

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 348

Representative Ginter

A BILL

To amend sections 1547.11, 2925.01, 2925.03, 1
2925.05, 2925.11, 2925.22, 2929.01, and 4511.19 2
of the Revised Code to provide that the penalty 3
for trafficking in, possession of, or funding of 4
trafficking in fentanyl or carfentanil is the 5
same as the penalty for those crimes involving 6
heroin, to increase to a third degree felony the 7
trafficking in or possession of at least one 8
gram but less than five grams of any of those 9
drugs, to provide that deception to obtain a 10
dangerous drug involving fentanyl or carfentanil 11
is a third degree felony, and to provide a per 12
se prohibited concentration of fentanyl and 13
carfentanil regarding operating a vessel or 14
motor vehicle that is the same as the per se 15
prohibited concentration for heroin. 16

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

Section 1. That sections 1547.11, 2925.01, 2925.03, 17
2925.05, 2925.11, 2925.22, 2929.01, and 4511.19 of the Revised 18
Code be amended to read as follows: 19

Sec. 1547.11. (A) No person shall operate or be in 20
physical control of any vessel underway or shall manipulate any 21
water skis, aquaplane, or similar device on the waters in this 22
state if, at the time of the operation, control, or 23
manipulation, any of the following applies: 24

(1) The person is under the influence of alcohol, a drug 25
of abuse, or a combination of them. 26

(2) The person has a concentration of eight-hundredths of 27
one per cent or more by weight of alcohol per unit volume in the 28
person's whole blood. 29

(3) The person has a concentration of ninety-six- 30
thousandths of one per cent or more by weight per unit volume of 31
alcohol in the person's blood serum or plasma. 32

(4) The person has a concentration of eleven-hundredths of 33
one gram or more by weight of alcohol per one hundred 34
milliliters of the person's urine. 35

(5) The person has a concentration of eight-hundredths of 36
one gram or more by weight of alcohol per two hundred ten liters 37
of the person's breath. 38

(6) Except as provided in division (H) of this section, 39
the person has a concentration of any of the following 40
controlled substances or metabolites of a controlled substance 41
in the person's whole blood, blood serum or plasma, or urine 42
that equals or exceeds any of the following: 43

(a) The person has a concentration of amphetamine in the 44
person's urine of at least five hundred nanograms of amphetamine 45
per milliliter of the person's urine or has a concentration of 46
amphetamine in the person's whole blood or blood serum or plasma 47
of at least one hundred nanograms of amphetamine per milliliter 48

of the person's whole blood or blood serum or plasma. 49

(b) The person has a concentration of cocaine in the 50
person's urine of at least one hundred fifty nanograms of 51
cocaine per milliliter of the person's urine or has a 52
concentration of cocaine in the person's whole blood or blood 53
serum or plasma of at least fifty nanograms of cocaine per 54
milliliter of the person's whole blood or blood serum or plasma. 55

(c) The person has a concentration of cocaine metabolite 56
in the person's urine of at least one hundred fifty nanograms of 57
cocaine metabolite per milliliter of the person's urine or has a 58
concentration of cocaine metabolite in the person's whole blood 59
or blood serum or plasma of at least fifty nanograms of cocaine 60
metabolite per milliliter of the person's whole blood or blood 61
serum or plasma. 62

(d) The person has a concentration of heroin, fentanyl, or 63
carfentanil in the person's urine of at least two thousand 64
nanograms of heroin, fentanyl, or carfentanil per milliliter of 65
the person's urine or has a concentration of heroin, fentanyl, 66
or carfentanil in the person's whole blood or blood serum or 67
plasma of at least fifty nanograms of heroin, fentanyl, or 68
carfentanil per milliliter of the person's whole blood or blood 69
serum or plasma. 70

(e) The person has a concentration of heroin metabolite 71
(6-monoacetyl morphine) in the person's urine of at least ten 72
nanograms of heroin metabolite (6-monoacetyl morphine) per 73
milliliter of the person's urine or has a concentration of 74
heroin metabolite (6-monoacetyl morphine) in the person's whole 75
blood or blood serum or plasma of at least ten nanograms of 76
heroin metabolite (6-monoacetyl morphine) per milliliter of the 77
person's whole blood or blood serum or plasma. 78

(f) The person has a concentration of L.S.D. in the 79
person's urine of at least twenty-five nanograms of L.S.D. per 80
milliliter of the person's urine or has a concentration of 81
L.S.D. in the person's whole blood or blood serum or plasma of 82
at least ten nanograms of L.S.D. per milliliter of the person's 83
whole blood or blood serum or plasma. 84

(g) The person has a concentration of marihuana in the 85
person's urine of at least ten nanograms of marihuana per 86
milliliter of the person's urine or has a concentration of 87
marihuana in the person's whole blood or blood serum or plasma 88
of at least two nanograms of marihuana per milliliter of the 89
person's whole blood or blood serum or plasma. 90

(h) The state board of pharmacy has adopted a rule 91
pursuant to section 4729.041 of the Revised Code that specifies 92
the amount of salvia divinorum and the amount of salvinorin A 93
that constitute concentrations of salvia divinorum and 94
salvinorin A in a person's urine, in a person's whole blood, or 95
in a person's blood serum or plasma at or above which the person 96
is impaired for purposes of operating or being in physical 97
control of any vessel underway or manipulating any water skis, 98
aquaplane, or similar device on the waters of this state, the 99
rule is in effect, and the person has a concentration of salvia 100
divinorum or salvinorin A of at least that amount so specified 101
by rule in the person's urine, in the person's whole blood, or 102
in the person's blood serum or plasma. 103

(i) Either of the following applies: 104

(i) The person is under the influence of alcohol, a drug 105
of abuse, or a combination of them, and, as measured by gas 106
chromatography mass spectrometry, the person has a concentration 107
of marihuana metabolite in the person's urine of at least 108

fifteen nanograms of marihuana metabolite per milliliter of the 109
person's urine or has a concentration of marihuana metabolite in 110
the person's whole blood or blood serum or plasma of at least 111
five nanograms of marihuana metabolite per milliliter of the 112
person's whole blood or blood serum or plasma. 113

(ii) As measured by gas chromatography mass spectrometry, 114
the person has a concentration of marihuana metabolite in the 115
person's urine of at least thirty-five nanograms of marihuana 116
metabolite per milliliter of the person's urine or has a 117
concentration of marihuana metabolite in the person's whole 118
blood or blood serum or plasma of at least fifty nanograms of 119
marihuana metabolite per milliliter of the person's whole blood 120
or blood serum or plasma. 121

(j) The person has a concentration of methamphetamine in 122
the person's urine of at least five hundred nanograms of 123
methamphetamine per milliliter of the person's urine or has a 124
concentration of methamphetamine in the person's whole blood or 125
blood serum or plasma of at least one hundred nanograms of 126
methamphetamine per milliliter of the person's whole blood or 127
blood serum or plasma. 128

(k) The person has a concentration of phencyclidine in the 129
person's urine of at least twenty-five nanograms of 130
phencyclidine per milliliter of the person's urine or has a 131
concentration of phencyclidine in the person's whole blood or 132
blood serum or plasma of at least ten nanograms of phencyclidine 133
per milliliter of the person's whole blood or blood serum or 134
plasma. 135

(B) No person under twenty-one years of age shall operate 136
or be in physical control of any vessel underway or shall 137
manipulate any water skis, aquaplane, or similar device on the 138

waters in this state if, at the time of the operation, control, 139
or manipulation, any of the following applies: 140

(1) The person has a concentration of at least two- 141
hundredths of one per cent, but less than eight-hundredths of 142
one per cent by weight per unit volume of alcohol in the 143
person's whole blood. 144

(2) The person has a concentration of at least three- 145
hundredths of one per cent but less than ninety-six-thousandths 146
of one per cent by weight per unit volume of alcohol in the 147
person's blood serum or plasma. 148

(3) The person has a concentration of at least twenty- 149
eight one-thousandths of one gram, but less than eleven- 150
hundredths of one gram by weight of alcohol per one hundred 151
milliliters of the person's urine. 152

(4) The person has a concentration of at least two- 153
hundredths of one gram, but less than eight-hundredths of one 154
gram by weight of alcohol per two hundred ten liters of the 155
person's breath. 156

(C) In any proceeding arising out of one incident, a 157
person may be charged with a violation of division (A) (1) and a 158
violation of division (B) (1), (2), (3), or (4) of this section, 159
but the person shall not be convicted of more than one violation 160
of those divisions. 161

(D) (1) (a) In any criminal prosecution or juvenile court 162
proceeding for a violation of division (A) or (B) of this 163
section or for an equivalent offense that is watercraft-related, 164
the result of any test of any blood or urine withdrawn and 165
analyzed at any health care provider, as defined in section 166
2317.02 of the Revised Code, may be admitted with expert 167

testimony to be considered with any other relevant and competent 168
evidence in determining the guilt or innocence of the defendant. 169

(b) In any criminal prosecution or juvenile court 170
proceeding for a violation of division (A) or (B) of this 171
section or for an equivalent offense that is watercraft-related, 172
the court may admit evidence on the concentration of alcohol, 173
drugs of abuse, controlled substances, metabolites of a 174
controlled substance, or a combination of them in the 175
defendant's or child's whole blood, blood serum or plasma, 176
urine, or breath at the time of the alleged violation as shown 177
by chemical analysis of the substance withdrawn, or specimen 178
taken within three hours of the time of the alleged violation. 179
The three-hour time limit specified in this division regarding 180
the admission of evidence does not extend or affect the two-hour 181
time limit specified in division (C) of section 1547.111 of the 182
Revised Code as the maximum period of time during which a person 183
may consent to a chemical test or tests as described in that 184
section. The court may admit evidence on the concentration of 185
alcohol, drugs of abuse, or a combination of them as described 186
in this division when a person submits to a blood, breath, 187
urine, or other bodily substance test at the request of a law 188
enforcement officer under section 1547.111 of the Revised Code 189
or a blood or urine sample is obtained pursuant to a search 190
warrant. Only a physician, a registered nurse, an emergency 191
medical technician-intermediate, an emergency medical 192
technician-paramedic, or a qualified technician, chemist, or 193
phlebotomist shall withdraw blood for the purpose of determining 194
the alcohol, drug, controlled substance, metabolite of a 195
controlled substance, or combination content of the whole blood, 196
blood serum, or blood plasma. This limitation does not apply to 197
the taking of breath or urine specimens. A person authorized to 198

withdraw blood under this division may refuse to withdraw blood 199
under this division if, in that person's opinion, the physical 200
welfare of the defendant or child would be endangered by 201
withdrawing blood. 202

The whole blood, blood serum or plasma, urine, or breath 203
withdrawn under division (D) (1) (b) of this section shall be 204
analyzed in accordance with methods approved by the director of 205
health by an individual possessing a valid permit issued by the 206
director pursuant to section 3701.143 of the Revised Code. 207

(2) In a criminal prosecution or juvenile court proceeding 208
for a violation of division (A) of this section or for an 209
equivalent offense that is watercraft-related, if there was at 210
the time the bodily substance was taken a concentration of less 211
than the applicable concentration of alcohol specified for a 212
violation of division (A) (2), (3), (4), or (5) of this section 213
or less than the applicable concentration of a listed controlled 214
substance or a listed metabolite of a controlled substance 215
specified for a violation of division (A) (6) of this section, 216
that fact may be considered with other competent evidence in 217
determining the guilt or innocence of the defendant or in making 218
an adjudication for the child. This division does not limit or 219
affect a criminal prosecution or juvenile court proceeding for a 220
violation of division (B) of this section or for a violation of 221
a prohibition that is substantially equivalent to that division. 222

(3) Upon the request of the person who was tested, the 223
results of the chemical test shall be made available to the 224
person or the person's attorney immediately upon completion of 225
the test analysis. 226

If the chemical test was administered pursuant to division 227
(D) (1) (b) of this section, the person tested may have a 228

physician, a registered nurse, or a qualified technician, 229
chemist, or phlebotomist of the person's own choosing administer 230
a chemical test or tests in addition to any administered at the 231
direction of a law enforcement officer, and shall be so advised. 232
The failure or inability to obtain an additional test by a 233
person shall not preclude the admission of evidence relating to 234
the test or tests taken at the direction of a law enforcement 235
officer. 236

(E) (1) In any criminal prosecution or juvenile court 237
proceeding for a violation of division (A) or (B) of this 238
section, of a municipal ordinance relating to operating or being 239
in physical control of any vessel underway or to manipulating 240
any water skis, aquaplane, or similar device on the waters of 241
this state while under the influence of alcohol, a drug of 242
abuse, or a combination of them, or of a municipal ordinance 243
relating to operating or being in physical control of any vessel 244
underway or to manipulating any water skis, aquaplane, or 245
similar device on the waters of this state with a prohibited 246
concentration of alcohol, a controlled substance, or a 247
metabolite of a controlled substance in the whole blood, blood 248
serum or plasma, breath, or urine, if a law enforcement officer 249
has administered a field sobriety test to the operator or person 250
found to be in physical control of the vessel underway involved 251
in the violation or the person manipulating the water skis, 252
aquaplane, or similar device involved in the violation and if it 253
is shown by clear and convincing evidence that the officer 254
administered the test in substantial compliance with the testing 255
standards for reliable, credible, and generally accepted field 256
sobriety tests for vehicles that were in effect at the time the 257
tests were administered, including, but not limited to, any 258
testing standards then in effect that have been set by the 259

national highway traffic safety administration, that by their 260
nature are not clearly inapplicable regarding the operation or 261
physical control of vessels underway or the manipulation of 262
water skis, aquaplanes, or similar devices, all of the following 263
apply: 264

(a) The officer may testify concerning the results of the 265
field sobriety test so administered. 266

(b) The prosecution may introduce the results of the field 267
sobriety test so administered as evidence in any proceedings in 268
the criminal prosecution or juvenile court proceeding. 269

(c) If testimony is presented or evidence is introduced 270
under division (E) (1) (a) or (b) of this section and if the 271
testimony or evidence is admissible under the Rules of Evidence, 272
the court shall admit the testimony or evidence, and the trier 273
of fact shall give it whatever weight the trier of fact 274
considers to be appropriate. 275

(2) Division (E) (1) of this section does not limit or 276
preclude a court, in its determination of whether the arrest of 277
a person was supported by probable cause or its determination of 278
any other matter in a criminal prosecution or juvenile court 279
proceeding of a type described in that division, from 280
considering evidence or testimony that is not otherwise 281
disallowed by division (E) (1) of this section. 282

(F) (1) Subject to division (F) (3) of this section, in any 283
criminal prosecution or juvenile court proceeding for a 284
violation of division (A) or (B) of this section or for an 285
equivalent offense that is substantially equivalent to either of 286
those divisions, the court shall admit as prima-facie evidence a 287
laboratory report from any laboratory personnel issued a permit 288

by the department of health authorizing an analysis as described 289
in this division that contains an analysis of the whole blood, 290
blood serum or plasma, breath, urine, or other bodily substance 291
tested and that contains all of the information specified in 292
this division. The laboratory report shall contain all of the 293
following: 294

(a) The signature, under oath, of any person who performed 295
the analysis; 296

(b) Any findings as to the identity and quantity of 297
alcohol, a drug of abuse, a controlled substance, a metabolite 298
of a controlled substance, or a combination of them that was 299
found; 300

(c) A copy of a notarized statement by the laboratory 301
director or a designee of the director that contains the name of 302
each certified analyst or test performer involved with the 303
report, the analyst's or test performer's employment 304
relationship with the laboratory that issued the report, and a 305
notation that performing an analysis of the type involved is 306
part of the analyst's or test performer's regular duties; 307

(d) An outline of the analyst's or test performer's 308
education, training, and experience in performing the type of 309
analysis involved and a certification that the laboratory 310
satisfies appropriate quality control standards in general and, 311
in this particular analysis, under rules of the department of 312
health. 313

(2) Notwithstanding any other provision of law regarding 314
the admission of evidence, a report of the type described in 315
division (F)(1) of this section is not admissible against the 316
defendant or child to whom it pertains in any proceeding, other 317

than a preliminary hearing or a grand jury proceeding, unless 318
the prosecutor has served a copy of the report on the 319
defendant's or child's attorney or, if the defendant or child 320
has no attorney, on the defendant or child. 321

(3) A report of the type described in division (F)(1) of 322
this section shall not be prima-facie evidence of the contents, 323
identity, or amount of any substance if, within seven days after 324
the defendant or child to whom the report pertains or the 325
defendant's or child's attorney receives a copy of the report, 326
the defendant or child or the defendant's or child's attorney 327
demands the testimony of the person who signed the report. The 328
judge in the case may extend the seven-day time limit in the 329
interest of justice. 330

(G) Except as otherwise provided in this division, any 331
physician, registered nurse, emergency medical technician- 332
intermediate, emergency medical technician-paramedic, or 333
qualified technician, chemist, or phlebotomist who withdraws 334
blood from a person pursuant to this section or section 1547.111 335
of the Revised Code, and a hospital, first-aid station, or 336
clinic at which blood is withdrawn from a person pursuant to 337
this section or section 1547.111 of the Revised Code, is immune 338
from criminal and civil liability based upon a claim of assault 339
and battery or any other claim that is not a claim of 340
malpractice, for any act performed in withdrawing blood from the 341
person. The immunity provided in this division also extends to 342
an emergency medical service organization that employs an 343
emergency medical technician-intermediate~~7~~or an emergency 344
medical technician-paramedic who withdraws blood under this 345
section. The immunity provided in this division is not available 346
to a person who withdraws blood if the person engages in willful 347
or wanton misconduct. 348

(H) Division (A) (6) of this section does not apply to a 349
person who operates or is in physical control of a vessel 350
underway or manipulates any water skis, aquaplane, or similar 351
device while the person has a concentration of a listed 352
controlled substance or a listed metabolite of a controlled 353
substance in the person's whole blood, blood serum or plasma, or 354
urine that equals or exceeds the amount specified in that 355
division, if both of the following apply: 356

(1) The person obtained the controlled substance pursuant 357
to a prescription issued by a licensed health professional 358
authorized to prescribe drugs. 359

(2) The person injected, ingested, or inhaled the 360
controlled substance in accordance with the health 361
professional's directions. 362

(I) As used in this section and section 1547.111 of the 363
Revised Code: 364

(1) "Equivalent offense" has the same meaning as in 365
section 4511.181 of the Revised Code. 366

(2) "National highway traffic safety administration" has 367
the same meaning as in section 4511.19 of the Revised Code. 368

(3) "Operate" means that a vessel is being used on the 369
waters in this state when the vessel is not securely affixed to 370
a dock or to shore or to any permanent structure to which the 371
vessel has the right to affix or that a vessel is not anchored 372
in a designated anchorage area or boat camping area that is 373
established by the United States coast guard, this state, or a 374
political subdivision and in which the vessel has the right to 375
anchor. 376

(4) "Controlled substance" and "marihuana" have the same 377

meanings as in section 3719.01 of the Revised Code.	378
(5) "Cocaine" and "L.S.D." have the same meanings as in section 2925.01 of the Revised Code.	379 380
(6) "Equivalent offense that is watercraft-related" means an equivalent offense that is one of the following:	381 382
(a) A violation of division (A) or (B) of this section;	383
(b) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;	384 385 386 387 388 389 390 391 392 393 394
(c) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of this section;	395 396 397 398
(d) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of this section.	399 400
(7) "Emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.	401 402 403
Sec. 2925.01. As used in this chapter:	404
(A) "Administer," "controlled substance," "controlled	405

substance analog," "dispense," "distribute," "hypodermic," 406
"manufacturer," "official written order," "person," 407
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 408
"schedule III," "schedule IV," "schedule V," and "wholesaler" 409
have the same meanings as in section 3719.01 of the Revised 410
Code. 411

(B) "Drug dependent person" and "drug of abuse" have the 412
same meanings as in section 3719.011 of the Revised Code. 413

(C) "Drug," "dangerous drug," "licensed health 414
professional authorized to prescribe drugs," and "prescription" 415
have the same meanings as in section 4729.01 of the Revised 416
Code. 417

(D) "Bulk amount" of a controlled substance means any of 418
the following: 419

(1) For any compound, mixture, preparation, or substance 420
included in schedule I, schedule II, or schedule III, with the 421
exception of controlled substance analogs, marihuana, 422
carfentanil, cocaine, fentanyl, L.S.D., heroin, and hashish and 423
except as provided in division (D) (2) or (5) of this section, 424
whichever of the following is applicable: 425

(a) An amount equal to or exceeding ten grams or twenty- 426
five unit doses of a compound, mixture, preparation, or 427
substance that is or contains any amount of a schedule I opiate 428
or opium derivative; 429

(b) An amount equal to or exceeding ten grams of a 430
compound, mixture, preparation, or substance that is or contains 431
any amount of raw or gum opium; 432

(c) An amount equal to or exceeding thirty grams or ten 433
unit doses of a compound, mixture, preparation, or substance 434

that is or contains any amount of a schedule I hallucinogen 435
other than tetrahydrocannabinol or lysergic acid amide, or a 436
schedule I stimulant or depressant; 437

(d) An amount equal to or exceeding twenty grams or five 438
times the maximum daily dose in the usual dose range specified 439
in a standard pharmaceutical reference manual of a compound, 440
mixture, preparation, or substance that is or contains any 441
amount of a schedule II opiate or opium derivative; 442

(e) An amount equal to or exceeding five grams or ten unit 443
doses of a compound, mixture, preparation, or substance that is 444
or contains any amount of phencyclidine; 445

(f) An amount equal to or exceeding one hundred twenty 446
grams or thirty times the maximum daily dose in the usual dose 447
range specified in a standard pharmaceutical reference manual of 448
a compound, mixture, preparation, or substance that is or 449
contains any amount of a schedule II stimulant that is in a 450
final dosage form manufactured by a person authorized by the 451
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 452
U.S.C.A. 301, as amended, and the federal drug abuse control 453
laws, as defined in section 3719.01 of the Revised Code, that is 454
or contains any amount of a schedule II depressant substance or 455
a schedule II hallucinogenic substance; 456

(g) An amount equal to or exceeding three grams of a 457
compound, mixture, preparation, or substance that is or contains 458
any amount of a schedule II stimulant, or any of its salts or 459
isomers, that is not in a final dosage form manufactured by a 460
person authorized by the Federal Food, Drug, and Cosmetic Act 461
and the federal drug abuse control laws. 462

(2) An amount equal to or exceeding one hundred twenty 463

grams or thirty times the maximum daily dose in the usual dose 464
range specified in a standard pharmaceutical reference manual of 465
a compound, mixture, preparation, or substance that is or 466
contains any amount of a schedule III or IV substance other than 467
an anabolic steroid or a schedule III opiate or opium 468
derivative; 469

(3) An amount equal to or exceeding twenty grams or five 470
times the maximum daily dose in the usual dose range specified 471
in a standard pharmaceutical reference manual of a compound, 472
mixture, preparation, or substance that is or contains any 473
amount of a schedule III opiate or opium derivative; 474

(4) An amount equal to or exceeding two hundred fifty 475
milliliters or two hundred fifty grams of a compound, mixture, 476
preparation, or substance that is or contains any amount of a 477
schedule V substance; 478

(5) An amount equal to or exceeding two hundred solid 479
dosage units, sixteen grams, or sixteen milliliters of a 480
compound, mixture, preparation, or substance that is or contains 481
any amount of a schedule III anabolic steroid. 482

(E) "Unit dose" means an amount or unit of a compound, 483
mixture, or preparation containing a controlled substance that 484
is separately identifiable and in a form that indicates that it 485
is the amount or unit by which the controlled substance is 486
separately administered to or taken by an individual. 487

(F) "Cultivate" includes planting, watering, fertilizing, 488
or tilling. 489

(G) "Drug abuse offense" means any of the following: 490

(1) A violation of division (A) of section 2913.02 that 491
constitutes theft of drugs, or a violation of section 2925.02, 492

2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 493
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 494
or 2925.37 of the Revised Code; 495

(2) A violation of an existing or former law of this or 496
any other state or of the United States that is substantially 497
equivalent to any section listed in division (G) (1) of this 498
section; 499

(3) An offense under an existing or former law of this or 500
any other state, or of the United States, of which planting, 501
cultivating, harvesting, processing, making, manufacturing, 502
producing, shipping, transporting, delivering, acquiring, 503
possessing, storing, distributing, dispensing, selling, inducing 504
another to use, administering to another, using, or otherwise 505
dealing with a controlled substance is an element; 506

(4) A conspiracy to commit, attempt to commit, or 507
complicity in committing or attempting to commit any offense 508
under division (G) (1), (2), or (3) of this section. 509

(H) "Felony drug abuse offense" means any drug abuse 510
offense that would constitute a felony under the laws of this 511
state, any other state, or the United States. 512

(I) "Harmful intoxicant" does not include beer or 513
intoxicating liquor but means any of the following: 514

(1) Any compound, mixture, preparation, or substance the 515
gas, fumes, or vapor of which when inhaled can induce 516
intoxication, excitement, giddiness, irrational behavior, 517
depression, stupefaction, paralysis, unconsciousness, 518
asphyxiation, or other harmful physiological effects, and 519
includes, but is not limited to, any of the following: 520

(a) Any volatile organic solvent, plastic cement, model 521

cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	522
	523
	524
(b) Any aerosol propellant;	525
(c) Any fluorocarbon refrigerant;	526
(d) Any anesthetic gas.	527
(2) Gamma Butyrolactone;	528
(3) 1,4 Butanediol.	529
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	530
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(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	536
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(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	540
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(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	546
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(N) "Juvenile" means a person under eighteen years of age.	549
(O) "Counterfeit controlled substance" means any of the following:	550 551
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	552 553 554 555
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	556 557 558 559
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	560 561 562
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	563 564 565 566 567
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	568 569 570 571 572 573 574
(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state	575 576 577

board of education prescribes minimum standards under section 578
3301.07 of the Revised Code, whether or not any instruction, 579
extracurricular activities, or training provided by the school 580
is being conducted at the time a criminal offense is committed. 581

(R) "School premises" means either of the following: 582

(1) The parcel of real property on which any school is 583
situated, whether or not any instruction, extracurricular 584
activities, or training provided by the school is being 585
conducted on the premises at the time a criminal offense is 586
committed; 587

(2) Any other parcel of real property that is owned or 588
leased by a board of education of a school, the governing 589
authority of a community school established under Chapter 3314. 590
of the Revised Code, or the governing body of a nonpublic school 591
for which the state board of education prescribes minimum 592
standards under section 3301.07 of the Revised Code and on which 593
some of the instruction, extracurricular activities, or training 594
of the school is conducted, whether or not any instruction, 595
extracurricular activities, or training provided by the school 596
is being conducted on the parcel of real property at the time a 597
criminal offense is committed. 598

(S) "School building" means any building in which any of 599
the instruction, extracurricular activities, or training 600
provided by a school is conducted, whether or not any 601
instruction, extracurricular activities, or training provided by 602
the school is being conducted in the school building at the time 603
a criminal offense is committed. 604

(T) "Disciplinary counsel" means the disciplinary counsel 605
appointed by the board of commissioners on grievances and 606

discipline of the supreme court under the Rules for the 607
Government of the Bar of Ohio. 608

(U) "Certified grievance committee" means a duly 609
constituted and organized committee of the Ohio state bar 610
association or of one or more local bar associations of the 611
state of Ohio that complies with the criteria set forth in Rule 612
V, section 6 of the Rules for the Government of the Bar of Ohio. 613

(V) "Professional license" means any license, permit, 614
certificate, registration, qualification, admission, temporary 615
license, temporary permit, temporary certificate, or temporary 616
registration that is described in divisions (W) (1) to (36) of 617
this section and that qualifies a person as a professionally 618
licensed person. 619

(W) "Professionally licensed person" means any of the 620
following: 621

(1) A person who has obtained a license as a manufacturer 622
of controlled substances or a wholesaler of controlled 623
substances under Chapter 3719. of the Revised Code; 624

(2) A person who has received a certificate or temporary 625
certificate as a certified public accountant or who has 626
registered as a public accountant under Chapter 4701. of the 627
Revised Code and who holds an Ohio permit issued under that 628
chapter; 629

(3) A person who holds a certificate of qualification to 630
practice architecture issued or renewed and registered under 631
Chapter 4703. of the Revised Code; 632

(4) A person who is registered as a landscape architect 633
under Chapter 4703. of the Revised Code or who holds a permit as 634
a landscape architect issued under that chapter; 635

(5) A person licensed under Chapter 4707. of the Revised Code;	636 637
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	638 639 640
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	641 642 643
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	644 645 646 647 648 649 650 651 652 653 654
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	655 656 657 658 659 660
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the	661 662 663 664

Revised Code;	665
(11) A person who has been licensed as a registered nurse	666
or practical nurse, or who has been issued a certificate for the	667
practice of nurse-midwifery under Chapter 4723. of the Revised	668
Code;	669
(12) A person who has been licensed to practice optometry	670
or to engage in optical dispensing under Chapter 4725. of the	671
Revised Code;	672
(13) A person licensed to act as a pawnbroker under	673
Chapter 4727. of the Revised Code;	674
(14) A person licensed to act as a precious metals dealer	675
under Chapter 4728. of the Revised Code;	676
(15) A person licensed as a pharmacist, a pharmacy intern,	677
a wholesale distributor of dangerous drugs, or a terminal	678
distributor of dangerous drugs under Chapter 4729. of the	679
Revised Code;	680
(16) A person who is authorized to practice as a physician	681
assistant under Chapter 4730. of the Revised Code;	682
(17) A person who has been issued a license to practice	683
medicine and surgery, osteopathic medicine and surgery, or	684
podiatric medicine and surgery under Chapter 4731. of the	685
Revised Code or has been issued a certificate to practice a	686
limited branch of medicine under that chapter;	687
(18) A person licensed as a psychologist or school	688
psychologist under Chapter 4732. of the Revised Code;	689
(19) A person registered to practice the profession of	690
engineering or surveying under Chapter 4733. of the Revised	691
Code;	692

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	693 694
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	695 696
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	697 698
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	699 700
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	701 702
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	703 704
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	705 706 707 708
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	709 710 711
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	712 713 714
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	715 716 717
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised	718 719

Code;	720
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	721 722 723
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	724 725 726 727 728 729
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	730 731
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	732 733 734
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	735 736
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	737 738 739
(X) "Cocaine" means any of the following:	740
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	741 742
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	743 744 745 746

(3) A salt, compound, derivative, or preparation of a 747
substance identified in division (X) (1) or (2) of this section 748
that is chemically equivalent to or identical with any of those 749
substances, except that the substances shall not include 750
decocainized coca leaves or extraction of coca leaves if the 751
extractions do not contain cocaine or ecgonine. 752

(Y) "L.S.D." means lysergic acid diethylamide. 753

(Z) "Hashish" means the resin or a preparation of the 754
resin contained in marihuana, whether in solid form or in a 755
liquid concentrate, liquid extract, or liquid distillate form. 756

(AA) "Marihuana" has the same meaning as in section 757
3719.01 of the Revised Code, except that it does not include 758
hashish. 759

(BB) An offense is "committed in the vicinity of a 760
juvenile" if the offender commits the offense within one hundred 761
feet of a juvenile or within the view of a juvenile, regardless 762
of whether the offender knows the age of the juvenile, whether 763
the offender knows the offense is being committed within one 764
hundred feet of or within view of the juvenile, or whether the 765
juvenile actually views the commission of the offense. 766

(CC) "Presumption for a prison term" or "presumption that 767
a prison term shall be imposed" means a presumption, as 768
described in division (D) of section 2929.13 of the Revised 769
Code, that a prison term is a necessary sanction for a felony in 770
order to comply with the purposes and principles of sentencing 771
under section 2929.11 of the Revised Code. 772

(DD) "Major drug offender" has the same meaning as in 773
section 2929.01 of the Revised Code. 774

(EE) "Minor drug possession offense" means either of the 775

following:	776
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	777 778
(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.	779 780 781
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	782 783
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	784 785
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	786 787 788
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	789 790 791 792 793
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	794 795 796 797 798
(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	799 800
Sec. 2925.03. (A) No person shall knowingly do any of the following:	801 802

(1) Sell or offer to sell a controlled substance or a controlled substance analog;	803 804
(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.	805 806 807 808 809 810
(B) This section does not apply to any of the following:	811
(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code;	812 813 814 815 816
(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;	817 818 819 820
(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act.	821 822 823 824 825 826 827 828 829
(C) Whoever violates division (A) of this section is guilty of one of the following:	830 831

(1) If the drug involved in the violation is any compound, 832
mixture, preparation, or substance included in schedule I or 833
schedule II, with the exception of marihuana, carfentanil, 834
cocaine, fentanyl, L.S.D., heroin, hashish, and controlled 835
substance analogs, whoever violates division (A) of this section 836
is guilty of aggravated trafficking in drugs. The penalty for 837
the offense shall be determined as follows: 838

(a) Except as otherwise provided in division (C) (1) (b), 839
(c), (d), (e), or (f) of this section, aggravated trafficking in 840
drugs is a felony of the fourth degree, and division (C) of 841
section 2929.13 of the Revised Code applies in determining 842
whether to impose a prison term on the offender. 843

(b) Except as otherwise provided in division (C) (1) (c), 844
(d), (e), or (f) of this section, if the offense was committed 845
in the vicinity of a school or in the vicinity of a juvenile, 846
aggravated trafficking in drugs is a felony of the third degree, 847
and division (C) of section 2929.13 of the Revised Code applies 848
in determining whether to impose a prison term on the offender. 849

(c) Except as otherwise provided in this division, if the 850
amount of the drug involved equals or exceeds the bulk amount 851
but is less than five times the bulk amount, aggravated 852
trafficking in drugs is a felony of the third degree, and, 853
except as otherwise provided in this division, there is a 854
presumption for a prison term for the offense. If aggravated 855
trafficking in drugs is a felony of the third degree under this 856
division and if the offender two or more times previously has 857
been convicted of or pleaded guilty to a felony drug abuse 858
offense, the court shall impose as a mandatory prison term one 859
of the prison terms prescribed for a felony of the third degree. 860
If the amount of the drug involved is within that range and if 861

the offense was committed in the vicinity of a school or in the 862
vicinity of a juvenile, aggravated trafficking in drugs is a 863
felony of the second degree, and the court shall impose as a 864
mandatory prison term one of the prison terms prescribed for a 865
felony of the second degree. 866

(d) Except as otherwise provided in this division, if the 867
amount of the drug involved equals or exceeds five times the 868
bulk amount but is less than fifty times the bulk amount, 869
aggravated trafficking in drugs is a felony of the second 870
degree, and the court shall impose as a mandatory prison term 871
one of the prison terms prescribed for a felony of the second 872
degree. If the amount of the drug involved is within that range 873
and if the offense was committed in the vicinity of a school or 874
in the vicinity of a juvenile, aggravated trafficking in drugs 875
is a felony of the first degree, and the court shall impose as a 876
mandatory prison term one of the prison terms prescribed for a 877
felony of the first degree. 878

(e) If the amount of the drug involved equals or exceeds 879
fifty times the bulk amount but is less than one hundred times 880
the bulk amount and regardless of whether the offense was 881
committed in the vicinity of a school or in the vicinity of a 882
juvenile, aggravated trafficking in drugs is a felony of the 883
first degree, and the court shall impose as a mandatory prison 884
term one of the prison terms prescribed for a felony of the 885
first degree. 886

(f) If the amount of the drug involved equals or exceeds 887
one hundred times the bulk amount and regardless of whether the 888
offense was committed in the vicinity of a school or in the 889
vicinity of a juvenile, aggravated trafficking in drugs is a 890
felony of the first degree, the offender is a major drug 891

offender, and the court shall impose as a mandatory prison term 892
the maximum prison term prescribed for a felony of the first 893
degree. 894

(2) If the drug involved in the violation is any compound, 895
mixture, preparation, or substance included in schedule III, IV, 896
or V, whoever violates division (A) of this section is guilty of 897
trafficking in drugs. The penalty for the offense shall be 898
determined as follows: 899

(a) Except as otherwise provided in division (C) (2) (b), 900
(c), (d), or (e) of this section, trafficking in drugs is a 901
felony of the fifth degree, and division (B) of section 2929.13 902
of the Revised Code applies in determining whether to impose a 903
prison term on the offender. 904

(b) Except as otherwise provided in division (C) (2) (c), 905
(d), or (e) of this section, if the offense was committed in the 906
vicinity of a school or in the vicinity of a juvenile, 907
trafficking in drugs is a felony of the fourth degree, and 908
division (C) of section 2929.13 of the Revised Code applies in 909
determining whether to impose a prison term on the offender. 910

(c) Except as otherwise provided in this division, if the 911
amount of the drug involved equals or exceeds the bulk amount 912
but is less than five times the bulk amount, trafficking in 913
drugs is a felony of the fourth degree, and division (B) of 914
section 2929.13 of the Revised Code applies in determining 915
whether to impose a prison term for the offense. If the amount 916
of the drug involved is within that range and if the offense was 917
committed in the vicinity of a school or in the vicinity of a 918
juvenile, trafficking in drugs is a felony of the third degree, 919
and there is a presumption for a prison term for the offense. 920

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

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

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

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

whether to impose a prison term on the offender. 951

(b) Except as otherwise provided in division (C) (3) (c), 952
(d), (e), (f), (g), or (h) of this section, if the offense was 953
committed in the vicinity of a school or in the vicinity of a 954
juvenile, trafficking in marihuana is a felony of the fourth 955
degree, and division (B) of section 2929.13 of the Revised Code 956
applies in determining whether to impose a prison term on the 957
offender. 958

(c) Except as otherwise provided in this division, if the 959
amount of the drug involved equals or exceeds two hundred grams 960
but is less than one thousand grams, trafficking in marihuana is 961
a felony of the fourth degree, and division (B) of section 962
2929.13 of the Revised Code applies in determining whether to 963
impose a prison term on the offender. If the amount of the drug 964
involved is within that range and if the offense was committed 965
in the vicinity of a school or in the vicinity of a juvenile, 966
trafficking in marihuana is a felony of the third degree, and 967
division (C) of section 2929.13 of the Revised Code applies in 968
determining whether to impose a prison term on the offender. 969

(d) Except as otherwise provided in this division, if the 970
amount of the drug involved equals or exceeds one thousand grams 971
but is less than five thousand grams, trafficking in marihuana 972
is a felony of the third degree, and division (C) of section 973
2929.13 of the Revised Code applies in determining whether to 974
impose a prison term on the offender. If the amount of the drug 975
involved is within that range and if the offense was committed 976
in the vicinity of a school or in the vicinity of a juvenile, 977
trafficking in marihuana is a felony of the second degree, and 978
there is a presumption that a prison term shall be imposed for 979
the offense. 980

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

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

(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 the maximum prison term prescribed for a felony of the second degree. 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 the maximum

prison term prescribed for a felony of the first degree. 1012

(h) Except as otherwise provided in this division, if the 1013
offense involves a gift of twenty grams or less of marihuana, 1014
trafficking in marihuana is a minor misdemeanor upon a first 1015
offense and a misdemeanor of the third degree upon a subsequent 1016
offense. If the offense involves a gift of twenty grams or less 1017
of marihuana and if the offense was committed in the vicinity of 1018
a school or in the vicinity of a juvenile, trafficking in 1019
marihuana is a misdemeanor of the third degree. 1020

(4) If the drug involved in the violation is cocaine or a 1021
compound, mixture, preparation, or substance containing cocaine, 1022
whoever violates division (A) of this section is guilty of 1023
trafficking in cocaine. The penalty for the offense shall be 1024
determined as follows: 1025

(a) Except as otherwise provided in division (C) (4) (b), 1026
(c), (d), (e), (f), or (g) of this section, trafficking in 1027
cocaine is a felony of the fifth degree, and division (B) of 1028
section 2929.13 of the Revised Code applies in determining 1029
whether to impose a prison term on the offender. 1030

(b) Except as otherwise provided in division (C) (4) (c), 1031
(d), (e), (f), or (g) of this section, if the offense was 1032
committed in the vicinity of a school or in the vicinity of a 1033
juvenile, trafficking in cocaine is a felony of the fourth 1034
degree, and division (C) of section 2929.13 of the Revised Code 1035
applies in determining whether to impose a prison term on the 1036
offender. 1037

(c) Except as otherwise provided in this division, if the 1038
amount of the drug involved equals or exceeds five grams but is 1039
less than ten grams of cocaine, trafficking in cocaine is a 1040

felony of the fourth degree, and division (B) of section 2929.13 1041
of the Revised Code applies in determining whether to impose a 1042
prison term for the offense. If the amount of the drug involved 1043
is within that range and if the offense was committed in the 1044
vicinity of a school or in the vicinity of a juvenile, 1045
trafficking in cocaine is a felony of the third degree, and 1046
there is a presumption for a prison term for the offense. 1047

(d) Except as otherwise provided in this division, if the 1048
amount of the drug involved equals or exceeds ten grams but is 1049
less than twenty grams of cocaine, trafficking in cocaine is a 1050
felony of the third degree, and, except as otherwise provided in 1051
this division, there is a presumption for a prison term for the 1052
offense. If trafficking in cocaine is a felony of the third 1053
degree under this division and if the offender two or more times 1054
previously has been convicted of or pleaded guilty to a felony 1055
drug abuse offense, the court shall impose as a mandatory prison 1056
term one of the prison terms prescribed for a felony of the 1057
third degree. If the amount of the drug involved is within that 1058
range and if the offense was committed in the vicinity of a 1059
school or in the vicinity of a juvenile, trafficking in cocaine 1060
is a felony of the second degree, and the court shall impose as 1061
a mandatory prison term one of the prison terms prescribed for a 1062
felony of the second degree. 1063

(e) Except as otherwise provided in this division, if the 1064
amount of the drug involved equals or exceeds twenty grams but 1065
is less than twenty-seven grams of cocaine, trafficking in 1066
cocaine is a felony of the second degree, and the court shall 1067
impose as a mandatory prison term one of the prison terms 1068
prescribed for a felony of the second degree. If the amount of 1069
the drug involved is within that range and if the offense was 1070
committed in the vicinity of a school or in the vicinity of a 1071

juvenile, trafficking in cocaine is a felony of the first 1072
degree, and the court shall impose as a mandatory prison term 1073
one of the prison terms prescribed for a felony of the first 1074
degree. 1075

(f) If the amount of the drug involved equals or exceeds 1076
twenty-seven grams but is less than one hundred grams of cocaine 1077
and regardless of whether the offense was committed in the 1078
vicinity of a school or in the vicinity of a juvenile, 1079
trafficking in cocaine is a felony of the first degree, and the 1080
court shall impose as a mandatory prison term one of the prison 1081
terms prescribed for a felony of the first degree. 1082

(g) If the amount of the drug involved equals or exceeds 1083
one hundred grams of cocaine and regardless of whether the 1084
offense was committed in the vicinity of a school or in the 1085
vicinity of a juvenile, trafficking in cocaine is a felony of 1086
the first degree, the offender is a major drug offender, and the 1087
court shall impose as a mandatory prison term the maximum prison 1088
term prescribed for a felony of the first degree. 1089

(5) If the drug involved in the violation is L.S.D. or a 1090
compound, mixture, preparation, or substance containing L.S.D., 1091
whoever violates division (A) of this section is guilty of 1092
trafficking in L.S.D. The penalty for the offense shall be 1093
determined as follows: 1094

(a) Except as otherwise provided in division (C) (5) (b), 1095
(c), (d), (e), (f), or (g) of this section, trafficking in 1096
L.S.D. is a felony of the fifth degree, and division (B) of 1097
section 2929.13 of the Revised Code applies in determining 1098
whether to impose a prison term on the offender. 1099

(b) Except as otherwise provided in division (C) (5) (c), 1100

(d), (e), (f), or (g) of this section, if the offense was 1101
committed in the vicinity of a school or in the vicinity of a 1102
juvenile, trafficking in L.S.D. is a felony of the fourth 1103
degree, and division (C) of section 2929.13 of the Revised Code 1104
applies in determining whether to impose a prison term on the 1105
offender. 1106

(c) Except as otherwise provided in this division, if the 1107
amount of the drug involved equals or exceeds ten unit doses but 1108
is less than fifty unit doses of L.S.D. in a solid form or 1109
equals or exceeds one gram but is less than five grams of L.S.D. 1110
in a liquid concentrate, liquid extract, or liquid distillate 1111
form, trafficking in L.S.D. is a felony of the fourth degree, 1112
and division (B) of section 2929.13 of the Revised Code applies 1113
in determining whether to impose a prison term for the offense. 1114
If the amount of the drug involved is within that range and if 1115
the offense was committed in the vicinity of a school or in the 1116
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 1117
third degree, and there is a presumption for a prison term for 1118
the offense. 1119

(d) Except as otherwise provided in this division, if the 1120
amount of the drug involved equals or exceeds fifty unit doses 1121
but is less than two hundred fifty unit doses of L.S.D. in a 1122
solid form or equals or exceeds five grams but is less than 1123
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1124
extract, or liquid distillate form, trafficking in L.S.D. is a 1125
felony of the third degree, and, except as otherwise provided in 1126
this division, there is a presumption for a prison term for the 1127
offense. If trafficking in L.S.D. is a felony of the third 1128
degree under this division and if the offender two or more times 1129
previously has been convicted of or pleaded guilty to a felony 1130
drug abuse offense, the court shall impose as a mandatory prison 1131

term one of the prison terms prescribed for a felony of the 1132
third degree. If the amount of the drug involved is within that 1133
range and if the offense was committed in the vicinity of a 1134
school or in the vicinity of a juvenile, trafficking in L.S.D. 1135
is a felony of the second degree, and the court shall impose as 1136
a mandatory prison term one of the prison terms prescribed for a 1137
felony of the second degree. 1138

(e) Except as otherwise provided in this division, if the 1139
amount of the drug involved equals or exceeds two hundred fifty 1140
unit doses but is less than one thousand unit doses of L.S.D. in 1141
a solid form or equals or exceeds twenty-five grams but is less 1142
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1143
extract, or liquid distillate form, trafficking in L.S.D. is a 1144
felony of the second degree, and the court shall impose as a 1145
mandatory prison term one of the prison terms prescribed for a 1146
felony of the second degree. If the amount of the drug involved 1147
is within that range and if the offense was committed in the 1148
vicinity of a school or in the vicinity of a juvenile, 1149
trafficking in L.S.D. is a felony of the first degree, and the 1150
court shall impose as a mandatory prison term one of the prison 1151
terms prescribed for a felony of the first degree. 1152

(f) If the amount of the drug involved equals or exceeds 1153
one thousand unit doses but is less than five thousand unit 1154
doses of L.S.D. in a solid form or equals or exceeds one hundred 1155
grams but is less than five hundred grams of L.S.D. in a liquid 1156
concentrate, liquid extract, or liquid distillate form and 1157
regardless of whether the offense was committed in the vicinity 1158
of a school or in the vicinity of a juvenile, trafficking in 1159
L.S.D. is a felony of the first degree, and the court shall 1160
impose as a mandatory prison term one of the prison terms 1161
prescribed for a felony of the first degree. 1162

(g) If the amount of the drug involved equals or exceeds 1163
five thousand unit doses of L.S.D. in a solid form or equals or 1164
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1165
liquid extract, or liquid distillate form and regardless of 1166
whether the offense was committed in the vicinity of a school or 1167
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1168
of the first degree, the offender is a major drug offender, and 1169
the court shall impose as a mandatory prison term the maximum 1170
prison term prescribed for a felony of the first degree. 1171

(6) If the drug involved in the violation is heroin, 1172
fentanyl, or carfentanil or a compound, mixture, preparation, or 1173
substance containing heroin, fentanyl, or carfentanil, whoever 1174
violates division (A) of this section is guilty of trafficking 1175
in heroin, fentanyl, or carfentanil. The penalty for the offense 1176
shall be determined as follows: 1177

(a) Except as otherwise provided in division (C) (6) (b), 1178
(c), (d), (e), (f), or (g) of this section, trafficking in 1179
heroin, fentanyl, or carfentanil is a felony of the fifth 1180
degree, and division (B) of section 2929.13 of the Revised Code 1181
applies in determining whether to impose a prison term on the 1182
offender. 1183

(b) Except as otherwise provided in division (C) (6) (c), 1184
(d), (e), (f), or (g) of this section, if the offense was 1185
committed in the vicinity of a school or in the vicinity of a 1186
juvenile, trafficking in heroin, fentanyl, or carfentanil is a 1187
felony of the fourth degree, and division (C) of section 2929.13 1188
of the Revised Code applies in determining whether to impose a 1189
prison term on the offender. 1190

(c) Except as otherwise provided in this division, if the 1191
amount of the drug involved equals or exceeds ten unit doses but 1192

is less than fifty unit doses or equals or exceeds one gram but 1193
is less than five grams, trafficking in heroin, fentanyl, or 1194
carfentanil is a felony of the ~~fourth~~-third degree, and division 1195
~~(B)~~ (C) of section 2929.13 of the Revised Code applies in 1196
determining whether to impose a prison term for the offense. If 1197
the amount of the drug involved is within that range and if the 1198
offense was committed in the vicinity of a school or in the 1199
vicinity of a juvenile, trafficking in heroin, fentanyl, or 1200
carfentanil is a felony of the third degree, and there is a 1201
presumption for a prison term for the offense. 1202

(d) Except as otherwise provided in this division, if the 1203
amount of the drug involved equals or exceeds fifty unit doses 1204
but is less than one hundred unit doses or equals or exceeds 1205
five grams but is less than ten grams, trafficking in heroin, 1206
fentanyl, or carfentanil is a felony of the third degree, and 1207
there is a presumption for a prison term for the offense. If the 1208
amount of the drug involved is within that range and if the 1209
offense was committed in the vicinity of a school or in the 1210
vicinity of a juvenile, trafficking in heroin, fentanyl, or 1211
carfentanil is a felony of the second degree, and there is a 1212
presumption for a prison term for the offense. 1213

(e) Except as otherwise provided in this division, if the 1214
amount of the drug involved equals or exceeds one hundred unit 1215
doses but is less than five hundred unit doses or equals or 1216
exceeds ten grams but is less than fifty grams, trafficking in 1217
heroin, fentanyl, or carfentanil is a felony of the second 1218
degree, and the court shall impose as a mandatory prison term 1219
one of the prison terms prescribed for a felony of the second 1220
degree. If the amount of the drug involved is within that range 1221
and if the offense was committed in the vicinity of a school or 1222
in the vicinity of a juvenile, trafficking in heroin, fentanyl, 1223

or carfentanil is a felony of the first degree, and the court 1224
shall impose as a mandatory prison term one of the prison terms 1225
prescribed for a felony of the first degree. 1226

(f) If the amount of the drug involved equals or exceeds 1227
five hundred unit doses but is less than one thousand unit doses 1228
or equals or exceeds fifty grams but is less than one hundred 1229
grams and regardless of whether the offense was committed in the 1230
vicinity of a school or in the vicinity of a juvenile, 1231
trafficking in heroin, fentanyl, or carfentanil is a felony of 1232
the first degree, and the court shall impose as a mandatory 1233
prison term one of the prison terms prescribed for a felony of 1234
the first degree. 1235

(g) If the amount of the drug involved equals or exceeds 1236
one thousand unit doses or equals or exceeds one hundred grams 1237
and regardless of whether the offense was committed in the 1238
vicinity of a school or in the vicinity of a juvenile, 1239
trafficking in heroin, fentanyl, or carfentanil is a felony of 1240
the first degree, the offender is a major drug offender, and the 1241
court shall impose as a mandatory prison term the maximum prison 1242
term prescribed for a felony of the first degree. 1243

(7) If the drug involved in the violation is hashish or a 1244
compound, mixture, preparation, or substance containing hashish, 1245
whoever violates division (A) of this section is guilty of 1246
trafficking in hashish. The penalty for the offense shall be 1247
determined as follows: 1248

(a) Except as otherwise provided in division (C) (7) (b), 1249
(c), (d), (e), (f), or (g) of this section, trafficking in 1250
hashish is a felony of the fifth degree, and division (B) of 1251
section 2929.13 of the Revised Code applies in determining 1252
whether to impose a prison term on the offender. 1253

(b) Except as otherwise provided in division (C) (7) (c), 1254
(d), (e), (f), or (g) of this section, if the offense was 1255
committed in the vicinity of a school or in the vicinity of a 1256
juvenile, trafficking in hashish is a felony of the fourth 1257
degree, and division (B) of section 2929.13 of the Revised Code 1258
applies in determining whether to impose a prison term on the 1259
offender. 1260

(c) Except as otherwise provided in this division, if the 1261
amount of the drug involved equals or exceeds ten grams but is 1262
less than fifty grams of hashish in a solid form or equals or 1263
exceeds two grams but is less than ten grams of hashish in a 1264
liquid concentrate, liquid extract, or liquid distillate form, 1265
trafficking in hashish is a felony of the fourth degree, and 1266
division (B) of section 2929.13 of the Revised Code applies in 1267
determining whether to impose a prison term on the offender. If 1268
the amount of the drug involved is within that range and if the 1269
offense was committed in the vicinity of a school or in the 1270
vicinity of a juvenile, trafficking in hashish is a felony of 1271
the third degree, and division (C) of section 2929.13 of the 1272
Revised Code applies in determining whether to impose a prison 1273
term on the offender. 1274

(d) Except as otherwise provided in this division, if the 1275
amount of the drug involved equals or exceeds fifty grams but is 1276
less than two hundred fifty grams of hashish in a solid form or 1277
equals or exceeds ten grams but is less than fifty grams of 1278
hashish in a liquid concentrate, liquid extract, or liquid 1279
distillate form, trafficking in hashish is a felony of the third 1280
degree, and division (C) of section 2929.13 of the Revised Code 1281
applies in determining whether to impose a prison term on the 1282
offender. If the amount of the drug involved is within that 1283
range and if the offense was committed in the vicinity of a 1284

school or in the vicinity of a juvenile, trafficking in hashish 1285
is a felony of the second degree, and there is a presumption 1286
that a prison term shall be imposed for the offense. 1287

(e) Except as otherwise provided in this division, if the 1288
amount of the drug involved equals or exceeds two hundred fifty 1289
grams but is less than one thousand grams of hashish in a solid 1290
form or equals or exceeds fifty grams but is less than two 1291
hundred grams of hashish in a liquid concentrate, liquid 1292
extract, or liquid distillate form, trafficking in hashish is a 1293
felony of the third degree, and there is a presumption that a 1294
prison term shall be imposed for the offense. If the amount of 1295
the drug involved is within that range and if the offense was 1296
committed in the vicinity of a school or in the vicinity of a 1297
juvenile, trafficking in hashish is a felony of the second 1298
degree, and there is a presumption that a prison term shall be 1299
imposed for the offense. 1300

(f) Except as otherwise provided in this division, if the 1301
amount of the drug involved equals or exceeds one thousand grams 1302
but is less than two thousand grams of hashish in a solid form 1303
or equals or exceeds two hundred grams but is less than four 1304
hundred grams of hashish in a liquid concentrate, liquid 1305
extract, or liquid distillate form, trafficking in hashish is a 1306
felony of the second degree, and the court shall impose a 1307
mandatory prison term of five, six, seven, or eight years. If 1308
the amount of the drug involved is within that range and if the 1309
offense was committed in the vicinity of a school or in the 1310
vicinity of a juvenile, trafficking in hashish is a felony of 1311
the first degree, and the court shall impose as a mandatory 1312
prison term the maximum prison term prescribed for a felony of 1313
the first degree. 1314

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

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

(b) Except as otherwise provided in division (C) (8) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a

juvenile, trafficking in a controlled substance analog is a 1345
felony of the fourth degree, and division (C) of section 2929.13 1346
of the Revised Code applies in determining whether to impose a 1347
prison term on the offender. 1348

(c) Except as otherwise provided in this division, if the 1349
amount of the drug involved equals or exceeds ten grams but is 1350
less than twenty grams, trafficking in a controlled substance 1351
analog is a felony of the fourth degree, and division (B) of 1352
section 2929.13 of the Revised Code applies in determining 1353
whether to impose a prison term for the offense. If the amount 1354
of the drug involved is within that range and if the offense was 1355
committed in the vicinity of a school or in the vicinity of a 1356
juvenile, trafficking in a controlled substance analog is a 1357
felony of the third degree, and there is a presumption for a 1358
prison term for the offense. 1359

(d) Except as otherwise provided in this division, if the 1360
amount of the drug involved equals or exceeds twenty grams but 1361
is less than thirty grams, trafficking in a controlled substance 1362
analog is a felony of the third degree, and there is a 1363
presumption for a prison term for the offense. If the amount of 1364
the drug involved is within that range and if the offense was 1365
committed in the vicinity of a school or in the vicinity of a 1366
juvenile, trafficking in a controlled substance analog is a 1367
felony of the second degree, and there is a presumption for a 1368
prison term for the offense. 1369

(e) Except as otherwise provided in this division, if the 1370
amount of the drug involved equals or exceeds thirty grams but 1371
is less than forty grams, trafficking in a controlled substance 1372
analog is a felony of the second degree, and the court shall 1373
impose as a mandatory prison term one of the prison terms 1374

prescribed for a felony of the second degree. If the amount of 1375
the drug involved is within that range and if the offense was 1376
committed in the vicinity of a school or in the vicinity of a 1377
juvenile, trafficking in a controlled substance analog is a 1378
felony of the first degree, and the court shall impose as a 1379
mandatory prison term one of the prison terms prescribed for a 1380
felony of the first degree. 1381

(f) If the amount of the drug involved equals or exceeds 1382
forty grams but is less than fifty grams and regardless of 1383
whether the offense was committed in the vicinity of a school or 1384
in the vicinity of a juvenile, trafficking in a controlled 1385
substance analog is a felony of the first degree, and the court 1386
shall impose as a mandatory prison term one of the prison terms 1387
prescribed for a felony of the first degree. 1388

(g) If the amount of the drug involved equals or exceeds 1389
fifty grams and regardless of whether the offense was committed 1390
in the vicinity of a school or in the vicinity of a juvenile, 1391
trafficking in a controlled substance analog is a felony of the 1392
first degree, the offender is a major drug offender, and the 1393
court shall impose as a mandatory prison term the maximum prison 1394
term prescribed for a felony of the first degree. 1395

(D) In addition to any prison term authorized or required 1396
by division (C) of this section and sections 2929.13 and 2929.14 1397
of the Revised Code, and in addition to any other sanction 1398
imposed for the offense under this section or sections 2929.11 1399
to 2929.18 of the Revised Code, the court that sentences an 1400
offender who is convicted of or pleads guilty to a violation of 1401
division (A) of this section may suspend the driver's or 1402
commercial driver's license or permit of the offender in 1403
accordance with division (G) of this section. However, if the 1404

offender pleaded guilty to or was convicted of a violation of 1405
section 4511.19 of the Revised Code or a substantially similar 1406
municipal ordinance or the law of another state or the United 1407
States arising out of the same set of circumstances as the 1408
violation, the court shall suspend the offender's driver's or 1409
commercial driver's license or permit in accordance with 1410
division (G) of this section. If applicable, the court also 1411
shall do the following: 1412

(1) If the violation of division (A) of this section is a 1413
felony of the first, second, or third degree, the court shall 1414
impose upon the offender the mandatory fine specified for the 1415
offense under division (B)(1) of section 2929.18 of the Revised 1416
Code unless, as specified in that division, the court determines 1417
that the offender is indigent. Except as otherwise provided in 1418
division (H)(1) of this section, a mandatory fine or any other 1419
fine imposed for a violation of this section is subject to 1420
division (F) of this section. If a person is charged with a 1421
violation of this section that is a felony of the first, second, 1422
or third degree, posts bail, and forfeits the bail, the clerk of 1423
the court shall pay the forfeited bail pursuant to divisions (D) 1424
(1) and (F) of this section, as if the forfeited bail was a fine 1425
imposed for a violation of this section. If any amount of the 1426
forfeited bail remains after that payment and if a fine is 1427
imposed under division (H)(1) of this section, the clerk of the 1428
court shall pay the remaining amount of the forfeited bail 1429
pursuant to divisions (H)(2) and (3) of this section, as if that 1430
remaining amount was a fine imposed under division (H)(1) of 1431
this section. 1432

(2) If the offender is a professionally licensed person, 1433
the court immediately shall comply with section 2925.38 of the 1434
Revised Code. 1435

(E) When a person is charged with the sale of or offer to 1436
sell a bulk amount or a multiple of a bulk amount of a 1437
controlled substance, the jury, or the court trying the accused, 1438
shall determine the amount of the controlled substance involved 1439
at the time of the offense and, if a guilty verdict is returned, 1440
shall return the findings as part of the verdict. In any such 1441
case, it is unnecessary to find and return the exact amount of 1442
the controlled substance involved, and it is sufficient if the 1443
finding and return is to the effect that the amount of the 1444
controlled substance involved is the requisite amount, or that 1445
the amount of the controlled substance involved is less than the 1446
requisite amount. 1447

(F) (1) Notwithstanding any contrary provision of section 1448
3719.21 of the Revised Code and except as provided in division 1449
(H) of this section, the clerk of the court shall pay any 1450
mandatory fine imposed pursuant to division (D) (1) of this 1451
section and any fine other than a mandatory fine that is imposed 1452
for a violation of this section pursuant to division (A) or (B) 1453
(5) of section 2929.18 of the Revised Code to the county, 1454
township, municipal corporation, park district, as created 1455
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1456
state law enforcement agencies in this state that primarily were 1457
responsible for or involved in making the arrest of, and in 1458
prosecuting, the offender. However, the clerk shall not pay a 1459
mandatory fine so imposed to a law enforcement agency unless the 1460
agency has adopted a written internal control policy under 1461
division (F) (2) of this section that addresses the use of the 1462
fine moneys that it receives. Each agency shall use the 1463
mandatory fines so paid to subsidize the agency's law 1464
enforcement efforts that pertain to drug offenses, in accordance 1465
with the written internal control policy adopted by the 1466

recipient agency under division (F) (2) of this section. 1467

(2) Prior to receiving any fine moneys under division (F) 1468
(1) of this section or division (B) of section 2925.42 of the 1469
Revised Code, a law enforcement agency shall adopt a written 1470
internal control policy that addresses the agency's use and 1471
disposition of all fine moneys so received and that provides for 1472
the keeping of detailed financial records of the receipts of 1473
those fine moneys, the general types of expenditures made out of 1474
those fine moneys, and the specific amount of each general type 1475
of expenditure. The policy shall not provide for or permit the 1476
identification of any specific expenditure that is made in an 1477
ongoing investigation. All financial records of the receipts of 1478
those fine moneys, the general types of expenditures made out of 1479
those fine moneys, and the specific amount of each general type 1480
of expenditure by an agency are public records open for 1481
inspection under section 149.43 of the Revised Code. 1482
Additionally, a written internal control policy adopted under 1483
this division is such a public record, and the agency that 1484
adopted it shall comply with it. 1485

(3) As used in division (F) of this section: 1486

(a) "Law enforcement agencies" includes, but is not 1487
limited to, the state board of pharmacy and the office of a 1488
prosecutor. 1489

(b) "Prosecutor" has the same meaning as in section 1490
2935.01 of the Revised Code. 1491

(G) (1) If the sentencing court suspends the offender's 1492
driver's or commercial driver's license or permit under division 1493
(D) of this section or any other provision of this chapter, the 1494
court shall suspend the license, by order, for not more than 1495

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

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

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

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

offense as prescribed in Chapter 2981. of the Revised Code, the 1526
court that sentences an offender who is convicted of or pleads 1527
guilty to a violation of division (A) of this section may impose 1528
upon the offender an additional fine specified for the offense 1529
in division (B) (4) of section 2929.18 of the Revised Code. A 1530
fine imposed under division (H) (1) of this section is not 1531
subject to division (F) of this section and shall be used solely 1532
for the support of one or more eligible community addiction 1533
services providers in accordance with divisions (H) (2) and (3) 1534
of this section. 1535

(2) The court that imposes a fine under division (H) (1) of 1536
this section shall specify in the judgment that imposes the fine 1537
one or more eligible community addiction services providers for 1538
the support of which the fine money is to be used. No community 1539
addiction services provider shall receive or use money paid or 1540
collected in satisfaction of a fine imposed under division (H) 1541
(1) of this section unless the services provider is specified in 1542
the judgment that imposes the fine. No community addiction 1543
services provider shall be specified in the judgment unless the 1544
services provider is an eligible community addiction services 1545
provider and, except as otherwise provided in division (H) (2) of 1546
this section, unless the services provider is located in the 1547
county in which the court that imposes the fine is located or in 1548
a county that is immediately contiguous to the county in which 1549
that court is located. If no eligible community addiction 1550
services provider is located in any of those counties, the 1551
judgment may specify an eligible community addiction services 1552
provider that is located anywhere within this state. 1553

(3) Notwithstanding any contrary provision of section 1554
3719.21 of the Revised Code, the clerk of the court shall pay 1555
any fine imposed under division (H) (1) of this section to the 1556

eligible community addiction services provider specified 1557
pursuant to division (H) (2) of this section in the judgment. The 1558
eligible community addiction services provider that receives the 1559
fine moneys shall use the moneys only for the alcohol and drug 1560
addiction services identified in the application for 1561
certification of services under section 5119.36 of the Revised 1562
Code or in the application for a license under section 5119.391 1563
of the Revised Code filed with the department of mental health 1564
and addiction services by the community addiction services 1565
provider specified in the judgment. 1566

(4) Each community addiction services provider that 1567
receives in a calendar year any fine moneys under division (H) 1568
(3) of this section shall file an annual report covering that 1569
calendar year with the court of common pleas and the board of 1570
county commissioners of the county in which the services 1571
provider is located, with the court of common pleas and the 1572
board of county commissioners of each county from which the 1573
services provider received the moneys if that county is 1574
different from the county in which the services provider is 1575
located, and with the attorney general. The community addiction 1576
services provider shall file the report no later than the first 1577
day of March in the calendar year following the calendar year in 1578
which the services provider received the fine moneys. The report 1579
shall include statistics on the number of persons served by the 1580
community addiction services provider, identify the types of 1581
alcohol and drug addiction services provided to those persons, 1582
and include a specific accounting of the purposes for which the 1583
fine moneys received were used. No information contained in the 1584
report shall identify, or enable a person to determine the 1585
identity of, any person served by the community addiction 1586
services provider. Each report received by a court of common 1587

pleas, a board of county commissioners, or the attorney general 1588
is a public record open for inspection under section 149.43 of 1589
the Revised Code. 1590

(5) As used in divisions (H) (1) to (5) of this section: 1591

(a) "Community addiction services provider" and "alcohol 1592
and drug addiction services" have the same meanings as in 1593
section 5119.01 of the Revised Code. 1594

(b) "Eligible community addiction services provider" means 1595
a community addiction services provider, as defined in section 1596
5119.01 of the Revised Code, or a community addiction services 1597
provider that maintains a methadone treatment program licensed 1598
under section 5119.391 of the Revised Code. 1599

(I) As used in this section, "drug" includes any substance 1600
that is represented to be a drug. 1601

(J) It is an affirmative defense to a charge of 1602
trafficking in a controlled substance analog under division (C) 1603
(8) of this section that the person charged with violating that 1604
offense sold or offered to sell, or prepared for shipment, 1605
shipped, transported, delivered, prepared for distribution, or 1606
distributed an item described in division (HH) (2) (a), (b), or 1607
(c) of section 3719.01 of the Revised Code. 1608

Sec. 2925.05. (A) No person shall knowingly provide money 1609
or other items of value to another person with the purpose that 1610
the recipient of the money or items of value use them to obtain 1611
any controlled substance for the purpose of violating section 1612
2925.04 of the Revised Code or for the purpose of selling or 1613
offering to sell the controlled substance in the following 1614
amount: 1615

(1) If the drug to be sold or offered for sale is any 1616

compound, mixture, preparation, or substance included in 1617
schedule I or II, with the exception of marihuana, carfentanil, 1618
cocaine, fentanyl, L.S.D., heroin, and hashish, or schedule III, 1619
IV, or V, an amount of the drug that equals or exceeds the bulk 1620
amount of the drug; 1621

(2) If the drug to be sold or offered for sale is 1622
marihuana or a compound, mixture, preparation, or substance 1623
other than hashish containing marihuana, an amount of the 1624
marihuana that equals or exceeds two hundred grams; 1625

(3) If the drug to be sold or offered for sale is cocaine 1626
or a compound, mixture, preparation, or substance containing 1627
cocaine, an amount of the cocaine that equals or exceeds five 1628
grams; 1629

(4) If the drug to be sold or offered for sale is L.S.D. 1630
or a compound, mixture, preparation, or substance containing 1631
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1632
doses if the L.S.D. is in a solid form or equals or exceeds one 1633
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1634
or liquid distillate form; 1635

(5) If the drug to be sold or offered for sale is heroin, 1636
fentanyl, or carfentanil or a compound, mixture, preparation, or 1637
substance containing heroin, fentanyl, or carfentanil, an amount 1638
of the heroin, fentanyl, or carfentanil that equals or exceeds 1639
ten unit doses or equals or exceeds one gram; 1640

(6) If the drug to be sold or offered for sale is hashish 1641
or a compound, mixture, preparation, or substance containing 1642
hashish, an amount of the hashish that equals or exceeds ten 1643
grams if the hashish is in a solid form or equals or exceeds two 1644
grams if the hashish is in a liquid concentrate, liquid extract, 1645

or liquid distillate form. 1646

(B) This section does not apply to any person listed in 1647
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1648
Code to the extent and under the circumstances described in 1649
those divisions. 1650

(C)(1) If the drug involved in the violation is any 1651
compound, mixture, preparation, or substance included in 1652
schedule I or II, with the exception of marihuana, whoever 1653
violates division (A) of this section is guilty of aggravated 1654
funding of drug trafficking, a felony of the first degree, and, 1655
subject to division (E) of this section, the court shall impose 1656
as a mandatory prison term one of the prison terms prescribed 1657
for a felony of the first degree. 1658

(2) If the drug involved in the violation is any compound, 1659
mixture, preparation, or substance included in schedule III, IV, 1660
or V, whoever violates division (A) of this section is guilty of 1661
funding of drug trafficking, a felony of the second degree, and 1662
the court shall impose as a mandatory prison term one of the 1663
prison terms prescribed for a felony of the second degree. 1664

(3) If the drug involved in the violation is marihuana, 1665
whoever violates division (A) of this section is guilty of 1666
funding of marihuana trafficking, a felony of the third degree, 1667
and, except as otherwise provided in this division, there is a 1668
presumption for a prison term for the offense. If funding of 1669
marihuana trafficking is a felony of the third degree under this 1670
division and if the offender two or more times previously has 1671
been convicted of or pleaded guilty to a felony drug abuse 1672
offense, the court shall impose as a mandatory prison term one 1673
of the prison terms prescribed for a felony of the third degree. 1674

(D) In addition to any prison term authorized or required 1675
by division (C) or (E) of this section and sections 2929.13 and 1676
2929.14 of the Revised Code and in addition to any other 1677
sanction imposed for the offense under this section or sections 1678
2929.11 to 2929.18 of the Revised Code, the court that sentences 1679
an offender who is convicted of or pleads guilty to a violation 1680
of division (A) of this section may suspend the offender's 1681
driver's or commercial driver's license or permit in accordance 1682
with division (G) of section 2925.03 of the Revised Code. 1683
However, if the offender pleaded guilty to or was convicted of a 1684
violation of section 4511.19 of the Revised Code or a 1685
substantially similar municipal ordinance or the law of another 1686
state or the United States arising out of the same set of 1687
circumstances as the violation, the court shall suspend the 1688
offender's driver's or commercial driver's license or permit in 1689
accordance with division (G) of section 2925.03 of the Revised 1690
Code. If applicable, the court also shall do the following: 1691

(1) The court shall impose the mandatory fine specified 1692
for the offense under division (B)(1) of section 2929.18 of the 1693
Revised Code unless, as specified in that division, the court 1694
determines that the offender is indigent. The clerk of the court 1695
shall pay a mandatory fine or other fine imposed for a violation 1696
of this section pursuant to division (A) of section 2929.18 of 1697
the Revised Code in accordance with and subject to the 1698
requirements of division (F) of section 2925.03 of the Revised 1699
Code. The agency that receives the fine shall use the fine in 1700
accordance with division (F) of section 2925.03 of the Revised 1701
Code. If a person is charged with a violation of this section, 1702
posts bail, and forfeits the bail, the forfeited bail shall be 1703
paid as if the forfeited bail were a fine imposed for a 1704
violation of this section. 1705

(2) If the offender is a professionally licensed person, 1706
the court immediately shall comply with section 2925.38 of the 1707
Revised Code. 1708

(E) Notwithstanding the prison term otherwise authorized 1709
or required for the offense under division (C) of this section 1710
and sections 2929.13 and 2929.14 of the Revised Code, if the 1711
violation of division (A) of this section involves the sale, 1712
offer to sell, or possession of a schedule I or II controlled 1713
substance, with the exception of marihuana, and if the court 1714
imposing sentence upon the offender finds that the offender as a 1715
result of the violation is a major drug offender and is guilty 1716
of a specification of the type described in section 2941.1410 of 1717
the Revised Code, the court, in lieu of the prison term 1718
otherwise authorized or required, shall impose upon the offender 1719
the mandatory prison term specified in division (B) (3) of 1720
section 2929.14 of the Revised Code. 1721

(F) (1) If the sentencing court suspends the offender's 1722
driver's or commercial driver's license or permit under this 1723
section in accordance with division (G) of section 2925.03 of 1724
the Revised Code, the offender may request termination of, and 1725
the court may terminate, the suspension in accordance with that 1726
division. 1727

(2) Any offender who received a mandatory suspension of 1728
the offender's driver's or commercial driver's license or permit 1729
under this section prior to ~~the effective date of this amendment~~ 1730
September 13, 2016, may file a motion with the sentencing court 1731
requesting the termination of the suspension. However, an 1732
offender who pleaded guilty to or was convicted of a violation 1733
of section 4511.19 of the Revised Code or a substantially 1734
similar municipal ordinance or law of another state or the 1735

United States that arose out of the same set of circumstances as 1736
the violation for which the offender's license or permit was 1737
suspended under this section shall not file such a motion. 1738

Upon the filing of a motion under division (F) (2) of this 1739
section, the sentencing court, in its discretion, may terminate 1740
the suspension. 1741

Sec. 2925.11. (A) No person shall knowingly obtain, 1742
possess, or use a controlled substance or a controlled substance 1743
analog. 1744

(B) (1) This section does not apply to any of the 1745
following: 1746

(a) Manufacturers, licensed health professionals 1747
authorized to prescribe drugs, pharmacists, owners of 1748
pharmacies, and other persons whose conduct was in accordance 1749
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1750
4741. of the Revised Code; 1751

(b) If the offense involves an anabolic steroid, any 1752
person who is conducting or participating in a research project 1753
involving the use of an anabolic steroid if the project has been 1754
approved by the United States food and drug administration; 1755

(c) Any person who sells, offers for sale, prescribes, 1756
dispenses, or administers for livestock or other nonhuman 1757
species an anabolic steroid that is expressly intended for 1758
administration through implants to livestock or other nonhuman 1759
species and approved for that purpose under the "Federal Food, 1760
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1761
as amended, and is sold, offered for sale, prescribed, 1762
dispensed, or administered for that purpose in accordance with 1763
that act; 1764

(d) Any person who obtained the controlled substance 1765
pursuant to a lawful prescription issued by a licensed health 1766
professional authorized to prescribe drugs. 1767

(2) (a) As used in division (B) (2) of this section: 1768

(i) "Community addiction services provider" has the same 1769
meaning as in section 5119.01 of the Revised Code. 1770

(ii) "Community control sanction" and "drug treatment 1771
program" have the same meanings as in section 2929.01 of the 1772
Revised Code. 1773

(iii) "Health care facility" has the same meaning as in 1774
section 2919.16 of the Revised Code. 1775

(iv) "Minor drug possession offense" means a violation of 1776
this section that is a misdemeanor or a felony of the fifth 1777
degree. 1778

(v) "Post-release control sanction" has the same meaning 1779
as in section 2967.28 of the Revised Code. 1780

(vi) "Peace officer" has the same meaning as in section 1781
2935.01 of the Revised Code. 1782

(vii) "Public agency" has the same meaning as in section 1783
2930.01 of the Revised Code. 1784

(viii) "Qualified individual" means a person who is not on 1785
community control or post-release control and is a person acting 1786
in good faith who seeks or obtains medical assistance for 1787
another person who is experiencing a drug overdose, a person who 1788
experiences a drug overdose and who seeks medical assistance for 1789
that overdose, or a person who is the subject of another person 1790
seeking or obtaining medical assistance for that overdose as 1791
described in division (B) (2) (b) of this section. 1792

(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) (f) 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 if all of the following apply:

(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog 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) (g) 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) (g) of this section, the qualified individual who obtains a screening and receives a referral for treatment under division (B) (2) (b) (ii) of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that division. The documentation shall be limited to the date and time of the screening obtained and referral received.

(c) If a person is found to be in violation of any community control sanction and if the violation is a result of

either of the following, the court shall first consider ordering 1822
the person's participation or continued participation in a drug 1823
treatment program or mitigating the penalty specified in section 1824
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1825
applicable, after which the court has the discretion either to 1826
order the person's participation or continued participation in a 1827
drug treatment program or to impose the penalty with the 1828
mitigating factor specified in any of those applicable sections: 1829

(i) Seeking or obtaining medical assistance in good faith 1830
for another person who is experiencing a drug overdose; 1831

(ii) Experiencing a drug overdose and seeking medical 1832
assistance for that overdose or being the subject of another 1833
person seeking or obtaining medical assistance for that overdose 1834
as described in division (B) (2) (b) of this section. 1835

(d) If a person is found to be in violation of any post- 1836
release control sanction and if the violation is a result of 1837
either of the following, the court or the parole board shall 1838
first consider ordering the person's participation or continued 1839
participation in a drug treatment program or mitigating the 1840
penalty specified in section 2929.141 or 2967.28 of the Revised 1841
Code, whichever is applicable, after which the court or the 1842
parole board has the discretion either to order the person's 1843
participation or continued participation in a drug treatment 1844
program or to impose the penalty with the mitigating factor 1845
specified in either of those applicable sections: 1846

(i) Seeking or obtaining medical assistance in good faith 1847
for another person who is experiencing a drug overdose; 1848

(ii) Experiencing a drug overdose and seeking medical 1849
assistance for that emergency or being the subject of another 1850

person seeking or obtaining medical assistance for that overdose 1851
as described in division (B) (2) (b) of this section. 1852

(e) Nothing in division (B) (2) (b) of this section shall be 1853
construed to do any of the following: 1854

(i) Limit the admissibility of any evidence in connection 1855
with the investigation or prosecution of a crime with regards to 1856
a defendant who does not qualify for the protections of division 1857
(B) (2) (b) of this section or with regards to any crime other 1858
than a minor drug possession offense committed by a person who 1859
qualifies for protection pursuant to division (B) (2) (b) of this 1860
section for a minor drug possession offense; 1861

(ii) Limit any seizure of evidence or contraband otherwise 1862
permitted by law; 1863

(iii) Limit or abridge the authority of a peace officer to 1864
detain or take into custody a person in the course of an 1865
investigation or to effectuate an arrest for any offense except 1866
as provided in that division; 1867

(iv) Limit, modify, or remove any immunity from liability 1868
available pursuant to law in effect prior to ~~the effective date~~ 1869
~~of this amendment~~ September 13, 2016, to any public agency or to 1870
an employee of any public agency. 1871

(f) Division (B) (2) (b) of this section does not apply to 1872
any person who twice previously has been granted an immunity 1873
under division (B) (2) (b) of this section. No person shall be 1874
granted an immunity under division (B) (2) (b) of this section 1875
more than two times. 1876

(g) Nothing in this section shall compel any qualified 1877
individual to disclose protected health information in a way 1878
that conflicts with the requirements of the "Health Insurance 1879

Portability and Accountability Act of 1996," 104 Pub. L. No. 1880
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1881
regulations promulgated by the United States department of 1882
health and human services to implement the act or the 1883
requirements of 42 C.F.R. Part 2. 1884

(C) Whoever violates division (A) of this section is 1885
guilty of one of the following: 1886

(1) If the drug involved in the violation is a compound, 1887
mixture, preparation, or substance included in schedule I or II, 1888
with the exception of marihuana, carfentanil, cocaine, fentanyl, 1889
L.S.D., heroin, hashish, and controlled substance analogs, 1890
whoever violates division (A) of this section is guilty of 1891
aggravated possession of drugs. The penalty for the offense 1892
shall be determined as follows: 1893

(a) Except as otherwise provided in division (C) (1) (b), 1894
(c), (d), or (e) of this section, aggravated possession of drugs 1895
is a felony of the fifth degree, and division (B) of section 1896
2929.13 of the Revised Code applies in determining whether to 1897
impose a prison term on the offender. 1898

(b) If the amount of the drug involved equals or exceeds 1899
the bulk amount but is less than five times the bulk amount, 1900
aggravated possession of drugs is a felony of the third degree, 1901
and there is a presumption for a prison term for the offense. 1902

(c) If the amount of the drug involved equals or exceeds 1903
five times the bulk amount but is less than fifty times the bulk 1904
amount, aggravated possession of drugs is a felony of the second 1905
degree, and the court shall impose as a mandatory prison term 1906
one of the prison terms prescribed for a felony of the second 1907
degree. 1908

(d) If the amount of the drug involved equals or exceeds 1909
fifty times the bulk amount but is less than one hundred times 1910
the bulk amount, aggravated possession of drugs is a felony of 1911
the first degree, and the court shall impose as a mandatory 1912
prison term one of the prison terms prescribed for a felony of 1913
the first degree. 1914

(e) If the amount of the drug involved equals or exceeds 1915
one hundred times the bulk amount, aggravated possession of 1916
drugs is a felony of the first degree, the offender is a major 1917
drug offender, and the court shall impose as a mandatory prison 1918
term the maximum prison term prescribed for a felony of the 1919
first degree. 1920

(2) If the drug involved in the violation is a compound, 1921
mixture, preparation, or substance included in schedule III, IV, 1922
or V, whoever violates division (A) of this section is guilty of 1923
possession of drugs. The penalty for the offense shall be 1924
determined as follows: 1925

(a) Except as otherwise provided in division (C) (2) (b), 1926
(c), or (d) of this section, possession of drugs is a 1927
misdemeanor of the first degree or, if the offender previously 1928
has been convicted of a drug abuse offense, a felony of the 1929
fifth degree. 1930

(b) If the amount of the drug involved equals or exceeds 1931
the bulk amount but is less than five times the bulk amount, 1932
possession of drugs is a felony of the fourth degree, and 1933
division (C) of section 2929.13 of the Revised Code applies in 1934
determining whether to impose a prison term on the offender. 1935

(c) If the amount of the drug involved equals or exceeds 1936
five times the bulk amount but is less than fifty times the bulk 1937

amount, possession of drugs is a felony of the third degree, and 1938
there is a presumption for a prison term for the offense. 1939

(d) If the amount of the drug involved equals or exceeds 1940
fifty times the bulk amount, possession of drugs is a felony of 1941
the second degree, and the court shall impose upon the offender 1942
as a mandatory prison term one of the prison terms prescribed 1943
for a felony of the second degree. 1944

(3) If the drug involved in the violation is marihuana or 1945
a compound, mixture, preparation, or substance containing 1946
marihuana other than hashish, whoever violates division (A) of 1947
this section is guilty of possession of marihuana. The penalty 1948
for the offense shall be determined as follows: 1949

(a) Except as otherwise provided in division (C) (3) (b), 1950
(c), (d), (e), (f), or (g) of this section, possession of 1951
marihuana is a minor misdemeanor. 1952

(b) If the amount of the drug involved equals or exceeds 1953
one hundred grams but is less than two hundred grams, possession 1954
of marihuana is a misdemeanor of the fourth degree. 1955

(c) If the amount of the drug involved equals or exceeds 1956
two hundred grams but is less than one thousand grams, 1957
possession of marihuana is a felony of the fifth degree, and 1958
division (B) of section 2929.13 of the Revised Code applies in 1959
determining whether to impose a prison term on the offender. 1960

(d) If the amount of the drug involved equals or exceeds 1961
one thousand grams but is less than five thousand grams, 1962
possession of marihuana is a felony of the third degree, and 1963
division (C) of section 2929.13 of the Revised Code applies in 1964
determining whether to impose a prison term on the offender. 1965

(e) If the amount of the drug involved equals or exceeds 1966

five thousand grams but is less than twenty thousand grams, 1967
possession of marihuana is a felony of the third degree, and 1968
there is a presumption that a prison term shall be imposed for 1969
the offense. 1970

(f) If the amount of the drug involved equals or exceeds 1971
twenty thousand grams but is less than forty thousand grams, 1972
possession of marihuana is a felony of the second degree, and 1973
the court shall impose a mandatory prison term of five, six, 1974
seven, or eight years. 1975

(g) If the amount of the drug involved equals or exceeds 1976
forty thousand grams, possession of marihuana is a felony of the 1977
second degree, and the court shall impose as a mandatory prison 1978
term the maximum prison term prescribed for a felony of the 1979
second degree. 1980

(4) If the drug involved in the violation is cocaine or a 1981
compound, mixture, preparation, or substance containing cocaine, 1982
whoever violates division (A) of this section is guilty of 1983
possession of cocaine. The penalty for the offense shall be 1984
determined as follows: 1985

(a) Except as otherwise provided in division (C) (4) (b), 1986
(c), (d), (e), or (f) of this section, possession of cocaine is 1987
a felony of the fifth degree, and division (B) of section 1988
2929.13 of the Revised Code applies in determining whether to 1989
impose a prison term on the offender. 1990

(b) If the amount of the drug involved equals or exceeds 1991
five grams but is less than ten grams of cocaine, possession of 1992
cocaine is a felony of the fourth degree, and division (B) of 1993
section 2929.13 of the Revised Code applies in determining 1994
whether to impose a prison term on the offender. 1995

(c) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, possession of 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 possession of 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.

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

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

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

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

(a) Except as otherwise provided in division (C) (5) (b), 2025
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2026
felony of the fifth degree, and division (B) of section 2929.13 2027
of the Revised Code applies in determining whether to impose a 2028
prison term on the offender. 2029

(b) If the amount of L.S.D. involved equals or exceeds ten 2030
unit doses but is less than fifty unit doses of L.S.D. in a 2031
solid form or equals or exceeds one gram but is less than five 2032
grams of L.S.D. in a liquid concentrate, liquid extract, or 2033
liquid distillate form, possession of L.S.D. is a felony of the 2034
fourth degree, and division (C) of section 2929.13 of the 2035
Revised Code applies in determining whether to impose a prison 2036
term on the offender. 2037

(c) If the amount of L.S.D. involved equals or exceeds 2038
fifty unit doses, but is less than two hundred fifty unit doses 2039
of L.S.D. in a solid form or equals or exceeds five grams but is 2040
less than twenty-five grams of L.S.D. in a liquid concentrate, 2041
liquid extract, or liquid distillate form, possession of L.S.D. 2042
is a felony of the third degree, and there is a presumption for 2043
a prison term for the offense. 2044

(d) If the amount of L.S.D. involved equals or exceeds two 2045
hundred fifty unit doses but is less than one thousand unit 2046
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2047
grams but is less than one hundred grams of L.S.D. in a liquid 2048
concentrate, liquid extract, or liquid distillate form, 2049
possession of L.S.D. is a felony of the second degree, and the 2050
court shall impose as a mandatory prison term one of the prison 2051
terms prescribed for a felony of the second degree. 2052

(e) If the amount of L.S.D. involved equals or exceeds one 2053
thousand unit doses but is less than five thousand unit doses of 2054

L.S.D. in a solid form or equals or exceeds one hundred grams 2055
but is less than five hundred grams of L.S.D. in a liquid 2056
concentrate, liquid extract, or liquid distillate form, 2057
possession of L.S.D. is a felony of the first degree, and the 2058
court shall impose as a mandatory prison term one of the prison 2059
terms prescribed for a felony of the first degree. 2060

(f) If the amount of L.S.D. involved equals or exceeds 2061
five thousand unit doses of L.S.D. in a solid form or equals or 2062
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2063
liquid extract, or liquid distillate form, possession of L.S.D. 2064
is a felony of the first degree, the offender is a major drug 2065
offender, and the court shall impose as a mandatory prison term 2066
the maximum prison term prescribed for a felony of the first 2067
degree. 2068

(6) If the drug involved in the violation is heroin, 2069
fentanyl, or carfentanil or a compound, mixture, preparation, or 2070
substance containing heroin, fentanyl, or carfentanil, whoever 2071
violates division (A) of this section is guilty of possession of 2072
heroin, fentanyl, or carfentanil. The penalty for the offense 2073
shall be determined as follows: 2074

(a) Except as otherwise provided in division (C) (6) (b), 2075
(c), (d), (e), or (f) of this section, possession of heroin, 2076
fentanyl, or carfentanil is a felony of the fifth degree, and 2077
division (B) of section 2929.13 of the Revised Code applies in 2078
determining whether to impose a prison term on the offender. 2079

(b) If the amount of the drug involved equals or exceeds 2080
ten unit doses but is less than fifty unit doses or equals or 2081
exceeds one gram but is less than five grams, possession of 2082
heroin, fentanyl, or carfentanil is a felony of the ~~fourth~~ third 2083
degree, and division (C) of section 2929.13 of the Revised Code 2084

applies in determining whether to impose a prison term on the 2085
offender. 2086

(c) If the amount of the drug involved equals or exceeds 2087
fifty unit doses but is less than one hundred unit doses or 2088
equals or exceeds five grams but is less than ten grams, 2089
possession of heroin, fentanyl, or carfentanil is a felony of 2090
the third degree, and there is a presumption for a prison term 2091
for the offense. 2092

(d) If the amount of the drug involved equals or exceeds 2093
one hundred unit doses but is less than five hundred unit doses 2094
or equals or exceeds ten grams but is less than fifty grams, 2095
possession of heroin, fentanyl, or carfentanil is a felony of 2096
the second degree, and the court shall impose as a mandatory 2097
prison term one of the prison terms prescribed for a felony of 2098
the second degree. 2099

(e) If the amount of the drug involved equals or exceeds 2100
five hundred unit doses but is less than one thousand unit doses 2101
or equals or exceeds fifty grams but is less than one hundred 2102
grams, possession of heroin, fentanyl, or carfentanil is a 2103
felony of the first degree, and the court shall impose as a 2104
mandatory prison term one of the prison terms prescribed for a 2105
felony of the first degree. 2106

(f) If the amount of the drug involved equals or exceeds 2107
one thousand unit doses or equals or exceeds one hundred grams, 2108
possession of heroin, fentanyl, or carfentanil is a felony of 2109
the first degree, the offender is a major drug offender, and the 2110
court shall impose as a mandatory prison term the maximum prison 2111
term prescribed for a felony of the first degree. 2112

(7) If the drug involved in the violation is hashish or a 2113

compound, mixture, preparation, or substance containing hashish, 2114
whoever violates division (A) of this section is guilty of 2115
possession of hashish. The penalty for the offense shall be 2116
determined as follows: 2117

(a) Except as otherwise provided in division (C) (7) (b), 2118
(c), (d), (e), (f), or (g) of this section, possession of 2119
hashish is a minor misdemeanor. 2120

(b) If the amount of the drug involved equals or exceeds 2121
five grams but is less than ten grams of hashish in a solid form 2122
or equals or exceeds one gram but is less than two grams of 2123
hashish in a liquid concentrate, liquid extract, or liquid 2124
distillate form, possession of hashish is a misdemeanor of the 2125
fourth degree. 2126

(c) If the amount of the drug involved equals or exceeds 2127
ten grams but is less than fifty grams of hashish in a solid 2128
form or equals or exceeds two grams but is less than ten grams 2129
of hashish in a liquid concentrate, liquid extract, or liquid 2130
distillate form, possession of hashish is a felony of the fifth 2131
degree, and division (B) of section 2929.13 of the Revised Code 2132
applies in determining whether to impose a prison term on the 2133
offender. 2134

(d) If the amount of the drug involved equals or exceeds 2135
fifty grams but is less than two hundred fifty grams of hashish 2136
in a solid form or equals or exceeds ten grams but is less than 2137
fifty grams of hashish in a liquid concentrate, liquid extract, 2138
or liquid distillate form, possession of hashish is a felony of 2139
the third degree, and division (C) of section 2929.13 of the 2140
Revised Code applies in determining whether to impose a prison 2141
term on the offender. 2142

(e) If the amount of the drug involved equals or exceeds 2143
two hundred fifty grams but is less than one thousand grams of 2144
hashish in a solid form or equals or exceeds fifty grams but is 2145
less than two hundred grams of hashish in a liquid concentrate, 2146
liquid extract, or liquid distillate form, possession of hashish 2147
is a felony of the third degree, and there is a presumption that 2148
a prison term shall be imposed for the offense. 2149

(f) If the amount of the drug involved equals or exceeds 2150
one thousand grams but is less than two thousand grams of 2151
hashish in a solid form or equals or exceeds two hundred grams 2152
but is less than four hundred grams of hashish in a liquid 2153
concentrate, liquid extract, or liquid distillate form, 2154
possession of hashish is a felony of the second degree, and the 2155
court shall impose a mandatory prison term of five, six, seven, 2156
or eight years. 2157

(g) If the amount of the drug involved equals or exceeds 2158
two thousand grams of hashish in a solid form or equals or 2159
exceeds four hundred grams of hashish in a liquid concentrate, 2160
liquid extract, or liquid distillate form, possession of hashish 2161
is a felony of the second degree, and the court shall impose as 2162
a mandatory prison term the maximum prison term prescribed for a 2163
felony of the second degree. 2164

(8) If the drug involved is a controlled substance analog 2165
or compound, mixture, preparation, or substance that contains a 2166
controlled substance analog, whoever violates division (A) of 2167
this section is guilty of possession of a controlled substance 2168
analog. The penalty for the offense shall be determined as 2169
follows: 2170

(a) Except as otherwise provided in division (C) (8) (b), 2171
(c), (d), (e), or (f) of this section, possession of a 2172

controlled substance analog is a felony of the fifth degree, and 2173
division (B) of section 2929.13 of the Revised Code applies in 2174
determining whether to impose a prison term on the offender. 2175

(b) If the amount of the drug involved equals or exceeds 2176
ten grams but is less than twenty grams, possession of a 2177
controlled substance analog is a felony of the fourth degree, 2178
and there is a presumption for a prison term for the offense. 2179

(c) If the amount of the drug involved equals or exceeds 2180
twenty grams but is less than thirty grams, possession of a 2181
controlled substance analog is a felony of the third degree, and 2182
there is a presumption for a prison term for the offense. 2183

(d) If the amount of the drug involved equals or exceeds 2184
thirty grams but is less than forty grams, possession of a 2185
controlled substance analog is a felony of the second degree, 2186
and the court shall impose as a mandatory prison term one of the 2187
prison terms prescribed for a felony of the second degree. 2188

(e) If the amount of the drug involved equals or exceeds 2189
forty grams but is less than fifty grams, possession of a 2190
controlled substance analog is a felony of the first degree, and 2191
the court shall impose as a mandatory prison term one of the 2192
prison terms prescribed for a felony of the first degree. 2193

(f) If the amount of the drug involved equals or exceeds 2194
fifty grams, possession of a controlled substance analog is a 2195
felony of the first degree, the offender is a major drug 2196
offender, and the court shall impose as a mandatory prison term 2197
the maximum prison term prescribed for a felony of the first 2198
degree. 2199

(D) Arrest or conviction for a minor misdemeanor violation 2200
of this section does not constitute a criminal record and need 2201

not be reported by the person so arrested or convicted in 2202
response to any inquiries about the person's criminal record, 2203
including any inquiries contained in any application for 2204
employment, license, or other right or privilege, or made in 2205
connection with the person's appearance as a witness. 2206

(E) In addition to any prison term or jail term authorized 2207
or required by division (C) of this section and sections 2208
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2209
Code and in addition to any other sanction that is imposed for 2210
the offense under this section, sections 2929.11 to 2929.18, or 2211
sections 2929.21 to 2929.28 of the Revised Code, the court that 2212
sentences an offender who is convicted of or pleads guilty to a 2213
violation of division (A) of this section may suspend the 2214
offender's driver's or commercial driver's license or permit for 2215
not more than five years. However, if the offender pleaded 2216
guilty to or was convicted of a violation of section 4511.19 of 2217
the Revised Code or a substantially similar municipal ordinance 2218
or the law of another state or the United States arising out of 2219
the same set of circumstances as the violation, the court shall 2220
suspend the offender's driver's or commercial driver's license 2221
or permit for not more than five years. If applicable, the court 2222
also shall do the following: 2223

(1) (a) If the violation is a felony of the first, second, 2224
or third degree, the court shall impose upon the offender the 2225
mandatory fine specified for the offense under division (B) (1) 2226
of section 2929.18 of the Revised Code unless, as specified in 2227
that division, the court determines that the offender is 2228
indigent. 2229

(b) Notwithstanding any contrary provision of section 2230
3719.21 of the Revised Code, the clerk of the court shall pay a 2231

mandatory fine or other fine imposed for a violation of this 2232
section pursuant to division (A) of section 2929.18 of the 2233
Revised Code in accordance with and subject to the requirements 2234
of division (F) of section 2925.03 of the Revised Code. The 2235
agency that receives the fine shall use the fine as specified in 2236
division (F) of section 2925.03 of the Revised Code. 2237

(c) If a person is charged with a violation of this 2238
section that is a felony of the first, second, or third degree, 2239
posts bail, and forfeits the bail, the clerk shall pay the 2240
forfeited bail pursuant to division (E) (1) (b) of this section as 2241
if it were a mandatory fine imposed under division (E) (1) (a) of 2242
this section. 2243

(2) If the offender is a professionally licensed person, 2244
in addition to any other sanction imposed for a violation of 2245
this section, the court immediately shall comply with section 2246
2925.38 of the Revised Code. 2247

(F) It is an affirmative defense, as provided in section 2248
2901.05 of the Revised Code, to a charge of a fourth degree 2249
felony violation under this section that the controlled 2250
substance that gave rise to the charge is in an amount, is in a 2251
form, is prepared, compounded, or mixed with substances that are 2252
not controlled substances in a manner, or is possessed under any 2253
other circumstances, that indicate that the substance was 2254
possessed solely for personal use. Notwithstanding any contrary 2255
provision of this section, if, in accordance with section 2256
2901.05 of the Revised Code, an accused who is charged with a 2257
fourth degree felony violation of division (C) (2), (4), (5), or 2258
(6) of this section sustains the burden of going forward with 2259
evidence of and establishes by a preponderance of the evidence 2260
the affirmative defense described in this division, the accused 2261

may be prosecuted for and may plead guilty to or be convicted of 2262
a misdemeanor violation of division (C) (2) of this section or a 2263
fifth degree felony violation of division (C) (4), (5), or (6) of 2264
this section respectively. 2265

(G) When a person is charged with possessing a bulk amount 2266
or multiple of a bulk amount, division (E) of section 2925.03 of 2267
the Revised Code applies regarding the determination of the 2268
amount of the controlled substance involved at the time of the 2269
offense. 2270

(H) It is an affirmative defense to a charge of possession 2271
of a controlled substance analog under division (C) (8) of this 2272
section that the person charged with violating that offense 2273
obtained, possessed, or used an item described in division (HH) 2274
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 2275

(I) Any offender who received a mandatory suspension of 2276
the offender's driver's or commercial driver's license or permit 2277
under this section prior to ~~the effective date of this amendment~~ 2278
September 13, 2016, may file a motion with the sentencing court 2279
requesting the termination of the suspension. However, an 2280
offender who pleaded guilty to or was convicted of a violation 2281
of section 4511.19 of the Revised Code or a substantially 2282
similar municipal ordinance or law of another state or the 2283
United States that arose out of the same set of circumstances as 2284
the violation for which the offender's license or permit was 2285
suspended under this section shall not file such a motion. 2286

Upon the filing of a motion under division (I) of this 2287
section, the sentencing court, in its discretion, may terminate 2288
the suspension. 2289

Sec. 2925.22. (A) No person, by deception, shall procure 2290

the administration of, a prescription for, or the dispensing of, 2291
a dangerous drug or shall possess an uncompleted preprinted 2292
prescription blank used for writing a prescription for a 2293
dangerous drug. 2294

(B) Whoever violates this section is guilty of deception 2295
to obtain a dangerous drug. The penalty for the offense shall be 2296
determined as follows: 2297

(1) If the person possesses an uncompleted preprinted 2298
prescription blank used for writing a prescription for a 2299
dangerous drug or if the drug involved is a dangerous drug, 2300
except as otherwise provided in division (B) (2) or (3) of this 2301
section, deception to obtain a dangerous drug is a felony of the 2302
fifth degree or, if the offender previously has been convicted 2303
of or pleaded guilty to a drug abuse offense, a felony of the 2304
fourth degree. Division (C) of section 2929.13 of the Revised 2305
Code applies in determining whether to impose a prison term on 2306
the offender pursuant to this division. 2307

(2) If the drug involved is a compound, mixture, 2308
preparation, or substance included in schedule I or II, with the 2309
exception of marihuana, the penalty for deception to obtain 2310
drugs is one of the following: 2311

(a) Except as otherwise provided in division (B) (2) (b), 2312
(c), or (d) of this section, it is a felony of the fourth 2313
degree, and division (C) of section 2929.13 of the Revised Code 2314
applies in determining whether to impose a prison term on the 2315
offender. 2316

(b) If the amount of the drug involved equals or exceeds 2317
the bulk amount but is less than five times the bulk amount, ~~or~~ 2318
if the amount of the drug involved that could be obtained 2319

pursuant to the prescription would equal or exceed the bulk amount but would be less than five times the bulk amount, or if the drug involved is fentanyl or carfentanil, it is a felony of the third degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed five times the bulk amount but would be less than fifty times the bulk amount, it is a felony of the second degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed fifty times the bulk amount, it is a felony of the first degree, and there is a presumption for a prison term for the offense.

(3) If the drug involved is a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, the penalty for deception to obtain a dangerous drug is one of the following:

(a) Except as otherwise provided in division (B) (3) (b), (c), or (d) of this section, it is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, or if the amount of the drug involved that could be obtained

pursuant to the prescription would equal or exceed the bulk amount but would be less than five times the bulk amount, it 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 five times the bulk amount but is less than fifty times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed five times the bulk amount but would be less than fifty times the bulk amount, it is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed fifty times the bulk amount, it is a felony of the second degree, and there is a presumption for a prison term for the offense.

(C) (1) In addition to any prison term authorized or required by division (B) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same

set of circumstances as the violation, the court shall suspend 2379
the offender's driver's or commercial driver's license or permit 2380
for not more than five years. 2381

If the offender is a professionally licensed person, in 2382
addition to any other sanction imposed for a violation of this 2383
section, the court immediately shall comply with section 2925.38 2384
of the Revised Code. 2385

(2) Any offender who received a mandatory suspension of 2386
the offender's driver's or commercial driver's license or permit 2387
under this section prior to ~~the effective date of this amendment~~ 2388
September 13, 2016, may file a motion with the sentencing court 2389
requesting the termination of the suspension. However, an 2390
offender who pleaded guilty to or was convicted of a violation 2391
of section 4511.19 of the Revised Code or a substantially 2392
similar municipal ordinance or law of another state or the 2393
United States that arose out of the same set of circumstances as 2394
the violation for which the offender's license or permit was 2395
suspended under this section shall not file such a motion. 2396

Upon the filing of a motion under division (C)(2) of this 2397
section, the sentencing court, in its discretion, may terminate 2398
the suspension. 2399

(D) Notwithstanding any contrary provision of section 2400
3719.21 of the Revised Code, the clerk of the court shall pay a 2401
fine imposed for a violation of this section pursuant to 2402
division (A) of section 2929.18 of the Revised Code in 2403
accordance with and subject to the requirements of division (F) 2404
of section 2925.03 of the Revised Code. The agency that receives 2405
the fine shall use the fine as specified in division (F) of 2406
section 2925.03 of the Revised Code. 2407

Sec. 2929.01. As used in this chapter:	2408
(A) (1) "Alternative residential facility" means, subject to division (A) (2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:	2409 2410 2411 2412
(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.	2413 2414 2415
(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.	2416 2417 2418 2419 2420 2421
(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.	2422 2423 2424
(B) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.	2425 2426 2427 2428 2429 2430 2431
(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.	2432 2433
(D) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed	2434 2435 2436

pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2437

(E) "Community control sanction" means a sanction that is 2438
not a prison term and that is described in section 2929.15, 2439
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2440
that is not a jail term and that is described in section 2441
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2442
control sanction" includes probation if the sentence involved 2443
was imposed for a felony that was committed prior to July 1, 2444
1996, or if the sentence involved was imposed for a misdemeanor 2445
that was committed prior to January 1, 2004. 2446

(F) "Controlled substance," "marihuana," "schedule I," and 2447
"schedule II" have the same meanings as in section 3719.01 of 2448
the Revised Code. 2449

(G) "Curfew" means a requirement that an offender during a 2450
specified period of time be at a designated place. 2451

(H) "Day reporting" means a sanction pursuant to which an 2452
offender is required each day to report to and leave a center or 2453
other approved reporting location at specified times in order to 2454
participate in work, education or training, treatment, and other 2455
approved programs at the center or outside the center. 2456

(I) "Deadly weapon" has the same meaning as in section 2457
2923.11 of the Revised Code. 2458

(J) "Drug and alcohol use monitoring" means a program 2459
under which an offender agrees to submit to random chemical 2460
analysis of the offender's blood, breath, or urine to determine 2461
whether the offender has ingested any alcohol or other drugs. 2462

(K) "Drug treatment program" means any program under which 2463
a person undergoes assessment and treatment designed to reduce 2464
or completely eliminate the person's physical or emotional 2465

reliance upon alcohol, another drug, or alcohol and another drug 2466
and under which the person may be required to receive assessment 2467
and treatment on an outpatient basis or may be required to 2468
reside at a facility other than the person's home or residence 2469
while undergoing assessment and treatment. 2470

(L) "Economic loss" means any economic detriment suffered 2471
by a victim as a direct and proximate result of the commission 2472
of an offense and includes any loss of income due to lost time 2473
at work because of any injury caused to the victim, and any 2474
property loss, medical cost, or funeral expense incurred as a 2475
result of the commission of the offense. "Economic loss" does 2476
not include non-economic loss or any punitive or exemplary 2477
damages. 2478

(M) "Education or training" includes study at, or in 2479
conjunction with a program offered by, a university, college, or 2480
technical college or vocational study and also includes the 2481
completion of primary school, secondary school, and literacy 2482
curricula or their equivalent. 2483

(N) "Firearm" has the same meaning as in section 2923.11 2484
of the Revised Code. 2485

(O) "Halfway house" means a facility licensed by the 2486
division of parole and community services of the department of 2487
rehabilitation and correction pursuant to section 2967.14 of the 2488
Revised Code as a suitable facility for the care and treatment 2489
of adult offenders. 2490

(P) "House arrest" means a period of confinement of an 2491
offender that is in the offender's home or in other premises 2492
specified by the sentencing court or by the parole board 2493
pursuant to section 2967.28 of the Revised Code and during which 2494

all of the following apply: 2495

(1) The offender is required to remain in the offender's 2496
home or other specified premises for the specified period of 2497
confinement, except for periods of time during which the 2498
offender is at the offender's place of employment or at other 2499
premises as authorized by the sentencing court or by the parole 2500
board. 2501

(2) The offender is required to report periodically to a 2502
person designated by the court or parole board. 2503

(3) The offender is subject to any other restrictions and 2504
requirements that may be imposed by the sentencing court or by 2505
the parole board. 2506

(Q) "Intensive probation supervision" means a requirement 2507
that an offender maintain frequent contact with a person 2508
appointed by the court, or by the parole board pursuant to 2509
section 2967.28 of the Revised Code, to supervise the offender 2510
while the offender is seeking or maintaining necessary 2511
employment and participating in training, education, and 2512
treatment programs as required in the court's or parole board's 2513
order. "Intensive probation supervision" includes intensive 2514
parole supervision and intensive post-release control 2515
supervision. 2516

(R) "Jail" means a jail, workhouse, minimum security jail, 2517
or other residential facility used for the confinement of 2518
alleged or convicted offenders that is operated by a political 2519
subdivision or a combination of political subdivisions of this 2520
state. 2521

(S) "Jail term" means the term in a jail that a sentencing 2522
court imposes or is authorized to impose pursuant to section 2523

2929.24 or 2929.25 of the Revised Code or pursuant to any other 2524
provision of the Revised Code that authorizes a term in a jail 2525
for a misdemeanor conviction. 2526

(T) "Mandatory jail term" means the term in a jail that a 2527
sentencing court is required to impose pursuant to division (G) 2528
of section 1547.99 of the Revised Code, division (E) of section 2529
2903.06 or division (D) of section 2903.08 of the Revised Code, 2530
division (E) or (G) of section 2929.24 of the Revised Code, 2531
division (B) of section 4510.14 of the Revised Code, or division 2532
(G) of section 4511.19 of the Revised Code or pursuant to any 2533
other provision of the Revised Code that requires a term in a 2534
jail for a misdemeanor conviction. 2535

(U) "Delinquent child" has the same meaning as in section 2536
2152.02 of the Revised Code. 2537

(V) "License violation report" means a report that is made 2538
by a sentencing court, or by the parole board pursuant to 2539
section 2967.28 of the Revised Code, to the regulatory or 2540
licensing board or agency that issued an offender a professional 2541
license or a license or permit to do business in this state and 2542
that specifies that the offender has been convicted of or 2543
pleaded guilty to an offense that may violate the conditions 2544
under which the offender's professional license or license or 2545
permit to do business in this state was granted or an offense 2546
for which the offender's professional license or license or 2547
permit to do business in this state may be revoked or suspended. 2548

(W) "Major drug offender" means an offender who is 2549
convicted of or pleads guilty to the possession of, sale of, or 2550
offer to sell any drug, compound, mixture, preparation, or 2551
substance that consists of or contains at least one thousand 2552
grams of hashish; at least one hundred grams of cocaine; at 2553

least one thousand unit doses or one hundred grams of heroin, 2554
fentanyl, or carfentanil; at least five thousand unit doses of 2555
L.S.D. or five hundred grams of L.S.D. in a liquid concentrate, 2556
liquid extract, or liquid distillate form; at least fifty grams 2557
of a controlled substance analog; or at least one hundred times 2558
the amount of any other schedule I or II controlled substance 2559
other than marihuana that is necessary to commit a felony of the 2560
third degree pursuant to section 2925.03, 2925.04, 2925.05, or 2561
2925.11 of the Revised Code that is based on the possession of, 2562
sale of, or offer to sell the controlled substance. 2563

(X) "Mandatory prison term" means any of the following: 2564

(1) Subject to division (X) (2) of this section, the term 2565
in prison that must be imposed for the offenses or circumstances 2566
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 2567
section 2929.13 and division (B) of section 2929.14 of the 2568
Revised Code. Except as provided in sections 2925.02, 2925.03, 2569
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2570
maximum or another specific term is required under section 2571
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2572
described in this division may be any prison term authorized for 2573
the level of offense. 2574

(2) The term of sixty or one hundred twenty days in prison 2575
that a sentencing court is required to impose for a third or 2576
fourth degree felony OVI offense pursuant to division (G) (2) of 2577
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2578
of the Revised Code or the term of one, two, three, four, or 2579
five years in prison that a sentencing court is required to 2580
impose pursuant to division (G) (2) of section 2929.13 of the 2581
Revised Code. 2582

(3) The term in prison imposed pursuant to division (A) of 2583

section 2971.03 of the Revised Code for the offenses and in the 2584
circumstances described in division (F) (11) of section 2929.13 2585
of the Revised Code or pursuant to division (B) (1) (a), (b), or 2586
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 2587
section 2971.03 of the Revised Code and that term as modified or 2588
terminated pursuant to section 2971.05 of the Revised Code. 2589

(Y) "Monitored time" means a period of time during which 2590
an offender continues to be under the control of the sentencing 2591
court or parole board, subject to no conditions other than 2592
leading a law-abiding life. 2593

(Z) "Offender" means a person who, in this state, is 2594
convicted of or pleads guilty to a felony or a misdemeanor. 2595

(AA) "Prison" means a residential facility used for the 2596
confinement of convicted felony offenders that is under the 2597
control of the department of rehabilitation and correction but 2598
does not include a violation sanction center operated under 2599
authority of section 2967.141 of the Revised Code. 2600

(BB) "Prison term" includes either of the following 2601
sanctions for an offender: 2602

(1) A stated prison term; 2603

(2) A term in a prison shortened by, or with the approval 2604
of, the sentencing court pursuant to section 2929.143, 2929.20, 2605
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 2606

(CC) "Repeat violent offender" means a person about whom 2607
both of the following apply: 2608

(1) The person is being sentenced for committing or for 2609
complicity in committing any of the following: 2610

(a) Aggravated murder, murder, any felony of the first or 2611

second degree that is an offense of violence, or an attempt to 2612
commit any of these offenses if the attempt is a felony of the 2613
first or second degree; 2614

(b) An offense under an existing or former law of this 2615
state, another state, or the United States that is or was 2616
substantially equivalent to an offense described in division 2617
(CC) (1) (a) of this section. 2618

(2) The person previously was convicted of or pleaded 2619
guilty to an offense described in division (CC) (1) (a) or (b) of 2620
this section. 2621

(DD) "Sanction" means any penalty imposed upon an offender 2622
who is convicted of or pleads guilty to an offense, as 2623
punishment for the offense. "Sanction" includes any sanction 2624
imposed pursuant to any provision of sections 2929.14 to 2929.18 2625
or 2929.24 to 2929.28 of the Revised Code. 2626

(EE) "Sentence" means the sanction or combination of 2627
sanctions imposed by the sentencing court on an offender who is 2628
convicted of or pleads guilty to an offense. 2629

(FF) "Stated prison term" means the prison term, mandatory 2630
prison term, or combination of all prison terms and mandatory 2631
prison terms imposed by the sentencing court pursuant to section 2632
2929.14, 2929.142, or 2971.03 of the Revised Code or under 2633
section 2919.25 of the Revised Code. "Stated prison term" 2634
includes any credit received by the offender for time spent in 2635
jail awaiting trial, sentencing, or transfer to prison for the 2636
offense and any time spent under house arrest or house arrest 2637
with electronic monitoring imposed after earning credits 2638
pursuant to section 2967.193 of the Revised Code. If an offender 2639
is serving a prison term as a risk reduction sentence under 2640

sections 2929.143 and 5120.036 of the Revised Code, "stated 2641
prison term" includes any period of time by which the prison 2642
term imposed upon the offender is shortened by the offender's 2643
successful completion of all assessment and treatment or 2644
programming pursuant to those sections. 2645

(GG) "Victim-offender mediation" means a reconciliation or 2646
mediation program that involves an offender and the victim of 2647
the offense committed by the offender and that includes a 2648
meeting in which the offender and the victim may discuss the 2649
offense, discuss restitution, and consider other sanctions for 2650
the offense. 2651

(HH) "Fourth degree felony OVI offense" means a violation 2652
of division (A) of section 4511.19 of the Revised Code that, 2653
under division (G) of that section, is a felony of the fourth 2654
degree. 2655

(II) "Mandatory term of local incarceration" means the 2656
term of sixty or one hundred twenty days in a jail, a community- 2657
based correctional facility, a halfway house, or an alternative 2658
residential facility that a sentencing court may impose upon a 2659
person who is convicted of or pleads guilty to a fourth degree 2660
felony OVI offense pursuant to division (G)(1) of section 2661
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 2662
section 4511.19 of the Revised Code. 2663

(JJ) "Designated homicide, assault, or kidnapping 2664
offense," "violent sex offense," "sexual motivation 2665
specification," "sexually violent offense," "sexually violent 2666
predator," and "sexually violent predator specification" have 2667
the same meanings as in section 2971.01 of the Revised Code. 2668

(KK) "Sexually oriented offense," "child-victim oriented 2669

offense," and "tier III sex offender/child-victim offender" have 2670
the same meanings as in section 2950.01 of the Revised Code. 2671

(LL) An offense is "committed in the vicinity of a child" 2672
if the offender commits the offense within thirty feet of or 2673
within the same residential unit as a child who is under 2674
eighteen years of age, regardless of whether the offender knows 2675
the age of the child or whether the offender knows the offense 2676
is being committed within thirty feet of or within the same 2677
residential unit as the child and regardless of whether the 2678
child actually views the commission of the offense. 2679

(MM) "Family or household member" has the same meaning as 2680
in section 2919.25 of the Revised Code. 2681

(NN) "Motor vehicle" and "manufactured home" have the same 2682
meanings as in section 4501.01 of the Revised Code. 2683

(OO) "Detention" and "detention facility" have the same 2684
meanings as in section 2921.01 of the Revised Code. 2685

(PP) "Third degree felony OVI offense" means a violation 2686
of division (A) of section 4511.19 of the Revised Code that, 2687
under division (G) of that section, is a felony of the third 2688
degree. 2689

(QQ) "Random drug testing" has the same meaning as in 2690
section 5120.63 of the Revised Code. 2691

(RR) "Felony sex offense" has the same meaning as in 2692
section 2967.28 of the Revised Code. 2693

(SS) "Body armor" has the same meaning as in section 2694
2941.1411 of the Revised Code. 2695

(TT) "Electronic monitoring" means monitoring through the 2696
use of an electronic monitoring device. 2697

(UU) "Electronic monitoring device" means any of the 2698
following: 2699

(1) Any device that can be operated by electrical or 2700
battery power and that conforms with all of the following: 2701

(a) The device has a transmitter that can be attached to a 2702
person, that will transmit a specified signal to a receiver of 2703
the type described in division (UU) (1) (b) of this section if the 2704
transmitter is removed from the person, turned off, or altered 2705
in any manner without prior court approval in relation to 2706
electronic monitoring or without prior approval of the 2707
department of rehabilitation and correction in relation to the 2708
use of an electronic monitoring device for an inmate on 2709
transitional control or otherwise is tampered with, that can 2710
transmit continuously and periodically a signal to that receiver 2711
when the person is within a specified distance from the 2712
receiver, and that can transmit an appropriate signal to that 2713
receiver if the person to whom it is attached travels a 2714
specified distance from that receiver. 2715

(b) The device has a receiver that can receive 2716
continuously the signals transmitted by a transmitter of the 2717
type described in division (UU) (1) (a) of this section, can 2718
transmit continuously those signals by a wireless or landline 2719
telephone connection to a central monitoring computer of the 2720
type described in division (UU) (1) (c) of this section, and can 2721
transmit continuously an appropriate signal to that central 2722
monitoring computer if the device has been turned off or altered 2723
without prior court approval or otherwise tampered with. The 2724
device is designed specifically for use in electronic 2725
monitoring, is not a converted wireless phone or another 2726
tracking device that is clearly not designed for electronic 2727

monitoring, and provides a means of text-based or voice 2728
communication with the person. 2729

(c) The device has a central monitoring computer that can 2730
receive continuously the signals transmitted by a wireless or 2731
landline telephone connection by a receiver of the type 2732
described in division (UU) (1) (b) of this section and can monitor 2733
continuously the person to whom an electronic monitoring device 2734
of the type described in division (UU) (1) (a) of this section is 2735
attached. 2736

(2) Any device that is not a device of the type described 2737
in division (UU) (1) of this section and that conforms with all 2738
of the following: 2739

(a) The device includes a transmitter and receiver that 2740
can monitor and determine the location of a subject person at 2741
any time, or at a designated point in time, through the use of a 2742
central monitoring computer or through other electronic means. 2743

(b) The device includes a transmitter and receiver that 2744
can determine at any time, or at a designated point in time, 2745
through the use of a central monitoring computer or other 2746
electronic means the fact that the transmitter is turned off or 2747
altered in any manner without prior approval of the court in 2748
relation to the electronic monitoring or without prior approval 2749
of the department of rehabilitation and correction in relation 2750
to the use of an electronic monitoring device for an inmate on 2751
transitional control or otherwise is tampered with. 2752

(3) Any type of technology that can adequately track or 2753
determine the location of a subject person at any time and that 2754
is approved by the director of rehabilitation and correction, 2755
including, but not limited to, any satellite technology, voice 2756

tracking system, or retinal scanning system that is so approved. 2757

(VV) "Non-economic loss" means nonpecuniary harm suffered 2758
by a victim of an offense as a result of or related to the 2759
commission of the offense, including, but not limited to, pain 2760
and suffering; loss of society, consortium, companionship, care, 2761
assistance, attention, protection, advice, guidance, counsel, 2762
instruction, training, or education; mental anguish; and any 2763
other intangible loss. 2764

(WW) "Prosecutor" has the same meaning as in section 2765
2935.01 of the Revised Code. 2766

(XX) "Continuous alcohol monitoring" means the ability to 2767
automatically test and periodically transmit alcohol consumption 2768
levels and tamper attempts at least every hour, regardless of 2769
the location of the person who is being monitored. 2770

(YY) A person is "adjudicated a sexually violent predator" 2771
if the person is convicted of or pleads guilty to a violent sex 2772
offense and also is convicted of or pleads guilty to a sexually 2773
violent predator specification that was included in the 2774
indictment, count in the indictment, or information charging 2775
that violent sex offense or if the person is convicted of or 2776
pleads guilty to a designated homicide, assault, or kidnapping 2777
offense and also is convicted of or pleads guilty to both a 2778
sexual motivation specification and a sexually violent predator 2779
specification that were included in the indictment, count in the 2780
indictment, or information charging that designated homicide, 2781
assault, or kidnapping offense. 2782

(ZZ) An offense is "committed in proximity to a school" if 2783
the offender commits the offense in a school safety zone or 2784
within five hundred feet of any school building or the 2785

boundaries of any school premises, regardless of whether the 2786
offender knows the offense is being committed in a school safety 2787
zone or within five hundred feet of any school building or the 2788
boundaries of any school premises. 2789

(AAA) "Human trafficking" means a scheme or plan to which 2790
all of the following apply: 2791

(1) Its object is one or more of the following: 2792

(a) To subject a victim or victims to involuntary 2793
servitude, as defined in section 2905.31 of the Revised Code or 2794
to compel a victim or victims to engage in sexual activity for 2795
hire, to engage in a performance that is obscene, sexually 2796
oriented, or nudity oriented, or to be a model or participant in 2797
the production of material that is obscene, sexually oriented, 2798
or nudity oriented; 2799

(b) To facilitate, encourage, or recruit a victim who is 2800
less than sixteen years of age or is a person with a 2801
developmental disability, or victims who are less than sixteen 2802
years of age or are persons with developmental disabilities, for 2803
any purpose listed in divisions (A) (2) (a) to (c) of section 2804
2905.32 of the Revised Code; 2805

(c) To facilitate, encourage, or recruit a victim who is 2806
sixteen or seventeen years of age, or victims who are sixteen or 2807
seventeen years of age, for any purpose listed in divisions (A) 2808
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 2809
circumstances described in division (A) (5), (6), (7), (8), (9), 2810
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 2811
apply with respect to the person engaging in the conduct and the 2812
victim or victims. 2813

(2) It involves at least two felony offenses, whether or 2814

not there has been a prior conviction for any of the felony offenses, to which all of the following apply:

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

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

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

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

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

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

(EEE) "Accelerant" means a fuel or oxidizing agent, such as an ignitable liquid, used to initiate a fire or increase the rate of growth or spread of a fire.

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 2844
streetcar, or trackless trolley within this state, if, at the 2845
time of the operation, any of the following apply: 2846

(a) The person is under the influence of alcohol, a drug 2847
of abuse, or a combination of them. 2848

(b) The person has a concentration of eight-hundredths of 2849
one per cent or more but less than seventeen-hundredths of one 2850
per cent by weight per unit volume of alcohol in the person's 2851
whole blood. 2852

(c) The person has a concentration of ninety-six- 2853
thousandths of one per cent or more but less than two hundred 2854
four-thousandths of one per cent by weight per unit volume of 2855
alcohol in the person's blood serum or plasma. 2856

(d) The person has a concentration of eight-hundredths of 2857
one gram or more but less than seventeen-hundredths of one gram 2858
by weight of alcohol per two hundred ten liters of the person's 2859
breath. 2860

(e) The person has a concentration of eleven-hundredths of 2861
one gram or more but less than two hundred thirty-eight- 2862
thousandths of one gram by weight of alcohol per one hundred 2863
milliliters of the person's urine. 2864

(f) The person has a concentration of seventeen-hundredths 2865
of one per cent or more by weight per unit volume of alcohol in 2866
the person's whole blood. 2867

(g) The person has a concentration of two hundred four- 2868
thousandths of one per cent or more by weight per unit volume of 2869
alcohol in the person's blood serum or plasma. 2870

(h) The person has a concentration of seventeen-hundredths 2871

of one gram or more by weight of alcohol per two hundred ten 2872
liters of the person's breath. 2873

(i) The person has a concentration of two hundred thirty- 2874
eight-thousandths of one gram or more by weight of alcohol per 2875
one hundred milliliters of the person's urine. 2876

(j) Except as provided in division (K) of this section, 2877
the person has a concentration of any of the following 2878
controlled substances or metabolites of a controlled substance 2879
in the person's whole blood, blood serum or plasma, or urine 2880
that equals or exceeds any of the following: 2881

(i) The person has a concentration of amphetamine in the 2882
person's urine of at least five hundred nanograms of amphetamine 2883
per milliliter of the person's urine or has a concentration of 2884
amphetamine in the person's whole blood or blood serum or plasma 2885
of at least one hundred nanograms of amphetamine per milliliter 2886
of the person's whole blood or blood serum or plasma. 2887

(ii) The person has a concentration of cocaine in the 2888
person's urine of at least one hundred fifty nanograms of 2889
cocaine per milliliter of the person's urine or has a 2890
concentration of cocaine in the person's whole blood or blood 2891
serum or plasma of at least fifty nanograms of cocaine per 2892
milliliter of the person's whole blood or blood serum or plasma. 2893

(iii) The person has a concentration of cocaine metabolite 2894
in the person's urine of at least one hundred fifty nanograms of 2895
cocaine metabolite per milliliter of the person's urine or has a 2896
concentration of cocaine metabolite in the person's whole blood 2897
or blood serum or plasma of at least fifty nanograms of cocaine 2898
metabolite per milliliter of the person's whole blood or blood 2899
serum or plasma. 2900

(iv) The person has a concentration of heroin, fentanyl, 2901
or carfentanil in the person's urine of at least two thousand 2902
nanograms of heroin, fentanyl, or carfentanil per milliliter of 2903
the person's urine or has a concentration of heroin, fentanyl, 2904
or carfentanil in the person's whole blood or blood serum or 2905
plasma of at least fifty nanograms of heroin, fentanyl, or 2906
carfentanil per milliliter of the person's whole blood or blood 2907
serum or plasma. 2908

(v) The person has a concentration of heroin metabolite 2909
(6-monoacetyl morphine) in the person's urine of at least ten 2910
nanograms of heroin metabolite (6-monoacetyl morphine) per 2911
milliliter of the person's urine or has a concentration of 2912
heroin metabolite (6-monoacetyl morphine) in the person's whole 2913
blood or blood serum or plasma of at least ten nanograms of 2914
heroin metabolite (6-monoacetyl morphine) per milliliter of the 2915
person's whole blood or blood serum or plasma. 2916

(vi) The person has a concentration of L.S.D. in the 2917
person's urine of at least twenty-five nanograms of L.S.D. per 2918
milliliter of the person's urine or a concentration of L.S.D. in 2919
the person's whole blood or blood serum or plasma of at least 2920
ten nanograms of L.S.D. per milliliter of the person's whole 2921
blood or blood serum or plasma. 2922

(vii) The person has a concentration of marihuana in the 2923
person's urine of at least ten nanograms of marihuana per 2924
milliliter of the person's urine or has a concentration of 2925
marihuana in the person's whole blood or blood serum or plasma 2926
of at least two nanograms of marihuana per milliliter of the 2927
person's whole blood or blood serum or plasma. 2928

(viii) Either of the following applies: 2929

(I) The person is under the influence of alcohol, a drug 2930
of abuse, or a combination of them, and the person has a 2931
concentration of marihuana metabolite in the person's urine of 2932
at least fifteen nanograms of marihuana metabolite per 2933
milliliter of the person's urine or has a concentration of 2934
marihuana metabolite in the person's whole blood or blood serum 2935
or plasma of at least five nanograms of marihuana metabolite per 2936
milliliter of the person's whole blood or blood serum or plasma. 2937

(II) The person has a concentration of marihuana 2938
metabolite in the person's urine of at least thirty-five 2939
nanograms of marihuana metabolite per milliliter of the person's 2940
urine or has a concentration of marihuana metabolite in the 2941
person's whole blood or blood serum or plasma of at least fifty 2942
nanograms of marihuana metabolite per milliliter of the person's 2943
whole blood or blood serum or plasma. 2944

(ix) The person has a concentration of methamphetamine in 2945
the person's urine of at least five hundred nanograms of 2946
methamphetamine per milliliter of the person's urine or has a 2947
concentration of methamphetamine in the person's whole blood or 2948
blood serum or plasma of at least one hundred nanograms of 2949
methamphetamine per milliliter of the person's whole blood or 2950
blood serum or plasma. 2951

(x) The person has a concentration of phencyclidine in the 2952
person's urine of at least twenty-five nanograms of 2953
phencyclidine per milliliter of the person's urine or has a 2954
concentration of phencyclidine in the person's whole blood or 2955
blood serum or plasma of at least ten nanograms of phencyclidine 2956
per milliliter of the person's whole blood or blood serum or 2957
plasma. 2958

(xi) The state board of pharmacy has adopted a rule 2959

pursuant to section 4729.041 of the Revised Code that specifies 2960
the amount of salvia divinorum and the amount of salvinorin A 2961
that constitute concentrations of salvia divinorum and 2962
salvinorin A in a person's urine, in a person's whole blood, or 2963
in a person's blood serum or plasma at or above which the person 2964
is impaired for purposes of operating any vehicle, streetcar, or 2965
trackless trolley within this state, the rule is in effect, and 2966
the person has a concentration of salvia divinorum or salvinorin 2967
A of at least that amount so specified by rule in the person's 2968
urine, in the person's whole blood, or in the person's blood 2969
serum or plasma. 2970

(2) No person who, within twenty years of the conduct 2971
described in division (A)(2)(a) of this section, previously has 2972
been convicted of or pleaded guilty to a violation of this 2973
division, a violation of division (A)(1) or (B) of this section, 2974
or any other equivalent offense shall do both of the following: 2975

(a) Operate any vehicle, streetcar, or trackless trolley 2976
within this state while under the influence of alcohol, a drug 2977
of abuse, or a combination of them; 2978

(b) Subsequent to being arrested for operating the 2979
vehicle, streetcar, or trackless trolley as described in 2980
division (A)(2)(a) of this section, being asked by a law 2981
enforcement officer to submit to a chemical test or tests under 2982
section 4511.191 of the Revised Code, and being advised by the 2983
officer in accordance with section 4511.192 of the Revised Code 2984
of the consequences of the person's refusal or submission to the 2985
test or tests, refuse to submit to the test or tests. 2986

(B) No person under twenty-one years of age shall operate 2987
any vehicle, streetcar, or trackless trolley within this state, 2988
if, at the time of the operation, any of the following apply: 2989

(1) The person has a concentration of at least two- 2990
hundredths of one per cent but less than eight-hundredths of one 2991
per cent by weight per unit volume of alcohol in the person's 2992
whole blood. 2993

(2) The person has a concentration of at least three- 2994
hundredths of one per cent but less than ninety-six-thousandths 2995
of one per cent by weight per unit volume of alcohol in the 2996
person's blood serum or plasma. 2997

(3) The person has a concentration of at least two- 2998
hundredths of one gram but less than eight-hundredths of one 2999
gram by weight of alcohol per two hundred ten liters of the 3000
person's breath. 3001

(4) The person has a concentration of at least twenty- 3002
eight one-thousandths of one gram but less than eleven- 3003
hundredths of one gram by weight of alcohol per one hundred 3004
milliliters of the person's urine. 3005

(C) In any proceeding arising out of one incident, a 3006
person may be charged with a violation of division (A) (1) (a) or 3007
(A) (2) and a violation of division (B) (1), (2), or (3) of this 3008
section, but the person may not be convicted of more than one 3009
violation of these divisions. 3010

(D) (1) (a) In any criminal prosecution or juvenile court 3011
proceeding for a violation of division (A) (1) (a) of this section 3012
or for an equivalent offense that is vehicle-related, the result 3013
of any test of any blood or urine withdrawn and analyzed at any 3014
health care provider, as defined in section 2317.02 of the 3015
Revised Code, may be admitted with expert testimony to be 3016
considered with any other relevant and competent evidence in 3017
determining the guilt or innocence of the defendant. 3018

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (A) of section 4511.192 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under section 4511.191 of the Revised Code or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the

withdrawing of blood. 3051

The bodily substance withdrawn under division (D) (1) (b) of 3052
this section shall be analyzed in accordance with methods 3053
approved by the director of health by an individual possessing a 3054
valid permit issued by the director pursuant to section 3701.143 3055
of the Revised Code. 3056

(c) As used in division (D) (1) (b) of this section, 3057
"emergency medical technician-intermediate" and "emergency 3058
medical technician-paramedic" have the same meanings as in 3059
section 4765.01 of the Revised Code. 3060

(2) In a criminal prosecution or juvenile court proceeding 3061
for a violation of division (A) of this section or for an 3062
equivalent offense that is vehicle-related, if there was at the 3063
time the bodily substance was withdrawn a concentration of less 3064
than the applicable concentration of alcohol specified in 3065
divisions (A) (1) (b), (c), (d), and (e) of this section or less 3066
than the applicable concentration of a listed controlled 3067
substance or a listed metabolite of a controlled substance 3068
specified for a violation of division (A) (1) (j) of this section, 3069
that fact may be considered with other competent evidence in 3070
determining the guilt or innocence of the defendant. This 3071
division does not limit or affect a criminal prosecution or 3072
juvenile court proceeding for a violation of division (B) of 3073
this section or for an equivalent offense that is substantially 3074
equivalent to that division. 3075

(3) Upon the request of the person who was tested, the 3076
results of the chemical test shall be made available to the 3077
person or the person's attorney, immediately upon the completion 3078
of the chemical test analysis. 3079

If the chemical test was obtained pursuant to division (D) 3080
(1) (b) of this section, the person tested may have a physician, 3081
a registered nurse, or a qualified technician, chemist, or 3082
phlebotomist of the person's own choosing administer a chemical 3083
test or tests, at the person's expense, in addition to any 3084
administered at the request of a law enforcement officer. If the 3085
person was under arrest as described in division (A) (5) of 3086
section 4511.191 of the Revised Code, the arresting officer 3087
shall advise the person at the time of the arrest that the 3088
person may have an independent chemical test taken at the 3089
person's own expense. If the person was under arrest other than 3090
described in division (A) (5) of section 4511.191 of the Revised 3091
Code, the form to be read to the person to be tested, as 3092
required under section 4511.192 of the Revised Code, shall state 3093
that the person may have an independent test performed at the 3094
person's expense. The failure or inability to obtain an 3095
additional chemical test by a person shall not preclude the 3096
admission of evidence relating to the chemical test or tests 3097
taken at the request of a law enforcement officer. 3098

(4) (a) As used in divisions (D) (4) (b) and (c) of this 3099
section, "national highway traffic safety administration" means 3100
the national highway traffic safety administration established 3101
as an administration of the United States department of 3102
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 3103

(b) In any criminal prosecution or juvenile court 3104
proceeding for a violation of division (A) or (B) of this 3105
section, of a municipal ordinance relating to operating a 3106
vehicle while under the influence of alcohol, a drug of abuse, 3107
or alcohol and a drug of abuse, or of a municipal ordinance 3108
relating to operating a vehicle with a prohibited concentration 3109
of alcohol, a controlled substance, or a metabolite of a 3110

controlled substance in the whole blood, blood serum or plasma, 3111
breath, or urine, if a law enforcement officer has administered 3112
a field sobriety test to the operator of the vehicle involved in 3113
the violation and if it is shown by clear and convincing 3114
evidence that the officer administered the test in substantial 3115
compliance with the testing standards for any reliable, 3116
credible, and generally accepted field sobriety tests that were 3117
in effect at the time the tests were administered, including, 3118
but not limited to, any testing standards then in effect that 3119
were set by the national highway traffic safety administration, 3120
all of the following apply: 3121

(i) The officer may testify concerning the results of the 3122
field sobriety test so administered. 3123

(ii) The prosecution may introduce the results of the 3124
field sobriety test so administered as evidence in any 3125
proceedings in the criminal prosecution or juvenile court 3126
proceeding. 3127

(iii) If testimony is presented or evidence is introduced 3128
under division (D) (4) (b) (i) or (ii) of this section and if the 3129
testimony or evidence is admissible under the Rules of Evidence, 3130
the court shall admit the testimony or evidence and the trier of 3131
fact shall give it whatever weight the trier of fact considers 3132
to be appropriate. 3133

(c) Division (D) (4) (b) of this section does not limit or 3134
preclude a court, in its determination of whether the arrest of 3135
a person was supported by probable cause or its determination of 3136
any other matter in a criminal prosecution or juvenile court 3137
proceeding of a type described in that division, from 3138
considering evidence or testimony that is not otherwise 3139
disallowed by division (D) (4) (b) of this section. 3140

(E) (1) Subject to division (E) (3) of this section, in any 3141
criminal prosecution or juvenile court proceeding for a 3142
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 3143
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 3144
an equivalent offense that is substantially equivalent to any of 3145
those divisions, a laboratory report from any laboratory 3146
personnel issued a permit by the department of health 3147
authorizing an analysis as described in this division that 3148
contains an analysis of the whole blood, blood serum or plasma, 3149
breath, urine, or other bodily substance tested and that 3150
contains all of the information specified in this division shall 3151
be admitted as prima-facie evidence of the information and 3152
statements that the report contains. The laboratory report shall 3153
contain all of the following: 3154

(a) The signature, under oath, of any person who performed 3155
the analysis; 3156

(b) Any findings as to the identity and quantity of 3157
alcohol, a drug of abuse, a controlled substance, a metabolite 3158
of a controlled substance, or a combination of them that was 3159
found; 3160

(c) A copy of a notarized statement by the laboratory 3161
director or a designee of the director that contains the name of 3162
each certified analyst or test performer involved with the 3163
report, the analyst's or test performer's employment 3164
relationship with the laboratory that issued the report, and a 3165
notation that performing an analysis of the type involved is 3166
part of the analyst's or test performer's regular duties; 3167

(d) An outline of the analyst's or test performer's 3168
education, training, and experience in performing the type of 3169
analysis involved and a certification that the laboratory 3170

satisfies appropriate quality control standards in general and, 3171
in this particular analysis, under rules of the department of 3172
health. 3173

(2) Notwithstanding any other provision of law regarding 3174
the admission of evidence, a report of the type described in 3175
division (E)(1) of this section is not admissible against the 3176
defendant to whom it pertains in any proceeding, other than a 3177
preliminary hearing or a grand jury proceeding, unless the 3178
prosecutor has served a copy of the report on the defendant's 3179
attorney or, if the defendant has no attorney, on the defendant. 3180

(3) A report of the type described in division (E)(1) of 3181
this section shall not be prima-facie evidence of the contents, 3182
identity, or amount of any substance if, within seven days after 3183
the defendant to whom the report pertains or the defendant's 3184
attorney receives a copy of the report, the defendant or the 3185
defendant's attorney demands the testimony of the person who 3186
signed the report. The judge in the case may extend the seven- 3187
day time limit in the interest of justice. 3188

(F) Except as otherwise provided in this division, any 3189
physician, registered nurse, emergency medical technician- 3190
intermediate, emergency medical technician-paramedic, or 3191
qualified technician, chemist, or phlebotomist who withdraws 3192
blood from a person pursuant to this section or section 4511.191 3193
or 4511.192 of the Revised Code, and any hospital, first-aid 3194
station, or clinic at which blood is withdrawn from a person 3195
pursuant to this section or section 4511.191 or 4511.192 of the 3196
Revised Code, is immune from criminal liability and civil 3197
liability based upon a claim of assault and battery or any other 3198
claim that is not a claim of malpractice, for any act performed 3199
in withdrawing blood from the person. The immunity provided in 3200

this division also extends to an emergency medical service 3201
organization that employs an emergency medical technician- 3202
intermediate or emergency medical technician-paramedic who 3203
withdraws blood under this section. The immunity provided in 3204
this division is not available to a person who withdraws blood 3205
if the person engages in willful or wanton misconduct. 3206

As used in this division, "emergency medical technician- 3207
intermediate" and "emergency medical technician-paramedic" have 3208
the same meanings as in section 4765.01 of the Revised Code. 3209

(G) (1) Whoever violates any provision of divisions (A) (1) 3210
(a) to (i) or (A) (2) of this section is guilty of operating a 3211
vehicle under the influence of alcohol, a drug of abuse, or a 3212
combination of them. Whoever violates division (A) (1) (j) of this 3213
section is guilty of operating a vehicle while under the 3214
influence of a listed controlled substance or a listed 3215
metabolite of a controlled substance. The court shall sentence 3216
the offender for either offense under Chapter 2929. of the 3217
Revised Code, except as otherwise authorized or required by 3218
divisions (G) (1) (a) to (e) of this section: 3219

(a) Except as otherwise provided in division (G) (1) (b), 3220
(c), (d), or (e) of this section, the offender is guilty of a 3221
misdemeanor of the first degree, and the court shall sentence 3222
the offender to all of the following: 3223

(i) If the sentence is being imposed for a violation of 3224
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3225
a mandatory jail term of three consecutive days. As used in this 3226
division, three consecutive days means seventy-two consecutive 3227
hours. The court may sentence an offender to both an 3228
intervention program and a jail term. The court may impose a 3229
jail term in addition to the three-day mandatory jail term or 3230

intervention program. However, in no case shall the cumulative 3231
jail term imposed for the offense exceed six months. 3232

The court may suspend the execution of the three-day jail 3233
term under this division if the court, in lieu of that suspended 3234
term, places the offender under a community control sanction 3235
pursuant to section 2929.25 of the Revised Code and requires the 3236
offender to attend, for three consecutive days, a drivers' 3237
intervention program certified under section 5119.38 of the 3238
Revised Code. The court also may suspend the execution of any 3239
part of the three-day jail term under this division if it places 3240
the offender under a community control sanction pursuant to 3241
section 2929.25 of the Revised Code for part of the three days, 3242
requires the offender to attend for the suspended part of the 3243
term a drivers' intervention program so certified, and sentences 3244
the offender to a jail term equal to the remainder of the three 3245
consecutive days that the offender does not spend attending the 3246
program. The court may require the offender, as a condition of 3247
community control and in addition to the required attendance at 3248
a drivers' intervention program, to attend and satisfactorily 3249
complete any treatment or education programs that comply with 3250
the minimum standards adopted pursuant to Chapter 5119. of the 3251
Revised Code by the director of mental health and addiction 3252
services that the operators of the drivers' intervention program 3253
determine that the offender should attend and to report 3254
periodically to the court on the offender's progress in the 3255
programs. The court also may impose on the offender any other 3256
conditions of community control that it considers necessary. 3257

If the court grants unlimited driving privileges to a 3258
first-time offender under section 4510.022 of the Revised Code, 3259
all penalties imposed upon the offender by the court under 3260
division (G) (1) (a) (i) of this section for the offense apply, 3261

except that the court shall suspend any mandatory or additional 3262
jail term imposed by the court under division (G) (1) (a) (i) of 3263
this section upon granting unlimited driving privileges in 3264
accordance with section 4510.022 of the Revised Code. 3265

(ii) If the sentence is being imposed for a violation of 3266
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3267
section, except as otherwise provided in this division, a 3268
mandatory jail term of at least three consecutive days and a 3269
requirement that the offender attend, for three consecutive 3270
days, a drivers' intervention program that is certified pursuant 3271
to section 5119.38 of the Revised Code. As used in this 3272
division, three consecutive days means seventy-two consecutive 3273
hours. If the court determines that the offender is not 3274
conducive to treatment in a drivers' intervention program, if 3275
the offender refuses to attend a drivers' intervention program, 3276
or if the jail at which the offender is to serve the jail term 3277
imposed can provide a driver's intervention program, the court 3278
shall sentence the offender to a mandatory jail term of at least 3279
six consecutive days. 3280

If the court grants unlimited driving privileges to a 3281
first-time offender under section 4510.022 of the Revised Code, 3282
all penalties imposed upon the offender by the court under 3283
division (G) (1) (a) (ii) of this section for the offense apply, 3284
except that the court shall suspend any mandatory or additional 3285
jail term imposed by the court under division (G) (1) (a) (ii) of 3286
this section upon granting unlimited driving privileges in 3287
accordance with section 4510.022 of the Revised Code. 3288

The court may require the offender, under a community 3289
control sanction imposed under section 2929.25 of the Revised 3290
Code, to attend and satisfactorily complete any treatment or 3291

education programs that comply with the minimum standards 3292
adopted pursuant to Chapter 5119. of the Revised Code by the 3293
director of mental health and addiction services, in addition to 3294
the required attendance at drivers' intervention program, that 3295
the operators of the drivers' intervention program determine 3296
that the offender should attend and to report periodically to 3297
the court on the offender's progress in the programs. The court 3298
also may impose any other conditions of community control on the 3299
offender that it considers necessary. 3300

(iii) In all cases, a fine of not less than three hundred 3301
seventy-five and not more than one thousand seventy-five 3302
dollars; 3303

(iv) In all cases, a suspension of the offender's driver's 3304
or commercial driver's license or permit or nonresident 3305
operating privilege for a definite period of one to three years. 3306
The court may grant limited driving privileges relative to the 3307
suspension under sections 4510.021 and 4510.13 of the Revised 3308
Code. The court may grant unlimited driving privileges with an 3309
ignition interlock device relative to the suspension and may 3310
reduce the period of suspension as authorized under section 3311
4510.022 of the Revised Code. 3312

(b) Except as otherwise provided in division (G) (1) (e) of 3313
this section, an offender who, within ten years of the offense, 3314
previously has been convicted of or pleaded guilty to one 3315
violation of division (A) or (B) of this section or one other 3316
equivalent offense is guilty of a misdemeanor of the first 3317
degree. The court shall sentence the offender to all of the 3318
following: 3319

(i) If the sentence is being imposed for a violation of 3320
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3321

a mandatory jail term of ten consecutive days. The court shall 3322
impose the ten-day mandatory jail term under this division 3323
unless, subject to division (G)(3) of this section, it instead 3324
imposes a sentence under that division consisting of both a jail 3325
term and a term of house arrest with electronic monitoring, with 3326
continuous alcohol monitoring, or with both electronic 3327
monitoring and continuous alcohol monitoring. The court may 3328
impose a jail term in addition to the ten-day mandatory jail 3329
term. The cumulative jail term imposed for the offense shall not 3330
exceed six months. 3331

In addition to the jail term or the term of house arrest 3332
with electronic monitoring or continuous alcohol monitoring or 3333
both types of monitoring and jail term, the court shall require 3334
the offender to be assessed by a community addiction services 3335
provider that is authorized by section 5119.21 of the Revised 3336
Code, subject to division (I) of this section, and shall order 3337
the offender to follow the treatment recommendations of the 3338
services provider. The purpose of the assessment is to determine 3339
the degree of the offender's alcohol usage and to determine 3340
whether or not treatment is warranted. Upon the request of the 3341
court, the services provider shall submit the results of the 3342
assessment to the court, including all treatment recommendations 3343
and clinical diagnoses related to alcohol use. 3344

(ii) If the sentence is being imposed for a violation of 3345
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3346
section, except as otherwise provided in this division, a 3347
mandatory jail term of twenty consecutive days. The court shall 3348
impose the twenty-day mandatory jail term under this division 3349
unless, subject to division (G)(3) of this section, it instead 3350
imposes a sentence under that division consisting of both a jail 3351
term and a term of house arrest with electronic monitoring, with 3352

continuous alcohol monitoring, or with both electronic 3353
monitoring and continuous alcohol monitoring. The court may 3354
impose a jail term in addition to the twenty-day mandatory jail 3355
term. The cumulative jail term imposed for the offense shall not 3356
exceed six months. 3357

In addition to the jail term or the term of house arrest 3358
with electronic monitoring or continuous alcohol monitoring or 3359
both types of monitoring and jail term, the court shall require 3360
the offender to be assessed by a community addiction service 3361
provider that is authorized by section 5119.21 of the Revised 3362
Code, subject to division (I) of this section, and shall order 3363
the offender to follow the treatment recommendations of the 3364
services provider. The purpose of the assessment is to determine 3365
the degree of the offender's alcohol usage and to determine 3366
whether or not treatment is warranted. Upon the request of the 3367
court, the services provider shall submit the results of the 3368
assessment to the court, including all treatment recommendations 3369
and clinical diagnoses related to alcohol use. 3370

(iii) In all cases, notwithstanding the fines set forth in 3371
Chapter 2929. of the Revised Code, a fine of not less than five 3372
hundred twenty-five and not more than one thousand six hundred 3373
twenty-five dollars; 3374

(iv) In all cases, a suspension of the offender's driver's 3375
license, commercial driver's license, temporary instruction 3376
permit, probationary license, or nonresident operating privilege 3377
for a definite period of one to seven years. The court may grant 3378
limited driving privileges relative to the suspension under 3379
sections 4510.021 and 4510.13 of the Revised Code. 3380

(v) In all cases, if the vehicle is registered in the 3381
offender's name, immobilization of the vehicle involved in the 3382

offense for ninety days in accordance with section 4503.233 of 3383
the Revised Code and impoundment of the license plates of that 3384
vehicle for ninety days. 3385

(c) Except as otherwise provided in division (G)(1)(e) of 3386
this section, an offender who, within ten years of the offense, 3387
previously has been convicted of or pleaded guilty to two 3388
violations of division (A) or (B) of this section or other 3389
equivalent offenses is guilty of a misdemeanor. The court shall 3390
sentence the offender to all of the following: 3391

(i) If the sentence is being imposed for a violation of 3392
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3393
a mandatory jail term of thirty consecutive days. The court 3394
shall impose the thirty-day mandatory jail term under this 3395
division unless, subject to division (G)(3) of this section, it 3396
instead imposes a sentence under that division consisting of 3397
both a jail term and a term of house arrest with electronic 3398
monitoring, with continuous alcohol monitoring, or with both 3399
electronic monitoring and continuous alcohol monitoring. The 3400
court may impose a jail term in addition to the thirty-day 3401
mandatory jail term. Notwithstanding the jail terms set forth in 3402
sections 2929.21 to 2929.28 of the Revised Code, the additional 3403
jail term shall not exceed one year, and the cumulative jail 3404
term imposed for the offense shall not exceed one year. 3405

(ii) If the sentence is being imposed for a violation of 3406
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3407
section, a mandatory jail term of sixty consecutive days. The 3408
court shall impose the sixty-day mandatory jail term under this 3409
division unless, subject to division (G)(3) of this section, it 3410
instead imposes a sentence under that division consisting of 3411
both a jail term and a term of house arrest with electronic 3412

monitoring, with continuous alcohol monitoring, or with both 3413
electronic monitoring and continuous alcohol monitoring. The 3414
court may impose a jail term in addition to the sixty-day 3415
mandatory jail term. Notwithstanding the jail terms set forth in 3416
sections 2929.21 to 2929.28 of the Revised Code, the additional 3417
jail term shall not exceed one year, and the cumulative jail 3418
term imposed for the offense shall not exceed one year. 3419

(iii) In all cases, notwithstanding the fines set forth in 3420
Chapter 2929. of the Revised Code, a fine of not less than eight 3421
hundred fifty and not more than two thousand seven hundred fifty 3422
dollars; 3423

(iv) In all cases, a suspension of the offender's driver's 3424
license, commercial driver's license, temporary instruction 3425
permit, probationary license, or nonresident operating privilege 3426
for a definite period of two to twelve years. The court may 3427
grant limited driving privileges relative to the suspension 3428
under sections 4510.021 and 4510.13 of the Revised Code. 3429

(v) In all cases, if the vehicle is registered in the 3430
offender's name, criminal forfeiture of the vehicle involved in 3431
the offense in accordance with section 4503.234 of the Revised 3432
Code. Division (G) (6) of this section applies regarding any 3433
vehicle that is subject to an order of criminal forfeiture under 3434
this division. 3435

(vi) In all cases, the court shall order the offender to 3436
participate with a community addiction services provider 3437
authorized by section 5119.21 of the Revised Code, subject to 3438
division (I) of this section, and shall order the offender to 3439
follow the treatment recommendations of the services provider. 3440
The operator of the services provider shall determine and assess 3441
the degree of the offender's alcohol dependency and shall make 3442

recommendations for treatment. Upon the request of the court, 3443
the services provider shall submit the results of the assessment 3444
to the court, including all treatment recommendations and 3445
clinical diagnoses related to alcohol use. 3446

(d) Except as otherwise provided in division (G)(1)(e) of 3447
this section, an offender who, within ten years of the offense, 3448
previously has been convicted of or pleaded guilty to three or 3449
four violations of division (A) or (B) of this section or other 3450
equivalent offenses or an offender who, within twenty years of 3451
the offense, previously has been convicted of or pleaded guilty 3452
to five or more violations of that nature is guilty of a felony 3453
of the fourth degree. The court shall sentence the offender to 3454
all of the following: 3455

(i) If the sentence is being imposed for a violation of 3456
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3457
a mandatory prison term of one, two, three, four, or five years 3458
as required by and in accordance with division (G)(2) of section 3459
2929.13 of the Revised Code if the offender also is convicted of 3460
or also pleads guilty to a specification of the type described 3461
in section 2941.1413 of the Revised Code or, in the discretion 3462
of the court, either a mandatory term of local incarceration of 3463
sixty consecutive days in accordance with division (G)(1) of 3464
section 2929.13 of the Revised Code or a mandatory prison term 3465
of sixty consecutive days in accordance with division (G)(2) of 3466
that section if the offender is not convicted of and does not 3467
plead guilty to a specification of that type. If the court 3468
imposes a mandatory term of local incarceration, it may impose a 3469
jail term in addition to the sixty-day mandatory term, the 3470
cumulative total of the mandatory term and the jail term for the 3471
offense shall not exceed one year, and, except as provided in 3472
division (A)(1) of section 2929.13 of the Revised Code, no 3473

prison term is authorized for the offense. If the court imposes 3474
a mandatory prison term, notwithstanding division (A) (4) of 3475
section 2929.14 of the Revised Code, it also may sentence the 3476
offender to a definite prison term that shall be not less than 3477
six months and not more than thirty months and the prison terms 3478
shall be imposed as described in division (G) (2) of section 3479
2929.13 of the Revised Code. If the court imposes a mandatory 3480
prison term or mandatory prison term and additional prison term, 3481
in addition to the term or terms so imposed, the court also may 3482
sentence the offender to a community control sanction for the 3483
offense, but the offender shall serve all of the prison terms so 3484
imposed prior to serving the community control sanction. 3485

(ii) If the sentence is being imposed for a violation of 3486
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3487
section, a mandatory prison term of one, two, three, four, or 3488
five years as required by and in accordance with division (G) (2) 3489
of section 2929.13 of the Revised Code if the offender also is 3490
convicted of or also pleads guilty to a specification of the 3491
type described in section 2941.1413 of the Revised Code or, in 3492
the discretion of the court, either a mandatory term of local 3493
incarceration of one hundred twenty consecutive days in 3494
accordance with division (G) (1) of section 2929.13 of the 3495
Revised Code or a mandatory prison term of one hundred twenty 3496
consecutive days in accordance with division (G) (2) of that 3497
section if the offender is not convicted of and does not plead 3498
guilty to a specification of that type. If the court imposes a 3499
mandatory term of local incarceration, it may impose a jail term 3500
in addition to the one hundred twenty-day mandatory term, the 3501
cumulative total of the mandatory term and the jail term for the 3502
offense shall not exceed one year, and, except as provided in 3503
division (A) (1) of section 2929.13 of the Revised Code, no 3504

prison term is authorized for the offense. If the court imposes 3505
a mandatory prison term, notwithstanding division (A) (4) of 3506
section 2929.14 of the Revised Code, it also may sentence the 3507
offender to a definite prison term that shall be not less than 3508
six months and not more than thirty months and the prison terms 3509
shall be imposed as described in division (G) (2) of section 3510
2929.13 of the Revised Code. If the court imposes a mandatory 3511
prison term or mandatory prison term and additional prison term, 3512
in addition to the term or terms so imposed, the court also may 3513
sentence the offender to a community control sanction for the 3514
offense, but the offender shall serve all of the prison terms so 3515
imposed prior to serving the community control sanction. 3516

(iii) In all cases, notwithstanding section 2929.18 of the 3517
Revised Code, a fine of not less than one thousand three hundred 3518
fifty nor more than ten thousand five hundred dollars; 3519

(iv) In all cases, a class two license suspension of the 3520
offender's driver's license, commercial driver's license, 3521
temporary instruction permit, probationary license, or 3522
nonresident operating privilege from the range specified in 3523
division (A) (2) of section 4510.02 of the Revised Code. The 3524
court may grant limited driving privileges relative to the 3525
suspension under sections 4510.021 and 4510.13 of the Revised 3526
Code. 3527

(v) In all cases, if the vehicle is registered in the 3528
offender's name, criminal forfeiture of the vehicle involved in 3529
the offense in accordance with section 4503.234 of the Revised 3530
Code. Division (G) (6) of this section applies regarding any 3531
vehicle that is subject to an order of criminal forfeiture under 3532
this division. 3533

(vi) In all cases, the court shall order the offender to 3534

participate with a community addiction services provider 3535
authorized by section 5119.21 of the Revised Code, subject to 3536
division (I) of this section, and shall order the offender to 3537
follow the treatment recommendations of the services provider. 3538
The operator of the services provider shall determine and assess 3539
the degree of the offender's alcohol dependency and shall make 3540
recommendations for treatment. Upon the request of the court, 3541
the services provider shall submit the results of the assessment 3542
to the court, including all treatment recommendations and 3543
clinical diagnoses related to alcohol use. 3544

(vii) In all cases, if the court sentences the offender to 3545
a mandatory term of local incarceration, in addition to the 3546
mandatory term, the court, pursuant to section 2929.17 of the 3547
Revised Code, may impose a term of house arrest with electronic 3548
monitoring. The term shall not commence until after the offender 3549
has served the mandatory term of local incarceration. 3550

(e) An offender who previously has been convicted of or 3551
pleaded guilty to a violation of division (A) of this section 3552
that was a felony, regardless of when the violation and the 3553
conviction or guilty plea occurred, is guilty of a felony of the 3554
third degree. The court shall sentence the offender to all of 3555
the following: 3556

(i) If the offender is being sentenced for a violation of 3557
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3558
a mandatory prison term of one, two, three, four, or five years 3559
as required by and in accordance with division (G)(2) of section 3560
2929.13 of the Revised Code if the offender also is convicted of 3561
or also pleads guilty to a specification of the type described 3562
in section 2941.1413 of the Revised Code or a mandatory prison 3563
term of sixty consecutive days in accordance with division (G) 3564

(2) of section 2929.13 of the Revised Code if the offender is 3565
not convicted of and does not plead guilty to a specification of 3566
that type. The court may impose a prison term in addition to the 3567
mandatory prison term. The cumulative total of a sixty-day 3568
mandatory prison term and the additional prison term for the 3569
offense shall not exceed five years. In addition to the 3570
mandatory prison term or mandatory prison term and additional 3571
prison term the court imposes, the court also may sentence the 3572
offender to a community control sanction for the offense, but 3573
the offender shall serve all of the prison terms so imposed 3574
prior to serving the community control sanction. 3575

(ii) If the sentence is being imposed for a violation of 3576
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3577
section, a mandatory prison term of one, two, three, four, or 3578
five years as required by and in accordance with division (G)(2) 3579
of section 2929.13 of the Revised Code if the offender also is 3580
convicted of or also pleads guilty to a specification of the 3581
type described in section 2941.1413 of the Revised Code or a 3582
mandatory prison term of one hundred twenty consecutive days in 3583
accordance with division (G)(2) of section 2929.13 of the 3584
Revised Code if the offender is not convicted of and does not 3585
plead guilty to a specification of that type. The court may 3586
impose a prison term in addition to the mandatory prison term. 3587
The cumulative total of a one hundred twenty-day mandatory 3588
prison term and the additional prison term for the offense shall 3589
not exceed five years. In addition to the mandatory prison term 3590
or mandatory prison term and additional prison term the court 3591
imposes, the court also may sentence the offender to a community 3592
control sanction for the offense, but the offender shall serve 3593
all of the prison terms so imposed prior to serving the 3594
community control sanction. 3595

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G) (6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently

seeks reinstatement of the driver's or occupational driver's 3626
license or permit or nonresident operating privilege suspended 3627
under this section as a result of the conviction or guilty plea 3628
shall pay a reinstatement fee as provided in division (F) (2) of 3629
section 4511.191 of the Revised Code. 3630

(3) If an offender is sentenced to a jail term under 3631
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 3632
section and if, within sixty days of sentencing of the offender, 3633
the court issues a written finding on the record that, due to 3634
the unavailability of space at the jail where the offender is 3635
required to serve the term, the offender will not be able to 3636
begin serving that term within the sixty-day period following 3637
the date of sentencing, the court may impose an alternative 3638
sentence under this division that includes a term of house 3639
arrest with electronic monitoring, with continuous alcohol 3640
monitoring, or with both electronic monitoring and continuous 3641
alcohol monitoring. 3642

As an alternative to a mandatory jail term of ten 3643
consecutive days required by division (G) (1) (b) (i) of this 3644
section, the court, under this division, may sentence the 3645
offender to five consecutive days in jail and not less than 3646
eighteen consecutive days of house arrest with electronic 3647
monitoring, with continuous alcohol monitoring, or with both 3648
electronic monitoring and continuous alcohol monitoring. The 3649
cumulative total of the five consecutive days in jail and the 3650
period of house arrest with electronic monitoring, continuous 3651
alcohol monitoring, or both types of monitoring shall not exceed 3652
six months. The five consecutive days in jail do not have to be 3653
served prior to or consecutively to the period of house arrest. 3654

As an alternative to the mandatory jail term of twenty 3655

consecutive days required by division (G) (1) (b) (ii) of this 3656
section, the court, under this division, may sentence the 3657
offender to ten consecutive days in jail and not less than 3658
thirty-six consecutive days of house arrest with electronic 3659
monitoring, with continuous alcohol monitoring, or with both 3660
electronic monitoring and continuous alcohol monitoring. The 3661
cumulative total of the ten consecutive days in jail and the 3662
period of house arrest with electronic monitoring, continuous 3663
alcohol monitoring, or both types of monitoring shall not exceed 3664
six months. The ten consecutive days in jail do not have to be 3665
served prior to or consecutively to the period of house arrest. 3666

As an alternative to a mandatory jail term of thirty 3667
consecutive days required by division (G) (1) (c) (i) of this 3668
section, the court, under this division, may sentence the 3669
offender to fifteen consecutive days in jail and not less than 3670
fifty-five consecutive days of house arrest with electronic 3671
monitoring, with continuous alcohol monitoring, or with both 3672
electronic monitoring and continuous alcohol monitoring. The 3673
cumulative total of the fifteen consecutive days in jail and the 3674
period of house arrest with electronic monitoring, continuous 3675
alcohol monitoring, or both types of monitoring shall not exceed 3676
one year. The fifteen consecutive days in jail do not have to be 3677
served prior to or consecutively to the period of house arrest. 3678

As an alternative to the mandatory jail term of sixty 3679
consecutive days required by division (G) (1) (c) (ii) of this 3680
section, the court, under this division, may sentence the 3681
offender to thirty consecutive days in jail and not less than 3682
one hundred ten consecutive days of house arrest with electronic 3683
monitoring, with continuous alcohol monitoring, or with both 3684
electronic monitoring and continuous alcohol monitoring. The 3685
cumulative total of the thirty consecutive days in jail and the 3686

period of house arrest with electronic monitoring, continuous 3687
alcohol monitoring, or both types of monitoring shall not exceed 3688
one year. The thirty consecutive days in jail do not have to be 3689
served prior to or consecutively to the period of house arrest. 3690

(4) If an offender's driver's or occupational driver's 3691
license or permit or nonresident operating privilege is 3692
suspended under division (G) of this section and if section 3693
4510.13 of the Revised Code permits the court to grant limited 3694
driving privileges, the court may grant the limited driving 3695
privileges in accordance with that section. If division (A) (7) 3696
of that section requires that the court impose as a condition of 3697
the privileges that the offender must display on the vehicle 3698
that is driven subject to the privileges restricted license 3699
plates that are issued under section 4503.231 of the Revised 3700
Code, except as provided in division (B) of that section, the 3701
court shall impose that condition as one of the conditions of 3702
the limited driving privileges granted to the offender, except 3703
as provided in division (B) of section 4503.231 of the Revised 3704
Code. 3705

(5) Fines imposed under this section for a violation of 3706
division (A) of this section shall be distributed as follows: 3707

(a) Twenty-five dollars of the fine imposed under division 3708
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 3709
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 3710
fine imposed under division (G) (1) (c) (iii), and two hundred ten 3711
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 3712
(iii) of this section shall be paid to an enforcement and 3713
education fund established by the legislative authority of the 3714
law enforcement agency in this state that primarily was 3715
responsible for the arrest of the offender, as determined by the 3716

court that imposes the fine. The agency shall use this share to 3717
pay only those costs it incurs in enforcing this section or a 3718
municipal OVI ordinance and in informing the public of the laws 3719
governing the operation of a vehicle while under the influence 3720
of alcohol, the dangers of the operation of a vehicle under the 3721
influence of alcohol, and other information relating to the 3722
operation of a vehicle under the influence of alcohol and the 3723
consumption of alcoholic beverages. 3724

(b) Fifty dollars of the fine imposed under division (G) 3725
(1)(a)(iii) of this section shall be paid to the political 3726
subdivision that pays the cost of housing the offender during 3727
the offender's term of incarceration. If the offender is being 3728
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 3729
(e), or (j) of this section and was confined as a result of the 3730
offense prior to being sentenced for the offense but is not 3731
sentenced to a term of incarceration, the fifty dollars shall be 3732
paid to the political subdivision that paid the cost of housing 3733
the offender during that period of confinement. The political 3734
subdivision shall use the share under this division to pay or 3735
reimburse incarceration or treatment costs it incurs in housing 3736
or providing drug and alcohol treatment to persons who violate 3737
this section or a municipal OVI ordinance, costs of any 3738
immobilizing or disabling device used on the offender's vehicle, 3739
and costs of electronic house arrest equipment needed for 3740
persons who violate this section. 3741

(c) Twenty-five dollars of the fine imposed under division 3742
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 3743
division (G)(1)(b)(iii) of this section shall be deposited into 3744
the county or municipal indigent drivers' alcohol treatment fund 3745
under the control of that court, as created by the county or 3746
municipal corporation under division (F) of section 4511.191 of 3747

the Revised Code. 3748

(d) One hundred fifteen dollars of the fine imposed under 3749
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 3750
the fine imposed under division (G) (1) (c) (iii), and four hundred 3751
forty dollars of the fine imposed under division (G) (1) (d) (iii) 3752
or (e) (iii) of this section shall be paid to the political 3753
subdivision that pays the cost of housing the offender during 3754
the offender's term of incarceration. The political subdivision 3755
shall use this share to pay or reimburse incarceration or 3756
treatment costs it incurs in housing or providing drug and 3757
alcohol treatment to persons who violate this section or a 3758
municipal OVI ordinance, costs for any immobilizing or disabling 3759
device used on the offender's vehicle, and costs of electronic 3760
house arrest equipment needed for persons who violate this 3761
section. 3762

(e) Fifty dollars of the fine imposed under divisions (G) 3763
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 3764
(G) (1) (e) (iii) of this section shall be deposited into the 3765
special projects fund of the court in which the offender was 3766
convicted and that is established under division (E) (1) of 3767
section 2303.201, division (B) (1) of section 1901.26, or 3768
division (B) (1) of section 1907.24 of the Revised Code, to be 3769
used exclusively to cover the cost of immobilizing or disabling 3770
devices, including certified ignition interlock devices, and 3771
remote alcohol monitoring devices for indigent offenders who are 3772
required by a judge to use either of these devices. If the court 3773
in which the offender was convicted does not have a special 3774
projects fund that is established under division (E) (1) of 3775
section 2303.201, division (B) (1) of section 1901.26, or 3776
division (B) (1) of section 1907.24 of the Revised Code, the 3777
fifty dollars shall be deposited into the indigent drivers 3778

interlock and alcohol monitoring fund under division (I) of 3779
section 4511.191 of the Revised Code. 3780

(f) Seventy-five dollars of the fine imposed under 3781
division (G)(1)(a)(iii), one hundred twenty-five dollars of the 3782
fine imposed under division (G)(1)(b)(iii), two hundred fifty 3783
dollars of the fine imposed under division (G)(1)(c)(iii), and 3784
five hundred dollars of the fine imposed under division (G)(1) 3785
(d)(iii) or (e)(iii) of this section shall be transmitted to the 3786
treasurer of state for deposit into the indigent defense support 3787
fund established under section 120.08 of the Revised Code. 3788

(g) The balance of the fine imposed under division (G)(1) 3789
(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 3790
section shall be disbursed as otherwise provided by law. 3791

(6) If title to a motor vehicle that is subject to an 3792
order of criminal forfeiture under division (G)(1)(c), (d), or 3793
(e) of this section is assigned or transferred and division (B) 3794
(2) or (3) of section 4503.234 of the Revised Code applies, in 3795
addition to or independent of any other penalty established by 3796
law, the court may fine the offender the value of the vehicle as 3797
determined by publications of the national automobile dealers 3798
association. The proceeds of any fine so imposed shall be 3799
distributed in accordance with division (C)(2) of that section. 3800

(7) In all cases in which an offender is sentenced under 3801
division (G) of this section, the offender shall provide the 3802
court with proof of financial responsibility as defined in 3803
section 4509.01 of the Revised Code. If the offender fails to 3804
provide that proof of financial responsibility, the court, in 3805
addition to any other penalties provided by law, may order 3806
restitution pursuant to section 2929.18 or 2929.28 of the 3807
Revised Code in an amount not exceeding five thousand dollars 3808

for any economic loss arising from an accident or collision that 3809
was the direct and proximate result of the offender's operation 3810
of the vehicle before, during, or after committing the offense 3811
for which the offender is sentenced under division (G) of this 3812
section. 3813

(8) A court may order an offender to reimburse a law 3814
enforcement agency for any costs incurred by the agency with 3815
respect to a chemical test or tests administered to the offender 3816
if all of the following apply: 3817

(a) The offender is convicted of or pleads guilty to a 3818
violation of division (A) of this section. 3819

(b) The test or tests were of the offender's whole blood, 3820
blood serum or plasma, or urine. 3821

(c) The test or tests indicated that the offender had a 3822
prohibited concentration of a controlled substance or a 3823
metabolite of a controlled substance in the offender's whole 3824
blood, blood serum or plasma, or urine at the time of the 3825
offense. 3826

(9) As used in division (G) of this section, "electronic 3827
monitoring," "mandatory prison term," and "mandatory term of 3828
local incarceration" have the same meanings as in section 3829
2929.01 of the Revised Code. 3830

(H) Whoever violates division (B) of this section is 3831
guilty of operating a vehicle after underage alcohol consumption 3832
and shall be punished as follows: 3833

(1) Except as otherwise provided in division (H) (2) of 3834
this section, the offender is guilty of a misdemeanor of the 3835
fourth degree. In addition to any other sanction imposed for the 3836
offense, the court shall impose a class six suspension of the 3837

offender's driver's license, commercial driver's license, 3838
temporary instruction permit, probationary license, or 3839
nonresident operating privilege from the range specified in 3840
division (A) (6) of section 4510.02 of the Revised Code. The 3841
court may grant limited driving privileges relative to the 3842
suspension under sections 4510.021 and 4510.13 of the Revised 3843
Code. The court may grant unlimited driving privileges with an 3844
ignition interlock device relative to the suspension and may 3845
reduce the period of suspension as authorized under section 3846
4510.022 of the Revised Code. If the court grants unlimited 3847
driving privileges under section 4510.022 of the Revised Code, 3848
the court shall suspend any jail term imposed under division (H) 3849
(1) of this section as required under that section. 3850

(2) If, within one year of the offense, the offender 3851
previously has been convicted of or pleaded guilty to one or 3852
more violations of division (A) or (B) of this section or other 3853
equivalent offenses, the offender is guilty of a misdemeanor of 3854
the third degree. In addition to any other sanction imposed for 3855
the offense, the court shall impose a class four suspension of 3856
the offender's driver's license, commercial driver's license, 3857
temporary instruction permit, probationary license, or 3858
nonresident operating privilege from the range specified in 3859
division (A) (4) of section 4510.02 of the Revised Code. The 3860
court may grant limited driving privileges relative to the 3861
suspension under sections 4510.021 and 4510.13 of the Revised 3862
Code. 3863

(3) If the offender also is convicted of or also pleads 3864
guilty to a specification of the type described in section 3865
2941.1416 of the Revised Code and if the court imposes a jail 3866
term for the violation of division (B) of this section, the 3867
court shall impose upon the offender an additional definite jail 3868

term pursuant to division (E) of section 2929.24 of the Revised Code. 3869
3870

(4) The offender shall provide the court with proof of 3871
financial responsibility as defined in section 4509.01 of the 3872
Revised Code. If the offender fails to provide that proof of 3873
financial responsibility, then, in addition to any other 3874
penalties provided by law, the court may order restitution 3875
pursuant to section 2929.28 of the Revised Code in an amount not 3876
exceeding five thousand dollars for any economic loss arising 3877
from an accident or collision that was the direct and proximate 3878
result of the offender's operation of the vehicle before, 3879
during, or after committing the violation of division (B) of 3880
this section. 3881

(I) (1) No court shall sentence an offender to an alcohol 3882
treatment program under this section unless the treatment 3883
program complies with the minimum standards for alcohol 3884
treatment programs adopted under Chapter 5119. of the Revised 3885
Code by the director of mental health and addiction services. 3886

(2) An offender who stays in a drivers' intervention 3887
program or in an alcohol treatment program under an order issued 3888
under this section shall pay the cost of the stay in the 3889
program. However, if the court determines that an offender who 3890
stays in an alcohol treatment program under an order issued 3891
under this section is unable to pay the cost of the stay in the 3892
program, the court may order that the cost be paid from the 3893
court's indigent drivers' alcohol treatment fund. 3894

(J) If a person whose driver's or commercial driver's 3895
license or permit or nonresident operating privilege is 3896
suspended under this section files an appeal regarding any 3897
aspect of the person's trial or sentence, the appeal itself does 3898

not stay the operation of the suspension. 3899

(K) Division (A)(1)(j) of this section does not apply to a 3900
person who operates a vehicle, streetcar, or trackless trolley 3901
while the person has a concentration of a listed controlled 3902
substance or a listed metabolite of a controlled substance in 3903
the person's whole blood, blood serum or plasma, or urine that 3904
equals or exceeds the amount specified in that division, if both 3905
of the following apply: 3906

(1) The person obtained the controlled substance pursuant 3907
to a prescription issued by a licensed health professional 3908
authorized to prescribe drugs. 3909

(2) The person injected, ingested, or inhaled the 3910
controlled substance in accordance with the health 3911
professional's directions. 3912

(L) The prohibited concentrations of a controlled 3913
substance or a metabolite of a controlled substance listed in 3914
division (A)(1)(j) of this section also apply in a prosecution 3915
of a violation of division (D) of section 2923.16 of the Revised 3916
Code in the same manner as if the offender is being prosecuted 3917
for a prohibited concentration of alcohol. 3918

(M) All terms defined in section 4510.01 of the Revised 3919
Code apply to this section. If the meaning of a term defined in 3920
section 4510.01 of the Revised Code conflicts with the meaning 3921
of the same term as defined in section 4501.01 or 4511.01 of the 3922
Revised Code, the term as defined in section 4510.01 of the 3923
Revised Code applies to this section. 3924

(N) (1) The Ohio Traffic Rules in effect on January 1, 3925
2004, as adopted by the supreme court under authority of section 3926
2937.46 of the Revised Code, do not apply to felony violations 3927

of this section. Subject to division (N) (2) of this section, the 3928
Rules of Criminal Procedure apply to felony violations of this 3929
section. 3930

(2) If, on or after January 1, 2004, the supreme court 3931
modifies the Ohio Traffic Rules to provide procedures to govern 3932
felony violations of this section, the modified rules shall 3933
apply to felony violations of this section. 3934

Section 2. That existing sections 1547.11, 2925.01, 3935
2925.03, 2925.05, 2925.11, 2925.22, 2929.01, and 4511.19 of the 3936
Revised Code are hereby repealed. 3937

Section 3. Section 2925.03 of the Revised Code is 3938
presented in this act as a composite of the section as amended 3939
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 3940
131st General Assembly. The General Assembly, applying the 3941
principle stated in division (B) of section 1.52 of the Revised 3942
Code that amendments are to be harmonized if reasonably capable 3943
of simultaneous operation, finds that the composite is the 3944
resulting version of the section in effect prior to the 3945
effective date of the section as presented in this act. 3946

Section 2925.11 of the Revised Code is presented in this 3947
act as a composite of the section as amended by Sub. H.B. 110, 3948
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 3949
The General Assembly, applying the principle stated in division 3950
(B) of section 1.52 of the Revised Code that amendments are to 3951
be harmonized if reasonably capable of simultaneous operation, 3952
finds that the composite is the resulting version of the section 3953
in effect prior to the effective date of the section as 3954
presented in this act. 3955