

As Introduced

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

H. B. No. 624

Representative Lipps

A BILL

To amend sections 9.45, 2925.01, 4710.01, 4710.02, 1
4710.03, 4710.04, 4712.01, and 4712.99; to 2
amend, for the purpose of adopting new section 3
numbers as indicated in parentheses, sections 4
4710.01 (4712.50), 4710.02 (4712.51), 4710.03 5
(4712.52), and 4710.04 (4712.53); to enact 6
sections 4712.502, 4712.54, and 4712.55; and to 7
repeal section 4710.99 of the Revised Code 8
regarding debt adjusting. 9

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

Section 1. That sections 9.45, 2925.01, 4710.01, 4710.02, 10
4710.03, 4710.04, 4712.01, and 4712.99 be amended; sections 11
4710.01 (4712.50), 4710.02 (4712.51), 4710.03 (4712.52), and 12
4710.04 (4712.53) be amended for the purpose of adopting new 13
section numbers as indicated in parentheses; and sections 14
4712.502, 4712.54, and 4712.55 of the Revised Code be enacted to 15
read as follows: 16

Sec. 9.45. Notwithstanding section 1321.32 of the Revised 17
Code, the state and any of its political subdivisions or 18
instrumentalities may deduct from the wages or salaries of a 19

public employee, as defined in section 9.40 of the Revised Code, 20
such amounts as are authorized in writing by the employee to a 21
nonprofit debt pooling company operating pursuant to ~~Chapter~~ 22
~~4710.~~ sections 4712.50 to 4712.55 of the Revised Code, or a 23
nonprofit budget and debt counseling service, for payment or 24
compromise of any account, note, or other indebtedness. Such 25
authorization may be revoked at any time prior to final payment 26
by written notice from the employee to the employer. 27

Sec. 2925.01. As used in this chapter: 28

(A) "Administer," "controlled substance," "controlled 29
substance analog," "dispense," "distribute," "hypodermic," 30
"manufacturer," "official written order," "person," 31
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 32
"schedule III," "schedule IV," "schedule V," and "wholesaler" 33
have the same meanings as in section 3719.01 of the Revised 34
Code. 35

(B) "Drug of abuse" and "person with a drug dependency" 36
have the same meanings as in section 3719.011 of the Revised 37
Code. 38

(C) "Drug," "dangerous drug," "licensed health 39
professional authorized to prescribe drugs," and "prescription" 40
have the same meanings as in section 4729.01 of the Revised 41
Code. 42

(D) "Bulk amount" of a controlled substance means any of 43
the following: 44

(1) For any compound, mixture, preparation, or substance 45
included in schedule I, schedule II, or schedule III, with the 46
exception of any controlled substance analog, marihuana, 47
cocaine, L.S.D., heroin, any fentanyl-related compound, and 48

hashish and except as provided in division (D) (2), (5), or (6) 49
of this section, whichever of the following is applicable: 50

(a) An amount equal to or exceeding ten grams or twenty- 51
five unit doses of a compound, mixture, preparation, or 52
substance that is or contains any amount of a schedule I opiate 53
or opium derivative; 54

(b) An amount equal to or exceeding ten grams of a 55
compound, mixture, preparation, or substance that is or contains 56
any amount of raw or gum opium; 57

(c) An amount equal to or exceeding thirty grams or ten 58
unit doses of a compound, mixture, preparation, or substance 59
that is or contains any amount of a schedule I hallucinogen 60
other than tetrahydrocannabinol or lysergic acid amide, or a 61
schedule I stimulant or depressant; 62

(d) An amount equal to or exceeding twenty grams or five 63
times the maximum daily dose in the usual dose range specified 64
in a standard pharmaceutical reference manual of a compound, 65
mixture, preparation, or substance that is or contains any 66
amount of a schedule II opiate or opium derivative; 67

(e) An amount equal to or exceeding five grams or ten unit 68
doses of a compound, mixture, preparation, or substance that is 69
or contains any amount of phencyclidine; 70

(f) An amount equal to or exceeding one hundred twenty 71
grams or thirty times the maximum daily dose in the usual dose 72
range specified in a standard pharmaceutical reference manual of 73
a compound, mixture, preparation, or substance that is or 74
contains any amount of a schedule II stimulant that is in a 75
final dosage form manufactured by a person authorized by the 76
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 77

U.S.C.A. 301, as amended, and the federal drug abuse control 78
laws, as defined in section 3719.01 of the Revised Code, that is 79
or contains any amount of a schedule II depressant substance or 80
a schedule II hallucinogenic substance; 81

(g) An amount equal to or exceeding three grams of a 82
compound, mixture, preparation, or substance that is or contains 83
any amount of a schedule II stimulant, or any of its salts or 84
isomers, that is not in a final dosage form manufactured by a 85
person authorized by the Federal Food, Drug, and Cosmetic Act 86
and the federal drug abuse control laws. 87

(2) An amount equal to or exceeding one hundred twenty 88
grams or thirty times the maximum daily dose in the usual dose 89
range specified in a standard pharmaceutical reference manual of 90
a compound, mixture, preparation, or substance that is or 91
contains any amount of a schedule III or IV substance other than 92
an anabolic steroid or a schedule III opiate or opium 93
derivative; 94

(3) An amount equal to or exceeding twenty grams or five 95
times the maximum daily dose in the usual dose range specified 96
in a standard pharmaceutical reference manual of a compound, 97
mixture, preparation, or substance that is or contains any 98
amount of a schedule III opiate or opium derivative; 99

(4) An amount equal to or exceeding two hundred fifty 100
milliliters or two hundred fifty grams of a compound, mixture, 101
preparation, or substance that is or contains any amount of a 102
schedule V substance; 103

(5) An amount equal to or exceeding two hundred solid 104
dosage units, sixteen grams, or sixteen milliliters of a 105
compound, mixture, preparation, or substance that is or contains 106

any amount of a schedule III anabolic steroid; 107

(6) For any compound, mixture, preparation, or substance 108
that is a combination of a fentanyl-related compound and any 109
other compound, mixture, preparation, or substance included in 110
schedule III, schedule IV, or schedule V, if the defendant is 111
charged with a violation of section 2925.11 of the Revised Code 112
and the sentencing provisions set forth in divisions (C) (10) (b) 113
and (C) (11) of that section will not apply regarding the 114
defendant and the violation, the bulk amount of the controlled 115
substance for purposes of the violation is the amount specified 116
in division (D) (1), (2), (3), (4), or (5) of this section for 117
the other schedule III, IV, or V controlled substance that is 118
combined with the fentanyl-related compound. 119

(E) "Unit dose" means an amount or unit of a compound, 120
mixture, or preparation containing a controlled substance that 121
is separately identifiable and in a form that indicates that it 122
is the amount or unit by which the controlled substance is 123
separately administered to or taken by an individual. 124

(F) "Cultivate" includes planting, watering, fertilizing, 125
or tilling. 126

(G) "Drug abuse offense" means any of the following: 127

(1) A violation of division (A) of section 2913.02 that 128
constitutes theft of drugs, or a violation of section 2925.02, 129
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 130
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 131
or 2925.37 of the Revised Code; 132

(2) A violation of an existing or former law of this or 133
any other state or of the United States that is substantially 134
equivalent to any section listed in division (G) (1) of this 135

section;	136
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	137 138 139 140 141 142 143
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section.	144 145 146
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	147 148 149
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	150 151
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	152 153 154 155 156 157
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	158 159 160 161
(b) Any aerosol propellant;	162
(c) Any fluorocarbon refrigerant;	163

(d) Any anesthetic gas.	164
(2) Gamma Butyrolactone;	165
(3) 1,4 Butanediol.	166
(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.	167 168 169 170 171 172
(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.	173 174 175 176
(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.	177 178 179 180 181 182
(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.	183 184 185
(N) "Juvenile" means a person under eighteen years of age.	186
(O) "Counterfeit controlled substance" means any of the following:	187 188
(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,	189 190 191

trade name, or identifying mark;	192
(2) Any unmarked or unlabeled substance that is	193
represented to be a controlled substance manufactured,	194
processed, packed, or distributed by a person other than the	195
person that manufactured, processed, packed, or distributed it;	196
(3) Any substance that is represented to be a controlled	197
substance but is not a controlled substance or is a different	198
controlled substance;	199
(4) Any substance other than a controlled substance that a	200
reasonable person would believe to be a controlled substance	201
because of its similarity in shape, size, and color, or its	202
markings, labeling, packaging, distribution, or the price for	203
which it is sold or offered for sale.	204
(P) An offense is "committed in the vicinity of a school"	205
if the offender commits the offense on school premises, in a	206
school building, or within one thousand feet of the boundaries	207
of any school premises, regardless of whether the offender knows	208
the offense is being committed on school premises, in a school	209
building, or within one thousand feet of the boundaries of any	210
school premises.	211
(Q) "School" means any school operated by a board of	212
education, any community school established under Chapter 3314.	213
of the Revised Code, or any nonpublic school for which the	214
director of education and workforce prescribes minimum standards	215
under section 3301.07 of the Revised Code, whether or not any	216
instruction, extracurricular activities, or training provided by	217
the school is being conducted at the time a criminal offense is	218
committed.	219
(R) "School premises" means either of the following:	220

(1) The parcel of real property on which any school is 221
situated, whether or not any instruction, extracurricular 222
activities, or training provided by the school is being 223
conducted on the premises at the time a criminal offense is 224
committed; 225

(2) Any other parcel of real property that is owned or 226
leased by a board of education of a school, the governing 227
authority of a community school established under Chapter 3314. 228
of the Revised Code, or the governing body of a nonpublic school 229
for which the director of education and workforce prescribes 230
minimum standards under section 3301.07 of the Revised Code and 231
on which some of the instruction, extracurricular activities, or 232
training of the school is conducted, whether or not any 233
instruction, extracurricular activities, or training provided by 234
the school is being conducted on the parcel of real property at 235
the time a criminal offense is committed. 236

(S) "School building" means any building in which any of 237
the instruction, extracurricular activities, or training 238
provided by a school is conducted, whether or not any 239
instruction, extracurricular activities, or training provided by 240
the school is being conducted in the school building at the time 241
a criminal offense is committed. 242

(T) "Disciplinary counsel" means the disciplinary counsel 243
appointed by the board of commissioners on grievances and 244
discipline of the supreme court under the Rules for the 245
Government of the Bar of Ohio. 246

(U) "Certified grievance committee" means a duly 247
constituted and organized committee of the Ohio state bar 248
association or of one or more local bar associations of the 249
state of Ohio that complies with the criteria set forth in Rule 250

V, section 6 of the Rules for the Government of the Bar of Ohio.	251
(V) "Professional license" means any license, permit,	252
certificate, registration, qualification, admission, temporary	253
license, temporary permit, temporary certificate, or temporary	254
registration that is described in divisions (W) (1) to (37) of	255
this section and that qualifies a person as a professionally	256
licensed person.	257
(W) "Professionally licensed person" means any of the	258
following:	259
(1) A person who has received a certificate or temporary	260
certificate as a certified public accountant or who has	261
registered as a public accountant under Chapter 4701. of the	262
Revised Code and who holds an Ohio permit issued under that	263
chapter;	264
(2) A person who holds a certificate of qualification to	265
practice architecture issued or renewed and registered under	266
Chapter 4703. of the Revised Code;	267
(3) A person who is registered as a landscape architect	268
under Chapter 4703. of the Revised Code or who holds a permit as	269
a landscape architect issued under that chapter;	270
(4) A person licensed under Chapter 4707. of the Revised	271
Code;	272
(5) A person who has been issued a certificate of	273
registration as a registered barber under Chapter 4709. of the	274
Revised Code;	275
(6) A person licensed and regulated <u>registered</u> to engage	276
in the business of a debt pooling company by a legislative	277
authority, under authority of Chapter 4710. <u>sections 4712.50 to</u>	278

<u>4712.55</u> of the Revised Code;	279
(7) 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;	280 281 282 283 284 285 286 287 288 289 290
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious 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;	291 292 293 294 295
(9) 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 Revised Code;	296 297 298 299 300
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	301 302 303 304
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	305 306 307

(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	308 309
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	310 311
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	312 313 314 315
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	316 317 318 319 320
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	321 322
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	323 324 325 326 327
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	328 329 330
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	331 332 333
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	334 335

(21) A person licensed to act as a real estate broker or	336
real estate salesperson under Chapter 4735. of the Revised Code;	337
(22) A person registered as a registered environmental	338
health specialist under Chapter 3776. of the Revised Code;	339
(23) A person licensed to operate or maintain a junkyard	340
under Chapter 4737. of the Revised Code;	341
(24) A person who has been issued a motor vehicle salvage	342
dealer's license under Chapter 4738. of the Revised Code;	343
(25) A person who has been licensed to act as a steam	344
engineer under Chapter 4739. of the Revised Code;	345
(26) A person who has been issued a license or temporary	346
permit to practice veterinary medicine or any of its branches,	347
or who is registered as a graduate animal technician under	348
Chapter 4741. of the Revised Code;	349
(27) A person who has been issued a hearing aid dealer's	350
or fitter's license or trainee permit under Chapter 4747. of the	351
Revised Code;	352
(28) A person who has been issued a class A, class B, or	353
class C license or who has been registered as an investigator or	354
security guard employee under Chapter 4749. of the Revised Code;	355
(29) A person licensed to practice as a nursing home	356
administrator under Chapter 4751. of the Revised Code;	357
(30) A person licensed to practice as a speech-language	358
pathologist or audiologist under Chapter 4753. of the Revised	359
Code;	360
(31) A person issued a license as an occupational	361
therapist or physical therapist under Chapter 4755. of the	362

Revised Code;	363
(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;	364 365 366 367 368 369
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	370 371
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	372 373 374
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	375 376
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	377 378
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	379 380 381
(X) "Cocaine" means any of the following:	382
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	383 384
(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;	385 386 387 388
(3) A salt, compound, derivative, or preparation of a	389

substance identified in division (X) (1) or (2) of this section 390
that is chemically equivalent to or identical with any of those 391
substances, except that the substances shall not include 392
decocainized coca leaves or extraction of coca leaves if the 393
extractions do not contain cocaine or ecgonine. 394

(Y) "L.S.D." means lysergic acid diethylamide. 395

(Z) "Hashish" means a resin or a preparation of a resin to 396
which both of the following apply: 397

(1) It is contained in or derived from any part of the 398
plant of the genus cannabis, whether in solid form or in a 399
liquid concentrate, liquid extract, or liquid distillate form. 400

(2) It has a delta-9 tetrahydrocannabinol concentration of 401
more than three-tenths per cent. 402

"Hashish" does not include a hemp byproduct in the 403
possession of a licensed hemp processor under Chapter 928. of 404
the Revised Code, provided that the hemp byproduct is being 405
produced, stored, and disposed of in accordance with rules 406
adopted under section 928.03 of the Revised Code. 407

(AA) "Marihuana" has the same meaning as in section 408
3719.01 of the Revised Code, except that it does not include 409
hashish. 410

(BB) An offense is "committed in the vicinity of a 411
juvenile" if the offender commits the offense within one hundred 412
feet of a juvenile or within the view of a juvenile, regardless 413
of whether the offender knows the age of the juvenile, whether 414
the offender knows the offense is being committed within one 415
hundred feet of or within view of the juvenile, or whether the 416
juvenile actually views the commission of the offense. 417

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

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

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

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

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

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

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

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

(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.

(JJ) "Deception" has the same meaning as in section

2913.01 of the Revised Code.	446
(KK) "Fentanyl-related compound" means any of the following:	447 448
(1) Fentanyl;	449
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	450 451 452
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	453 454
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	455 456
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	457 458 459
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	460 461
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	462 463
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	464 465
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	466 467
(10) Alfentanil;	468
(11) Carfentanil;	469
(12) Remifentanil;	470
(13) Sufentanil;	471

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

(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:

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

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

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

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

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

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

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

the minimum prison terms prescribed in division (A) (1) (a) of 500
that section for a felony of the first degree. 501

(MM) "Second degree felony mandatory prison term" means 502
one of the definite prison terms prescribed in division (A) (2) 503
(b) of section 2929.14 of the Revised Code for a felony of the 504
second degree, except that if the violation for which sentence 505
is being imposed is committed on or after March 22, 2019, it 506
means one of the minimum prison terms prescribed in division (A) 507
(2) (a) of that section for a felony of the second degree. 508

(NN) "Maximum first degree felony mandatory prison term" 509
means the maximum definite prison term prescribed in division 510
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 511
the first degree, except that if the violation for which 512
sentence is being imposed is committed on or after March 22, 513
2019, it means the longest minimum prison term prescribed in 514
division (A) (1) (a) of that section for a felony of the first 515
degree. 516

(OO) "Maximum second degree felony mandatory prison term" 517
means the maximum definite prison term prescribed in division 518
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 519
the second degree, except that if the violation for which 520
sentence is being imposed is committed on or after March 22, 521
2019, it means the longest minimum prison term prescribed in 522
division (A) (2) (a) of that section for a felony of the second 523
degree. 524

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 525
as in section 928.01 of the Revised Code. 526

(QQ) An offense is "committed in the vicinity of a 527
substance addiction services provider or a recovering addict" if 528

either of the following apply: 529

(1) The offender commits the offense on the premises of a 530
substance addiction services provider's facility, including a 531
facility licensed prior to June 29, 2019, under section 5119.391 532
of the Revised Code to provide methadone treatment or an opioid 533
treatment program licensed on or after that date under section 534
5119.37 of the Revised Code, or within five hundred feet of the 535
premises of a substance addiction services provider's facility 536
and the offender knows or should know that the offense is being 537
committed within the vicinity of the substance addiction 538
services provider's facility. 539

(2) The offender sells, offers to sell, delivers, or 540
distributes the controlled substance or controlled substance 541
analog to a person who is receiving treatment at the time of the 542
commission of the offense, or received treatment within thirty 543
days prior to the commission of the offense, from a substance 544
addiction services provider and the offender knows that the 545
person is receiving or received that treatment. 546

(RR) "Substance addiction services provider" means an 547
agency, association, corporation or other legal entity, 548
individual, or program that provides one or more of the 549
following at a facility: 550

(1) Either alcohol addiction services, or drug addiction 551
services, or both such services that are certified by the 552
director of mental health and addiction services under section 553
5119.36 of the Revised Code; 554

(2) Recovery supports that are related to either alcohol 555
addiction services, or drug addiction services, or both such 556
services and paid for with federal, state, or local funds 557

administered by the department of mental health and addiction 558
services or a board of alcohol, drug addiction, and mental 559
health services. 560

(SS) "Premises of a substance addiction services 561
provider's facility" means the parcel of real property on which 562
any substance addiction service provider's facility is situated. 563

(TT) "Alcohol and drug addiction services" has the same 564
meaning as in section 5119.01 of the Revised Code. 565

Sec. 4712.01. As used in sections 4712.01 to 4712.14 of 566
the Revised Code: 567

(A) "Buyer" means an individual who is solicited to 568
purchase or who purchases the services of a credit services 569
organization for purposes other than obtaining a business loan 570
as described in division (B) (6) of section 1343.01 of the 571
Revised Code. 572

(B) "Consumer reporting agency" has the same meaning as in 573
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 574
1681a, as amended. 575

(C) (1) "Credit services organization" means any person 576
that, in return for the payment of money or other valuable 577
consideration readily convertible into money for the following 578
services, sells, provides, or performs, or represents that the 579
person can or will sell, provide, or perform, one or more of the 580
following services: 581

(a) Improving a buyer's credit record, history, or rating; 582

(b) Obtaining an extension of credit by others for a 583
buyer; 584

(c) Providing advice or assistance to a buyer in 585

connection with division (C) (1) (a) or (b) of this section; 586

(d) Removing ~~adverse credit information that is accurate~~ 587
~~and not inaccurate or obsolete information~~ from the buyer's 588
credit record, history, or rating; 589

(e) Altering the buyer's identification to prevent the 590
display of the buyer's credit record, history, or rating. 591

(2) "Credit services organization" does not include any of 592
the following: 593

(a) A person that makes or collects loans, to the extent 594
these activities are subject to licensure or registration by 595
this state; 596

(b) A mortgage broker, as defined in section 1322.01 of 597
the Revised Code, that holds a valid certificate of registration 598
under Chapter 1322. of the Revised Code; 599

(c) A lender approved by the United States secretary of 600
housing and urban development for participation in a mortgage 601
insurance program under the "National Housing Act," 48 Stat. 602
1246 (1934), 12 U.S.C.A. 1701, as amended; 603

(d) A bank, savings bank, or savings and loan association, 604
or a subsidiary or an affiliate of a bank, savings bank, or 605
savings and loan association. For purposes of division (C) (2) (d) 606
of this section, "affiliate" has the same meaning as in division 607
(A) of section 1101.01 of the Revised Code and "bank," as used 608
in division (A) of section 1101.01 of the Revised Code, is 609
deemed to include a savings bank or savings and loan 610
association. 611

(e) A credit union organized and qualified under Chapter 612
1733. of the Revised Code or the "Federal Credit Union Act," 84 613

Stat. 994 (1970), 12 U.S.C.A. 1751, as amended; 614

(f) A budget and debt counseling service, as defined in 615
division (D) of section 2716.03 of the Revised Code, provided 616
that the service is a nonprofit organization exempt from 617
taxation under section 501(c)(3) of the "Internal Revenue Code 618
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that 619
the service is in compliance with ~~Chapter 4710. sections 4712.50~~ 620
to 4712.55 of the Revised Code; 621

(g) A consumer reporting agency that is in substantial 622
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 623
15 U.S.C.A. 1681a, as amended. 624

(h) A mortgage banker; 625

(i) Any political subdivision, or any governmental or 626
other public entity, corporation, or agency, in or of the United 627
States or any state of the United States; 628

(j) A college or university, or controlled entity of a 629
college or university, as defined in section 1713.05 of the 630
Revised Code; 631

(k) A motor vehicle dealer licensed pursuant to Chapter 632
4517. of the Revised Code acting within the scope and authority 633
of that license or a motor vehicle auction owner licensed 634
pursuant to Chapters 4517. and 4707. of the Revised Code acting 635
within the scope and authority of that license; 636

(l) An attorney at law admitted to the practice of law in 637
this state who offers, provides, or performs a legal service 638
that is privileged by reason of the attorney-client 639
relationship, provided that the service is not a service 640
described in division (C)(1)(b) or (e) of this section. 641

(D) "Extension of credit" means the right to defer payment 642
of debt, or to incur debt and defer its payment, offered or 643
granted primarily for personal, family, or household purposes. 644
"Extension of credit" does not include a mortgage. 645

(E) "Mortgage" means any indebtedness secured by a deed of 646
trust, security deed, or other lien on real property. 647

(F) "Mortgage banker" means any person that makes, 648
services, or buys and sells mortgage loans and is approved by 649
the United States department of housing and urban development, 650
the United States department of veterans affairs, the federal 651
national mortgage association, or the federal home loan mortgage 652
corporation. 653

(G) "Superintendent of financial institutions" includes 654
the deputy superintendent for consumer finance as provided in 655
section 1181.21 of the Revised Code. 656

Sec. ~~4710.01~~ 4712.50. As used in ~~this chapter~~ sections 657
4712.50 to 4712.55 of the Revised Code: 658

(A) "Person" includes individuals, partnerships, 659
associations, corporations, trusts, and other legal entities. 660

~~(B)~~ (1) "Debt adjusting" means doing business in debt 661
adjusting, budget counseling, debt management, or debt pooling 662
service, or holding oneself out, by words of similar import, as 663
providing services to debtors in the management, reduction, or 664
elimination of the amount or repayment terms of their debts, to 665
do either of the following: 666

~~(1)~~ (a) To effect the adjustment, compromise, or discharge 667
of any account, note, or other indebtedness of the debtor, to 668
obtain any of the following: 669

(i) An adjustment of an interest rate on a debt owed by a debtor to a creditor; 670
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(ii) A waiver or reduction of fees or charges; 672

(iii) A discharge of a debt by reducing the principal balance of the debt. 673
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~~(2)~~ (b) To receive from the debtor and disburse to the debtor's creditors any money or other thing of value. 675
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(2) "Debt adjusting" does not include any of the activities of a debt collector, as defined in 15 U.S.C. 1692a(6), collecting or attempting to collect a debt owed or due another. 677
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(C) "Resides" means to live in a particular place on a temporary or a permanent basis. 681
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Sec. 4712.502. (A) No person shall engage in debt adjusting in this state without first registering with the attorney general as prescribed by the attorney general pursuant to rules adopted under this section. 683
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(B) The attorney general shall adopt rules pursuant to Chapter 119. of the Revised Code relating to registration, oversight, and enforcement of sections 4712.50 to 4712.55 of the Revised Code, including any rules to expand registration requirements under those sections. 687
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(C) The application for registration and the application for registration renewal shall be in a form prescribed by the attorney general, signed under oath and shall contain such information as the attorney general shall reasonably require. The attorney general shall evaluate an applicant's financial responsibility and general fitness. A registration to provide 692
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debt adjusting services shall be for a period of two years from 698
the date of issuance. Any adjudication by the attorney general 699
relating to the registration requirement under division (A) of 700
this section shall follow the procedures in Chapter 119. of the 701
Revised Code. 702

(D) The following items shall be submitted with or 703
required in any application for a registration under sections 704
4712.50 to 4712.55 of the Revised Code: 705

(1) An unexpired certificate from the tax commissioner 706
verifying that the applicant is not subject to any assessment or 707
enforcement action for unpaid tax, interest, or penalties 708
imposed under Chapter 5751. of the Revised Code. The 709
commissioner shall provide this certificate to the applicant, if 710
so entitled, not later than fourteen days after receiving the 711
applicant's request for it. The certificate expires ninety days 712
after the date of its issuance. 713

(2) Proof that the applicant is in compliance with any 714
requirement imposed by the secretary of state for an entity to 715
engage in business in this state; 716

(3) The applicant's name, principal business address and 717
telephone number, all business addresses in this state, the 718
principal electronic mail address for the business, and the 719
principal internet web site address to be used for the business; 720

(4) The name and home address of each executive officer 721
and director of the applicant and each person that owns, 722
directly or indirectly, more than twenty per cent of the voting 723
interests of the applicant; 724

(5) A statement describing, to the extent it is known or 725
should be known by the applicant, any material civil or criminal 726

judgment in any jurisdiction, or any material administrative or 727
enforcement action by a governmental agency, in each case 728
relating to financial fraud or misuse, against the applicant, 729
any of its executive officers, directors, or owners; 730

(6) A copy of each form of agreement and the schedule of 731
fees and charges that the applicant will use with consumers who 732
reside in this state. 733

(E) The attorney general may participate in a multi-state 734
licensing system for the sharing of regulatory information and 735
for the registration and application, by electronic or other 736
means, of entities engaged in the business of debt adjusting. 737
The attorney general may establish requirements for 738
participation by an applicant in a multi-state licensing system, 739
which may vary from the provisions set out in sections 4712.50 740
to 4712.55 of the Revised Code. 741

(F) An applicant or registrant shall notify the attorney 742
general within thirty days after a material change in any of the 743
information submitted in connection with any application or 744
renewal application for a registration under sections 4712.50 to 745
4712.55 of the Revised Code, including but not limited to any of 746
the following: 747

(1) A change in the applicant's or registrant's home or 748
business address; 749

(2) A merger or dissolution relative to the registration; 750

(3) When a registrant pleads guilty or is convicted of any 751
felony in a court of competent jurisdiction. 752

(G) The attorney general may deny a registration if any of 753
the following applies: 754

- (1) The applicant does not satisfy the criteria set forth 755
in this section. 756
- (2) The application contains information that is 757
materially erroneous or incomplete. 758
- (3) The applicant fails to provide in a timely manner such 759
information as the attorney general may reasonably request. 760
- (4) Either of the following apply to an executive officer, 761
director, managing member, or principal of the applicant: 762
- (a) The person has been convicted of or pleaded nolo 763
contendere to a felony; 764
- (b) The person has committed an act involving fraud, 765
deceit, or dishonesty. 766
- (5) An executive officer, director, managing member, or 767
principal of the applicant has had a professional license or 768
registration revoked, suspended, or subjected to administrative 769
action in any jurisdiction, and such license or registration has 770
not been reinstated. 771
- (6) The applicant's license or registration was revoked or 772
suspended in another jurisdiction and has not been reinstated. 773
- (H) Not later than twenty days after a registration 774
application denial, the attorney general shall provide to the 775
applicant a written decision and findings containing the reasons 776
supporting a registration denial. Not later than thirty days 777
after the date of the notice, the applicant may appeal the 778
denial pursuant to Chapter 119. of the Revised Code. 779
- (I) (1) The attorney general may suspend, revoke, or deny 780
renewal of a registration if any of the following applies: 781

(a) A registrant has materially violated sections 4712.50 782
to 4712.55 of the Revised Code or any rule adopted by the 783
attorney general or any other law applicable to the conduct of 784
its business. 785

(b) A fact or condition exists that, if it had existed 786
when the registrant applied for a registration, would have 787
warranted the attorney general to refuse the registration. 788

(c) The registrant does not satisfy the application 789
criteria required under this section. 790

(d) The registrant has refused to permit the attorney 791
general to examine the registrant's books and records. 792

(e) The registrant has not responded within a reasonable 793
time and in an appropriate manner to the attorney general's 794
communications. 795

(2) If the attorney general suspends, revokes, or denies 796
renewal of a registration, the attorney general may seek a court 797
order to seize the registrant's books and records with respect 798
to any consumers in this state that are being serviced by the 799
registrant. 800

(3) A registrant may deliver a written notice to the 801
attorney general to surrender its registration, provided, 802
however, that if a registrant surrenders its registration, its 803
civil or criminal liability for acts committed before the 804
surrender is not affected. 805

(4) Upon submission of a renewal application for a 806
registration and until such time as such renewal application is 807
approved or denied, the registrant may continue to provide debt 808
adjusting services, but a denial of such registration terminates 809
any right to provide debt adjusting services in this state 810

unless approved by the attorney general. 811

(J) The attorney general shall adopt rules related to both 812
of the following: 813

(1) Reasonable registration fees, any subsequent increase 814
of which shall be approved by the general assembly through the 815
biennial operating appropriations act; 816

(2) Penalties for any violation of sections 4712.50 to 817
4712.55 of the Revised Code, which may include any of the 818
following: 819

(a) Fines; 820

(b) Suspension of registration for up to five years; 821

(c) Indefinite barring from registration. 822

(K) Except as described in divisions (C) and (H) of this 823
section, any person subject to an enforcement action taken by 824
the attorney general under sections 4712.50 to 4712.55 of the 825
Revised Code may appeal such decision to the court of common 826
pleas of the county in which the place of business of the 827
registrant is located or the county in which the registrant is a 828
resident. 829

Sec. ~~4710.02~~ 4712.51. (A) Subject to division (C) of this 830
section, a person engaged in debt adjusting shall do all of the 831
following: 832

(1) Unless specifically instructed otherwise by a debtor, 833
disburse to the appropriate creditors all funds received from 834
the debtor, less any contributions not prohibited by division 835
(B) of this section, within thirty days of receipt of the funds 836
from the debtor; 837

(2) Maintain a separate trust account for the receipt of	838
any funds from debtors and the disbursement of the funds to	839
creditors on behalf of the debtors;	840
(3) Charge or accept only reasonable fees or contributions	841
in accordance with division (B) of this section;	842
(4) Establish and implement a policy that allows for the	843
waiver or discontinuation of fees or contributions not	844
prohibited by division (B) of this section if the debtor is	845
unable to pay such fees or contributions;	846
<u>(5) Comply with federal law and regulations as it relates</u>	847
<u>to debt adjusting and with the federal telemarketing sales rule</u>	848
<u>under 16 C.F.R. part 310.</u>	849
(B) If fees or contributions for providing debt adjusting	850
services are charged or accepted, directly or indirectly, no	851
person providing or engaged in debt adjusting shall do any of	852
the following:	853
(1) Charge or accept a fee or contribution exceeding	854
seventy-five dollars from a debtor residing in this state for an	855
initial consultation or initial set up of a debt management plan	856
or similar plan;	857
(2) Charge or accept consultation fees or contributions	858
exceeding one hundred dollars per calendar year from a debtor	859
residing in this state;	860
(3) Charge or accept a periodic fee or contribution from a	861
debtor residing in this state for administering a debt	862
management plan or similar plan, which fee or contribution	863
exceeds eight and one-half per cent of the amount paid by the	864
debtor each month for distribution to the debtor's creditors or	865
thirty dollars, whichever is greater.	866

(C) Division (A) or (B) of this section does not prohibit 867
a person engaged in debt adjusting for a debtor who is residing 868
in this state from charging the debtor a reasonable fee for 869
insufficient funds transactions that is in addition to fees or 870
contributions not prohibited by division (B) of this section. 871

(D) Any person that engages in debt adjusting, annually, 872
shall arrange for and undergo an audit conducted by an 873
independent, third party, certified public accountant of the 874
person's business, including any trust funds deposited and 875
distributed to creditors on behalf of debtors. Both of the 876
following apply to an audit described in this division: 877

(1) The person shall file the results of the audit and the 878
auditor's opinion with the consumer protection division of the 879
attorney general. 880

(2) The attorney general shall make available a summary of 881
the results of the audit and the auditor's opinion upon written 882
request of a person and payment of a fee not exceeding the cost 883
of copying the summary and opinion. 884

(E) A person engaged in debt adjusting shall obtain and 885
maintain at all times insurance coverage for employee 886
dishonesty, depositor's forgery, and computer fraud in the 887
amount of ten per cent of the monthly average for the immediate 888
preceding six months of the aggregate amount of all deposits 889
made with the person by all debtors. The insurance coverage 890
shall comply with all of the following: 891

(1) The insurance coverage is not less than one hundred 892
thousand dollars. 893

(2) The insurance coverage includes a deductible that does 894
not exceed ten per cent of the face amount of the policy 895

coverage.	896
(3) The insurance coverage is issued by an insurer rated at least A- or its equivalent by a nationally recognized rating organization.	897 898 899
(4) The insurance coverage provides that thirty days advance written notice be given to the consumer protection division of the attorney general before coverage is terminated.	900 901 902
(F) (1) No person engaged in debt adjusting shall fail to comply with division (A) of this section or shall violate division (B) of this section.	903 904 905
(2) No person engaged in debt adjusting shall fail to comply with divisions (D) and (E) of this section.	906 907
Sec. 4710.03 <u>4712.52</u>. Nothing in this chapter sections <u>4712.50 to 4712.55 of the Revised Code</u> applies to any of the following:	908 909 910
(A) The federal national mortgage association; the federal home loan mortgage corporation; a bank, bank holding company, trust company, savings and loan association, credit union, savings bank, or credit card bank, that is regulated by the office of the comptroller of currency, federal reserve, federal deposit insurance corporation, national credit union administration, or division of financial institutions; or to subsidiaries of any of these entities;	911 912 913 914 915 916 917 918
(B) Debt adjusting incurred in the practice of law in this state;	919 920
(C) A person that incidentally engages in debt adjusting to adjust the indebtedness owed to that person;	921 922
(D) A registrant as defined in section 1321.51 of the	923

Revised Code; 924

(E) A registrant or licensee as both are defined in 925
section 1322.01 of the Revised Code. 926

Sec. ~~4710.04~~ 4712.53. (A) Any violation of ~~division (F) (1)~~ 927
~~of section 4710.02~~ sections 4712.50 to 4712.55 of the Revised 928
Code is deemed an unfair or deceptive act or practice in 929
violation of section 1345.02 of the Revised Code. A person 930
injured by a violation of that division has a cause of action 931
and is entitled to the same relief available to a consumer under 932
section 1345.09 of the Revised Code, and all the powers and 933
remedies available to the attorney general to enforce sections 934
1345.01 to 1345.13 of the Revised Code are available to the 935
attorney general to enforce ~~division (F) (1) of section 4710.02~~ 936
sections 4712.50 to 4712.55 of the Revised Code. 937

(B) Any person who violates division (F) (2) of section 938
~~4710.02~~ 4712.51 of the Revised Code, in addition to the 939
penalties imposed by division (C) of section 4710.99 ~~4712.99~~ of 940
the Revised Code, shall be fined not more than ten thousand 941
dollars for each violation. 942

Sec. 4712.54. A person engaged in debt adjusting and 943
operating in compliance with federal laws or regulations, 944
including regulations adopted under 16 C.F.R. part 310, is not 945
subject to division (B) of section 4712.51 of the Revised Code. 946

Sec. 4712.55. (A) No person engaging in debt adjusting 947
shall send a cease and desist letter or a similar letter to any 948
creditor on behalf of a debtor. 949

(B) Nothing in sections 4712.50 to 4712.55 of the Revised 950
Code shall be construed as permitting the unauthorized practice 951
of law by any person engaged in debt adjusting. 952

Sec. 4712.99. (A) Whoever violates division (J) of section 4712.02, division (E) of section 4712.04, division (D) or (E) of section 4712.05, division (A) of section 4712.06, section 4712.07 or 4712.08, or division (A) of section 4712.09 of the Revised Code is guilty of a felony of the fifth degree.

(B) (1) Whoever violates section 4712.071 of the Revised Code is guilty of a minor misdemeanor and shall be fined not less than one hundred nor more than five hundred dollars.

(2) The offense established under section 4712.071 of the Revised Code is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense for which there is no specified degree of culpability, whether in this section or another section of the Revised Code, is not a strict liability offense.

(C) Whoever recklessly violates division (F) of section 4712.51 of the Revised Code is guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the second degree for any subsequent offense.

Section 2. That existing sections 9.45, 2925.01, 4710.01, 4710.02, 4710.03, 4710.04, 4712.01, and 4712.99 of the Revised Code are hereby repealed.

Section 3. That section 4710.99 of the Revised Code is hereby repealed.