, it is not necessary to 8567
allege or prove want of a valid license to practice physical 8568
therapy or to practice as a physical therapist assistant, but 8569
such matters shall be a matter of defense to be established by 8570
the accused. 8571

Section 4. That the existing version of section 4755.48 of 8572
the Revised Code that is scheduled to take effect December 29, 8573
2023, is hereby repealed. 8574

Section 5. Sections 3 and 4 of this act take effect 8575
December 29, 2023. 8576

Section 6. The General Assembly, applying the principle 8577
stated in division (B) of section 1.52 of the Revised Code that 8578
amendments are to be harmonized if reasonably capable of 8579
simultaneous operation, finds that the following sections, 8580
presented in this act as composites of the sections as amended 8581
by the acts indicated, are the resulting versions of the 8582
sections in effect prior to the effective date of the sections 8583
as presented in this act: 8584

Section 3701.74 of the Revised Code as amended by both 8585
H.B. 232 and H.B. 483 of the 130th General Assembly. 8586

Section 3719.121 of the Revised Code as amended by both 8587

H.B. 216 and S.B. 319 of the 131st General Assembly.	8588
Section 4729.01 of the Revised Code as amended by both	8589
H.B. 509 and H.B. 558 of the 134th General Assembly.	8590
Section 4731.22 of the Revised Code as amended by both	8591
H.B. 254 and S.B. 288 of the 134th General Assembly.	8592
Section 4776.01 of the Revised Code as amended by both	8593
H.B. 166 and S.B. 57 of the 133rd General Assembly.	8594