

**As Introduced**

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

**H. B. No. 97**

**Representative Pavliga**



**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>(g) Certified mental health assistants licensed under</u>	106
<u>Chapter 4772. of the Revised Code.</u>	107
(6) "Health care worker" means a person other than a	108
health care professional who provides medical, dental, or other	109
health-related care or treatment under the direction of a health	110
care professional with the authority to direct that individual's	111
activities, including medical technicians, medical assistants,	112
dental assistants, orderlies, aides, and individuals acting in	113
similar capacities.	114
(7) "Indigent and uninsured person" means a person who	115
meets both of the following requirements:	116
(a) Relative to being indigent, the person's income is not	117
greater than two hundred per cent of the federal poverty line,	118
as defined by the United States office of management and budget	119
and revised in accordance with section 673(2) of the "Omnibus	120
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.	121
9902, as amended, except in any case in which division (A) (7) (b)	122
(iii) of this section includes a person whose income is greater	123
than two hundred per cent of the federal poverty line.	124
(b) Relative to being uninsured, one of the following	125
applies:	126
(i) The person is not a policyholder, certificate holder,	127
insured, contract holder, subscriber, enrollee, member,	128
beneficiary, or other covered individual under a health	129
insurance or health care policy, contract, or plan.	130
(ii) The person is a policyholder, certificate holder,	131
insured, contract holder, subscriber, enrollee, member,	132
beneficiary, or other covered individual under a health	133
insurance or health care policy, contract, or plan, but the	134

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

professional, health care worker, nonprofit health care referral	285
organization, or health care facility or location if, at the	286
time of an alleged injury, death, or loss to person or property,	287
the health care professionals or health care workers involved	288
are providing one of the following:	289
(a) Any medical, dental, or other health-related	290
diagnosis, care, or treatment pursuant to a community service	291
work order entered by a court under division (B) of section	292
2951.02 of the Revised Code or imposed by a court as a community	293
control sanction;	294
(b) Performance of an operation to which any one of the	295
following applies:	296
(i) The operation requires the administration of deep	297
sedation or general anesthesia.	298
(ii) The operation is a procedure that is not typically	299
performed in an office.	300
(iii) The individual involved is a health care	301
professional, and the operation is beyond the scope of practice	302
or the education, training, and competence, as applicable, of	303
the health care professional.	304
(c) Delivery of a baby or any other purposeful termination	305
of a human pregnancy.	306
(2) Division (F)(1) of this section does not apply when a	307
health care professional or health care worker provides medical,	308
dental, or other health-related diagnosis, care, or treatment	309
that is necessary to preserve the life of a person in a medical	310
emergency.	311
(G)(1) This section does not create a new cause of action	312

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The nature of the threat; 441

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

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

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

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

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



(3) The mental health professional or organization is not 457  
required to take an action that, in the exercise of reasonable 458  
professional judgment, would physically endanger the 459  
professional or organization, increase the danger to a potential 460  
victim, or increase the danger to the mental health client or 461  
patient. 462

(4) The mental health professional or organization is not 463  
liable in damages in a civil action, and shall not be made 464  
subject to disciplinary action by any entity with licensing or 465  
other regulatory authority over the professional or 466  
organization, for disclosing any confidential information about 467  
a mental health client or patient that is disclosed for the 468  
purpose of taking any of the actions. 469

(D) Notwithstanding any other provision of the Revised 470  
Code, a physician, physician assistant, advanced practice 471  
registered nurse, certified mental health assistant, or hospital 472  
is not liable in damages in a civil action, and shall not be 473  
made subject to disciplinary action by any entity with licensing 474  
or other regulatory authority, for doing either of the 475  
following: 476

(1) Failing to discharge or to allow a patient to leave 477  
the facility if the physician, physician assistant, advanced 478  
practice registered nurse, certified mental health assistant, or 479  
hospital believes in the good faith exercise of professional 480  
medical, advanced practice registered nursing, ~~or~~ physician 481  
assistant, or certified mental health assistant judgment 482  
according to appropriate standards of professional practice that 483  
the patient has a mental health condition that threatens the 484  
safety of the patient or others; 485

(2) Discharging a patient whom the physician, physician 486

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

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

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

**Sec. 2925.01.** As used in this chapter: 503

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

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

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

Code.	516
(D) "Bulk amount" of a controlled substance means any of the following:	517 518
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:	519 520 521 522 523 524
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	525 526 527 528
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	529 530 531
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	532 533 534 535 536
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;	537 538 539 540 541
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	542 543 544

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

cement, fingernail polish remover, lacquer thinner, cleaning	633
fluid, gasoline, or other preparation containing a volatile	634
organic solvent;	635
(b) Any aerosol propellant;	636
(c) Any fluorocarbon refrigerant;	637
(d) Any anesthetic gas.	638
(2) Gamma Butyrolactone;	639
(3) 1,4 Butanediol.	640
(J) "Manufacture" means to plant, cultivate, harvest,	641
process, make, prepare, or otherwise engage in any part of the	642
production of a drug, by propagation, extraction, chemical	643
synthesis, or compounding, or any combination of the same, and	644
includes packaging, repackaging, labeling, and other activities	645
incident to production.	646
(K) "Possess" or "possession" means having control over a	647
thing or substance, but may not be inferred solely from mere	648
access to the thing or substance through ownership or occupation	649
of the premises upon which the thing or substance is found.	650
(L) "Sample drug" means a drug or pharmaceutical	651
preparation that would be hazardous to health or safety if used	652
without the supervision of a licensed health professional	653
authorized to prescribe drugs, or a drug of abuse, and that, at	654
one time, had been placed in a container plainly marked as a	655
sample by a manufacturer.	656
(M) "Standard pharmaceutical reference manual" means the	657
current edition, with cumulative changes if any, of references	658
that are approved by the state board of pharmacy.	659

(N) "Juvenile" means a person under eighteen years of age.	660
(O) "Counterfeit controlled substance" means any of the following:	661 662
(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;	663 664 665 666
(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;	667 668 669 670
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	671 672 673
(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.	674 675 676 677 678
(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.	679 680 681 682 683 684 685
(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	686 687 688



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	746 747 748
(6) 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;	749 750 751
(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;	752 753 754 755 756 757 758 759 760 761 762
(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;	763 764 765 766 767
(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;	768 769 770 771 772
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the	773 774

practice of nurse-midwifery under Chapter 4723. of the Revised Code;	775 776
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	777 778 779
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	780 781
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	782 783
(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;	784 785 786 787
(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;	788 789 790 791 792
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	793 794
(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;	795 796 797 798 799
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	800 801
(19) A person registered to practice the profession of	802

engineering or surveying under Chapter 4733. of the Revised Code;	803 804
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	805 806
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	807 808
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	809 810
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	811 812
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	813 814
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	815 816
(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;	817 818 819 820
(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;	821 822 823
(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;	824 825 826
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	827 828
(30) A person licensed to practice as a speech-language	829

pathologist or audiologist under Chapter 4753. of the Revised Code;	830 831
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	832 833 834
(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;	835 836 837 838 839 840
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	841 842
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	843 844 845
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	846 847
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	848 849
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules;	850 851 852
<u>(38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772. of the Revised Code.</u>	853 854 855
(X) "Cocaine" means any of the following:	856

- (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 857  
858
- (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; 859  
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861  
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- (3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 863  
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- (Y) "L.S.D." means lysergic acid diethylamide. 869
- (Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply: 870  
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- (1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 872  
873  
874
- (2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent. 875  
876
- "Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code. 877  
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- (AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 882  
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(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

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

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

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

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

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

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

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

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



accommodation, business, amusement, or resort.	913
(II) "Methamphetamine" means methamphetamine, any salt,	914
isomer, or salt of an isomer of methamphetamine, or any	915
compound, mixture, preparation, or substance containing	916
methamphetamine or any salt, isomer, or salt of an isomer of	917
methamphetamine.	918
(JJ) "Deception" has the same meaning as in section	919
2913.01 of the Revised Code.	920
(KK) "Fentanyl-related compound" means any of the	921
following:	922
(1) Fentanyl;	923
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	924
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	925
phenylethyl)-4-(N-propanilido) piperidine);	926
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	927
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	928
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	929
piperidinyl] -N-phenylpropanamide);	930
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	931
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	932
phenylpropanamide);	933
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	934
piperidyl]-N- phenylpropanamide);	935
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	936
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	937
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	938
phenethyl)-4- piperidinyl]propanamide;	939

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Whoever violates this section is guilty of corrupting

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4741., and 4772. of the Revised Code;	1260
(2) If the offense involves an anabolic steroid, any	1261
person who is conducting or participating in a research project	1262
involving the use of an anabolic steroid if the project has been	1263
approved by the United States food and drug administration;	1264
(3) Any person who sells, offers for sale, prescribes,	1265
dispenses, or administers for livestock or other nonhuman	1266
species an anabolic steroid that is expressly intended for	1267
administration through implants to livestock or other nonhuman	1268
species and approved for that purpose under the "Federal Food,	1269
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	1270
as amended, and is sold, offered for sale, prescribed,	1271
dispensed, or administered for that purpose in accordance with	1272
that act.	1273
(C) Whoever violates division (A) of this section is	1274
guilty of one of the following:	1275
(1) If the drug involved in the violation is any compound,	1276
mixture, preparation, or substance included in schedule I or	1277
schedule II, with the exception of marihuana, cocaine, L.S.D.,	1278
heroin, any fentanyl-related compound, hashish, and any	1279
controlled substance analog, whoever violates division (A) of	1280
this section is guilty of aggravated trafficking in drugs. The	1281
penalty for the offense shall be determined as follows:	1282
(a) Except as otherwise provided in division (C) (1) (b),	1283
(c), (d), (e), or (f) of this section, aggravated trafficking in	1284
drugs is a felony of the fourth degree, and division (C) of	1285
section 2929.13 of the Revised Code applies in determining	1286
whether to impose a prison term on the offender.	1287
(b) Except as otherwise provided in division (C) (1) (c),	1288

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

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

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

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

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

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

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

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

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

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

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



the offense. 1380

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A controlled substance; 2191

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

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

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

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

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

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

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

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

As used in division (B) (1) (d) of this section, "deception"	2227
and "theft offense" have the same meanings as in section 2913.01	2228
of the Revised Code.	2229
(2) (a) As used in division (B) (2) of this section:	2230
(i) "Community addiction services provider" has the same	2231
meaning as in section 5119.01 of the Revised Code.	2232
(ii) "Community control sanction" and "drug treatment	2233
program" have the same meanings as in section 2929.01 of the	2234
Revised Code.	2235
(iii) "Health care facility" has the same meaning as in	2236
section 2919.16 of the Revised Code.	2237
(iv) "Minor drug possession offense" means a violation of	2238
this section that is a misdemeanor or a felony of the fifth	2239
degree.	2240
(v) "Post-release control sanction" has the same meaning	2241
as in section 2967.28 of the Revised Code.	2242
(vi) "Peace officer" has the same meaning as in section	2243
2935.01 of the Revised Code.	2244
(vii) "Public agency" has the same meaning as in section	2245
2930.01 of the Revised Code.	2246
(viii) "Qualified individual" means a person who is acting	2247
in good faith who seeks or obtains medical assistance for	2248
another person who is experiencing a drug overdose, a person who	2249
experiences a drug overdose and who seeks medical assistance for	2250
that overdose, or a person who is the subject of another person	2251
seeking or obtaining medical assistance for that overdose as	2252
described in division (B) (2) (b) of this section.	2253

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

impose a prison term on the offender. 2429

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A controlled substance; 2802

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

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

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



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

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

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

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

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

medical assistance for that overdose. 2844

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

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

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

file such a motion. 2874

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

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

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

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

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

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

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

except for those exempted in division (D) (4) of this section;	2903
(6) A scale or balance for weighing or measuring a controlled substance;	2904 2905
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	2906 2907 2908
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	2909 2910
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	2911 2912
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	2913 2914
(11) A container or device for storing or concealing a controlled substance;	2915 2916
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	2917 2918 2919
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	2920 2921 2922 2923 2924 2925 2926 2927 2928 2929 2930

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

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

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

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

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

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

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

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

(8) National or local advertising concerning the use of the equipment, product, or material;	2959 2960
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	2961 2962
(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;	2963 2964 2965
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	2966 2967
(12) Expert testimony concerning the use of the equipment, product, or material.	2968 2969
(C) (1) Subject to divisions (D) (2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.	2970 2971 2972
(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.	2973 2974 2975 2976
(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia.	2977 2978 2979 2980 2981 2982 2983
(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose	2984 2985 2986

conduct is in accordance with Chapters 3719., 4715., 4723., 2987  
4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code. 2988  
This section shall not be construed to prohibit the possession 2989  
or use of a hypodermic as authorized by section 3719.172 of the 2990  
Revised Code. 2991

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

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

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

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

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

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

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

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

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

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



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

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

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

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

(1) Prescription; 3064

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

(3) Official written order; 3067

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

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

as defined in section 4729.01 of the Revised Code. 3073

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

(1) A prescription; 3076

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

(3) An official written order; 3079

(4) A blank official written order; 3080

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

was convicted of a violation of section 4511.19 of the Revised 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 (D) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) "Registered volunteer" has the same meaning as in	3478
section 5502.281 of the Revised Code.	3479
(B) In consultation with the appropriate professional	3480
regulatory boards of this state, the director of health shall	3481
develop one or more protocols that authorize the following	3482
individuals to administer, deliver, or distribute drugs, other	3483
than schedule II and III controlled substances, during a period	3484
of time described in division (E) of this section,	3485
notwithstanding any statute or rule that otherwise prohibits or	3486
restricts the administration, delivery, or distribution of drugs	3487
by those individuals:	3488
(1) A physician authorized under Chapter 4731. of the	3489
Revised Code to practice medicine and surgery, osteopathic	3490
medicine and surgery, or podiatric medicine and surgery;	3491
(2) A physician assistant licensed under Chapter 4730. of	3492
the Revised Code;	3493
(3) A dentist or dental hygienist licensed under Chapter	3494
4715. of the Revised Code;	3495
(4) A registered nurse licensed under Chapter 4723. of the	3496
Revised Code, including an advanced practice registered nurse,	3497
as defined in section 4723.01 of the Revised Code;	3498
(5) A licensed practical nurse licensed under Chapter	3499
4723. of the Revised Code;	3500
(6) An optometrist licensed under Chapter 4725. of the	3501
Revised Code;	3502
(7) A pharmacist or pharmacy intern licensed under Chapter	3503
4729. of the Revised Code;	3504
(8) A respiratory care professional licensed under Chapter	3505



4761. of the Revised Code; 3506

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

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

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

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

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

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

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

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

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

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

individual or group practice.	3565
(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	3566 3567
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	3568 3569 3570
(4) "Health care practitioner" means all of the following:	3571
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	3572 3573
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3574 3575
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	3576 3577
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	3578 3579 3580 3581
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	3582 3583
(f) A physician;	3584
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	3585 3586
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	3587 3588
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	3589 3590

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



(h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3735 3736
(i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;	3737 3738 3739
(j) A licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code;	3740 3741 3742
(k) A dietitian licensed under Chapter 4759. of the Revised Code;	3743 3744
<u>(l) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3745 3746
(2) The board of health of a city or general health district may purchase liability insurance for a health care professional with whom the board contracts for the provision of health care services against liability on account of damage or injury to persons and property arising from the health care professional's performance of services under the contract. The policy shall be purchased from an insurance company licensed to do business in this state, if such a policy is available from such a company. The board of health of a city or general health district shall report the cost of the liability insurance policy and subsequent increases in the cost to the director of health on a form prescribed by the director.	3747 3748 3749 3750 3751 3752 3753 3754 3755 3756 3757 3758
<b>Sec. 3715.50.</b> (A) As used in this section and in sections 3715.501 to 3715.505 of the Revised Code:	3759 3760
(1) "Advanced practice registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a	3761 3762 3763

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

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

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

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

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

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

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

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

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

manufacturer's packaging. 3792

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

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

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

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

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

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

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

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

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

location; 3820

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

action, prosecution in any criminal proceeding, or professional disciplinary action.	3994 3995
<b>Sec. 3715.872.</b> (A) As used in this section, "health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	3996 3997 3998
(1) Individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	3999 4000 4001
(2) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	4002 4003
(3) Physician assistants licensed under Chapter 4730. of the Revised Code;	4004 4005
(4) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	4006 4007
(5) Optometrists licensed under Chapter 4725. of the Revised Code;	4008 4009
(6) Pharmacists licensed under Chapter 4729. of the Revised Code;	4010 4011
<u>(7) Certified mental health assistants licensed under Chapter 4772. of the Revised Code.</u>	4012 4013
(B) For matters related to activities conducted under the drug repository program, all of the following apply:	4014 4015
(1) A pharmacy, drug manufacturer, health care facility, or other person or government entity that donates or gives drugs to the program, and any person or government entity that facilitates the donation or gift, shall not be subject to liability in tort or other civil action for injury, death, or	4016 4017 4018 4019 4020

loss to person or property. 4021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A schedule II controlled substance may be prescribed 4092  
only in accordance with division (B)(4) of section 4730.41 and 4093  
section 4730.411 of the Revised Code. 4094

(c) No schedule II controlled substance shall be 4095  
personally furnished to any patient. 4096

(4) A licensed health professional authorized to prescribe 4097  
drugs who is a certified mental health assistant is subject to 4098  
both of the following: 4099

(a) A controlled substance may be prescribed or personally 4100  
furnished only in accordance with sections 4772.12 and 4772.13 4101  
of the Revised Code. 4102

(b) No schedule II controlled substance shall be 4103  
personally furnished to any patient. 4104

(B) No licensed health professional authorized to 4105  
prescribe drugs shall prescribe, administer, or personally 4106  
furnish a schedule III anabolic steroid for the purpose of human 4107

muscle building or enhancing human athletic performance and no 4108  
pharmacist shall dispense a schedule III anabolic steroid for 4109  
either purpose, unless it has been approved for that purpose 4110  
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 4111  
(1938), 21 U.S.C.A. 301, as amended. 4112

(C) When issuing a prescription for a schedule II 4113  
controlled substance, a licensed health professional authorized 4114  
to prescribe drugs shall do so only upon an electronic 4115  
prescription, except that the prescriber may issue a written 4116  
prescription if any of the following apply: 4117

(1) A temporary technical, electrical, or broadband 4118  
failure occurs preventing the prescriber from issuing an 4119  
electronic prescription. 4120

(2) The prescription is issued for a nursing home resident 4121  
or hospice care patient. 4122

(3) The prescriber is employed by or under contract with 4123  
the same entity that operates the pharmacy. 4124

(4) The prescriber determines that an electronic 4125  
prescription cannot be issued in a timely manner and the 4126  
patient's medical condition is at risk. 4127

(5) The prescriber issues the prescription from a health 4128  
care facility, which may include an emergency department, and 4129  
reasonably determines that an electronic prescription would be 4130  
impractical for the patient or would cause a delay that may 4131  
adversely impact the patient's medical condition. 4132

(6) The prescriber issues per year not more than fifty 4133  
prescriptions for schedule II controlled substances. 4134

(7) The prescriber is a veterinarian licensed under 4135

Chapter 4741. of the Revised Code.	4136
(D) Each written or electronic prescription for a	4137
controlled substance shall be properly executed, dated, and	4138
signed by the prescriber on the day when issued and shall bear	4139
the full name and address of the person for whom, or the owner	4140
of the animal for which, the controlled substance is prescribed	4141
and the full name, address, and registry number under the	4142
federal drug abuse control laws of the prescriber. If the	4143
prescription is for an animal, it shall state the species of the	4144
animal for which the controlled substance is prescribed.	4145
<b>Sec. 3719.064.</b> (A) As used in this section:	4146
(1) "Medication-assisted treatment" has the same meaning	4147
as in section 340.01 of the Revised Code.	4148
(2) "Prescriber" means any of the following:	4149
(a) An advanced practice registered nurse who holds a	4150
current, valid license issued under Chapter 4723. of the Revised	4151
Code and is designated as a clinical nurse specialist, certified	4152
nurse-midwife, or certified nurse practitioner;	4153
(b) A physician authorized under Chapter 4731. of the	4154
Revised Code to practice medicine and surgery or osteopathic	4155
medicine and surgery;	4156
(c) A physician assistant who is licensed under Chapter	4157
4730. of the Revised Code, holds a valid prescriber number	4158
issued by the state medical board, and has been granted	4159
physician-delegated prescriptive authority;	4160
<u>(d) A certified mental health assistant who is licensed</u>	4161
<u>under Chapter 4772. of the Revised Code and has been granted</u>	4162
<u>physician-delegated prescriptive authority by the physician</u>	4163

supervising the certified mental health assistant. 4164

(3) "Qualifying practitioner" has the same meaning as in 4165  
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 4166  
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 4167

(B) Before initiating medication-assisted treatment, a 4168  
prescriber shall give the patient or the patient's 4169  
representative information about all drugs approved by the 4170  
United States food and drug administration for use in 4171  
medication-assisted treatment. The information must be provided 4172  
both orally and in writing. The prescriber or the prescriber's 4173  
delegate shall note in the patient's medical record when this 4174  
information was provided and make the record available to 4175  
employees of the board of nursing or state medical board on 4176  
their request. 4177

If the prescriber is not a qualifying practitioner and the 4178  
patient's choice is opioid treatment and the prescriber 4179  
determines that such treatment is clinically appropriate and 4180  
meets generally accepted standards of medicine, the prescriber 4181  
shall refer the patient to an opioid treatment program licensed 4182  
under section 5119.37 of the Revised Code or a qualifying 4183  
practitioner. The prescriber or the prescriber's delegate shall 4184  
make a notation in the patient's medical record naming the 4185  
program or practitioner to whom the patient was referred and 4186  
specifying when the referral was made. 4187

**Sec. 3719.121.** (A) Except as otherwise provided in section 4188  
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or~~ 4734.41, or 4189  
4772.20 of the Revised Code, the license, certificate, or 4190  
registration of any dentist, chiropractor, physician, 4191  
podiatrist, registered nurse, advanced practice registered 4192  
nurse, licensed practical nurse, physician assistant, 4193



pharmacist, pharmacy intern, pharmacy technician trainee, 4194  
registered pharmacy technician, certified pharmacy technician, 4195  
optometrist, ~~or~~ veterinarian, or certified mental health 4196  
assistant who is or becomes addicted to the use of controlled 4197  
substances shall be suspended by the board that authorized the 4198  
person's license, certificate, or registration until the person 4199  
offers satisfactory proof to the board that the person no longer 4200  
is addicted to the use of controlled substances. 4201

(B) If the board under which a person has been issued a 4202  
license, certificate, or evidence of registration determines 4203  
that there is clear and convincing evidence that continuation of 4204  
the person's professional practice or method of administering, 4205  
prescribing, preparing, distributing, dispensing, or personally 4206  
furnishing controlled substances or other dangerous drugs 4207  
presents a danger of immediate and serious harm to others, the 4208  
board may suspend the person's license, certificate, or 4209  
registration without a hearing. Except as otherwise provided in 4210  
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 4211  
4734.36, and 4772.20 of the Revised Code, the board shall follow 4212  
the procedure for suspension without a prior hearing in section 4213  
119.07 of the Revised Code. The suspension shall remain in 4214  
effect, unless removed by the board, until the board's final 4215  
adjudication order becomes effective, except that if the board 4216  
does not issue its final adjudication order within ninety days 4217  
after the hearing, the suspension shall be void on the ninety- 4218  
first day after the hearing. 4219

(C) On receiving notification pursuant to section 2929.42 4220  
or 3719.12 of the Revised Code, the board under which a person 4221  
has been issued a license, certificate, or evidence of 4222  
registration immediately shall suspend the license, certificate, 4223  
or registration of that person on a plea of guilty to, a finding 4224

by a jury or court of the person's guilt of, or conviction of a 4225  
felony drug abuse offense; a finding by a court of the person's 4226  
eligibility for intervention in lieu of conviction; a plea of 4227  
guilty to, or a finding by a jury or court of the person's guilt 4228  
of, or the person's conviction of an offense in another 4229  
jurisdiction that is essentially the same as a felony drug abuse 4230  
offense; or a finding by a court of the person's eligibility for 4231  
treatment or intervention in lieu of conviction in another 4232  
jurisdiction. The board shall notify the holder of the license, 4233  
certificate, or registration of the suspension, which shall 4234  
remain in effect until the board holds an adjudicatory hearing 4235  
under Chapter 119. of the Revised Code. 4236

**Sec. 3719.13.** Prescriptions, orders, and records, required 4237  
by Chapter 3719. of the Revised Code, and stocks of dangerous 4238  
drugs and controlled substances, shall be open for inspection 4239  
only to federal, state, county, and municipal officers, and 4240  
employees of the state board of pharmacy whose duty it is to 4241  
enforce the laws of this state or of the United States relating 4242  
to controlled substances. Such prescriptions, orders, records, 4243  
and stocks shall be open for inspection by employees of the 4244  
state medical board for purposes of enforcing Chapters 4730.~~and~~ 4245  
4731., and 4772. of the Revised Code, employees of the board 4246  
of nursing for purposes of enforcing Chapter 4723. of the 4247  
Revised Code, and employees of the department of mental health 4248  
and addiction services for purposes of section 5119.37 of the 4249  
Revised Code. No person having knowledge of any such 4250  
prescription, order, or record shall divulge such knowledge, 4251  
except in connection with a prosecution or proceeding in court 4252  
or before a licensing or registration board or officer, to which 4253  
prosecution or proceeding the person to whom such prescriptions, 4254  
orders, or records relate is a party. 4255

<b>Sec. 3719.81.</b> (A) As used in this section, "sample drug"	4256
has the same meaning as in section 2925.01 of the Revised Code.	4257
(B) A person may furnish another a sample drug, if all of	4258
the following apply:	4259
(1) The sample drug is furnished free of charge by a	4260
manufacturer, manufacturer's representative, or wholesale dealer	4261
in pharmaceuticals to a licensed health professional authorized	4262
to prescribe drugs, or is furnished free of charge by such a	4263
professional to a patient for use as medication;	4264
(2) The sample drug is in the original container in which	4265
it was placed by the manufacturer, and the container is plainly	4266
marked as a sample;	4267
(3) Prior to its being furnished, the sample drug has been	4268
stored under the proper conditions to prevent its deterioration	4269
or contamination;	4270
(4) If the sample drug is of a type which deteriorates	4271
with time, the sample container is plainly marked with the date	4272
beyond which the sample drug is unsafe to use, and the date has	4273
not expired on the sample furnished. Compliance with the	4274
labeling requirements of the "Federal Food, Drug, and Cosmetic	4275
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall	4276
be deemed compliance with this section.	4277
(5) The sample drug is distributed, stored, or discarded	4278
in such a way that the sample drug may not be acquired or used	4279
by any unauthorized person, or by any person, including a child,	4280
for whom it may present a health or safety hazard.	4281
(C) Division (B) of this section does not do any of the	4282
following:	4283

(1) Apply to or restrict the furnishing of any sample of a nonnarcotic substance if the substance may, under the "Federal Food, Drug, and Cosmetic Act" and under the laws of this state, otherwise be lawfully sold over the counter without a prescription;

(2) Authorize a licensed health professional authorized to prescribe drugs who is a clinical nurse specialist, certified nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ physician assistant, or certified mental health assistant to furnish a sample drug that is not a drug the professional is authorized to prescribe.

(3) Prohibit a licensed health professional authorized to prescribe drugs, manufacturer of dangerous drugs, wholesale distributor of dangerous drugs, or representative of a manufacturer of dangerous drugs from furnishing a sample drug to a charitable pharmacy in accordance with section 3719.811 of the Revised Code.

(4) Prohibit a pharmacist working, whether or not for compensation, in a charitable pharmacy from dispensing a sample drug to a person in accordance with section 3719.811 of the Revised Code.

(D) The state board of pharmacy shall, in accordance with Chapter 119. of the Revised Code, adopt rules as necessary to give effect to this section.

**Sec. 4729.01.** As used in this chapter:

(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.

(B) "Practice of pharmacy" means providing pharmacist care 4313  
requiring specialized knowledge, judgment, and skill derived 4314  
from the principles of biological, chemical, behavioral, social, 4315  
pharmaceutical, and clinical sciences. As used in this division, 4316  
"pharmacist care" includes the following: 4317

(1) Interpreting prescriptions; 4318

(2) Dispensing drugs and drug therapy related devices; 4319

(3) Compounding drugs; 4320

(4) Counseling individuals with regard to their drug 4321  
therapy, recommending drug therapy related devices, and 4322  
assisting in the selection of drugs and appliances for treatment 4323  
of common diseases and injuries and providing instruction in the 4324  
proper use of the drugs and appliances; 4325

(5) Performing drug regimen reviews with individuals by 4326  
discussing all of the drugs that the individual is taking and 4327  
explaining the interactions of the drugs; 4328

(6) Performing drug utilization reviews with licensed 4329  
health professionals authorized to prescribe drugs when the 4330  
pharmacist determines that an individual with a prescription has 4331  
a drug regimen that warrants additional discussion with the 4332  
prescriber; 4333

(7) Advising an individual and the health care 4334  
professionals treating an individual with regard to the 4335  
individual's drug therapy; 4336

(8) Acting pursuant to a consult agreement, if an 4337  
agreement has been established; 4338

(9) Engaging in the administration of immunizations to the 4339  
extent authorized by section 4729.41 of the Revised Code; 4340

(10) Engaging in the administration of drugs to the extent 4341  
authorized by section 4729.45 of the Revised Code. 4342

(C) "Compounding" means the preparation, mixing, 4343  
assembling, packaging, and labeling of one or more drugs in any 4344  
of the following circumstances: 4345

(1) Pursuant to a prescription issued by a licensed health 4346  
professional authorized to prescribe drugs; 4347

(2) Pursuant to the modification of a prescription made in 4348  
accordance with a consult agreement; 4349

(3) As an incident to research, teaching activities, or 4350  
chemical analysis; 4351

(4) In anticipation of orders for drugs pursuant to 4352  
prescriptions, based on routine, regularly observed dispensing 4353  
patterns; 4354

(5) Pursuant to a request made by a licensed health 4355  
professional authorized to prescribe drugs for a drug that is to 4356  
be used by the professional for the purpose of direct 4357  
administration to patients in the course of the professional's 4358  
practice, if all of the following apply: 4359

(a) At the time the request is made, the drug is not 4360  
commercially available regardless of the reason that the drug is 4361  
not available, including the absence of a manufacturer for the 4362  
drug or the lack of a readily available supply of the drug from 4363  
a manufacturer. 4364

(b) A limited quantity of the drug is compounded and 4365  
provided to the professional. 4366

(c) The drug is compounded and provided to the 4367  
professional as an occasional exception to the normal practice 4368

of dispensing drugs pursuant to patient-specific prescriptions. 4369

(D) "Consult agreement" means an agreement that has been 4370  
entered into under section 4729.39 of the Revised Code. 4371

(E) "Drug" means: 4372

(1) Any article recognized in the United States 4373  
pharmacopoeia and national formulary, or any supplement to them, 4374  
intended for use in the diagnosis, cure, mitigation, treatment, 4375  
or prevention of disease in humans or animals; 4376

(2) Any other article intended for use in the diagnosis, 4377  
cure, mitigation, treatment, or prevention of disease in humans 4378  
or animals; 4379

(3) Any article, other than food, intended to affect the 4380  
structure or any function of the body of humans or animals; 4381

(4) Any article intended for use as a component of any 4382  
article specified in division (E) (1), (2), or (3) of this 4383  
section; but does not include devices or their components, 4384  
parts, or accessories. 4385

"Drug" does not include "hemp" or a "hemp product" as 4386  
those terms are defined in section 928.01 of the Revised Code. 4387

(F) "Dangerous drug" means any of the following: 4388

(1) Any drug to which either of the following applies: 4389

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 4390  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 4391  
required to bear a label containing the legend "Caution: Federal 4392  
law prohibits dispensing without prescription" or "Caution: 4393  
Federal law restricts this drug to use by or on the order of a 4394  
licensed veterinarian" or any similar restrictive statement, or 4395

the drug may be dispensed only upon a prescription; 4396

(b) Under Chapter 3715. or 3719. of the Revised Code, the 4397  
drug may be dispensed only upon a prescription. 4398

(2) Any drug that contains a schedule V controlled 4399  
substance and that is exempt from Chapter 3719. of the Revised 4400  
Code or to which that chapter does not apply; 4401

(3) Any drug intended for administration by injection into 4402  
the human body other than through a natural orifice of the human 4403  
body; 4404

(4) Any drug that is a biological product, as defined in 4405  
section 3715.01 of the Revised Code. 4406

(G) "Federal drug abuse control laws" has the same meaning 4407  
as in section 3719.01 of the Revised Code. 4408

(H) "Prescription" means all of the following: 4409

(1) A written, electronic, or oral order for drugs or 4410  
combinations or mixtures of drugs to be used by a particular 4411  
individual or for treating a particular animal, issued by a 4412  
licensed health professional authorized to prescribe drugs; 4413

(2) For purposes of sections 4723.4810, 4729.282, 4414  
4730.432, and 4731.93 of the Revised Code, a written, 4415  
electronic, or oral order for a drug to treat chlamydia, 4416  
gonorrhoea, or trichomoniasis issued to and in the name of a 4417  
patient who is not the intended user of the drug but is the 4418  
sexual partner of the intended user; 4419

(3) For purposes of sections 3313.7110, 3313.7111, 4420  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4421  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 4422  
or oral order for an epinephrine autoinjector issued to and in 4423



the name of a school, school district, or camp; 4424

(4) For purposes of Chapter 3728. and sections 4723.483, 4425  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 4426  
electronic, or oral order for an epinephrine autoinjector issued 4427  
to and in the name of a qualified entity, as defined in section 4428  
3728.01 of the Revised Code; 4429

(5) For purposes of sections 3313.7115, 3313.7116, 4430  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 4431  
5101.78 of the Revised Code, a written, electronic, or oral 4432  
order for injectable or nasally administered glucagon in the 4433  
name of a school, school district, or camp. 4434

(I) "Licensed health professional authorized to prescribe 4435  
drugs" or "prescriber" means an individual who is authorized by 4436  
law to prescribe drugs or dangerous drugs or drug therapy 4437  
related devices in the course of the individual's professional 4438  
practice, including only the following: 4439

(1) A dentist licensed under Chapter 4715. of the Revised 4440  
Code; 4441

(2) A clinical nurse specialist, certified nurse-midwife, 4442  
or certified nurse practitioner who holds a current, valid 4443  
license issued under Chapter 4723. of the Revised Code to 4444  
practice nursing as an advanced practice registered nurse; 4445

(3) A certified registered nurse anesthetist who holds a 4446  
current, valid license issued under Chapter 4723. of the Revised 4447  
Code to practice nursing as an advanced practice registered 4448  
nurse, but only to the extent of the nurse's authority under 4449  
sections 4723.43 and 4723.434 of the Revised Code; 4450

(4) An optometrist licensed under Chapter 4725. of the 4451  
Revised Code to practice optometry; 4452

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

(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;

(7) A veterinarian licensed under Chapter 4741. of the Revised Code;

(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant.

(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.

(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control

or establish responsibility. 4482

(N) "Price information" means the price charged for a 4483  
prescription for a particular drug product and, in an easily 4484  
understandable manner, all of the following: 4485

(1) The proprietary name of the drug product; 4486

(2) The established (generic) name of the drug product; 4487

(3) The strength of the drug product if the product 4488  
contains a single active ingredient or if the drug product 4489  
contains more than one active ingredient and a relevant strength 4490  
can be associated with the product without indicating each 4491  
active ingredient. The established name and quantity of each 4492  
active ingredient are required if such a relevant strength 4493  
cannot be so associated with a drug product containing more than 4494  
one ingredient. 4495

(4) The dosage form; 4496

(5) The price charged for a specific quantity of the drug 4497  
product. The stated price shall include all charges to the 4498  
consumer, including, but not limited to, the cost of the drug 4499  
product, professional fees, handling fees, if any, and a 4500  
statement identifying professional services routinely furnished 4501  
by the pharmacy. Any mailing fees and delivery fees may be 4502  
stated separately without repetition. The information shall not 4503  
be false or misleading. 4504

(O) "Wholesale distributor of dangerous drugs" or 4505  
"wholesale distributor" means a person engaged in the sale of 4506  
dangerous drugs at wholesale and includes any agent or employee 4507  
of such a person authorized by the person to engage in the sale 4508  
of dangerous drugs at wholesale. 4509

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4510  
means a person, other than a pharmacist or prescriber, who 4511  
manufactures dangerous drugs and who is engaged in the sale of 4512  
those dangerous drugs. 4513

(Q) "Terminal distributor of dangerous drugs" or "terminal 4514  
distributor" means a person who is engaged in the sale of 4515  
dangerous drugs at retail, or any person, other than a 4516  
manufacturer, repackager, outsourcing facility, third-party 4517  
logistics provider, wholesale distributor, or pharmacist, who 4518  
has possession, custody, or control of dangerous drugs for any 4519  
purpose other than for that person's own use and consumption. 4520  
"Terminal distributor" includes pharmacies, hospitals, nursing 4521  
homes, and laboratories and all other persons who procure 4522  
dangerous drugs for sale or other distribution by or under the 4523  
supervision of a pharmacist, licensed health professional 4524  
authorized to prescribe drugs, or other person authorized by the 4525  
state board of pharmacy. 4526

(R) "Promote to the public" means disseminating a 4527  
representation to the public in any manner or by any means, 4528  
other than by labeling, for the purpose of inducing, or that is 4529  
likely to induce, directly or indirectly, the purchase of a 4530  
dangerous drug at retail. 4531

(S) "Person" includes any individual, partnership, 4532  
association, limited liability company, or corporation, the 4533  
state, any political subdivision of the state, and any district, 4534  
department, or agency of the state or its political 4535  
subdivisions. 4536

(T) (1) "Animal shelter" means a facility operated by a 4537  
humane society or any society organized under Chapter 1717. of 4538  
the Revised Code or a dog pound operated pursuant to Chapter 4539

955. of the Revised Code. 4540

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code. 4541  
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(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 4544  
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(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 4546  
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(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. 4548  
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"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 4553  
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 4556  
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 4561  
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(Z) "Repackager of dangerous drugs" or "repackager" means 4568

a person that repacks and relabels dangerous drugs for sale or distribution. 4569  
4570

(AA) "Outsourcing facility" means a facility that is 4571  
engaged in the compounding and sale of sterile drugs and is 4572  
registered as an outsourcing facility with the United States 4573  
food and drug administration. 4574

(BB) "Laboratory" means a laboratory licensed under this 4575  
chapter as a terminal distributor of dangerous drugs and 4576  
entrusted to have custody of any of the following drugs and to 4577  
use the drugs for scientific and clinical purposes and for 4578  
purposes of instruction: dangerous drugs that are not controlled 4579  
substances, as defined in section 3719.01 of the Revised Code; 4580  
dangerous drugs that are controlled substances, as defined in 4581  
that section; and controlled substances in schedule I, as 4582  
defined in that section. 4583

(CC) "Overdose reversal drug" means both of the following: 4584

(1) Naloxone; 4585

(2) Any other drug that the state board of pharmacy, 4586  
through rules adopted in accordance with Chapter 119. of the 4587  
Revised Code, designates as a drug that is approved by the 4588  
federal food and drug administration for the reversal of a known 4589  
or suspected opioid-related overdose. 4590

**Sec. 4729.51.** (A) No person other than a licensed 4591  
manufacturer of dangerous drugs, outsourcing facility, third- 4592  
party logistics provider, repackager of dangerous drugs, or 4593  
wholesale distributor of dangerous drugs shall possess for sale, 4594  
sell, distribute, or deliver, at wholesale, dangerous drugs or 4595  
investigational drugs or products, except as follows: 4596

(1) A licensed terminal distributor of dangerous drugs 4597

that is a pharmacy may make occasional sales of dangerous drugs 4598  
or investigational drugs or products at wholesale. 4599

(2) A licensed terminal distributor of dangerous drugs 4600  
having more than one licensed location may transfer or deliver 4601  
dangerous drugs from one licensed location to another licensed 4602  
location owned by the terminal distributor if the license issued 4603  
for each location is in effect at the time of the transfer or 4604  
delivery. 4605

(3) A licensed terminal distributor of dangerous drugs 4606  
that is not a pharmacy may make occasional sales of the 4607  
following at wholesale: 4608

(a) Overdose reversal drugs; 4609

(b) Dangerous drugs if the drugs being sold are in 4610  
shortage, as defined in rules adopted under section 4729.26 of 4611  
the Revised Code; 4612

(c) Dangerous drugs other than those described in 4613  
divisions (A) (3) (a) and (b) of this section or investigational 4614  
drugs or products if authorized by rules adopted under section 4615  
4729.26 of the Revised Code. 4616

(B) No licensed manufacturer, outsourcing facility, third- 4617  
party logistics provider, repackager, or wholesale distributor 4618  
shall possess for sale, sell, or distribute, at wholesale, 4619  
dangerous drugs or investigational drugs or products to any 4620  
person other than the following: 4621

(1) Subject to division (D) of this section, a licensed 4622  
terminal distributor of dangerous drugs; 4623

(2) Subject to division (C) of this section, any person 4624  
exempt from licensure as a terminal distributor of dangerous 4625

drugs under section 4729.541 of the Revised Code; 4626

(3) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor; 4627  
4628

(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business. 4629  
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(C) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following: 4635  
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(1) A prescriber who is employed by either of the following: 4640  
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(a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code; 4642  
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(b) A facility, clinic, or other location that provides office-based opioid treatment but is not licensed as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section. 4646  
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(2) A business entity described in division (A) (2) or (3) of section 4729.541 of the Revised Code that is, or is operating, either of the following: 4651  
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(a) A pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

(1) In the case of a terminal distributor with a category II license, only dangerous drugs in category II, as defined in division (A)(1) of section 4729.54 of the Revised Code;

(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license.

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:

(a) Sell or distribute, at retail, dangerous drugs;

(b) Possess for sale, at retail, dangerous drugs;	4682
(c) Possess dangerous drugs.	4683
(2) (a) Divisions (E) (1) (a), (b), and (c) of this section	4684
do not apply to any of the following:	4685
(i) A licensed terminal distributor of dangerous drugs;	4686
(ii) A person who possesses, or possesses for sale or	4687
sells, at retail, a dangerous drug in accordance with Chapters	4688
3719., 4715., 4723., 4725., 4729., 4730., 4731., <del>and 4741.</del> <u>and</u>	4689
<u>4772.</u> of the Revised Code;	4690
(iii) Any of the persons identified in divisions (A) (1) to	4691
(5) and (15) of section 4729.541 of the Revised Code, but only	4692
to the extent specified in that section.	4693
(b) Division (E) (1) (c) of this section does not apply to	4694
any of the following:	4695
(i) A licensed manufacturer, outsourcing facility, third-	4696
party logistics provider, repackager, or wholesale distributor;	4697
(ii) Any of the persons identified in divisions (A) (6) to	4698
(14) of section 4729.541 of the Revised Code, but only to the	4699
extent specified in that section.	4700
(F) No licensed terminal distributor of dangerous drugs or	4701
person that is exempt from licensure under section 4729.541 of	4702
the Revised Code shall purchase dangerous drugs or	4703
investigational drugs or products from any person other than a	4704
licensed manufacturer, outsourcing facility, third-party	4705
logistics provider, repackager, or wholesale distributor, except	4706
as follows:	4707
(1) A licensed terminal distributor of dangerous drugs or	4708

person that is exempt from licensure under section 4729.541 of 4709  
the Revised Code may make occasional purchases of dangerous 4710  
drugs or investigational drugs or products that are sold in 4711  
accordance with division (A) (1) or (3) of this section. 4712

(2) A licensed terminal distributor of dangerous drugs 4713  
having more than one licensed location may transfer or deliver 4714  
dangerous drugs or investigational drugs or products from one 4715  
licensed location to another licensed location if the license 4716  
issued for each location is in effect at the time of the 4717  
transfer or delivery. 4718

(G) No licensed terminal distributor of dangerous drugs 4719  
shall engage in the retail sale or other distribution of 4720  
dangerous drugs or investigational drugs or products or maintain 4721  
possession, custody, or control of dangerous drugs or 4722  
investigational drugs or products for any purpose other than the 4723  
distributor's personal use or consumption, at any establishment 4724  
or place other than that or those described in the license 4725  
issued by the state board of pharmacy to such terminal 4726  
distributor. 4727

(H) Nothing in this section shall be construed to 4728  
interfere with the performance of official duties by any law 4729  
enforcement official authorized by municipal, county, state, or 4730  
federal law to collect samples of any drug, regardless of its 4731  
nature or in whose possession it may be. 4732

(I) Notwithstanding anything to the contrary in this 4733  
section, the board of education of a city, local, exempted 4734  
village, or joint vocational school district may distribute 4735  
epinephrine autoinjectors for use in accordance with section 4736  
3313.7110 of the Revised Code, may distribute inhalers for use 4737  
in accordance with section 3313.7113 of the Revised Code, and 4738

may distribute injectable or nasally administered glucagon for 4739  
use in accordance with section 3313.7115 of the Revised Code. 4740

**Sec. 4729.553.** (A) As used in this section: 4741

(1) "Advanced practice registered nurse" has the same 4742  
meaning as in section 4723.01 of the Revised Code. 4743

(2) "Controlled substance" has the same meaning as in 4744  
section 3719.01 of the Revised Code. 4745

(3) "Hospital" means a hospital registered with the 4746  
department of health under section 3701.07 of the Revised Code. 4747

(4) "Office-based opioid treatment" means the treatment of 4748  
opioid dependence or addiction using a controlled substance. 4749

(5) "Physician" means an individual who is authorized 4750  
under Chapter 4731. of the Revised Code to practice medicine and 4751  
surgery or osteopathic medicine and surgery. 4752

(6) "Physician assistant" means an individual who is 4753  
licensed under Chapter 4730. of the Revised Code. 4754

(7) "Certified mental health assistant" means an 4755  
individual who is licensed under Chapter 4772. of the Revised 4756  
Code. 4757

(B) (1) Except as provided in divisions (B) (2) and (3) of 4758  
this section, no person shall knowingly operate a facility, 4759  
clinic, or other location where a prescriber provides office- 4760  
based opioid treatment to more than thirty patients or that 4761  
meets any other identifying criteria established in rules 4762  
adopted under this section without holding a category III 4763  
terminal distributor of dangerous drugs license with an office- 4764  
based opioid treatment classification. 4765

- (2) Division (B)(1) of this section does not apply to any 4766  
of the following: 4767
- (a) A hospital; 4768
- (b) A facility for the treatment of opioid dependence or 4769  
addiction that is operated by a hospital; 4770
- (c) A physician practice owned or controlled, in whole or 4771  
in part, by a hospital or by an entity that owns or controls, in 4772  
whole or in part, one or more hospitals; 4773
- (d) A facility that conducts only clinical research and 4774  
uses controlled substances in studies approved by a hospital- 4775  
based institutional review board or an institutional review 4776  
board that is accredited by the association for the 4777  
accreditation of human research protection programs, inc.; 4778
- (e) A facility that holds a category III terminal 4779  
distributor of dangerous drugs license in accordance with 4780  
section 4729.54 of the Revised Code for the purpose of treating 4781  
drug dependence or addiction as part of an opioid treatment 4782  
program and is the subject of a current, valid certification 4783  
from the substance abuse and mental health services 4784  
administration of the United States department of health and 4785  
human services pursuant to 42 C.F.R. 8.11; 4786
- (f) A program or facility that holds a license or 4787  
certification issued by the department of mental health and 4788  
addiction services under Chapter 5119. of the Revised Code if 4789  
the license or certification is approved by the state board of 4790  
pharmacy; 4791
- (g) A federally qualified health center or federally 4792  
qualified health center look-alike, as defined in section 4793  
3701.047 of the Revised Code; 4794

(h) A state or local correctional facility, as defined in 4795  
section 5163.45 of the Revised Code; 4796

(i) A facility in which patients are treated on-site for 4797  
opioid dependence or addiction exclusively through direct 4798  
administration by a physician, physician assistant, ~~or~~ advanced 4799  
practice registered nurse, or certified mental health assistant 4800  
of drugs that are used for treatment of opioid dependence or 4801  
addiction and are neither dispensed nor personally furnished to 4802  
patients for off-site self-administration; 4803

(j) Any other facility specified in rules adopted under 4804  
this section. 4805

(3) A patient who receives treatment on-site for opioid 4806  
dependence or addiction through direct administration of a drug 4807  
by a physician, physician assistant, ~~or~~ advanced practice 4808  
registered nurse, or certified mental health assistant shall not 4809  
be included in determining whether more than thirty patients are 4810  
being provided office-based opioid treatment in a particular 4811  
facility, clinic, or other location that is subject to division 4812  
(B) (1) of this section. 4813

(C) To be eligible to receive a license as a category III 4814  
terminal distributor of dangerous drugs with an office-based 4815  
opioid treatment classification, an applicant shall submit 4816  
evidence satisfactory to the state board of pharmacy that the 4817  
applicant's office-based opioid treatment will be operated in 4818  
accordance with the requirements specified in division (D) of 4819  
this section and that the applicant meets any other applicable 4820  
requirements of this chapter. 4821

If the board determines that an applicant meets all of the 4822  
requirements, the board shall issue to the applicant a license 4823

as a category III terminal distributor of dangerous drugs with 4824  
an office-based opioid treatment classification. 4825

(D) The holder of a category III terminal distributor 4826  
license with an office-based opioid treatment classification 4827  
shall do all of the following: 4828

(1) Be in control of a facility that is owned and operated 4829  
solely by one or more physicians, unless the state board of 4830  
pharmacy waives this requirement for the holder; 4831

(2) Comply with the requirements for conducting office- 4832  
based opioid treatment, as established by the state medical 4833  
board in rules adopted under section 4731.056 of the Revised 4834  
Code; 4835

(3) Require any person with ownership of the facility to 4836  
submit to a criminal records check in accordance with section 4837  
4776.02 of the Revised Code and send the results of the criminal 4838  
records check directly to the state board of pharmacy for review 4839  
and decision under section 4729.071 of the Revised Code; 4840

(4) Require each person employed by or seeking employment 4841  
with the facility to submit to a criminal records check in 4842  
accordance with section 4776.02 of the Revised Code; 4843

(5) Ensure that a person is not employed by the facility 4844  
if the person, within the ten years immediately preceding the 4845  
date the person applied for employment, was convicted of or 4846  
pleaded guilty to either of the following, unless the state 4847  
board of pharmacy permits the person to be employed by waiving 4848  
this requirement for the facility: 4849

(a) A theft offense, described in division (K) (3) of 4850  
section 2913.01 of the Revised Code, that would constitute a 4851  
felony under the laws of this state, any other state, or the 4852

United States; 4853

(b) A felony drug offense, as defined in section 2925.01 4854  
of the Revised Code. 4855

(6) Maintain a list of each person with ownership of the 4856  
facility and notify the state board of pharmacy of any change to 4857  
that list. 4858

(E) No person subject to licensure as a category III 4859  
terminal distributor of dangerous drugs with an office-based 4860  
opioid treatment classification shall knowingly fail to remain 4861  
in compliance with the requirements of division (D) of this 4862  
section and any other applicable requirements of this chapter. 4863

(F) The state board of pharmacy may impose a fine of not 4864  
more than five thousand dollars on a person who violates 4865  
division (B) or (E) of this section. A separate fine may be 4866  
imposed for each day the violation continues. In imposing the 4867  
fine, the board's actions shall be taken in accordance with 4868  
Chapter 119. of the Revised Code. 4869

(G) The state board of pharmacy shall adopt rules as it 4870  
considers necessary to implement and administer this section. 4871  
The rules shall be adopted in accordance with Chapter 119. of 4872  
the Revised Code. 4873

**Sec. 4731.051.** The state medical board shall adopt rules 4874  
in accordance with Chapter 119. of the Revised Code establishing 4875  
universal blood and body fluid precautions that shall be used by 4876  
each person who performs exposure prone invasive procedures and 4877  
is authorized to practice by this chapter or Chapter 4730., 4878  
4759., 4760., 4761., 4762., 4772., or 4774. of the Revised Code. 4879  
The rules shall define and establish requirements for universal 4880  
blood and body fluid precautions that include the following: 4881



(A) Appropriate use of hand washing;	4882
(B) Disinfection and sterilization of equipment;	4883
(C) Handling and disposal of needles and other sharp instruments;	4884 4885
(D) Wearing and disposal of gloves and other protective garments and devices.	4886 4887
<b>Sec. 4731.07.</b> (A) The state medical board shall keep a record of its proceedings. The minutes of a meeting of the board shall, on approval by the board, constitute an official record of its proceedings.	4888 4889 4890 4891
(B) The board shall keep a register of applicants for licenses and certificates issued under this chapter; licenses issued under Chapters 4730., 4760., 4762., <u>4772.</u> , 4774., and 4778.; and licenses and limited permits issued under Chapters 4759. and 4761. of the Revised Code. The register shall show the name of the applicant and whether the applicant was granted or refused the license, certificate, or limited permit being sought.	4892 4893 4894 4895 4896 4897 4898 4899
With respect to applicants to practice medicine and surgery or osteopathic medicine and surgery, the register shall show the name of the institution that granted the applicant the degree of doctor of medicine or osteopathic medicine. With respect to applicants to practice respiratory care, the register shall show the addresses of the person's last known place of business and residence, the effective date and identification number of the license or limited permit, and, if applicable, the name and location of the institution that granted the person's degree or certificate of completion of respiratory care educational requirements and the date the degree or certificate	4900 4901 4902 4903 4904 4905 4906 4907 4908 4909 4910

of completion was issued. 4911

(C) The books and records of the board shall be prima- 4912  
facie evidence of matters therein contained. 4913

**Sec. 4731.071.** The state medical board shall develop and 4914  
publish on its internet web site a directory containing the 4915  
names of, and contact information for, all persons who hold 4916  
current, valid certificates or licenses issued by the board 4917  
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4918  
4772., 4774., or 4778. of the Revised Code. Except as provided 4919  
in section 4731.10 of the Revised Code, the directory shall be 4920  
the sole source for verifying that a person holds a current, 4921  
valid certificate or license issued by the board. 4922

**Sec. 4731.22.** (A) The state medical board, by an 4923  
affirmative vote of not fewer than six of its members, may 4924  
limit, revoke, or suspend a license or certificate to practice 4925  
or certificate to recommend, refuse to grant a license or 4926  
certificate, refuse to renew a license or certificate, refuse to 4927  
reinstate a license or certificate, or reprimand or place on 4928  
probation the holder of a license or certificate if the 4929  
individual applying for or holding the license or certificate is 4930  
found by the board to have committed fraud during the 4931  
administration of the examination for a license or certificate 4932  
to practice or to have committed fraud, misrepresentation, or 4933  
deception in applying for, renewing, or securing any license or 4934  
certificate to practice or certificate to recommend issued by 4935  
the board. 4936

(B) Except as provided in division (P) of this section, 4937  
the board, by an affirmative vote of not fewer than six members, 4938  
shall, to the extent permitted by law, limit, revoke, or suspend 4939  
a license or certificate to practice or certificate to 4940

recommend, refuse to issue a license or certificate, refuse to 4941  
renew a license or certificate, refuse to reinstate a license or 4942  
certificate, or reprimand or place on probation the holder of a 4943  
license or certificate for one or more of the following reasons: 4944

(1) Permitting one's name or one's license or certificate 4945  
to practice to be used by a person, group, or corporation when 4946  
the individual concerned is not actually directing the treatment 4947  
given; 4948

(2) Failure to maintain minimal standards applicable to 4949  
the selection or administration of drugs, or failure to employ 4950  
acceptable scientific methods in the selection of drugs or other 4951  
modalities for treatment of disease; 4952

(3) Except as provided in section 4731.97 of the Revised 4953  
Code, selling, giving away, personally furnishing, prescribing, 4954  
or administering drugs for other than legal and legitimate 4955  
therapeutic purposes or a plea of guilty to, a judicial finding 4956  
of guilt of, or a judicial finding of eligibility for 4957  
intervention in lieu of conviction of, a violation of any 4958  
federal or state law regulating the possession, distribution, or 4959  
use of any drug; 4960

(4) Willfully betraying a professional confidence. 4961

For purposes of this division, "willfully betraying a 4962  
professional confidence" does not include providing any 4963  
information, documents, or reports under sections 307.621 to 4964  
307.629 of the Revised Code to a child fatality review board; 4965  
does not include providing any information, documents, or 4966  
reports under sections 307.631 to 307.6410 of the Revised Code 4967  
to a drug overdose fatality review committee, a suicide fatality 4968  
review committee, or hybrid drug overdose fatality and suicide 4969

fatality review committee; does not include providing any 4970  
information, documents, or reports under sections 307.651 to 4971  
307.659 of the Revised Code to a domestic violence fatality 4972  
review board; does not include providing any information, 4973  
documents, or reports to the director of health pursuant to 4974  
guidelines established under section 3701.70 of the Revised 4975  
Code; does not include written notice to a mental health 4976  
professional under section 4731.62 of the Revised Code; and does 4977  
not include the making of a report of an employee's use of a 4978  
drug of abuse, or a report of a condition of an employee other 4979  
than one involving the use of a drug of abuse, to the employer 4980  
of the employee as described in division (B) of section 2305.33 4981  
of the Revised Code. Nothing in this division affects the 4982  
immunity from civil liability conferred by section 2305.33 or 4983  
4731.62 of the Revised Code upon a physician who makes a report 4984  
in accordance with section 2305.33 or notifies a mental health 4985  
professional in accordance with section 4731.62 of the Revised 4986  
Code. As used in this division, "employee," "employer," and 4987  
"physician" have the same meanings as in section 2305.33 of the 4988  
Revised Code. 4989

(5) Making a false, fraudulent, deceptive, or misleading 4990  
statement in the solicitation of or advertising for patients; in 4991  
relation to the practice of medicine and surgery, osteopathic 4992  
medicine and surgery, podiatric medicine and surgery, or a 4993  
limited branch of medicine; or in securing or attempting to 4994  
secure any license or certificate to practice issued by the 4995  
board. 4996

As used in this division, "false, fraudulent, deceptive, 4997  
or misleading statement" means a statement that includes a 4998  
misrepresentation of fact, is likely to mislead or deceive 4999  
because of a failure to disclose material facts, is intended or 5000

is likely to create false or unjustified expectations of 5001  
favorable results, or includes representations or implications 5002  
that in reasonable probability will cause an ordinarily prudent 5003  
person to misunderstand or be deceived. 5004

(6) A departure from, or the failure to conform to, 5005  
minimal standards of care of similar practitioners under the 5006  
same or similar circumstances, whether or not actual injury to a 5007  
patient is established; 5008

(7) Representing, with the purpose of obtaining 5009  
compensation or other advantage as personal gain or for any 5010  
other person, that an incurable disease or injury, or other 5011  
incurable condition, can be permanently cured; 5012

(8) The obtaining of, or attempting to obtain, money or 5013  
anything of value by fraudulent misrepresentations in the course 5014  
of practice; 5015

(9) A plea of guilty to, a judicial finding of guilt of, 5016  
or a judicial finding of eligibility for intervention in lieu of 5017  
conviction for, a felony; 5018

(10) Commission of an act that constitutes a felony in 5019  
this state, regardless of the jurisdiction in which the act was 5020  
committed; 5021

(11) A plea of guilty to, a judicial finding of guilt of, 5022  
or a judicial finding of eligibility for intervention in lieu of 5023  
conviction for, a misdemeanor committed in the course of 5024  
practice; 5025

(12) Commission of an act in the course of practice that 5026  
constitutes a misdemeanor in this state, regardless of the 5027  
jurisdiction in which the act was committed; 5028

(13) A plea of guilty to, a judicial finding of guilt of, 5029  
or a judicial finding of eligibility for intervention in lieu of 5030  
conviction for, a misdemeanor involving moral turpitude; 5031

(14) Commission of an act involving moral turpitude that 5032  
constitutes a misdemeanor in this state, regardless of the 5033  
jurisdiction in which the act was committed; 5034

(15) Violation of the conditions of limitation placed by 5035  
the board upon a license or certificate to practice; 5036

(16) Failure to pay license renewal fees specified in this 5037  
chapter; 5038

(17) Except as authorized in section 4731.31 of the 5039  
Revised Code, engaging in the division of fees for referral of 5040  
patients, or the receiving of a thing of value in return for a 5041  
specific referral of a patient to utilize a particular service 5042  
or business; 5043

(18) Subject to section 4731.226 of the Revised Code, 5044  
violation of any provision of a code of ethics of the American 5045  
medical association, the American osteopathic association, the 5046  
American podiatric medical association, or any other national 5047  
professional organizations that the board specifies by rule. The 5048  
state medical board shall obtain and keep on file current copies 5049  
of the codes of ethics of the various national professional 5050  
organizations. The individual whose license or certificate is 5051  
being suspended or revoked shall not be found to have violated 5052  
any provision of a code of ethics of an organization not 5053  
appropriate to the individual's profession. 5054

For purposes of this division, a "provision of a code of 5055  
ethics of a national professional organization" does not include 5056  
any provision that would preclude the making of a report by a 5057

physician of an employee's use of a drug of abuse, or of a 5058  
condition of an employee other than one involving the use of a 5059  
drug of abuse, to the employer of the employee as described in 5060  
division (B) of section 2305.33 of the Revised Code. Nothing in 5061  
this division affects the immunity from civil liability 5062  
conferred by that section upon a physician who makes either type 5063  
of report in accordance with division (B) of that section. As 5064  
used in this division, "employee," "employer," and "physician" 5065  
have the same meanings as in section 2305.33 of the Revised 5066  
Code. 5067

(19) Inability to practice according to acceptable and 5068  
prevailing standards of care by reason of mental illness or 5069  
physical illness, including, but not limited to, physical 5070  
deterioration that adversely affects cognitive, motor, or 5071  
perceptive skills. 5072

In enforcing this division, the board, upon a showing of a 5073  
possible violation, may compel any individual authorized to 5074  
practice by this chapter or who has submitted an application 5075  
pursuant to this chapter to submit to a mental examination, 5076  
physical examination, including an HIV test, or both a mental 5077  
and a physical examination. The expense of the examination is 5078  
the responsibility of the individual compelled to be examined. 5079  
Failure to submit to a mental or physical examination or consent 5080  
to an HIV test ordered by the board constitutes an admission of 5081  
the allegations against the individual unless the failure is due 5082  
to circumstances beyond the individual's control, and a default 5083  
and final order may be entered without the taking of testimony 5084  
or presentation of evidence. If the board finds an individual 5085  
unable to practice because of the reasons set forth in this 5086  
division, the board shall require the individual to submit to 5087  
care, counseling, or treatment by physicians approved or 5088

designated by the board, as a condition for initial, continued, 5089  
reinstated, or renewed authority to practice. An individual 5090  
affected under this division shall be afforded an opportunity to 5091  
demonstrate to the board the ability to resume practice in 5092  
compliance with acceptable and prevailing standards under the 5093  
provisions of the individual's license or certificate. For the 5094  
purpose of this division, any individual who applies for or 5095  
receives a license or certificate to practice under this chapter 5096  
accepts the privilege of practicing in this state and, by so 5097  
doing, shall be deemed to have given consent to submit to a 5098  
mental or physical examination when directed to do so in writing 5099  
by the board, and to have waived all objections to the 5100  
admissibility of testimony or examination reports that 5101  
constitute a privileged communication. 5102

(20) Except as provided in division (F)(1)(b) of section 5103  
4731.282 of the Revised Code or when civil penalties are imposed 5104  
under section 4731.225 of the Revised Code, and subject to 5105  
section 4731.226 of the Revised Code, violating or attempting to 5106  
violate, directly or indirectly, or assisting in or abetting the 5107  
violation of, or conspiring to violate, any provisions of this 5108  
chapter or any rule promulgated by the board. 5109

This division does not apply to a violation or attempted 5110  
violation of, assisting in or abetting the violation of, or a 5111  
conspiracy to violate, any provision of this chapter or any rule 5112  
adopted by the board that would preclude the making of a report 5113  
by a physician of an employee's use of a drug of abuse, or of a 5114  
condition of an employee other than one involving the use of a 5115  
drug of abuse, to the employer of the employee as described in 5116  
division (B) of section 2305.33 of the Revised Code. Nothing in 5117  
this division affects the immunity from civil liability 5118  
conferred by that section upon a physician who makes either type 5119



of report in accordance with division (B) of that section. As 5120  
used in this division, "employee," "employer," and "physician" 5121  
have the same meanings as in section 2305.33 of the Revised 5122  
Code. 5123

(21) The violation of section 3701.79 of the Revised Code 5124  
or of any abortion rule adopted by the director of health 5125  
pursuant to section 3701.341 of the Revised Code; 5126

(22) Any of the following actions taken by an agency 5127  
responsible for authorizing, certifying, or regulating an 5128  
individual to practice a health care occupation or provide 5129  
health care services in this state or another jurisdiction, for 5130  
any reason other than the nonpayment of fees: the limitation, 5131  
revocation, or suspension of an individual's license to 5132  
practice; acceptance of an individual's license surrender; 5133  
denial of a license; refusal to renew or reinstate a license; 5134  
imposition of probation; or issuance of an order of censure or 5135  
other reprimand; 5136

(23) The violation of section 2919.12 of the Revised Code 5137  
or the performance or inducement of an abortion upon a pregnant 5138  
woman with actual knowledge that the conditions specified in 5139  
division (B) of section 2317.56 of the Revised Code have not 5140  
been satisfied or with a heedless indifference as to whether 5141  
those conditions have been satisfied, unless an affirmative 5142  
defense as specified in division (H)(2) of that section would 5143  
apply in a civil action authorized by division (H)(1) of that 5144  
section; 5145

(24) The revocation, suspension, restriction, reduction, 5146  
or termination of clinical privileges by the United States 5147  
department of defense or department of veterans affairs or the 5148  
termination or suspension of a certificate of registration to 5149

prescribe drugs by the drug enforcement administration of the 5150  
United States department of justice; 5151

(25) Termination or suspension from participation in the 5152  
medicare or medicaid programs by the department of health and 5153  
human services or other responsible agency; 5154

(26) Impairment of ability to practice according to 5155  
acceptable and prevailing standards of care because of habitual 5156  
or excessive use or abuse of drugs, alcohol, or other substances 5157  
that impair ability to practice. 5158

For the purposes of this division, any individual 5159  
authorized to practice by this chapter accepts the privilege of 5160  
practicing in this state subject to supervision by the board. By 5161  
filing an application for or holding a license or certificate to 5162  
practice under this chapter, an individual shall be deemed to 5163  
have given consent to submit to a mental or physical examination 5164  
when ordered to do so by the board in writing, and to have 5165  
waived all objections to the admissibility of testimony or 5166  
examination reports that constitute privileged communications. 5167

If it has reason to believe that any individual authorized 5168  
to practice by this chapter or any applicant for licensure or 5169  
certification to practice suffers such impairment, the board may 5170  
compel the individual to submit to a mental or physical 5171  
examination, or both. The expense of the examination is the 5172  
responsibility of the individual compelled to be examined. Any 5173  
mental or physical examination required under this division 5174  
shall be undertaken by a treatment provider or physician who is 5175  
qualified to conduct the examination and who is chosen by the 5176  
board. 5177

Failure to submit to a mental or physical examination 5178

ordered by the board constitutes an admission of the allegations 5179  
against the individual unless the failure is due to 5180  
circumstances beyond the individual's control, and a default and 5181  
final order may be entered without the taking of testimony or 5182  
presentation of evidence. If the board determines that the 5183  
individual's ability to practice is impaired, the board shall 5184  
suspend the individual's license or certificate or deny the 5185  
individual's application and shall require the individual, as a 5186  
condition for initial, continued, reinstated, or renewed 5187  
licensure or certification to practice, to submit to treatment. 5188

Before being eligible to apply for reinstatement of a 5189  
license or certificate suspended under this division, the 5190  
impaired practitioner shall demonstrate to the board the ability 5191  
to resume practice in compliance with acceptable and prevailing 5192  
standards of care under the provisions of the practitioner's 5193  
license or certificate. The demonstration shall include, but 5194  
shall not be limited to, the following: 5195

(a) Certification from a treatment provider approved under 5196  
section 4731.25 of the Revised Code that the individual has 5197  
successfully completed any required inpatient treatment; 5198

(b) Evidence of continuing full compliance with an 5199  
aftercare contract or consent agreement; 5200

(c) Two written reports indicating that the individual's 5201  
ability to practice has been assessed and that the individual 5202  
has been found capable of practicing according to acceptable and 5203  
prevailing standards of care. The reports shall be made by 5204  
individuals or providers approved by the board for making the 5205  
assessments and shall describe the basis for their 5206  
determination. 5207

The board may reinstate a license or certificate suspended 5208  
under this division after that demonstration and after the 5209  
individual has entered into a written consent agreement. 5210

When the impaired practitioner resumes practice, the board 5211  
shall require continued monitoring of the individual. The 5212  
monitoring shall include, but not be limited to, compliance with 5213  
the written consent agreement entered into before reinstatement 5214  
or with conditions imposed by board order after a hearing, and, 5215  
upon termination of the consent agreement, submission to the 5216  
board for at least two years of annual written progress reports 5217  
made under penalty of perjury stating whether the individual has 5218  
maintained sobriety. 5219

(27) A second or subsequent violation of section 4731.66 5220  
or 4731.69 of the Revised Code; 5221

(28) Except as provided in division (N) of this section: 5222

(a) Waiving the payment of all or any part of a deductible 5223  
or copayment that a patient, pursuant to a health insurance or 5224  
health care policy, contract, or plan that covers the 5225  
individual's services, otherwise would be required to pay if the 5226  
waiver is used as an enticement to a patient or group of 5227  
patients to receive health care services from that individual; 5228

(b) Advertising that the individual will waive the payment 5229  
of all or any part of a deductible or copayment that a patient, 5230  
pursuant to a health insurance or health care policy, contract, 5231  
or plan that covers the individual's services, otherwise would 5232  
be required to pay. 5233

(29) Failure to use universal blood and body fluid 5234  
precautions established by rules adopted under section 4731.051 5235  
of the Revised Code; 5236

(30) Failure to provide notice to, and receive	5237
acknowledgment of the notice from, a patient when required by	5238
section 4731.143 of the Revised Code prior to providing	5239
nonemergency professional services, or failure to maintain that	5240
notice in the patient's medical record;	5241
(31) Failure of a physician supervising a physician	5242
assistant to maintain supervision in accordance with the	5243
requirements of Chapter 4730. of the Revised Code and the rules	5244
adopted under that chapter;	5245
(32) Failure of a physician or podiatrist to enter into a	5246
standard care arrangement with a clinical nurse specialist,	5247
certified nurse-midwife, or certified nurse practitioner with	5248
whom the physician or podiatrist is in collaboration pursuant to	5249
section 4731.27 of the Revised Code or failure to fulfill the	5250
responsibilities of collaboration after entering into a standard	5251
care arrangement;	5252
(33) Failure to comply with the terms of a consult	5253
agreement entered into with a pharmacist pursuant to section	5254
4729.39 of the Revised Code;	5255
(34) Failure to cooperate in an investigation conducted by	5256
the board under division (F) of this section, including failure	5257
to comply with a subpoena or order issued by the board or	5258
failure to answer truthfully a question presented by the board	5259
in an investigative interview, an investigative office	5260
conference, at a deposition, or in written interrogatories,	5261
except that failure to cooperate with an investigation shall not	5262
constitute grounds for discipline under this section if a court	5263
of competent jurisdiction has issued an order that either	5264
quashes a subpoena or permits the individual to withhold the	5265
testimony or evidence in issue;	5266

(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	5267 5268 5269
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	5270 5271 5272
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	5273 5274
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	5275 5276
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	5277 5278 5279
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	5280 5281 5282 5283
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	5284 5285 5286 5287
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	5288 5289 5290 5291
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to	5292 5293 5294

section 4729.75 of the Revised Code;	5295
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	5296 5297 5298 5299 5300
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	5301 5302 5303 5304 5305
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	5306 5307 5308 5309
(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	5310 5311 5312 5313 5314
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	5315 5316 5317 5318
(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	5319 5320 5321 5322
(50) Practicing at a facility, clinic, or other location	5323

that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;

(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless that place is licensed with the classification;

(52) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;

(53) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;

(54) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive;

(55) Failure of a physician supervising a certified mental health assistant to maintain supervision in accordance with the requirements of Chapter 4772. of the Revised Code and the rules adopted under that chapter.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not



fewer than six members of the board, shall constitute the 5353  
findings and order of the board with respect to the matter 5354  
addressed in the agreement. If the board refuses to ratify a 5355  
consent agreement, the admissions and findings contained in the 5356  
consent agreement shall be of no force or effect. 5357

A telephone conference call may be utilized for 5358  
ratification of a consent agreement that revokes or suspends an 5359  
individual's license or certificate to practice or certificate 5360  
to recommend. The telephone conference call shall be considered 5361  
a special meeting under division (F) of section 121.22 of the 5362  
Revised Code. 5363

If the board takes disciplinary action against an 5364  
individual under division (B) of this section for a second or 5365  
subsequent plea of guilty to, or judicial finding of guilt of, a 5366  
violation of section 2919.123 or 2919.124 of the Revised Code, 5367  
the disciplinary action shall consist of a suspension of the 5368  
individual's license or certificate to practice for a period of 5369  
at least one year or, if determined appropriate by the board, a 5370  
more serious sanction involving the individual's license or 5371  
certificate to practice. Any consent agreement entered into 5372  
under this division with an individual that pertains to a second 5373  
or subsequent plea of guilty to, or judicial finding of guilt 5374  
of, a violation of that section shall provide for a suspension 5375  
of the individual's license or certificate to practice for a 5376  
period of at least one year or, if determined appropriate by the 5377  
board, a more serious sanction involving the individual's 5378  
license or certificate to practice. 5379

(D) For purposes of divisions (B) (10), (12), and (14) of 5380  
this section, the commission of the act may be established by a 5381  
finding by the board, pursuant to an adjudication under Chapter 5382

119. of the Revised Code, that the individual committed the act. 5383  
The board does not have jurisdiction under those divisions if 5384  
the trial court renders a final judgment in the individual's 5385  
favor and that judgment is based upon an adjudication on the 5386  
merits. The board has jurisdiction under those divisions if the 5387  
trial court issues an order of dismissal upon technical or 5388  
procedural grounds. 5389

(E) The sealing or expungement of conviction records by 5390  
any court shall have no effect upon a prior board order entered 5391  
under this section or upon the board's jurisdiction to take 5392  
action under this section if, based upon a plea of guilty, a 5393  
judicial finding of guilt, or a judicial finding of eligibility 5394  
for intervention in lieu of conviction, the board issued a 5395  
notice of opportunity for a hearing prior to the court's order 5396  
to seal or expunge the records. The board shall not be required 5397  
to seal, expunge, destroy, redact, or otherwise modify its 5398  
records to reflect the court's sealing of conviction records. 5399

(F) (1) The board shall investigate evidence that appears 5400  
to show that a person has violated any provision of this chapter 5401  
or any rule adopted under it. Any person may report to the board 5402  
in a signed writing any information that the person may have 5403  
that appears to show a violation of any provision of this 5404  
chapter or any rule adopted under it. In the absence of bad 5405  
faith, any person who reports information of that nature or who 5406  
testifies before the board in any adjudication conducted under 5407  
Chapter 119. of the Revised Code shall not be liable in damages 5408  
in a civil action as a result of the report or testimony. Each 5409  
complaint or allegation of a violation received by the board 5410  
shall be assigned a case number and shall be recorded by the 5411  
board. 5412

(2) Investigations of alleged violations of this chapter 5413  
or any rule adopted under it shall be supervised by the 5414  
supervising member elected by the board in accordance with 5415  
section 4731.02 of the Revised Code and by the secretary as 5416  
provided in section 4731.39 of the Revised Code. The president 5417  
may designate another member of the board to supervise the 5418  
investigation in place of the supervising member. No member of 5419  
the board who supervises the investigation of a case shall 5420  
participate in further adjudication of the case. 5421

(3) In investigating a possible violation of this chapter 5422  
or any rule adopted under this chapter, or in conducting an 5423  
inspection under division (E) of section 4731.054 of the Revised 5424  
Code, the board may question witnesses, conduct interviews, 5425  
administer oaths, order the taking of depositions, inspect and 5426  
copy any books, accounts, papers, records, or documents, issue 5427  
subpoenas, and compel the attendance of witnesses and production 5428  
of books, accounts, papers, records, documents, and testimony, 5429  
except that a subpoena for patient record information shall not 5430  
be issued without consultation with the attorney general's 5431  
office and approval of the secretary and supervising member of 5432  
the board. 5433

(a) Before issuance of a subpoena for patient record 5434  
information, the secretary and supervising member shall 5435  
determine whether there is probable cause to believe that the 5436  
complaint filed alleges a violation of this chapter or any rule 5437  
adopted under it and that the records sought are relevant to the 5438  
alleged violation and material to the investigation. The 5439  
subpoena may apply only to records that cover a reasonable 5440  
period of time surrounding the alleged violation. 5441

(b) On failure to comply with any subpoena issued by the 5442

board and after reasonable notice to the person being 5443  
subpoenaed, the board may move for an order compelling the 5444  
production of persons or records pursuant to the Rules of Civil 5445  
Procedure. 5446

(c) A subpoena issued by the board may be served by a 5447  
sheriff, the sheriff's deputy, or a board employee or agent 5448  
designated by the board. Service of a subpoena issued by the 5449  
board may be made by delivering a copy of the subpoena to the 5450  
person named therein, reading it to the person, or leaving it at 5451  
the person's usual place of residence, usual place of business, 5452  
or address on file with the board. When serving a subpoena to an 5453  
applicant for or the holder of a license or certificate issued 5454  
under this chapter, service of the subpoena may be made by 5455  
certified mail, return receipt requested, and the subpoena shall 5456  
be deemed served on the date delivery is made or the date the 5457  
person refuses to accept delivery. If the person being served 5458  
refuses to accept the subpoena or is not located, service may be 5459  
made to an attorney who notifies the board that the attorney is 5460  
representing the person. 5461

(d) A sheriff's deputy who serves a subpoena shall receive 5462  
the same fees as a sheriff. Each witness who appears before the 5463  
board in obedience to a subpoena shall receive the fees and 5464  
mileage provided for under section 119.094 of the Revised Code. 5465

(4) All hearings, investigations, and inspections of the 5466  
board shall be considered civil actions for the purposes of 5467  
section 2305.252 of the Revised Code. 5468

(5) A report required to be submitted to the board under 5469  
this chapter, a complaint, or information received by the board 5470  
pursuant to an investigation or pursuant to an inspection under 5471  
division (E) of section 4731.054 of the Revised Code is 5472

confidential and not subject to discovery in any civil action. 5473

The board shall conduct all investigations or inspections 5474  
and proceedings in a manner that protects the confidentiality of 5475  
patients and persons who file complaints with the board. The 5476  
board shall not make public the names or any other identifying 5477  
information about patients or complainants unless proper consent 5478  
is given or, in the case of a patient, a waiver of the patient 5479  
privilege exists under division (B) of section 2317.02 of the 5480  
Revised Code, except that consent or a waiver of that nature is 5481  
not required if the board possesses reliable and substantial 5482  
evidence that no bona fide physician-patient relationship 5483  
exists. 5484

The board may share any information it receives pursuant 5485  
to an investigation or inspection, including patient records and 5486  
patient record information, with law enforcement agencies, other 5487  
licensing boards, and other governmental agencies that are 5488  
prosecuting, adjudicating, or investigating alleged violations 5489  
of statutes or administrative rules. An agency or board that 5490  
receives the information shall comply with the same requirements 5491  
regarding confidentiality as those with which the state medical 5492  
board must comply, notwithstanding any conflicting provision of 5493  
the Revised Code or procedure of the agency or board that 5494  
applies when it is dealing with other information in its 5495  
possession. In a judicial proceeding, the information may be 5496  
admitted into evidence only in accordance with the Rules of 5497  
Evidence, but the court shall require that appropriate measures 5498  
are taken to ensure that confidentiality is maintained with 5499  
respect to any part of the information that contains names or 5500  
other identifying information about patients or complainants 5501  
whose confidentiality was protected by the state medical board 5502  
when the information was in the board's possession. Measures to 5503

ensure confidentiality that may be taken by the court include 5504  
sealing its records or deleting specific information from its 5505  
records. 5506

(6) On a quarterly basis, the board shall prepare a report 5507  
that documents the disposition of all cases during the preceding 5508  
three months. The report shall contain the following information 5509  
for each case with which the board has completed its activities: 5510

(a) The case number assigned to the complaint or alleged 5511  
violation; 5512

(b) The type of license or certificate to practice, if 5513  
any, held by the individual against whom the complaint is 5514  
directed; 5515

(c) A description of the allegations contained in the 5516  
complaint; 5517

(d) The disposition of the case. 5518

The report shall state how many cases are still pending 5519  
and shall be prepared in a manner that protects the identity of 5520  
each person involved in each case. The report shall be a public 5521  
record under section 149.43 of the Revised Code. 5522

(G) If the secretary and supervising member determine both 5523  
of the following, they may recommend that the board suspend an 5524  
individual's license or certificate to practice or certificate 5525  
to recommend without a prior hearing: 5526

(1) That there is clear and convincing evidence that an 5527  
individual has violated division (B) of this section; 5528

(2) That the individual's continued practice presents a 5529  
danger of immediate and serious harm to the public. 5530

Written allegations shall be prepared for consideration by 5531  
the board. The board, upon review of those allegations and by an 5532  
affirmative vote of not fewer than six of its members, excluding 5533  
the secretary and supervising member, may suspend a license or 5534  
certificate without a prior hearing. A telephone conference call 5535  
may be utilized for reviewing the allegations and taking the 5536  
vote on the summary suspension. 5537

The board shall issue a written order of suspension by 5538  
certified mail or in person in accordance with section 119.07 of 5539  
the Revised Code. The order shall not be subject to suspension 5540  
by the court during pendency of any appeal filed under section 5541  
119.12 of the Revised Code. If the individual subject to the 5542  
summary suspension requests an adjudicatory hearing by the 5543  
board, the date set for the hearing shall be within fifteen 5544  
days, but not earlier than seven days, after the individual 5545  
requests the hearing, unless otherwise agreed to by both the 5546  
board and the individual. 5547

Any summary suspension imposed under this division shall 5548  
remain in effect, unless reversed on appeal, until a final 5549  
adjudicative order issued by the board pursuant to this section 5550  
and Chapter 119. of the Revised Code becomes effective. The 5551  
board shall issue its final adjudicative order within seventy- 5552  
five days after completion of its hearing. A failure to issue 5553  
the order within seventy-five days shall result in dissolution 5554  
of the summary suspension order but shall not invalidate any 5555  
subsequent, final adjudicative order. 5556

(H) If the board takes action under division (B) (9), (11), 5557  
or (13) of this section and the judicial finding of guilt, 5558  
guilty plea, or judicial finding of eligibility for intervention 5559  
in lieu of conviction is overturned on appeal, upon exhaustion 5560

of the criminal appeal, a petition for reconsideration of the 5561  
order may be filed with the board along with appropriate court 5562  
documents. Upon receipt of a petition of that nature and 5563  
supporting court documents, the board shall reinstate the 5564  
individual's license or certificate to practice. The board may 5565  
then hold an adjudication under Chapter 119. of the Revised Code 5566  
to determine whether the individual committed the act in 5567  
question. Notice of an opportunity for a hearing shall be given 5568  
in accordance with Chapter 119. of the Revised Code. If the 5569  
board finds, pursuant to an adjudication held under this 5570  
division, that the individual committed the act or if no hearing 5571  
is requested, the board may order any of the sanctions 5572  
identified under division (B) of this section. 5573

(I) The license or certificate to practice issued to an 5574  
individual under this chapter and the individual's practice in 5575  
this state are automatically suspended as of the date of the 5576  
individual's second or subsequent plea of guilty to, or judicial 5577  
finding of guilt of, a violation of section 2919.123 or 2919.124 5578  
of the Revised Code. In addition, the license or certificate to 5579  
practice or certificate to recommend issued to an individual 5580  
under this chapter and the individual's practice in this state 5581  
are automatically suspended as of the date the individual pleads 5582  
guilty to, is found by a judge or jury to be guilty of, or is 5583  
subject to a judicial finding of eligibility for intervention in 5584  
lieu of conviction in this state or treatment or intervention in 5585  
lieu of conviction in another jurisdiction for any of the 5586  
following criminal offenses in this state or a substantially 5587  
equivalent criminal offense in another jurisdiction: aggravated 5588  
murder, murder, voluntary manslaughter, felonious assault, 5589  
kidnapping, rape, sexual battery, gross sexual imposition, 5590  
aggravated arson, aggravated robbery, or aggravated burglary. 5591



Continued practice after suspension shall be considered 5592  
practicing without a license or certificate. 5593

The board shall notify the individual subject to the 5594  
suspension by certified mail or in person in accordance with 5595  
section 119.07 of the Revised Code. If an individual whose 5596  
license or certificate is automatically suspended under this 5597  
division fails to make a timely request for an adjudication 5598  
under Chapter 119. of the Revised Code, the board shall do 5599  
whichever of the following is applicable: 5600

(1) If the automatic suspension under this division is for 5601  
a second or subsequent plea of guilty to, or judicial finding of 5602  
guilt of, a violation of section 2919.123 or 2919.124 of the 5603  
Revised Code, the board shall enter an order suspending the 5604  
individual's license or certificate to practice for a period of 5605  
at least one year or, if determined appropriate by the board, 5606  
imposing a more serious sanction involving the individual's 5607  
license or certificate to practice. 5608

(2) In all circumstances in which division (I)(1) of this 5609  
section does not apply, enter a final order permanently revoking 5610  
the individual's license or certificate to practice. 5611

(J) If the board is required by Chapter 119. of the 5612  
Revised Code to give notice of an opportunity for a hearing and 5613  
if the individual subject to the notice does not timely request 5614  
a hearing in accordance with section 119.07 of the Revised Code, 5615  
the board is not required to hold a hearing, but may adopt, by 5616  
an affirmative vote of not fewer than six of its members, a 5617  
final order that contains the board's findings. In that final 5618  
order, the board may order any of the sanctions identified under 5619  
division (A) or (B) of this section. 5620

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative

vote of not fewer than six members of the board. 5651

(2) An application for a license or certificate made under 5652  
the provisions of this chapter may not be withdrawn without 5653  
approval of the board. 5654

(3) Failure by an individual to renew a license or 5655  
certificate to practice in accordance with this chapter or a 5656  
certificate to recommend in accordance with rules adopted under 5657  
section 4731.301 of the Revised Code shall not remove or limit 5658  
the board's jurisdiction to take any disciplinary action under 5659  
this section against the individual. 5660

(4) At the request of the board, a license or certificate 5661  
holder shall immediately surrender to the board a license or 5662  
certificate that the board has suspended, revoked, or 5663  
permanently revoked. 5664

(N) Sanctions shall not be imposed under division (B) (28) 5665  
of this section against any person who waives deductibles and 5666  
copayments as follows: 5667

(1) In compliance with the health benefit plan that 5668  
expressly allows such a practice. Waiver of the deductibles or 5669  
copayments shall be made only with the full knowledge and 5670  
consent of the plan purchaser, payer, and third-party 5671  
administrator. Documentation of the consent shall be made 5672  
available to the board upon request. 5673

(2) For professional services rendered to any other person 5674  
authorized to practice pursuant to this chapter, to the extent 5675  
allowed by this chapter and rules adopted by the board. 5676

(O) Under the board's investigative duties described in 5677  
this section and subject to division (F) of this section, the 5678  
board shall develop and implement a quality intervention program 5679

designed to improve through remedial education the clinical and 5680  
communication skills of individuals authorized under this 5681  
chapter to practice medicine and surgery, osteopathic medicine 5682  
and surgery, and podiatric medicine and surgery. In developing 5683  
and implementing the quality intervention program, the board may 5684  
do all of the following: 5685

(1) Offer in appropriate cases as determined by the board 5686  
an educational and assessment program pursuant to an 5687  
investigation the board conducts under this section; 5688

(2) Select providers of educational and assessment 5689  
services, including a quality intervention program panel of case 5690  
reviewers; 5691

(3) Make referrals to educational and assessment service 5692  
providers and approve individual educational programs 5693  
recommended by those providers. The board shall monitor the 5694  
progress of each individual undertaking a recommended individual 5695  
educational program. 5696

(4) Determine what constitutes successful completion of an 5697  
individual educational program and require further monitoring of 5698  
the individual who completed the program or other action that 5699  
the board determines to be appropriate; 5700

(5) Adopt rules in accordance with Chapter 119. of the 5701  
Revised Code to further implement the quality intervention 5702  
program. 5703

An individual who participates in an individual 5704  
educational program pursuant to this division shall pay the 5705  
financial obligations arising from that educational program. 5706

(P) The board shall not refuse to issue a license to an 5707  
applicant because of a conviction, plea of guilty, judicial 5708

finding of guilt, judicial finding of eligibility for 5709  
intervention in lieu of conviction, or the commission of an act 5710  
that constitutes a criminal offense, unless the refusal is in 5711  
accordance with section 9.79 of the Revised Code. 5712

**Sec. 4731.224.** (A) Within sixty days after the imposition 5713  
of any formal disciplinary action taken by any health care 5714  
facility, including a hospital, health care facility operated by 5715  
a health insuring corporation, ambulatory surgical center, or 5716  
similar facility, against any individual holding a valid license 5717  
or certificate to practice issued pursuant to this chapter, the 5718  
chief administrator or executive officer of the facility shall 5719  
report to the state medical board the name of the individual, 5720  
the action taken by the facility, and a summary of the 5721  
underlying facts leading to the action taken. Upon request, the 5722  
board shall be provided certified copies of the patient records 5723  
that were the basis for the facility's action. Prior to release 5724  
to the board, the summary shall be approved by the peer review 5725  
committee that reviewed the case or by the governing board of 5726  
the facility. As used in this division, "formal disciplinary 5727  
action" means any action resulting in the revocation, 5728  
restriction, reduction, or termination of clinical privileges 5729  
for violations of professional ethics, or for reasons of medical 5730  
incompetence or medical malpractice. "Formal disciplinary 5731  
action" includes a summary action, an action that takes effect 5732  
notwithstanding any appeal rights that may exist, and an action 5733  
that results in an individual surrendering clinical privileges 5734  
while under investigation and during proceedings regarding the 5735  
action being taken or in return for not being investigated or 5736  
having proceedings held. "Formal disciplinary action" does not 5737  
include any action taken for the sole reason of failure to 5738  
maintain records on a timely basis or failure to attend staff or 5739

section meetings. 5740

The filing or nonfiling of a report with the board, 5741  
investigation by the board, or any disciplinary action taken by 5742  
the board, shall not preclude any action by a health care 5743  
facility to suspend, restrict, or revoke the individual's 5744  
clinical privileges. 5745

In the absence of fraud or bad faith, no individual or 5746  
entity that provides patient records to the board shall be 5747  
liable in damages to any person as a result of providing the 5748  
records. 5749

(B) (1) Except as provided in division (B) (2) of this 5750  
section, if any individual authorized to practice under this 5751  
chapter or any professional association or society of such 5752  
individuals believes that a violation of any provision of this 5753  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4772., 5754  
4774., or 4778. of the Revised Code, or any rule of the board 5755  
has occurred, the individual, association, or society shall 5756  
report to the board the information upon which the belief is 5757  
based. 5758

(2) If any individual authorized to practice under this 5759  
chapter or any professional association or society of such 5760  
individuals believes that a violation of division (B) (26) of 5761  
section 4731.22 of the Revised Code has occurred, the 5762  
individual, association, or society shall report the information 5763  
upon which the belief is based to the monitoring organization 5764  
conducting the program established by the board under section 5765  
4731.251 of the Revised Code. If any such report is made to the 5766  
board, it shall be referred to the monitoring organization 5767  
unless the board is aware that the individual who is the subject 5768  
of the report does not meet the program eligibility requirements 5769

of section 4731.252 of the Revised Code. 5770

(C) Any professional association or society composed 5771  
primarily of doctors of medicine and surgery, doctors of 5772  
osteopathic medicine and surgery, doctors of podiatric medicine 5773  
and surgery, or practitioners of limited branches of medicine 5774  
that suspends or revokes an individual's membership for 5775  
violations of professional ethics, or for reasons of 5776  
professional incompetence or professional malpractice, within 5777  
sixty days after a final decision shall report to the board, on 5778  
forms prescribed and provided by the board, the name of the 5779  
individual, the action taken by the professional organization, 5780  
and a summary of the underlying facts leading to the action 5781  
taken. 5782

The filing of a report with the board or decision not to 5783  
file a report, investigation by the board, or any disciplinary 5784  
action taken by the board, does not preclude a professional 5785  
organization from taking disciplinary action against an 5786  
individual. 5787

(D) Any insurer providing professional liability insurance 5788  
to an individual authorized to practice under this chapter, or 5789  
any other entity that seeks to indemnify the professional 5790  
liability of such an individual, shall notify the board within 5791  
thirty days after the final disposition of any written claim for 5792  
damages where such disposition results in a payment exceeding 5793  
twenty-five thousand dollars. The notice shall contain the 5794  
following information: 5795

(1) The name and address of the person submitting the 5796  
notification; 5797

(2) The name and address of the insured who is the subject 5798

of the claim;	5799
(3) The name of the person filing the written claim;	5800
(4) The date of final disposition;	5801
(5) If applicable, the identity of the court in which the final disposition of the claim took place.	5802 5803
(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty- five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual.	5804 5805 5806 5807 5808 5809 5810 5811 5812 5813
(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order.	5814 5815 5816 5817 5818 5819 5820 5821 5822 5823 5824
The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in	5825 5826 5827



credentialing or recredentialing the individual or in reviewing 5828  
the individual's clinical privileges. The board shall indicate 5829  
whether or not the information has been verified. Information 5830  
transmitted by the board shall be subject to the same 5831  
confidentiality provisions as when maintained by the board. 5832

(G) Except for reports filed by an individual pursuant to 5833  
division (B) of this section, the board shall send a copy of any 5834  
reports or summaries it receives pursuant to this section to the 5835  
individual who is the subject of the reports or summaries. The 5836  
individual shall have the right to file a statement with the 5837  
board concerning the correctness or relevance of the 5838  
information. The statement shall at all times accompany that 5839  
part of the record in contention. 5840

(H) An individual or entity that, pursuant to this 5841  
section, reports to the board, reports to the monitoring 5842  
organization described in section 4731.251 of the Revised Code, 5843  
or refers an impaired practitioner to a treatment provider 5844  
approved by the board under section 4731.25 of the Revised Code 5845  
shall not be subject to suit for civil damages as a result of 5846  
the report, referral, or provision of the information. 5847

(I) In the absence of fraud or bad faith, no professional 5848  
association or society of individuals authorized to practice 5849  
under this chapter that sponsors a committee or program to 5850  
provide peer assistance to practitioners with substance abuse 5851  
problems, no representative or agent of such a committee or 5852  
program, no representative or agent of the monitoring 5853  
organization described in section 4731.251 of the Revised Code, 5854  
and no member of the state medical board shall be held liable in 5855  
damages to any person by reason of actions taken to refer a 5856  
practitioner to a treatment provider approved under section 5857

4731.25 of the Revised Code for examination or treatment. 5858

**Sec. 4731.24.** Except as provided in sections 4731.281 and 5859  
4731.40 of the Revised Code, all receipts of the state medical 5860  
board, from any source, shall be deposited in the state 5861  
treasury. The funds shall be deposited to the credit of the 5862  
state medical board operating fund, which is hereby created. 5863  
Except as provided in sections 4730.252, 4731.225, 4731.24, 5864  
4759.071, 4760.133, 4761.091, 4762.133, 4772.203, 4774.133, and 5865  
4778.141 of the Revised Code, all funds deposited into the state 5866  
treasury under this section shall be used solely for the 5867  
administration and enforcement of this chapter and Chapters 5868  
4730., 4759., 4760., 4761., 4762., 4772., 4774., and 4778. of 5869  
the Revised Code by the board. 5870

**Sec. 4731.25.** The state medical board, in accordance with 5871  
Chapter 119. of the Revised Code, shall adopt and may amend and 5872  
rescind rules establishing standards for approval of physicians 5873  
and facilities as treatment providers for practitioners 5874  
suffering or showing evidence of suffering impairment as 5875  
described in division (B) (5) of section 4730.25, division (B) 5876  
(26) of section 4731.22, division (A) (18) of section 4759.07, 5877  
division (B) (6) of section 4760.13, division (A) (18) of section 5878  
4761.09, division (B) (6) of section 4762.13, division (B) (6) of 5879  
section 4772.20, division (B) (6) of section 4774.13, or division 5880  
(B) (6) of section 4778.14 of the Revised Code. The rules shall 5881  
include standards for both inpatient and outpatient treatment 5882  
and for care and monitoring that continues after treatment. The 5883  
rules shall provide that in order to be approved, a treatment 5884  
provider must have the capability of making an initial 5885  
examination to determine what type of treatment an impaired 5886  
practitioner requires. Subject to the rules, the board shall 5887  
review and approve treatment providers on a regular basis. The 5888

board, at its discretion, may withdraw or deny approval subject 5889  
to the rules. 5890

An approved impaired practitioner treatment provider shall 5891  
do all of the following: 5892

(A) Report to the board the name of any practitioner 5893  
suffering or showing evidence of suffering impairment who fails 5894  
to comply within one week with a referral for examination; 5895

(B) Report to the board the name of any impaired 5896  
practitioner who fails to enter treatment within forty-eight 5897  
hours following the provider's determination that the 5898  
practitioner needs treatment; 5899

(C) Require every practitioner who enters treatment to 5900  
agree to a treatment contract establishing the terms of 5901  
treatment and aftercare, including any required supervision or 5902  
restrictions of practice during treatment or aftercare; 5903

(D) Require a practitioner to suspend practice upon entry 5904  
into any required inpatient treatment; 5905

(E) Report to the board any failure by an impaired 5906  
practitioner to comply with the terms of the treatment contract 5907  
during inpatient or outpatient treatment or aftercare; 5908

(F) Report to the board the resumption of practice of any 5909  
impaired practitioner before the treatment provider has made a 5910  
clear determination that the practitioner is capable of 5911  
practicing according to acceptable and prevailing standards of 5912  
care; 5913

(G) Require a practitioner who resumes practice after 5914  
completion of treatment to comply with an aftercare contract 5915  
that meets the requirements of rules adopted by the board for 5916

approval of treatment providers; 5917

(H) Report the identity of any practitioner practicing 5918  
under the terms of an aftercare contract to hospital 5919  
administrators, medical chiefs of staff, and chairpersons of 5920  
impaired practitioner committees of all health care institutions 5921  
at which the practitioner holds clinical privileges or otherwise 5922  
practices. If the practitioner does not hold clinical privileges 5923  
at any health care institution, the treatment provider shall 5924  
report the practitioner's identity to the impaired practitioner 5925  
committee of the county medical society, osteopathic academy, or 5926  
podiatric medical association in every county in which the 5927  
practitioner practices. If there are no impaired practitioner 5928  
committees in the county, the treatment provider shall report 5929  
the practitioner's identity to the president or other designated 5930  
member of the county medical society, osteopathic academy, or 5931  
podiatric medical association. 5932

(I) Report to the board the identity of any practitioner 5933  
who suffers a relapse at any time during or following aftercare. 5934

Any individual authorized to practice under this chapter 5935  
who enters into treatment by an approved treatment provider 5936  
shall be deemed to have waived any confidentiality requirements 5937  
that would otherwise prevent the treatment provider from making 5938  
reports required under this section. 5939

In the absence of fraud or bad faith, no person or 5940  
organization that conducts an approved impaired practitioner 5941  
treatment program, no member of such an organization, and no 5942  
employee, representative, or agent of the treatment provider 5943  
shall be held liable in damages to any person by reason of 5944  
actions taken or recommendations made by the treatment provider 5945  
or its employees, representatives, or agents. 5946

**Sec. 4731.251.** (A) As used in this section and in sections 4731.252 to 4731.254 of the Revised Code:

(1) "Applicant" means an individual who has applied under Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., or 4778. of the Revised Code for a license, training or other certificate, limited permit, or other authority to practice as any one of the following practitioners: a physician assistant, physician, podiatrist, limited branch of medicine practitioner, dietitian, anesthesiologist assistant, respiratory care professional, acupuncturist, certified mental health assistant, radiologist assistant, or genetic counselor. "Applicant" may include an individual who has been granted authority by the state medical board to practice as one type of practitioner, but has applied for authority to practice as another type of practitioner.

(2) "Impaired" or "impairment" has the same meaning as in division (B)(5) of section 4730.25, division (B)(26) of section 4731.22, division (A)(18) of section 4759.07, division (B)(6) of section 4760.13, division (A)(18) of section 4761.09, division (B)(6) of section 4762.13, division (B)(6) of section 4772.20, division (B)(6) of section 4774.13, or division (B)(6) of section 4778.14 of the Revised Code.

(3) "Practitioner" means any of the following:

(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine;

(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;

(c) An individual authorized under Chapter 4759. of the

Revised Code to practice as a dietitian;	5976
(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;	5977 5978
(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care;	5979 5980
(f) An individual authorized under Chapter 4762. of the Revised Code to practice as an acupuncturist;	5981 5982
(g) <u>An individual licensed under Chapter 4772. of the Revised Code to practice as a certified mental health assistant;</u>	5983 5984
<u>(h)</u> An individual authorized under Chapter 4774. of the Revised Code to practice as a radiologist assistant;	5985 5986
<del>(h)</del> <u>(i)</u> An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.	5987 5988
(B) The state medical board shall establish a confidential program for the treatment of impaired practitioners and applicants, which shall be known as the one-bite program. The board shall contract with one organization to conduct the program and perform monitoring services.	5989 5990 5991 5992 5993
To be qualified to contract with the board under this section, an organization must meet all of the following requirements:	5994 5995 5996
(1) Be sponsored by one or more professional associations or societies of practitioners;	5997 5998
(2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;	5999 6000 6001
(3) Contract with or employ to serve as the organization's	6002

medical director an individual who is authorized under this 6003  
chapter to practice medicine and surgery or osteopathic medicine 6004  
and surgery and specializes or has training and expertise in 6005  
addiction medicine; 6006

(4) Contract with or employ one or more of the following 6007  
as necessary for the organization's operation: 6008

(a) An individual licensed under Chapter 4758. of the 6009  
Revised Code as an independent chemical dependency counselor- 6010  
clinical supervisor, independent chemical dependency counselor, 6011  
chemical dependency counselor III, or chemical dependency 6012  
counselor II; 6013

(b) An individual licensed under Chapter 4757. of the 6014  
Revised Code as an independent social worker, social worker, 6015  
licensed professional clinical counselor, or licensed 6016  
professional counselor; 6017

(c) An individual licensed under Chapter 4732. of the 6018  
Revised Code as a psychologist. 6019

(C) The monitoring organization shall do all of the 6020  
following pursuant to the contract: 6021

(1) Receive any report of suspected practitioner 6022  
impairment, including a report made under division (B) (2) of 6023  
section 4730.32, division (B) (2) of section 4731.224, section 6024  
4759.13, division (B) (2) of section 4760.16, section 4761.19, 6025  
division (B) (2) of section 4762.16, division (B) (2) of section 6026  
4772.23, division (B) (2) of section 4774.16, or section 4778.17 6027  
of the Revised Code; 6028

(2) Notify a practitioner who is the subject of a report 6029  
received under division (C) (1) of this section that the report 6030  
has been made and that the practitioner may be eligible to 6031

participate in the program conducted under this section; 6032

(3) Receive from the board a referral regarding an 6033  
applicant, as described in section 4731.253 of the Revised Code; 6034

(4) Evaluate the records of an applicant who is the 6035  
subject of a referral received under division (C)(3) of this 6036  
section, in particular records from another jurisdiction 6037  
regarding the applicant's prior treatment for impairment or 6038  
current monitoring; 6039

(5) Determine whether a practitioner reported or applicant 6040  
referred to the monitoring organization is eligible to 6041  
participate in the program and notify the practitioner or 6042  
applicant of the determination; 6043

(6) In the case of a practitioner reported by a treatment 6044  
provider, notify the treatment provider of the eligibility 6045  
determination; 6046

(7) Report to the board any practitioner or applicant who 6047  
is determined ineligible to participate in the program; 6048

(8) Refer an eligible practitioner who chooses to 6049  
participate in the program for evaluation by a treatment 6050  
provider approved by the board under section 4731.25 of the 6051  
Revised Code, unless the report received by the monitoring 6052  
organization was made by an approved treatment provider and the 6053  
practitioner has already been evaluated by the treatment 6054  
provider; 6055

(9) Monitor the evaluation of an eligible practitioner; 6056

(10) Refer an eligible practitioner who chooses to 6057  
participate in the program to a treatment provider approved by 6058  
the board under section 4731.25 of the Revised Code; 6059



(11) Establish, in consultation with the treatment provider to which a practitioner is referred, the terms and conditions with which the practitioner must comply for continued participation in and successful completion of the program;

(12) Report to the board any practitioner who does not complete evaluation or treatment or does not comply with any of the terms and conditions established by the monitoring organization and the treatment provider;

(13) Perform any other activities specified in the contract with the board or that the monitoring organization considers necessary to comply with this section and sections 4731.252 to 4731.254 of the Revised Code.

(D) The monitoring organization shall not disclose to the board the name of a practitioner or applicant or any records relating to a practitioner or applicant, unless any of the following occurs:

(1) The practitioner or applicant is determined to be ineligible to participate in the program.

(2) The practitioner or applicant requests the disclosure.

(3) The practitioner or applicant is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring.

(4) The practitioner or applicant presents an imminent danger to the public or to the practitioner, as a result of the practitioner's or applicant's impairment.

(5) The practitioner has relapsed or the practitioner's impairment has not been substantially alleviated by participation in the program.

- (E) (1) The monitoring organization shall develop 6088  
procedures governing each of the following: 6089
- (a) Receiving reports of practitioner impairment; 6090
  - (b) Notifying practitioners of reports and eligibility 6091  
determinations; 6092
  - (c) Receiving applicant referrals as described in section 6093  
4731.253 of the Revised Code; 6094
  - (d) Evaluating records of referred applicants, in 6095  
particular records from other jurisdictions regarding prior 6096  
treatment for impairment or continued monitoring; 6097
  - (e) Notifying applicants of eligibility determinations; 6098
  - (f) Referring eligible practitioners for evaluation or 6099  
treatment; 6100
  - (g) Establishing individualized treatment plans for 6101  
eligible practitioners, as recommended by treatment providers; 6102
  - (h) Establishing individualized terms and conditions with 6103  
which eligible practitioners or applicants must comply for 6104  
continued participation in and successful completion of the 6105  
program. 6106
- (2) The monitoring organization, in consultation with the 6107  
board, shall develop procedures governing each of the following: 6108
- (a) Providing reports to the board on a periodic basis on 6109  
the total number of practitioners or applicants participating in 6110  
the program, without disclosing the names or records of any 6111  
program participants other than those about whom reports are 6112  
required by this section; 6113
  - (b) Reporting to the board any practitioner or applicant 6114

who due to impairment presents an imminent danger to the public 6115  
or to the practitioner or applicant; 6116

(c) Reporting to the board any practitioner or applicant 6117  
who is unwilling or unable to complete or comply with any part 6118  
of the program, including evaluation, treatment, or monitoring; 6119

(d) Reporting to the board any practitioner or applicant 6120  
whose impairment was not substantially alleviated by 6121  
participation in the program or who has relapsed. 6122

(F) The board may adopt any rules it considers necessary 6123  
to implement this section and sections 4731.252 to 4731.254 of 6124  
the Revised Code, including rules regarding the monitoring 6125  
organization and treatment providers that provide treatment to 6126  
practitioners referred by the monitoring organization. Any such 6127  
rules shall be adopted in accordance with Chapter 119. of the 6128  
Revised Code. 6129

**Sec. 4734.99.** (A) Whoever violates section 4734.14 or 6130  
4734.141 of the Revised Code is guilty of a felony of the fifth 6131  
degree on a first offense, unless the offender previously has 6132  
been convicted of or has pleaded guilty to a violation of 6133  
section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 6134  
2913.40, 2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 6135  
4725.02, 4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 6136  
4730.02, 4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 6137  
4741.18, 4741.19, 4755.48, 4757.02, 4759.02, 4761.10, 4772.02, 6138  
or 4773.02 of the Revised Code or an offense under an existing 6139  
or former law of this state, another state, or the United States 6140  
that is or was substantially equivalent to a violation of any of 6141  
those sections, in which case the offender is guilty of a felony 6142  
of the fourth degree. For each subsequent offense, the offender 6143  
is guilty of a felony of the fourth degree. 6144

(B) Whoever violates section 4734.161 of the Revised Code 6145  
is guilty of a misdemeanor of the first degree. 6146

(C) Whoever violates division (A), (B), (C), or (D) of 6147  
section 4734.32 of the Revised Code is guilty of a minor 6148  
misdemeanor on a first offense; on each subsequent offense, the 6149  
person is guilty of a misdemeanor of the fourth degree, except 6150  
that an individual guilty of a subsequent offense shall not be 6151  
subject to imprisonment, but to a fine alone of up to one 6152  
thousand dollars for each offense. 6153

**Sec. 4743.09.** (A) As used in this section: 6154

(1) "Durable medical equipment" means a type of equipment, 6155  
such as a remote monitoring device utilized by a physician, 6156  
physician assistant, or advanced practice registered nurse in 6157  
accordance with this section, that can withstand repeated use, 6158  
is primarily and customarily used to serve a medical purpose, 6159  
and generally is not useful to a person in the absence of 6160  
illness or injury and, in addition, includes repair and 6161  
replacement parts for the equipment. 6162

(2) "Facility fee" means any fee charged or billed for 6163  
telehealth services provided in a facility that is intended to 6164  
compensate the facility for its operational expenses and is 6165  
separate and distinct from a professional fee. 6166

(3) "Health care professional" means: 6167

(a) An advanced practice registered nurse, as defined in 6168  
section 4723.01 of the Revised Code; 6169

(b) An optometrist licensed under Chapter 4725. of the 6170  
Revised Code to practice optometry; 6171

(c) A pharmacist licensed under Chapter 4729. of the 6172

Revised Code;	6173
(d) A physician assistant licensed under Chapter 4730. of the Revised Code;	6174 6175
(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	6176 6177 6178
(f) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code;	6179 6180 6181
(g) A chiropractor licensed under Chapter 4734. of the Revised Code;	6182 6183
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	6184 6185
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	6186 6187
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	6188 6189 6190
(k) A professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code;	6191 6192 6193
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	6194 6195
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	6196 6197
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	6198 6199

(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	6200 6201
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	6202 6203
<u>(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6204 6205
(4) "Health care professional licensing board" means any of the following:	6206 6207
(a) The board of nursing;	6208
(b) The state vision professionals board;	6209
(c) The state board of pharmacy;	6210
(d) The state medical board;	6211
(e) The state board of psychology;	6212
(f) The state chiropractic board;	6213
(g) The state speech and hearing professionals board;	6214
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	6215 6216
(i) The counselor, social worker, and marriage and family therapist board;	6217 6218
(j) The chemical dependency professionals board.	6219
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	6220 6221
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the	6222 6223 6224

professional's scope of practice, who is located at a site other 6225  
than the site where either of the following is located: 6226

(a) The patient receiving the services; 6227

(b) Another health care professional with whom the 6228  
provider of the services is consulting regarding the patient. 6229

(B) (1) Each health care professional licensing board shall 6230  
permit a health care professional under its jurisdiction to 6231  
provide the professional's services as telehealth services in 6232  
accordance with this section. Subject to division (B) (2) of this 6233  
section, a board may adopt any rules it considers necessary to 6234  
implement this section. All rules adopted under this section 6235  
shall be adopted in accordance with Chapter 119. of the Revised 6236  
Code. Any such rules adopted by a board are not subject to the 6237  
requirements of division (F) of section 121.95 of the Revised 6238  
Code. 6239

(2) (a) Except as provided in division (B) (2) (b) of this 6240  
section, the rules adopted by a health care professional 6241  
licensing board under this section shall establish a standard of 6242  
care for telehealth services that is equal to the standard of 6243  
care for in-person services. 6244

(b) Subject to division (B) (2) (c) of this section, a board 6245  
may require an initial in-person visit prior to prescribing a 6246  
schedule II controlled substance to a new patient, equivalent to 6247  
applicable state and federal requirements. 6248

(c) (i) A board shall not require an initial in-person 6249  
visit for a new patient whose medical record indicates that the 6250  
patient is receiving hospice or palliative care, who is 6251  
receiving medication-assisted treatment or any other medication 6252  
for opioid-use disorder, who is a patient with a mental health 6253

condition, or who, as determined by the clinical judgment of a health care professional, is in an emergency situation.

(ii) Notwithstanding division (B) of section 3796.01 of the Revised Code, medical marijuana shall not be considered a schedule II controlled substance.

(C) With respect to the provision of telehealth services, all of the following apply:

(1) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an initial visit if the appropriate standard of care for an initial visit is satisfied.

(2) A health care professional may deny a patient telehealth services and, instead, require the patient to undergo an in-person visit.

(3) When providing telehealth services in accordance with this section, a health care professional shall comply with all requirements under state and federal law regarding the protection of patient information. A health care professional shall ensure that any username or password information and any electronic communications between the professional and a patient are securely transmitted and stored.

(4) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an annual visit if the appropriate standard of care for an annual visit is satisfied.

(5) In the case of a health care professional who is a physician, physician assistant, or advanced practice registered nurse, both of the following apply:



(a) The professional may provide telehealth services to a patient located outside of this state if permitted by the laws of the state in which the patient is located.

(b) The professional may provide telehealth services through the use of medical devices that enable remote monitoring, including such activities as monitoring a patient's blood pressure, heart rate, or glucose level.

(D) When a patient has consented to receiving telehealth services, the health care professional who provides those services is not liable in damages under any claim made on the basis that the services do not meet the same standard of care that would apply if the services were provided in-person.

(E) (1) A health care professional providing telehealth services shall not charge a patient or a health plan issuer covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the

cost of providing the services, but the requirement to do so 6311  
applies only once. 6312

(F) Nothing in this section limits or otherwise affects 6313  
any other provision of the Revised Code that requires a health 6314  
care professional who is not a physician to practice under the 6315  
supervision of, in collaboration with, in consultation with, or 6316  
pursuant to the referral of another health care professional. 6317

(G) It is the intent of the general assembly, through the 6318  
amendments to this section, to expand access to and investment 6319  
in telehealth services in this state in congruence with the 6320  
expansion and investment in telehealth services made during the 6321  
COVID-19 pandemic. 6322

**Sec. 4755.48.** (A) No person shall employ fraud or 6323  
deception in applying for or securing a license to practice 6324  
physical therapy or to be a physical therapist assistant. 6325

(B) No person shall practice or in any way imply or claim 6326  
to the public by words, actions, or the use of letters as 6327  
described in division (C) of this section to be able to practice 6328  
physical therapy or to provide physical therapy services, 6329  
including practice as a physical therapist assistant, unless the 6330  
person holds a valid license under sections 4755.40 to 4755.56 6331  
of the Revised Code or except for submission of claims as 6332  
provided in section 4755.56 of the Revised Code. 6333

(C) No person shall use the words or letters, physical 6334  
therapist, physical therapy, physical therapy services, 6335  
physiotherapist, physiotherapy, physiotherapy services, licensed 6336  
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 6337  
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 6338  
therapist assistant, physical therapy technician, licensed 6339

physical therapist assistant, L.P.T.A., R.P.T.A., or any other 6340  
letters, words, abbreviations, or insignia, indicating or 6341  
implying that the person is a physical therapist or physical 6342  
therapist assistant without a valid license under sections 6343  
4755.40 to 4755.56 of the Revised Code. 6344

(D) No person who practices physical therapy or assists in 6345  
the provision of physical therapy treatments under the 6346  
supervision of a physical therapist shall fail to display the 6347  
person's current license granted under sections 4755.40 to 6348  
4755.56 of the Revised Code in a conspicuous location in the 6349  
place where the person spends the major part of the person's 6350  
time so engaged. 6351

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 6352  
Code shall affect or interfere with the performance of the 6353  
duties of any physical therapist or physical therapist assistant 6354  
in active service in the army, navy, coast guard, marine corps, 6355  
air force, public health service, or marine hospital service of 6356  
the United States, while so serving. 6357

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 6358  
Code shall prevent or restrict the activities or services of a 6359  
person pursuing a course of study leading to a degree in 6360  
physical therapy in an accredited or approved educational 6361  
program if the activities or services constitute a part of a 6362  
supervised course of study and the person is designated by a 6363  
title that clearly indicates the person's status as a student. 6364

(G) (1) Subject to division (G) (2) of this section, nothing 6365  
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 6366  
or restrict the activities or services of any person who holds a 6367  
current, unrestricted license to practice physical therapy in 6368  
another state when that person, pursuant to contract or 6369

employment with an athletic team located in the state in which 6370  
the person holds the license, provides physical therapy to any 6371  
of the following while the team is traveling to or from or 6372  
participating in a sporting event in this state: 6373

(a) A member of the athletic team; 6374

(b) A member of the athletic team's coaching, 6375  
communications, equipment, or sports medicine staff; 6376

(c) A member of a band or cheerleading squad accompanying 6377  
the athletic team; 6378

(d) The athletic team's mascot. 6379

(2) In providing physical therapy pursuant to division (G) 6380  
(1) of this section, the person shall not do either of the 6381  
following: 6382

(a) Provide physical therapy at a health care facility; 6383

(b) Provide physical therapy for more than sixty days in a 6384  
calendar year. 6385

(3) The limitations described in divisions (G) (1) and (2) 6386  
of this section do not apply to a person who is practicing in 6387  
accordance with the compact privilege granted by this state 6388  
through the "Physical Therapy Licensure Compact" entered into 6389  
under section 4755.57 of the Revised Code. 6390

(H) (1) Except as provided in division (H) (2) of this 6391  
section and subject to division (I) of this section, no person 6392  
shall practice physical therapy other than on the prescription 6393  
of, or the referral of a patient by, a person who is licensed in 6394  
this or another state to do at least one of the following: 6395

(a) Practice medicine and surgery, chiropractic, 6396

dentistry, osteopathic medicine and surgery, podiatric medicine 6397  
and surgery; 6398

(b) Practice as a physician assistant; 6399

(c) Practice nursing as an advanced practice registered 6400  
nurse; 6401

(d) Practice as a certified mental health assistant. 6402

(2) The prohibition in division (H) (1) of this section on 6403  
practicing physical therapy other than on the prescription of, 6404  
or the referral of a patient by, any of the persons described in 6405  
that division does not apply if either of the following applies 6406  
to the person: 6407

(a) The person holds a master's or doctorate degree from a 6408  
professional physical therapy program that is accredited by a 6409  
national physical therapy accreditation agency approved by the 6410  
physical therapy section of the Ohio occupational therapy, 6411  
physical therapy, and athletic trainers board. 6412

(b) On or before December 31, 2004, the person has 6413  
completed at least two years of practical experience as a 6414  
licensed physical therapist. 6415

(I) To be authorized to prescribe physical therapy or 6416  
refer a patient to a physical therapist for physical therapy, a 6417  
person described in division (H) (1) of this section must be in 6418  
good standing with the relevant licensing board in this state or 6419  
the state in which the person is licensed and must act only 6420  
within the person's scope of practice. 6421

(J) In the prosecution of any person for violation of 6422  
division (B) or (C) of this section, it is not necessary to 6423  
allege or prove want of a valid license to practice physical 6424

therapy or to practice as a physical therapist assistant, but 6425  
such matters shall be a matter of defense to be established by 6426  
the accused. 6427

**Sec. 4755.623.** (A) A person licensed as an athletic 6428  
trainer pursuant to this chapter shall engage in the activities 6429  
described in section 4755.621 or 4755.622 of the Revised Code 6430  
only if the person acts upon the referral of one or more of the 6431  
following: 6432

(1) A physician; 6433

(2) A dentist licensed under Chapter 4715. of the Revised 6434  
Code; 6435

(3) A physical therapist licensed under this chapter; 6436

(4) A chiropractor licensed under Chapter 4734. of the 6437  
Revised Code; 6438

(5) Subject to division (B) of this section, an athletic 6439  
trainer licensed under this chapter; 6440

(6) A physician assistant licensed under Chapter 4730. of 6441  
the Revised Code; 6442

(7) A certified nurse practitioner licensed under Chapter 6443  
4723. of the Revised Code; 6444

(8) A certified mental health assistant licensed under 6445  
Chapter 4772. of the Revised Code. 6446

(B) A person licensed as an athletic trainer pursuant to 6447  
this chapter may practice upon the referral of an athletic 6448  
trainer described in division (A) of this section only if 6449  
athletic training has already been recommended and referred by a 6450  
health care provider described in division (A) of this section 6451

who is not an athletic trainer. 6452

**Sec. 4765.51.** Nothing in this chapter prevents or 6453  
restricts the practice, services, or activities of any 6454  
registered nurse practicing within the scope of the registered 6455  
nurse's practice. 6456

Nothing in this chapter prevents or restricts the 6457  
practice, services, or activities of any physician assistant 6458  
practicing in accordance with a supervision agreement entered 6459  
into under section 4730.19 of the Revised Code, including, if 6460  
applicable, the policies of the health care facility in which 6461  
the physician assistant is practicing. 6462

Nothing in this chapter prevents or restricts the 6463  
practice, services, or activities of any certified mental health 6464  
assistant practicing in accordance with a supervision agreement 6465  
entered into under section 4772.10 of the Revised Code. 6466

**Sec. 4769.01.** As used in this chapter: 6467

(A) "Medicare" means the program established by Title 6468  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 6469  
U.S.C.A. 301, as amended. 6470

(B) "Balance billing" means charging or collecting from a 6471  
medicare beneficiary an amount in excess of the medicare 6472  
reimbursement rate for medicare-covered services or supplies 6473  
provided to a medicare beneficiary, except when medicare is the 6474  
secondary insurer. When medicare is the secondary insurer, the 6475  
health care practitioner may pursue full reimbursement under the 6476  
terms and conditions of the primary coverage and, if applicable, 6477  
the charge allowed under the terms and conditions of the 6478  
appropriate provider contract, from the primary insurer, but the 6479  
medicare beneficiary cannot be balance billed above the medicare 6480

reimbursement rate for a medicare-covered service or supply.	6481
"Balance billing" does not include charging or collecting	6482
deductibles or coinsurance required by the program.	6483
(C) "Health care practitioner" means all of the following:	6484
(1) A dentist or dental hygienist licensed under Chapter	6485
4715. of the Revised Code;	6486
(2) A registered or licensed practical nurse licensed	6487
under Chapter 4723. of the Revised Code;	6488
(3) An optometrist licensed under Chapter 4725. of the	6489
Revised Code;	6490
(4) A dispensing optician, spectacle dispensing optician,	6491
or spectacle-contact lens dispensing optician licensed under	6492
Chapter 4725. of the Revised Code;	6493
(5) A pharmacist licensed under Chapter 4729. of the	6494
Revised Code;	6495
(6) A physician authorized under Chapter 4731. of the	6496
Revised Code to practice medicine and surgery, osteopathic	6497
medicine and surgery, or podiatry;	6498
(7) A physician assistant authorized under Chapter 4730.	6499
of the Revised Code to practice as a physician assistant;	6500
(8) A practitioner of a limited branch of medicine issued	6501
a certificate under Chapter 4731. of the Revised Code;	6502
(9) A psychologist licensed under Chapter 4732. of the	6503
Revised Code;	6504
(10) A chiropractor licensed under Chapter 4734. of the	6505
Revised Code;	6506
(11) A hearing aid dealer or fitter licensed under Chapter	6507



4747. of the Revised Code;	6508
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	6509 6510
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	6511 6512
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	6513 6514
(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	6515 6516 6517 6518
(16) A dietitian licensed under Chapter 4759. of the Revised Code;	6519 6520
(17) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	6521 6522
(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	6523 6524 6525 6526
<u>(19) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6527 6528
<b><u>Sec. 4772.01.</u></b> As used in this chapter:	6529
<u>(A) "Certified mental health assistant" means an individual who, under physician supervision, provides mental health care by engaging in any of the activities authorized under section 4772.09 of the Revised Code.</u>	6530 6531 6532 6533
<u>(B) "Controlled substance" has the same meaning as in</u>	6534

section 3719.01 of the Revised Code. 6535

(C) "Drug database" means the database established and 6536  
maintained by the state board of pharmacy pursuant to section 6537  
4729.75 of the Revised Code. 6538

(D) "Medication-assisted treatment" has the same meaning 6539  
as in section 340.01 of the Revised Code. 6540

(E) "Physician" means an individual authorized under 6541  
Chapter 4731. of the Revised Code to practice medicine and 6542  
surgery or osteopathic medicine and surgery. 6543

Sec. 4772.02. (A) No person shall hold that person out as 6544  
being able to function as a certified mental health assistant, 6545  
or use any words or letters indicating or implying that the 6546  
person is a certified mental health assistant, without a 6547  
current, valid license to practice as a certified mental health 6548  
assistant issued pursuant to this chapter. 6549

(B) No person shall practice as a certified mental health 6550  
assistant without the supervision, control, and direction of a 6551  
physician. 6552

(C) No person shall practice as a certified mental health 6553  
assistant without having entered into a supervision agreement 6554  
with a supervising physician under section 4772.10 of the 6555  
Revised Code. 6556

(D) No person acting as the supervising physician of a 6557  
certified mental health assistant shall authorize the certified 6558  
mental health assistant to perform services if either of the 6559  
following is the case: 6560

(1) The services are not within the physician's normal 6561  
course of practice and expertise. 6562

(2) The services are inconsistent with the supervision 6563  
agreement under which the certified mental health assistant is 6564  
being supervised. 6565

(E) No person shall advertise to provide services as a 6566  
certified mental health assistant, except for the purpose of 6567  
seeking employment. 6568

(F) No person practicing as a certified mental health 6569  
assistant shall fail to wear at all times when on duty a 6570  
placard, plate, or other device identifying that person as a 6571  
"certified mental health assistant." 6572

**Sec. 4772.03. Nothing in this chapter shall:** 6573

(A) Be construed to affect or interfere with the 6574  
performance of duties of any medical personnel who are either of 6575  
the following: 6576

(1) In active service in the army, navy, coast guard, 6577  
marine corps, air force, public health service, or marine 6578  
hospital service of the United States while so serving; 6579

(2) Employed by the veterans administration of the United 6580  
States while so employed. 6581

(B) Prevent any person from performing any of the services 6582  
a certified mental health assistant may be authorized to 6583  
perform, if the person's professional scope of practice 6584  
established under any other chapter of the Revised Code 6585  
authorizes the person to perform the services; 6586

(C) Prohibit a physician from delegating responsibilities 6587  
to any nurse or other qualified person who does not hold a 6588  
license to practice as a certified mental health assistant, 6589  
provided that the nurse or other qualified person is not held 6590

out to be a certified mental health assistant; 6591

(D) Be construed as authorizing a certified mental health 6592  
assistant independently to order or direct the execution of 6593  
procedures or techniques by a registered nurse or licensed 6594  
practical nurse in the care and treatment of a person in any 6595  
setting, except to the extent that the certified mental health 6596  
assistant is authorized to do so by a physician who is 6597  
responsible for supervising the certified mental health 6598  
assistant. 6599

**Sec. 4772.04.** (A) An individual seeking a license to 6600  
practice as a certified mental health assistant shall file with 6601  
the state medical board a written application on a form 6602  
prescribed and supplied by the board. The application shall 6603  
include all the information the board considers necessary to 6604  
process the application, including evidence satisfactory to the 6605  
board that the applicant meets the requirements specified in 6606  
division (B) of this section. 6607

At the time an application is submitted, the applicant 6608  
shall pay the board the application fee specified by the board 6609  
in rules adopted under section 4772.19 of the Revised Code. No 6610  
part of the fee shall be returned. 6611

(B) To be eligible to receive a license to practice as a 6612  
certified mental health assistant, an applicant shall meet both 6613  
of the following requirements: 6614

(1) Be at least eighteen years of age; 6615

(2) Meet either of the following educational requirements: 6616

(a) Hold a master's or higher degree obtained from a 6617  
program approved by the board pursuant to section 4772.05 of the 6618  
Revised Code; 6619

(b) Meet both of the following requirements:

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(i) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association;

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(ii) Have completed twelve months of coursework from a program approved by the board pursuant to section 4772.05 of the Revised Code.

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(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a license to practice as a certified mental health assistant.

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**Sec. 4772.041.** In addition to any other eligibility requirement set forth in this chapter, each applicant for a license to practice as a certified mental health assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code.

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**Sec. 4772.05.** (A) The state medical board shall establish a process by which a person who seeks to operate an education program for certified mental health assistants shall apply to the board for approval of the program. Applications shall be submitted in accordance with rules adopted under section 4772.19 of the Revised Code. The person shall include with the application the fee prescribed in those rules.

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(B) To be eligible for approval by the board, an education program shall meet all of the following:

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(1) Be accredited by an organization recognized by the

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board; 6649

(2) Include courses in each of the following areas for at least the number of hours established by the board's rules: 6650  
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(a) Psychiatric diagnoses included in the diagnostic and statistical manual of mental disorders published by the American psychiatric association, or a similar publication if designated by the board; 6652  
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(b) Laboratory studies used in diagnosing or managing psychiatric conditions; 6656  
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(c) Medical conditions that mimic or present as psychiatric conditions; 6658  
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(d) Medical conditions associated with psychiatric conditions or treatment; 6660  
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(e) Psychopharmacology, including treatment of psychiatric conditions, interactions, and recognition and management of drug side effects and complications; 6662  
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(f) Psychosocial interventions; 6665

(g) Conducting suicide and homicide risk assessments; 6666

(h) Forensic issues in psychiatry, including involuntary hospitalization and mandated treatment; 6667  
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(i) Basic behavioral health counseling; 6669

(j) Clinical experiences in inpatient psychiatric units, outpatient mental health clinics, psychiatric consultation and liaison services, and addiction services; 6670  
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(k) Any other area established by the board's rules. 6673

(3) Meet any other standards established by the board's 6674

rules.

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(C) If the program meets the requirements for approval as specified in this section and the board's rules, the board shall approve the program. The board's rules shall specify any reasons for which an approval shall be denied or withdrawn and may require a program to periodically apply for reapproval.

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**Sec. 4772.06.** If the state medical board determines under section 4772.04 of the Revised Code that an applicant meets the requirements for a license to practice as a certified mental health assistant, the secretary of the board shall register the applicant as a certified mental health assistant and issue to the applicant a license to practice as a certified mental health assistant. The license shall be valid for a two-year period unless revoked or suspended, shall expire on the date that is two years after the date of issuance, and may be renewed for additional two-year periods in accordance with section 4772.08 of the Revised Code.

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**Sec. 4772.07.** On application by the holder of a license to practice as a certified mental health assistant, the state medical board shall issue a duplicate license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate license is thirty-five dollars.

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**Sec. 4772.08.** (A) An individual seeking to renew a license to practice as a certified mental health assistant shall, on or before the license's expiration date, apply to the state medical board for renewal. The board shall provide renewal notices to license holders at least one month prior to the expiration date.

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Renewal applications shall be submitted to the board in a

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manner prescribed by the board. Each application shall be 6704  
accompanied by a biennial renewal fee specified by the board in 6705  
rules adopted under section 4772.19 of the Revised Code. 6706

The applicant shall report any criminal offense that 6707  
constitutes grounds for refusing to issue a license under 6708  
section 4772.20 of the Revised Code to which the applicant has 6709  
pleaded guilty, of which the applicant has been found guilty, or 6710  
for which the applicant has been found eligible for intervention 6711  
in lieu of conviction, since last signing an application for a 6712  
license to practice as a certified mental health assistant. 6713

(B) To be eligible for renewal, a certified mental health 6714  
assistant shall certify to the board that the assistant has 6715  
complied with the renewal eligibility requirements established 6716  
under section 4772.081 of the Revised Code that pertain to the 6717  
applicant. 6718

(C) If an applicant submits a renewal application that the 6719  
board considers to be complete and qualifies for renewal 6720  
pursuant to division (B) of this section, the board shall issue 6721  
to the applicant a renewed license to practice as a certified 6722  
mental health assistant. 6723

(D) The board may require a random sample of license 6724  
holders to submit materials documenting that the continuing 6725  
education requirements of section 4772.081 of the Revised Code, 6726  
and any other continuing education required by the board's 6727  
rules, have been satisfied. 6728

Division (D) of this section does not limit the board's 6729  
authority to conduct investigations pursuant to section 4772.20 6730  
of the Revised Code. 6731

(E) A license that is not renewed on or before its 6732



expiration date is automatically suspended on its expiration 6733  
date, subject to the provisions of section 119.06 of the Revised 6734  
Code specifying that an applicant who appropriately files a 6735  
renewal application is not required to discontinue practicing 6736  
merely because the board has failed to act on the application. 6737

If a license has been suspended pursuant to this division 6738  
for two years or less, the board shall reinstate the license 6739  
upon an applicant's submission of a renewal application, the 6740  
biennial renewal fee, and the applicable monetary penalty. The 6741  
penalty for reinstatement is twenty-five dollars. 6742

If a license has been suspended pursuant to this division 6743  
for more than two years, it may be restored. Subject to section 6744  
4772.082 of the Revised Code, the board may restore the license 6745  
upon an applicant's submission of a restoration application, the 6746  
biennial renewal fee, the applicable monetary penalty, and 6747  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 6748  
The board shall not restore a license unless the board, in its 6749  
discretion, decides that the results of the criminal records 6750  
check do not make the applicant ineligible for a certificate 6751  
issued pursuant to section 4772.06 of the Revised Code. The 6752  
penalty for restoration is fifty dollars. 6753

(F)(1) If, through a random sample conducted under 6754  
division (D) of this section or any other means, the board finds 6755  
that an individual who certified completion of the continuing 6756  
education required to renew, reinstate, or restore a license to 6757  
practice did not complete the requisite continuing medical 6758  
education, the board may do either of the following: 6759

(a) Take disciplinary action against the individual under 6760  
section 4772.20 of the Revised Code, impose a civil penalty, or 6761  
both; 6762

(b) Permit the individual to agree in writing to complete 6763  
the continuing medical education and pay a civil penalty. 6764

(2) The board's finding in any disciplinary action taken 6765  
under division (F)(1)(a) of this section shall be made pursuant 6766  
to an adjudication under Chapter 119. of the Revised Code and by 6767  
an affirmative vote of not fewer than six of its members. 6768

(3) A civil penalty imposed under division (F)(1)(a) of 6769  
this section or paid under division (F)(1)(b) of this section 6770  
shall be in an amount specified by the board of not more than 6771  
five thousand dollars. The board shall deposit civil penalties 6772  
in accordance with section 4731.24 of the Revised Code. 6773

**Sec. 4772.081.** (A) To be eligible for renewal of a license 6774  
to practice as a certified mental health assistant, an applicant 6775  
who has been granted physician-delegated prescriptive authority 6776  
by the physician supervising the certified mental health 6777  
assistant is subject to both of the following: 6778

(1) The applicant shall complete every two years at least 6779  
twelve hours of continuing education in pharmacology obtained 6780  
through a program or course approved by the state medical board 6781  
or a person the board has authorized to approve continuing 6782  
pharmacology education programs and courses. Except as provided 6783  
in section 5903.12 of the Revised Code, the continuing education 6784  
shall be completed not later than the date on which the 6785  
applicant's license expires. 6786

(2) (a) Except as provided in division (A)(2)(b) of this 6787  
section, in the case of an applicant who prescribes opioid 6788  
analgesics or benzodiazepines, as defined in section 3719.01 of 6789  
the Revised Code, the applicant shall certify to the board 6790  
whether the applicant has been granted access to the drug 6791

database. 6792

(b) The requirement described in division (A)(2)(a) of this section does not apply if any of the following is the case: 6793  
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(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database. 6795  
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(ii) The state board of pharmacy no longer maintains the drug database. 6799  
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(iii) The applicant does not practice as a certified mental health assistant in this state. 6801  
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(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4772.20 of the Revised Code. 6803  
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(B) The state medical board shall provide for pro rata reductions by month of the number of hours of continuing education in pharmacology that is required to be completed for certified mental health assistants who have been disabled due to illness or accident or have been absent from the country. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, as necessary to implement this division. 6808  
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(C) The continuing education required by this section is in addition to any other continuing education required by the board's rules. 6815  
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(D) If the board chooses to authorize persons to approve continuing pharmacology education programs and courses, it shall 6818  
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establish standards for granting that authority and grant the 6820  
authority in accordance with the standards. 6821

Sec. 4772.082. (A) This section applies to both of the 6822  
following: 6823

(1) An applicant seeking restoration of a license issued 6824  
under this chapter that has been in a suspended or inactive 6825  
state for any cause for more than two years; 6826

(2) An applicant seeking issuance of a license pursuant to 6827  
this chapter who for more than two years has not been practicing 6828  
as a certified mental health assistant as either of the 6829  
following: 6830

(a) An active practitioner; 6831

(b) A student in an academic program as described in 6832  
section 4772.04 of the Revised Code. 6833

(B) Before issuing a license to an applicant subject to 6834  
this section or restoring a license to good standing for an 6835  
applicant subject to this section, the state medical board may 6836  
impose terms and conditions including any one or more of the 6837  
following: 6838

(1) Requiring the applicant to pass an oral or written 6839  
examination, or both, to determine the applicant's present 6840  
fitness to resume practice; 6841

(2) Requiring the applicant to obtain additional training 6842  
and to pass an examination upon completion of such training; 6843

(3) Requiring an assessment of the applicant's physical 6844  
skills for purposes of determining whether the applicant's 6845  
coordination, fine motor skills, and dexterity are sufficient 6846  
for performing evaluations and procedures in a manner that meets 6847

the minimal standards of care; 6848

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 6849  
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 6851  
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 6855  
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 6857  
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**Sec. 4772.09.** A license to practice as a certified mental health assistant issued under this chapter authorizes the holder to practice as a certified mental health assistant as follows: 6862  
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(A) The certified mental health assistant shall practice only under the supervision, control, and direction of a physician with whom the certified mental health assistant has entered into a supervision agreement under section 4772.10 of the Revised Code. 6865  
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(B) The certified mental health assistant shall practice in accordance with the supervision agreement entered into with the physician who is responsible for supervising the certified mental health assistant. 6870  
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(C) Subject to division (D) of this section, a certified mental health assistant licensed under this chapter may perform 6874  
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any of the following services authorized by the supervising 6876  
physician that are part of the supervising physician's normal 6877  
course of practice and expertise: 6878

(1) Ordering diagnostic, therapeutic, and other medical 6879  
services as appropriate based on a patient's diagnosis that has 6880  
been made in accordance with division (D) of this section; 6881

(2) Ordering, prescribing, personally furnishing, and 6882  
administering drugs and medical devices in accordance with 6883  
sections 4772.12 to 4772.15 of the Revised Code; 6884

(3) Prescribing physical therapy or referring a patient to 6885  
a physical therapist for physical therapy, if related to a 6886  
diagnosis that has been made in accordance with division (D) of 6887  
this section; 6888

(4) Ordering occupational therapy or referring a patient 6889  
to an occupational therapist for occupational therapy, if 6890  
related to a diagnosis that has been made in accordance with 6891  
division (D) of this section; 6892

(5) Referring a patient to emergency medical services for 6893  
acute safety concerns, provided the certified mental health 6894  
assistant consults with the assistant's supervising physician as 6895  
soon as possible thereafter; 6896

(6) Referring a patient for voluntary or involuntary 6897  
admission for substance use disorder treatment or inpatient 6898  
psychiatric care, but only after consulting with the certified 6899  
mental health assistant's supervising physician; 6900

(7) Any other services specified by the state medical 6901  
board in rules adopted under section 4772.19 of the Revised 6902  
Code. 6903

(D) A certified mental health assistant shall not do any 6904  
of the following: 6905

(1) Make an initial diagnosis; 6906

(2) Treat a patient for any diagnosis or condition not 6907  
found in the most recent edition of the diagnostic and 6908  
statistical manual of mental disorders published by the American 6909  
psychiatric association, or a similar publication if designated 6910  
by the board; 6911

(3) Engage in electroconvulsive therapy, transcranial 6912  
magnetic stimulation, or any other intervention designated as 6913  
invasive by the board's rules. 6914

**Sec. 4772.091.** A certified mental health assistant may 6915  
provide telehealth services in accordance with section 4743.09 6916  
of the Revised Code. 6917

**Sec. 4772.092.** (A) Acting pursuant to a supervision 6918  
agreement, a certified mental health assistant may delegate 6919  
performance of a task to implement a patient's plan of care or, 6920  
if the conditions in division (C) of this section are met, may 6921  
delegate administration of a drug. Subject to division (D) of 6922  
section 4772.03 of the Revised Code, delegation may be to any 6923  
person. The certified mental health assistant must be physically 6924  
present at the location where the task is performed or the drug 6925  
administered. 6926

(B) Prior to delegating a task or administration of a 6927  
drug, a certified mental health assistant shall determine that 6928  
the task or drug is appropriate for the patient and the person 6929  
to whom the delegation is to be made may safely perform the task 6930  
or administer the drug. 6931

(C) A certified mental health assistant may delegate 6932

administration of a drug only if all of the following conditions 6933  
are met: 6934

(1) The certified mental health assistant has been granted 6935  
physician-delegated prescriptive authority by the physician 6936  
supervising the certified mental health assistant and is 6937  
authorized to prescribe the drug. 6938

(2) The drug is not a controlled substance. 6939

(3) The drug will not be administered intravenously. 6940

(4) The drug will not be administered in a hospital 6941  
inpatient care unit, as defined in section 3727.50 of the 6942  
Revised Code; a hospital emergency department; a freestanding 6943  
emergency department; or an ambulatory surgical facility 6944  
licensed under section 3702.30 of the Revised Code. 6945

(D) A person not otherwise authorized to administer a drug 6946  
or perform a specific task may do so in accordance with a 6947  
certified mental health assistant's delegation under this 6948  
section. 6949

**Sec. 4772.10.** (A) Before initiating supervision of one or 6950  
more certified mental health assistants licensed under this 6951  
chapter, a physician shall enter into a supervision agreement 6952  
with each certified mental health assistant who will be 6953  
supervised. A supervision agreement may apply to one or more 6954  
certified mental health assistants, but, except as provided in 6955  
division (B) (5) of this section, may apply to not more than one 6956  
physician. The supervision agreement shall specify that the 6957  
physician agrees to supervise the certified mental health 6958  
assistant and the certified mental health assistant agrees to 6959  
practice under that physician's supervision. 6960

The agreement shall clearly state that the supervising 6961



physician is legally responsible and assumes legal liability for 6962  
the services provided by the certified mental health assistant. 6963  
The agreement shall be signed by the physician and the certified 6964  
mental health assistant. 6965

(B) A supervision agreement shall include terms that 6966  
specify all of the following: 6967

(1) The responsibilities to be fulfilled by the physician 6968  
in supervising the certified mental health assistant; 6969

(2) The responsibilities to be fulfilled by the certified 6970  
mental health assistant when performing services under the 6971  
physician's supervision; 6972

(3) Any limitations on the responsibilities to be 6973  
fulfilled by the certified mental health assistant; 6974

(4) The circumstances under which the certified mental 6975  
health assistant is required to refer a patient to the 6976  
supervising physician; 6977

(5) If the supervising physician chooses to designate 6978  
physicians to act as alternate supervising physicians, the 6979  
names, business addresses, and business telephone numbers of the 6980  
physicians who have agreed to act in that capacity. 6981

(C) A supervision agreement may be amended to modify the 6982  
responsibilities of one or more certified mental health 6983  
assistants or to include one or more additional certified mental 6984  
health assistants. 6985

(D) The supervising physician who entered into a 6986  
supervision agreement shall retain a copy of the agreement in 6987  
the records maintained by the supervising physician. Each 6988  
certified mental health assistant who entered into the 6989

supervision agreement shall retain a copy of the agreement in 6990  
the records maintained by the certified mental health assistant. 6991

(E)(1) If the board finds, through a review conducted 6992  
under this section or through any other means, any of the 6993  
following, the board may take disciplinary action against the 6994  
individual under section 4731.22 or 4772.20 of the Revised Code, 6995  
impose a civil penalty, or both: 6996

(a) That a certified mental health assistant has practiced 6997  
in a manner that departs from, or fails to conform to, the terms 6998  
of a supervision agreement entered into under this section; 6999

(b) That a physician has supervised a certified mental 7000  
health assistant in a manner that departs from, or fails to 7001  
conform to, the terms of a supervision agreement entered into 7002  
under this section; 7003

(c) That a physician or certified mental health assistant 7004  
failed to comply with division (A) or (B) of this section. 7005

(2) If the board finds, through a review conducted under 7006  
this section or through any other means, that a physician or 7007  
certified mental health assistant failed to comply with division 7008  
(D) of this section, the board may do either of the following: 7009

(a) Take disciplinary action against the individual under 7010  
section 4731.22 or 4772.20 of the Revised Code, impose a civil 7011  
penalty, or both; 7012

(b) Permit the individual to agree in writing to update 7013  
the records to comply with division (D) of this section and pay 7014  
a civil penalty. 7015

(3) The board's finding in any disciplinary action taken 7016  
under division (E) of this section shall be made pursuant to an 7017

adjudication conducted under Chapter 119. of the Revised Code. 7018

(4) A civil penalty imposed under division (E) (1) or (2) 7019  
(a) of this section or paid under division (E) (2) (b) of this 7020  
section shall be in an amount specified by the board of not more 7021  
than five thousand dollars and shall be deposited in accordance 7022  
with section 4731.24 of the Revised Code. 7023

**Sec. 4772.11.** (A) The supervising physician of a certified 7024  
mental health assistant exercises supervision, control, and 7025  
direction of the certified mental health assistant. A certified 7026  
mental health assistant may practice in any setting within which 7027  
the supervising physician has supervision, control, and 7028  
direction of the certified mental health assistant. 7029

In supervising a certified mental health assistant, all of 7030  
the following apply: 7031

(1) (a) Except as provided in division (A) (1) (b) of this 7032  
section, the supervising physician shall be continuously 7033  
available for direct communication with the certified mental 7034  
health assistant by either of the following means: 7035

(i) Being physically present at the location where the 7036  
certified mental health assistant is practicing; 7037

(ii) Being readily available to the certified mental 7038  
health assistant through some means of telecommunication and 7039  
being in a location that is a distance from the location where 7040  
the certified mental health assistant is practicing that 7041  
reasonably allows the physician to assure proper care of 7042  
patients. 7043

(b) During the first five hundred hours of a certified 7044  
mental health assistant's practice, the supervising physician 7045  
shall be continuously available for direct communication with 7046

the certified mental health assistant only by being physically 7047  
present at the location where the certified mental health 7048  
assistant is practicing. This division does not require that the 7049  
supervising physician be in the same room as the certified 7050  
mental health assistant. 7051

(2) Prior to a certified mental health assistant providing 7052  
services to a patient, the supervising physician must have 7053  
evaluated the patient and diagnosed the patient with a diagnosis 7054  
or condition found in the most recent edition of the diagnostic 7055  
and statistical manual of mental disorders published by the 7056  
American psychiatric association, or a similar publication if 7057  
designated by the board. 7058

(3) (a) After the initial diagnosis, the supervising 7059  
physician shall personally and actively review the certified 7060  
mental health assistant's professional activities, on not less 7061  
than a weekly basis. 7062

(b) (i) Except as provided in division (A) (3) (b) (ii) of 7063  
this section, the supervising physician must reevaluate the 7064  
patient not less than every two years, and sooner if there is a 7065  
significant change in the patient's condition or possible change 7066  
in the patient's diagnosis. 7067

(ii) The supervising physician shall reevaluate a patient 7068  
annually if the patient has been prescribed by a certified 7069  
mental health assistant, in accordance with section 4772.13 of 7070  
the Revised Code, a controlled substance related to a diagnosis 7071  
or condition found in the most recent edition of the diagnostic 7072  
and statistical manual of mental disorders published by the 7073  
American psychiatric association, or a similar publication if 7074  
designated by the board. 7075

(4) The supervising physician shall ensure that the 7076  
quality assurance system established pursuant to division (E) of 7077  
this section is implemented and maintained. 7078

(5) The supervising physician shall regularly perform any 7079  
other reviews of the certified mental health assistant that the 7080  
supervising physician considers necessary. 7081

(B) A physician may enter into supervision agreements with 7082  
any number of certified mental health assistants, but the 7083  
physician may not supervise more than five certified mental 7084  
health assistants at any one time. A certified mental health 7085  
assistant may enter into supervision agreements with any number 7086  
of supervising physicians. 7087

(C) A supervising physician may authorize a certified 7088  
mental health assistant to perform a service only if the 7089  
physician is satisfied that the certified mental health 7090  
assistant is capable of competently performing the service. A 7091  
supervising physician shall not authorize a certified mental 7092  
health assistant to perform any service that is beyond the 7093  
physician's or the certified mental health assistant's normal 7094  
course of practice and expertise. 7095

(D) Each time a certified mental health assistant writes a 7096  
medical order, including prescriptions written in the exercise 7097  
of physician-delegated prescriptive authority, the certified 7098  
mental health assistant shall sign the form on which the order 7099  
is written and record on the form the time and date that the 7100  
order is written. 7101

(E) (1) The supervising physician of a certified mental 7102  
health assistant shall establish a quality assurance system to 7103  
be used in supervising the certified mental health assistant. 7104

All or part of the system may be applied to other certified 7105  
mental health assistants who are supervised by the supervising 7106  
physician. The system shall be developed in consultation with 7107  
each certified mental health assistant to be supervised by the 7108  
physician. 7109

(2) In establishing the quality assurance system, the 7110  
supervising physician shall describe a process to be used for 7111  
all of the following: 7112

(a) Routine review by the physician of selected patient 7113  
record entries made by the certified mental health assistant and 7114  
selected medical orders issued by the certified mental health 7115  
assistant; 7116

(b) Discussion of complex cases; 7117

(c) Discussion of new medical developments relevant to the 7118  
practice of the physician and certified mental health assistant; 7119

(d) Performance of any quality assurance activities 7120  
required in rules adopted by the state medical board; 7121

(e) Performance of any other quality assurance activities 7122  
that the supervising physician considers to be appropriate. 7123

(3) The supervising physician and certified mental health 7124  
assistant shall keep records of their quality assurance 7125  
activities. On request, the records shall be made available to 7126  
the board. 7127

(F) When performing authorized services, a certified 7128  
mental health assistant acts as the agent of the certified 7129  
mental health assistant's supervising physician. The supervising 7130  
physician is legally responsible and assumes legal liability for 7131  
the services provided by the certified mental health assistant. 7132

The physician is not responsible or liable for any 7133  
services provided by the certified mental health assistant after 7134  
their supervision agreement expires or is terminated. 7135

**Sec. 4772.12.** (A) A license issued by the state medical 7136  
board under section 4772.06 of the Revised Code authorizes the 7137  
license holder to prescribe and personally furnish drugs and 7138  
therapeutic devices in the exercise of physician-delegated 7139  
prescriptive authority. 7140

(B) In exercising physician-delegated prescriptive 7141  
authority, a certified mental health assistant is subject to 7142  
section 4772.13 of the Revised Code and all of the following: 7143

(1) The certified mental health assistant shall exercise 7144  
physician-delegated prescriptive authority only to the extent 7145  
that the physician supervising the certified mental health 7146  
assistant has granted that authority. 7147

(2) (a) The certified mental health assistant shall comply 7148  
with all conditions placed on the physician-delegated 7149  
prescriptive authority, as specified by the supervising 7150  
physician who is supervising the certified mental health 7151  
assistant in the exercise of physician-delegated prescriptive 7152  
authority. If conditions are placed on that authority, the 7153  
supervising physician shall maintain a written record of the 7154  
conditions and make the record available to the state medical 7155  
board on request. 7156

(b) The conditions that a supervising physician may place 7157  
on the physician-delegated prescriptive authority granted to a 7158  
certified mental health assistant include the following: 7159

(i) Identification by class and specific generic 7160  
nomenclature of drugs and therapeutic devices that the physician 7161

chooses not to permit the certified mental health assistant to 7162  
prescribe; 7163

(ii) Limitations on the dosage units or refills that the 7164  
certified mental health assistant is authorized to prescribe; 7165

(iii) Specification of circumstances under which the 7166  
certified mental health assistant is required to refer patients 7167  
to the supervising physician or another physician when 7168  
exercising physician-delegated prescriptive authority; 7169

(iv) Responsibilities to be fulfilled by the physician in 7170  
supervising the certified mental health assistant that are not 7171  
otherwise specified in the supervision agreement or otherwise 7172  
required by this chapter. 7173

(3) If the certified mental health assistant possesses 7174  
physician-delegated prescriptive authority for controlled 7175  
substances, both of the following apply: 7176

(a) The certified mental health assistant shall register 7177  
with the federal drug enforcement administration. 7178

(b) The certified mental health assistant shall comply 7179  
with section 4772.13 of the Revised Code. 7180

(4) If the certified mental health assistant possesses 7181  
physician-delegated prescriptive authority to prescribe for a 7182  
minor an opioid analgesic, as those terms are defined in 7183  
sections 3719.01 and 3719.061 of the Revised Code, respectively, 7184  
the certified mental health assistant shall comply with section 7185  
3719.061 of the Revised Code. 7186

(C) A certified mental health assistant shall not 7187  
prescribe any drug in violation of state or federal law. 7188

**Sec. 4772.13.** (A) Subject to division (B) of this section, 7189



a certified mental health assistant may prescribe to a patient a 7190  
controlled substance only if the controlled substance is one of 7191  
the following: 7192

(1) Buprenorphine, but only for a patient that is actively 7193  
engaged in opioid use disorder treatment; 7194

(2) A benzodiazepine, but only in the following 7195  
circumstances: 7196

(a) For a patient diagnosed by the supervising physician 7197  
as having a chronic anxiety disorder; 7198

(b) For a patient with acute anxiety or agitation, but 7199  
only in an amount indicated for a period not to exceed seven 7200  
days. 7201

(3) A stimulant that has been approved by the federal food 7202  
and drug administration for the treatment of attention deficit 7203  
hyperactivity disorder, but only if the supervising physician 7204  
has diagnosed the patient with, or confirmed the patient's 7205  
diagnosis of, attention deficit hyper activity disorder. 7206

(B) Except as provided in division (C) of this section, a 7207  
certified mental health assistant licensed under this chapter 7208  
who has been granted physician-delegated prescriptive authority 7209  
by the physician supervising the certified mental health 7210  
assistant shall comply with all of the following as conditions 7211  
of prescribing a controlled substance identified in division (A) 7212  
of this section as part of a patient's course of treatment for a 7213  
particular condition: 7214

(1) Before initially prescribing the drug, the certified 7215  
mental health assistant or the certified mental health 7216  
assistant's delegate shall request from the drug database a 7217  
report of information related to the patient that covers at 7218

least the twelve months immediately preceding the date of the 7219  
request. If the certified mental health assistant practices 7220  
primarily in a county of this state that adjoins another state, 7221  
the certified mental health assistant or delegate also shall 7222  
request a report of any information available in the drug 7223  
database that pertains to prescriptions issued or drugs 7224  
furnished to the patient in the state adjoining that county. 7225

(2) If the patient's course of treatment for the condition 7226  
continues for more than ninety days after the initial report is 7227  
requested, the certified mental health assistant or delegate 7228  
shall make periodic requests for reports of information from the 7229  
drug database until the course of treatment has ended. The 7230  
requests shall be made at intervals not exceeding ninety days, 7231  
determined according to the date the initial request was made. 7232  
The request shall be made in the same manner provided in 7233  
division (B) (1) of this section for requesting the initial 7234  
report of information from the drug database. 7235

(3) On receipt of a report under division (B) (1) or (2) of 7236  
this section, the certified mental health assistant shall assess 7237  
the information in the report. The certified mental health 7238  
assistant shall document in the patient's record that the report 7239  
was received and the information was assessed. 7240

(C) Division (B) of this section does not apply in any of 7241  
the following circumstances: 7242

(1) A drug database report regarding the patient is not 7243  
available, in which case the certified mental health assistant 7244  
shall document in the patient's record the reason that the 7245  
report is not available. 7246

(2) The drug is prescribed in an amount indicated for a 7247

period not to exceed seven days. 7248

(3) The drug is prescribed to a hospice patient in a 7249  
hospice care program, as those terms are defined in section 7250  
3712.01 of the Revised Code, or any other patient diagnosed as 7251  
terminally ill. 7252

(4) The drug is prescribed for administration in a 7253  
hospital, nursing home, or residential care facility. 7254

(5) If the state board of pharmacy no longer maintains the 7255  
drug database. 7256

(D) The state medical board shall adopt rules in 7257  
accordance with Chapter 119. of the Revised Code to implement 7258  
this section, including both of the following: 7259

(1) Standards and procedures to be followed by a certified 7260  
mental health assistant who has been granted physician-delegated 7261  
prescriptive authority regarding the review of patient 7262  
information available through the drug database under division 7263  
(A) (5) of section 4729.80 of the Revised Code. 7264

The rules adopted under this division do not apply if the 7265  
state board of pharmacy no longer maintains the drug database. 7266

(2) Standards and procedures to be followed by a certified 7267  
mental health assistant in the use of buprenorphine for use in 7268  
medication-assisted treatment, including regarding 7269  
detoxification, relapse prevention, patient assessment, 7270  
individual treatment planning, counseling and recovery supports, 7271  
diversion control, and other topics selected by the board after 7272  
considering best practices in medication-assisted treatment. 7273

The board may apply the rules to all circumstances in 7274  
which a certified mental health assistant prescribes drugs for 7275

use in medication-assisted treatment or limit the application of 7276  
the rules to prescriptions for medication-assisted treatment 7277  
issued for patients being treated in office-based practices or 7278  
other practice types or locations specified by the board. 7279

The rules adopted under this division shall be consistent 7280  
with this chapter and, to the extent consistent with this 7281  
chapter, rules adopted under sections 4723.51, 4730.55, and 7282  
4731.056 of the Revised Code. 7283

**Sec. 4772.14.** (A) A certified mental health assistant who 7284  
has been granted physician-delegated prescriptive authority by 7285  
the physician supervising the certified mental health assistant 7286  
may personally furnish to a patient samples of drugs and 7287  
therapeutic devices that are included in the certified mental 7288  
health assistant's physician-delegated prescriptive authority, 7289  
subject to all of the following: 7290

(1) The amount of the sample furnished shall not exceed a 7291  
seventy-two-hour supply, except when the minimum available 7292  
quantity of the sample is packaged in an amount that is greater 7293  
than a seventy-two-hour supply, in which case the certified 7294  
mental health assistant may furnish the sample in the package 7295  
amount. 7296

(2) No charge may be imposed for the sample or for 7297  
furnishing it. 7298

(3) Samples of controlled substances may not be personally 7299  
furnished. 7300

(B) A certified mental health assistant who has been 7301  
granted physician-delegated prescriptive authority by the 7302  
physician supervising the certified mental health assistant may 7303  
personally furnish to a patient a complete or partial supply of 7304

the drugs and therapeutic devices that are included in the 7305  
certified mental health assistant's physician-delegated 7306  
prescriptive authority, subject to all of the following: 7307

(1) The certified mental health assistant shall not 7308  
furnish the drugs and devices in locations other than the 7309  
following: 7310

(a) A health department operated by the board of health of 7311  
a city or general health district or the authority having the 7312  
duties of a board of health under section 3709.05 of the Revised 7313  
Code; 7314

(b) A federally funded comprehensive primary care clinic; 7315

(c) A nonprofit health care clinic or program; 7316

(d) An employer-based clinic that provides health care 7317  
services to the employer's employees. 7318

(2) The certified mental health assistant shall comply 7319  
with all standards and procedures for personally furnishing 7320  
supplies of drugs and devices, as established in rules adopted 7321  
under this section. 7322

(3) Complete or partial supplies of controlled substances 7323  
may not be personally furnished. 7324

(C) The state medical board shall adopt rules establishing 7325  
standards and procedures to be followed by a certified mental 7326  
health assistant in personally furnishing samples of drugs or 7327  
complete or partial supplies of drugs to patients under this 7328  
section. Rules adopted under this section shall be adopted in 7329  
accordance with Chapter 119. of the Revised Code. 7330

**Sec. 4772.15.** (A) As used in this section, "community 7331  
addiction services provider" has the same meaning as in section 7332

5119.01 of the Revised Code. 7333

(B) A certified mental health assistant shall comply with 7334  
section 3719.064 of the Revised Code and rules adopted under 7335  
section 4772.13 of the Revised Code when treating a patient with 7336  
medication-assisted treatment or proposing to initiate such 7337  
treatment. 7338

(C) A certified mental health assistant who fails to 7339  
comply with this section shall treat not more than thirty 7340  
patients at any one time with medication-assisted treatment even 7341  
if the facility or location at which the treatment is provided 7342  
is either of the following: 7343

(1) Exempted by divisions (B)(2)(a) to (d) or (i) of 7344  
section 4729.553 of the Revised Code from being required to 7345  
possess a category III terminal distributor of dangerous drugs 7346  
license with an office-based opioid treatment classification; 7347

(2) A community addiction services provider that provides 7348  
alcohol and drug addiction services that are certified by the 7349  
department of mental health and addiction services under section 7350  
5119.36 of the Revised Code. 7351

**Sec. 4772.19.** (A) The state medical board shall adopt 7352  
rules in accordance with Chapter 119. of the Revised Code to 7353  
implement and administer this chapter. 7354

(B) The rules adopted under this section shall include all 7355  
of the following: 7356

(1) Standards and procedures for issuing and renewing 7357  
licenses to practice as a certified mental health assistant; 7358

(2) Application fees for an initial or renewed license; 7359

(3) Regarding certified mental health assistant education 7360

programs, rules regarding the application process, fees, 7361  
requirements for approval, reapproval, and withdrawing approval, 7362  
and curriculum standards; 7363

(4) Any additional services that certified mental health 7364  
assistants may perform pursuant to division (C) (7) of section 7365  
4772.09 of the Revised Code; 7366

(5) Rules governing physician-delegated prescriptive 7367  
authority for certified mental health assistants; 7368

(6) Any other standards and procedures the board considers 7369  
necessary to govern the practice of certified mental health 7370  
assistants, the supervisory relationship between certified 7371  
mental health assistants and supervising physicians, and the 7372  
administration and enforcement of this chapter. 7373

**Sec. 4772.20.** (A) The state medical board, by an 7374  
affirmative vote of not fewer than six members, may revoke or 7375  
may refuse to grant a license to practice as a certified mental 7376  
health assistant to an individual found by the board to have 7377  
committed fraud, misrepresentation, or deception in applying for 7378  
or securing the license. 7379

(B) The board, by an affirmative vote of not fewer than 7380  
six members, shall, except as provided in division (C) of this 7381  
section, and to the extent permitted by law, limit, revoke, or 7382  
suspend an individual's license to practice as a certified 7383  
mental health assistant, refuse to issue a license to an 7384  
applicant, refuse to renew a license, refuse to reinstate a 7385  
license, or reprimand or place on probation the holder of a 7386  
license for any of the following reasons: 7387

(1) Permitting the holder's name or license to be used by 7388  
another person; 7389

(2) Failure to comply with the requirements of this 7390  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 7391  
by the board; 7392

(3) Violating or attempting to violate, directly or 7393  
indirectly, or assisting in or abetting the violation of, or 7394  
conspiring to violate, any provision of this chapter, Chapter 7395  
4731. of the Revised Code, or the rules adopted by the board; 7396

(4) A departure from, or failure to conform to, minimal 7397  
standards of care of similar practitioners under the same or 7398  
similar circumstances whether or not actual injury to the 7399  
patient is established; 7400

(5) Inability to practice according to acceptable and 7401  
prevailing standards of care by reason of mental illness or 7402  
physical illness, including physical deterioration that 7403  
adversely affects cognitive, motor, or perceptive skills; 7404

(6) Impairment of ability to practice according to 7405  
acceptable and prevailing standards of care because of habitual 7406  
or excessive use or abuse of drugs, alcohol, or other substances 7407  
that impair ability to practice; 7408

(7) Willfully betraying a professional confidence; 7409

(8) Making a false, fraudulent, deceptive, or misleading 7410  
statement in securing or attempting to secure a license to 7411  
practice as a certified mental health assistant. 7412

As used in this division, "false, fraudulent, deceptive, 7413  
or misleading statement" means a statement that includes a 7414  
misrepresentation of fact, is likely to mislead or deceive 7415  
because of a failure to disclose material facts, is intended or 7416  
is likely to create false or unjustified expectations of 7417  
favorable results, or includes representations or implications 7418



that in reasonable probability will cause an ordinarily prudent 7419  
person to misunderstand or be deceived. 7420

(9) The obtaining of, or attempting to obtain, money or a 7421  
thing of value by fraudulent misrepresentations in the course of 7422  
practice; 7423

(10) A plea of guilty to, a judicial finding of guilt of, 7424  
or a judicial finding of eligibility for intervention in lieu of 7425  
conviction for, a felony; 7426

(11) Commission of an act that constitutes a felony in 7427  
this state, regardless of the jurisdiction in which the act was 7428  
committed; 7429

(12) A plea of guilty to, a judicial finding of guilt of, 7430  
or a judicial finding of eligibility for intervention in lieu of 7431  
conviction for, a misdemeanor committed in the course of 7432  
practice; 7433

(13) A plea of guilty to, a judicial finding of guilt of, 7434  
or a judicial finding of eligibility for intervention in lieu of 7435  
conviction for, a misdemeanor involving moral turpitude; 7436

(14) Commission of an act in the course of practice that 7437  
constitutes a misdemeanor in this state, regardless of the 7438  
jurisdiction in which the act was committed; 7439

(15) Commission of an act involving moral turpitude that 7440  
constitutes a misdemeanor in this state, regardless of the 7441  
jurisdiction in which the act was committed; 7442

(16) A plea of guilty to, a judicial finding of guilt of, 7443  
or a judicial finding of eligibility for intervention in lieu of 7444  
conviction for violating any state or federal law regulating the 7445  
possession, distribution, or use of any drug, including 7446

- trafficking in drugs; 7447
- (17) Any of the following actions taken by the state 7448  
agency responsible for regulating the practice of certified 7449  
mental health assistants in another jurisdiction, for any reason 7450  
other than the nonpayment of fees: the limitation, revocation, 7451  
or suspension of an individual's license to practice; acceptance 7452  
of an individual's license surrender; denial of a license; 7453  
refusal to renew or reinstate a license; imposition of 7454  
probation; or issuance of an order of censure or other 7455  
reprimand; 7456
- (18) Violation of the conditions placed by the board on a 7457  
license to practice as a certified mental health assistant; 7458
- (19) Failure to use universal blood and body fluid 7459  
precautions established by rules adopted under section 4731.051 7460  
of the Revised Code; 7461
- (20) Failure to cooperate in an investigation conducted by 7462  
the board under section 4772.21 of the Revised Code, including 7463  
failure to comply with a subpoena or order issued by the board 7464  
or failure to answer truthfully a question presented by the 7465  
board at a deposition or in written interrogatories, except that 7466  
failure to cooperate with an investigation shall not constitute 7467  
grounds for discipline under this section if a court of 7468  
competent jurisdiction has issued an order that either quashes a 7469  
subpoena or permits the individual to withhold the testimony or 7470  
evidence in issue; 7471
- (21) Failure to practice in accordance with the 7472  
supervising physician's supervision agreement with the certified 7473  
mental health assistant; 7474
- (22) Administering drugs for purposes other than those 7475

authorized under this chapter; 7476

(23) Failure to comply with section 4772.13 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 7477  
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(24) Assisting suicide, as defined in section 3795.01 of the Revised Code. 7480  
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(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 7482  
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(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a certified mental health assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 7487  
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(E) For purposes of divisions (B) (11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no 7500  
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jurisdiction under these divisions in cases where the trial 7505  
court renders a final judgment in the license holder's favor and 7506  
that judgment is based upon an adjudication on the merits. The 7507  
board shall have jurisdiction under these divisions in cases 7508  
where the trial court issues an order of dismissal on technical 7509  
or procedural grounds. 7510

(F) The sealing or expungement of conviction records by 7511  
any court shall have no effect on a prior board order entered 7512  
under the provisions of this section or on the board's 7513  
jurisdiction to take action under the provisions of this section 7514  
if, based upon a plea of guilty, a judicial finding of guilt, or 7515  
a judicial finding of eligibility for intervention in lieu of 7516  
conviction, the board issued a notice of opportunity for a 7517  
hearing prior to the court's order to seal or expunge the 7518  
records. The board shall not be required to seal, destroy, 7519  
redact, or otherwise modify its records to reflect the court's 7520  
sealing or expungement of conviction records. 7521

(G) For purposes of this division, any individual who 7522  
holds a license to practice as a certified mental health 7523  
assistant issued under this chapter, or applies for a license, 7524  
shall be deemed to have given consent to submit to a mental or 7525  
physical examination when directed to do so in writing by the 7526  
board and to have waived all objections to the admissibility of 7527  
testimony or examination reports that constitute a privileged 7528  
communication. 7529

(1) In enforcing division (B) (5) of this section, the 7530  
board, on a showing of a possible violation, may compel any 7531  
individual who holds a license to practice as a certified mental 7532  
health assistant issued under this chapter or who has applied 7533  
for a license to submit to a mental or physical examination, or 7534

both. A physical examination may include an HIV test. The 7535  
expense of the examination is the responsibility of the 7536  
individual compelled to be examined. Failure to submit to a 7537  
mental or physical examination or consent to an HIV test ordered 7538  
by the board constitutes an admission of the allegations against 7539  
the individual unless the failure is due to circumstances beyond 7540  
the individual's control, and a default and final order may be 7541  
entered without the taking of testimony or presentation of 7542  
evidence. If the board finds a certified mental health assistant 7543  
unable to practice because of the reasons set forth in division 7544  
(B) (5) of this section, the board shall require the certified 7545  
mental health assistant to submit to care, counseling, or 7546  
treatment by physicians approved or designated by the board, as 7547  
a condition for an initial, continued, reinstated, or renewed 7548  
license. An individual affected by this division shall be 7549  
afforded an opportunity to demonstrate to the board the ability 7550  
to resume practicing in compliance with acceptable and 7551  
prevailing standards of care. 7552

(2) For purposes of division (B) (6) of this section, if 7553  
the board has reason to believe that any individual who holds a 7554  
license to practice as a certified mental health assistant 7555  
issued under this chapter or any applicant for a license suffers 7556  
such impairment, the board may compel the individual to submit 7557  
to a mental or physical examination, or both. The expense of the 7558  
examination is the responsibility of the individual compelled to 7559  
be examined. Any mental or physical examination required under 7560  
this division shall be undertaken by a treatment provider or 7561  
physician qualified to conduct such examination and chosen by 7562  
the board. 7563

Failure to submit to a mental or physical examination 7564  
ordered by the board constitutes an admission of the allegations 7565

against the individual unless the failure is due to 7566  
circumstances beyond the individual's control, and a default and 7567  
final order may be entered without the taking of testimony or 7568  
presentation of evidence. If the board determines that the 7569  
individual's ability to practice is impaired, the board shall 7570  
suspend the individual's license or deny the individual's 7571  
application and shall require the individual, as a condition for 7572  
an initial, continued, reinstated, or renewed license to 7573  
practice, to submit to treatment. 7574

Before being eligible to apply for reinstatement of a 7575  
license suspended under this division, the certified mental 7576  
health assistant shall demonstrate to the board the ability to 7577  
resume practice in compliance with acceptable and prevailing 7578  
standards of care. The demonstration shall include the 7579  
following: 7580

(a) Certification from a treatment provider approved under 7581  
section 4731.25 of the Revised Code that the individual has 7582  
successfully completed any required inpatient treatment; 7583

(b) Evidence of continuing full compliance with an 7584  
aftercare contract or consent agreement; 7585

(c) Two written reports indicating that the individual's 7586  
ability to practice has been assessed and that the individual 7587  
has been found capable of practicing according to acceptable and 7588  
prevailing standards of care. The reports shall be made by 7589  
individuals or providers approved by the board for making such 7590  
assessments and shall describe the basis for their 7591  
determination. 7592

The board may reinstate a license suspended under this 7593  
division after such demonstration and after the individual has 7594

entered into a written consent agreement. 7595

When the impaired certified mental health assistant 7596  
resumes practice, the board shall require continued monitoring 7597  
of the certified mental health assistant. The monitoring shall 7598  
include monitoring of compliance with the written consent 7599  
agreement entered into before reinstatement or with conditions 7600  
imposed by board order after a hearing, and, on termination of 7601  
the consent agreement, submission to the board for at least two 7602  
years of annual written progress reports made under penalty of 7603  
falsification stating whether the certified mental health 7604  
assistant has maintained sobriety. 7605

(H) If the secretary and supervising member determine that 7606  
there is clear and convincing evidence that a certified mental 7607  
health assistant has violated division (B) of this section and 7608  
that the individual's continued practice presents a danger of 7609  
immediate and serious harm to the public, they may recommend 7610  
that the board suspend the individual's license to practice 7611  
without a prior hearing. Written allegations shall be prepared 7612  
for consideration by the board. 7613

The board, on review of the allegations and by an 7614  
affirmative vote of not fewer than six of its members, excluding 7615  
the secretary and supervising member, may suspend a license 7616  
without a prior hearing. A telephone conference call may be 7617  
utilized for reviewing the allegations and taking the vote on 7618  
the summary suspension. 7619

The board shall issue a written order of suspension by 7620  
certified mail or in person in accordance with section 119.07 of 7621  
the Revised Code. The order shall not be subject to suspension 7622  
by the court during pendency of any appeal filed under section 7623  
119.12 of the Revised Code. If the certified mental health 7624

assistant requests an adjudicatory hearing by the board, the 7625  
date set for the hearing shall be within fifteen days, but not 7626  
earlier than seven days, after the certified mental health 7627  
assistant requests the hearing, unless otherwise agreed to by 7628  
both the board and the license holder. 7629

A summary suspension imposed under this division shall 7630  
remain in effect, unless reversed on appeal, until a final 7631  
adjudicative order issued by the board pursuant to this section 7632  
and Chapter 119. of the Revised Code becomes effective. The 7633  
board shall issue its final adjudicative order within sixty days 7634  
after completion of its hearing. Failure to issue the order 7635  
within sixty days shall result in dissolution of the summary 7636  
suspension order, but shall not invalidate any subsequent, final 7637  
adjudicative order. 7638

(I) If the board takes action under division (B) (10), 7639  
(12), or (13) of this section, and the judicial finding of 7640  
guilt, guilty plea, or judicial finding of eligibility for 7641  
intervention in lieu of conviction is overturned on appeal, on 7642  
exhaustion of the criminal appeal, a petition for 7643  
reconsideration of the order may be filed with the board along 7644  
with appropriate court documents. On receipt of a petition and 7645  
supporting court documents, the board shall reinstate the 7646  
license to practice as a certified mental health assistant. The 7647  
board may then hold an adjudication under Chapter 119. of the 7648  
Revised Code to determine whether the individual committed the 7649  
act in question. Notice of opportunity for hearing shall be 7650  
given in accordance with Chapter 119. of the Revised Code. If 7651  
the board finds, pursuant to an adjudication held under this 7652  
division, that the individual committed the act, or if no 7653  
hearing is requested, it may order any of the sanctions 7654  
specified in division (B) of this section. 7655



(J) The license to practice of a certified mental health assistant and the assistant's practice in this state are automatically suspended as of the date the certified mental health assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of 7686  
this section resulting in a suspension shall be accompanied by a 7687  
written statement of the conditions under which the certified 7688  
mental health assistant's license may be reinstated. The board 7689  
shall adopt rules in accordance with Chapter 119. of the Revised 7690  
Code governing conditions to be imposed for reinstatement. 7691  
Reinstatement of a license suspended pursuant to division (B) of 7692  
this section requires an affirmative vote of not fewer than six 7693  
members of the board. 7694

(M) When the board refuses to grant or issue a license to 7695  
practice as a certified mental health assistant to an applicant, 7696  
revokes an individual's license, refuses to renew an 7697  
individual's license, or refuses to reinstate an individual's 7698  
license, the board may specify that its action is permanent. An 7699  
individual subject to a permanent action taken by the board is 7700  
forever thereafter ineligible to hold a license to practice as a 7701  
certified mental health assistant and the board shall not accept 7702  
an application for reinstatement of the license or for issuance 7703  
of a new license. 7704

(N) Notwithstanding any other provision of the Revised 7705  
Code, all of the following apply: 7706

(1) The surrender of a license to practice as a certified 7707  
mental health assistant issued under this chapter is not 7708  
effective unless or until accepted by the board. Reinstatement 7709  
of a license surrendered to the board requires an affirmative 7710  
vote of not fewer than six members of the board. 7711

(2) An application made under this chapter for a license 7712  
to practice may not be withdrawn without approval of the board. 7713

(3) Failure by an individual to renew a license to 7714

practice in accordance with section 4772.08 of the Revised Code 7715  
shall not remove or limit the board's jurisdiction to take 7716  
disciplinary action under this section against the individual. 7717

**Sec. 4772.201.** On receipt of a notice pursuant to section 7718  
3123.43 of the Revised Code, the state medical board shall 7719  
comply with sections 3123.41 to 3123.50 of the Revised Code and 7720  
any applicable rules adopted under section 3123.63 of the 7721  
Revised Code with respect to a license to practice as a 7722  
certified mental health assistant issued under this chapter. 7723

**Sec. 4772.202.** If the state medical board has reason to 7724  
believe that any person who has been granted a license to 7725  
practice as a certified mental health assistant under this 7726  
chapter is mentally ill or mentally incompetent, it may file in 7727  
the probate court of the county in which the person has a legal 7728  
residence an affidavit in the form prescribed in section 5122.11 7729  
of the Revised Code and signed by the board secretary or a 7730  
member of the board secretary's staff, whereupon the same 7731  
proceedings shall be had as provided in Chapter 5122. of the 7732  
Revised Code. The attorney general may represent the board in 7733  
any proceeding commenced under this section. 7734

If any person who has been granted a license is adjudged 7735  
by a probate court to be mentally ill or mentally incompetent, 7736  
the person's license shall be automatically suspended until the 7737  
person has filed with the state medical board a certified copy 7738  
of an adjudication by a probate court of the person's subsequent 7739  
restoration to competency or has submitted to the board proof, 7740  
satisfactory to the board, that the person has been discharged 7741  
as having a restoration to competency in the manner and form 7742  
provided in section 5122.38 of the Revised Code. The judge of 7743  
the probate court shall forthwith notify the state medical board 7744

of an adjudication of mental illness or mental incompetence, and 7745  
shall note any suspension of a license in the margin of the 7746  
court's record of such license. 7747

**Sec. 4772.203.** (A) (1) If a certified mental health 7748  
assistant violates any section of this chapter or any rule 7749  
adopted under this chapter, the state medical board may, 7750  
pursuant to an adjudication under Chapter 119. of the Revised 7751  
Code and an affirmative vote of not fewer than six of its 7752  
members, impose a civil penalty. The amount of the civil penalty 7753  
shall be determined by the board in accordance with the 7754  
guidelines adopted under division (A) (2) of this section. The 7755  
civil penalty may be in addition to any other action the board 7756  
may take under section 4772.20 of the Revised Code. 7757

(2) The board shall adopt and may amend guidelines 7758  
regarding the amounts of civil penalties to be imposed under 7759  
this section. Adoption or amendment of the guidelines requires 7760  
the approval of not fewer than six board members. 7761

Under the guidelines, no civil penalty amount shall exceed 7762  
twenty thousand dollars. 7763

(B) Amounts received from payment of civil penalties 7764  
imposed under this section shall be deposited by the board in 7765  
accordance with section 4731.24 of the Revised Code. Amounts 7766  
received from payment of civil penalties imposed for violations 7767  
of division (B) (6) of section 4772.20 of the Revised Code shall 7768  
be used by the board solely for investigations, enforcement, and 7769  
compliance monitoring. 7770

**Sec. 4772.21.** (A) The state medical board shall 7771  
investigate evidence that appears to show that any person has 7772  
violated this chapter or the rules adopted under it. Any person 7773

may report to the board in a signed writing any information the 7774  
person has that appears to show a violation of any provision of 7775  
this chapter or the rules adopted under it. In the absence of 7776  
bad faith, a person who reports such information or testifies 7777  
before the board in an adjudication conducted under Chapter 119. 7778  
of the Revised Code shall not be liable for civil damages as a 7779  
result of reporting the information or providing testimony. Each 7780  
complaint or allegation of a violation received by the board 7781  
shall be assigned a case number and be recorded by the board. 7782

(B) Investigations of alleged violations of this chapter 7783  
or rules adopted under it shall be supervised by the supervising 7784  
member elected by the board in accordance with section 4731.02 7785  
of the Revised Code and by the secretary as provided in section 7786  
4772.24 of the Revised Code. The board's president may designate 7787  
another member of the board to supervise the investigation in 7788  
place of the supervising member. A member of the board who 7789  
supervises the investigation of a case shall not participate in 7790  
further adjudication of the case. 7791

(C) In investigating a possible violation of this chapter 7792  
or the rules adopted under it, the board may administer oaths, 7793  
order the taking of depositions, issue subpoenas, and compel the 7794  
attendance of witnesses and production of books, accounts, 7795  
papers, records, documents, and testimony, except that a 7796  
subpoena for patient record information shall not be issued 7797  
without consultation with the attorney general's office and 7798  
approval of the secretary and supervising member of the board. 7799  
Before issuance of a subpoena for patient record information, 7800  
the secretary and supervising member shall determine whether 7801  
there is probable cause to believe that the complaint filed 7802  
alleges a violation of this chapter or the rules adopted under 7803  
it and that the records sought are relevant to the alleged 7804

violation and material to the investigation. The subpoena may 7805  
apply only to records that cover a reasonable period of time 7806  
surrounding the alleged violation. 7807

On failure to comply with any subpoena issued by the board 7808  
and after reasonable notice to the person being subpoenaed, the 7809  
board may move for an order compelling the production of persons 7810  
or records pursuant to the Rules of Civil Procedure. 7811

A subpoena issued by the board may be served by a sheriff, 7812  
the sheriff's deputy, or a board employee designated by the 7813  
board. Service of a subpoena issued by the board may be made by 7814  
delivering a copy of the subpoena to the person named therein, 7815  
reading it to the person, or leaving it at the person's usual 7816  
place of residence. When the person being served is a certified 7817  
mental health assistant, service of the subpoena may be made by 7818  
certified mail, restricted delivery, return receipt requested, 7819  
and the subpoena shall be deemed served on the date delivery is 7820  
made or the date the person refuses to accept delivery. 7821

A sheriff's deputy who serves a subpoena shall receive the 7822  
same fees as a sheriff. Each witness who appears before the 7823  
board in obedience to a subpoena shall receive the fees and 7824  
mileage provided for witnesses in civil cases in the courts of 7825  
common pleas. 7826

(D) All hearings and investigations of the board shall be 7827  
considered civil actions for the purposes of section 2305.252 of 7828  
the Revised Code. 7829

(E) Information received by the board pursuant to an 7830  
investigation is confidential and not subject to discovery in 7831  
any civil action. 7832

The board shall conduct all investigations and proceedings 7833

in a manner that protects the confidentiality of patients and 7834  
persons who file complaints with the board. The board shall not 7835  
make public the names or any other identifying information about 7836  
patients or complainants unless proper consent is given. 7837

The board may share any information it receives pursuant 7838  
to an investigation, including patient records and patient 7839  
record information, with law enforcement agencies, other 7840  
licensing boards, and other governmental agencies that are 7841  
prosecuting, adjudicating, or investigating alleged violations 7842  
of statutes or administrative rules. An agency or board that 7843  
receives the information shall comply with the same requirements 7844  
regarding confidentiality as those with which the state medical 7845  
board must comply, notwithstanding any conflicting provision of 7846  
the Revised Code or procedure of the agency or board that 7847  
applies when it is dealing with other information in its 7848  
possession. In a judicial proceeding, the information may be 7849  
admitted into evidence only in accordance with the Rules of 7850  
Evidence, but the court shall require that appropriate measures 7851  
are taken to ensure that confidentiality is maintained with 7852  
respect to any part of the information that contains names or 7853  
other identifying information about patients or complainants 7854  
whose confidentiality was protected by the state medical board 7855  
when the information was in the board's possession. Measures to 7856  
ensure confidentiality that may be taken by the court include 7857  
sealing its records or deleting specific information from its 7858  
records. 7859

(F) On a quarterly basis, the board shall prepare a report 7860  
that documents the disposition of all cases during the preceding 7861  
three months. The report shall contain the following information 7862  
for each case with which the board has completed its activities: 7863

(1) The case number assigned to the complaint or alleged violation; 7864  
7865

(2) The type of license, if any, held by the individual against whom the complaint is directed; 7866  
7867

(3) A description of the allegations contained in the complaint; 7868  
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(4) The disposition of the case. 7870

The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code. 7871  
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**Sec. 4772.22.** (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 7875  
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(B) Whenever any person holding a valid license to practice as a certified mental health assistant issued under this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the license under section 4772.20 of the Revised Code. 7877  
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(C) The prosecutor in any case against any person holding a valid license issued under this chapter, on forms prescribed 7891  
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and provided by the state medical board, shall notify the board 7893  
of any of the following: 7894

(1) A plea of guilty to, a finding of guilt by a jury or 7895  
court of, or judicial finding of eligibility for intervention in 7896  
lieu of conviction for a felony, or a case in which the trial 7897  
court issues an order of dismissal upon technical or procedural 7898  
grounds of a felony charge; 7899

(2) A plea of guilty to, a finding of guilt by a jury or 7900  
court of, or judicial finding of eligibility for intervention in 7901  
lieu of conviction for a misdemeanor committed in the course of 7902  
practice, or a case in which the trial court issues an order of 7903  
dismissal upon technical or procedural grounds of a charge of a 7904  
misdemeanor, if the alleged act was committed in the course of 7905  
practice; 7906

(3) A plea of guilty to, a finding of guilt by a jury or 7907  
court of, or judicial finding of eligibility for intervention in 7908  
lieu of conviction for a misdemeanor involving moral turpitude, 7909  
or a case in which the trial court issues an order of dismissal 7910  
upon technical or procedural grounds of a charge of a 7911  
misdemeanor involving moral turpitude. 7912

The report shall include the name and address of the 7913  
license holder, the nature of the offense for which the action 7914  
was taken, and the certified court documents recording the 7915  
action. 7916

**Sec. 4772.23.** (A) Within sixty days after the imposition 7917  
of any formal disciplinary action taken by any health care 7918  
facility, including a hospital, health care facility operated by 7919  
a health insuring corporation, ambulatory surgical facility, or 7920  
similar facility, against any individual holding a valid license 7921

to practice as a certified mental health assistant, the chief 7922  
administrator or executive officer of the facility shall report 7923  
to the state medical board the name of the individual, the 7924  
action taken by the facility, and a summary of the underlying 7925  
facts leading to the action taken. On request, the board shall 7926  
be provided certified copies of the patient records that were 7927  
the basis for the facility's action. Prior to release to the 7928  
board, the summary shall be approved by the peer review 7929  
committee that reviewed the case or by the governing board of 7930  
the facility. 7931

The filing of a report with the board or decision not to 7932  
file a report, investigation by the board, or any disciplinary 7933  
action taken by the board, does not preclude a health care 7934  
facility from taking disciplinary action against a certified 7935  
mental health assistant. 7936

In the absence of fraud or bad faith, no individual or 7937  
entity that provides patient records to the board shall be 7938  
liable in damages to any person as a result of providing the 7939  
records. 7940

(B) (1) Except as provided in division (B) (2) of this 7941  
section, a certified mental health assistant, professional 7942  
association or society of certified mental health assistants, 7943  
physician, or professional association or society of physicians 7944  
that believes a violation of any provision of this chapter, 7945  
Chapter 4731. of the Revised Code, or rule of the board has 7946  
occurred shall report to the board the information on which the 7947  
belief is based. 7948

(2) A certified mental health assistant, professional 7949  
association or society of certified mental health assistants, 7950  
physician, or professional association or society of physicians 7951

that believes a violation of division (B) (6) of section 4772.20 7952  
of the Revised Code has occurred shall report the information 7953  
upon which the belief is based to the monitoring organization 7954  
conducting the program established by the board under section 7955  
4731.251 of the Revised Code. If any such report is made to the 7956  
board, it shall be referred to the monitoring organization 7957  
unless the board is aware that the individual who is the subject 7958  
of the report does not meet the program eligibility requirements 7959  
of section 4731.252 of the Revised Code. 7960

(C) Any professional association or society composed 7961  
primarily of certified mental health assistants that suspends or 7962  
revokes an individual's membership for violations of 7963  
professional ethics, or for reasons of professional incompetence 7964  
or professional malpractice, within sixty days after a final 7965  
decision, shall report to the board, on forms prescribed and 7966  
provided by the board, the name of the individual, the action 7967  
taken by the professional organization, and a summary of the 7968  
underlying facts leading to the action taken. 7969

The filing of a report with the board or decision not to 7970  
file a report, investigation by the board, or any disciplinary 7971  
action taken by the board, does not preclude a professional 7972  
organization from taking disciplinary action against a certified 7973  
mental health assistant. 7974

(D) Any insurer providing professional liability insurance 7975  
to any person holding a valid license to practice as a certified 7976  
mental health assistant or any other entity that seeks to 7977  
indemnify the professional liability of a certified mental 7978  
health assistant shall notify the board within thirty days after 7979  
the final disposition of any written claim for damages where 7980  
such disposition results in a payment exceeding twenty-five 7981

thousand dollars. The notice shall contain the following 7982  
information: 7983

(1) The name and address of the person submitting the 7984  
notification; 7985

(2) The name and address of the insured who is the subject 7986  
of the claim; 7987

(3) The name of the person filing the written claim; 7988

(4) The date of final disposition; 7989

(5) If applicable, the identity of the court in which the 7990  
final disposition of the claim took place. 7991

(E) The board may investigate possible violations of this 7992  
chapter or the rules adopted under it that are brought to its 7993  
attention as a result of the reporting requirements of this 7994  
section, except that the board shall conduct an investigation if 7995  
a possible violation involves repeated malpractice. As used in 7996  
this division, "repeated malpractice" means three or more claims 7997  
for malpractice within the previous five-year period, each 7998  
resulting in a judgment or settlement in excess of twenty-five 7999  
thousand dollars in favor of the claimant, and each involving 8000  
negligent conduct by the certified mental health assistant. 8001

(F) All summaries, reports, and records received and 8002  
maintained by the board pursuant to this section shall be held 8003  
in confidence and shall not be subject to discovery or 8004  
introduction in evidence in any federal or state civil action 8005  
involving a certified mental health assistant, supervising 8006  
physician, or health care facility arising out of matters that 8007  
are the subject of the reporting required by this section. The 8008  
board may use the information obtained only as the basis for an 8009  
investigation, as evidence in a disciplinary hearing against a 8010

certified mental health assistant or supervising physician, or 8011  
in any subsequent trial or appeal of a board action or order. 8012

The board may disclose the summaries and reports it 8013  
receives under this section only to health care facility 8014  
committees within or outside this state that are involved in 8015  
credentialing or recredentialing a certified mental health 8016  
assistant or supervising physician, if applicable, or reviewing 8017  
their privilege to practice within a particular facility. The 8018  
board shall indicate whether or not the information has been 8019  
verified. Information transmitted by the board shall be subject 8020  
to the same confidentiality provisions as when maintained by the 8021  
board. 8022

(G) Except for reports filed by an individual pursuant to 8023  
division (B) of this section, the board shall send a copy of any 8024  
reports or summaries it receives pursuant to this section to the 8025  
certified mental health assistant. The certified mental health 8026  
assistant shall have the right to file a statement with the 8027  
board concerning the correctness or relevance of the 8028  
information. The statement shall at all times accompany that 8029  
part of the record in contention. 8030

(H) An individual or entity that reports to the board, 8031  
reports to the monitoring organization described in section 8032  
4731.251 of the Revised Code, or refers an impaired certified 8033  
mental health assistant to a treatment provider approved by the 8034  
board under section 4731.25 of the Revised Code shall not be 8035  
subject to suit for civil damages as a result of the report, 8036  
referral, or provision of the information. 8037

(I) In the absence of fraud or bad faith, a professional 8038  
association or society of certified mental health assistants 8039  
that sponsors a committee or program to provide peer assistance 8040

to a certified mental health assistant with substance abuse 8041  
problems, a representative or agent of such a committee or 8042  
program, a representative or agent of the monitoring 8043  
organization described in section 4731.251 of the Revised Code, 8044  
and a member of the state medical board shall not be held liable 8045  
in damages to any person by reason of actions taken to refer a 8046  
certified mental health assistant to a treatment provider 8047  
approved under section 4731.25 of the Revised Code for 8048  
examination or treatment. 8049

**Sec. 4772.24.** The secretary of the state medical board 8050  
shall enforce the laws relating to the practice of certified 8051  
mental health assistants. If the secretary has knowledge or 8052  
notice of a violation of this chapter or the rules adopted under 8053  
it, the secretary shall investigate the matter, and, upon 8054  
probable cause appearing, file a complaint and prosecute the 8055  
offender. When requested by the secretary, the prosecuting 8056  
attorney of the proper county shall take charge of and conduct 8057  
the prosecution. 8058

**Sec. 4772.25.** The attorney general, the prosecuting 8059  
attorney of any county in which the offense was committed or the 8060  
offender resides, the state medical board, or any other person 8061  
having knowledge of a person engaged either directly or by 8062  
complicity in practicing as a certified mental health assistant 8063  
without having first obtained under this chapter a license to 8064  
practice as a certified mental health assistant, may, in 8065  
accordance with provisions of the Revised Code governing 8066  
injunctions, maintain an action in the name of the state to 8067  
enjoin any person from engaging either directly or by complicity 8068  
in unlawfully practicing as a certified mental health assistant 8069  
by applying for an injunction in any court of competent 8070  
jurisdiction. 8071

Prior to application for an injunction, the secretary of 8072  
the state medical board shall notify the person allegedly 8073  
engaged either directly or by complicity in the unlawful 8074  
practice by registered mail that the secretary has received 8075  
information indicating that this person is so engaged. The 8076  
person shall answer the secretary within thirty days showing 8077  
that the person is either properly licensed for the stated 8078  
activity or that the person is not in violation of this chapter. 8079  
If the answer is not forthcoming within thirty days after notice 8080  
by the secretary, the secretary shall request that the attorney 8081  
general, the prosecuting attorney of the county in which the 8082  
offense was committed or the offender resides, or the state 8083  
medical board proceed as authorized in this section. 8084

Upon the filing of a verified petition in court, the court 8085  
shall conduct a hearing on the petition and shall give the same 8086  
preference to this proceeding as is given all proceedings under 8087  
Chapter 119. of the Revised Code, irrespective of the position 8088  
of the proceeding on the calendar of the court. 8089

Injunction proceedings shall be in addition to, and not in 8090  
lieu of, all penalties and other remedies provided in this 8091  
chapter. 8092

**Sec. 4772.26.** The state medical board, subject to the 8093  
approval of the controlling board, may establish fees in excess 8094  
of the amounts specified in this chapter, except that the fees 8095  
may not exceed the specified amounts by more than fifty per 8096  
cent. 8097

All fees, penalties, and other funds received by the board 8098  
under this chapter shall be deposited in accordance with section 8099  
4731.24 of the Revised Code. 8100

Sec. 4772.27. In the absence of fraud or bad faith, the 8101  
state medical board, a current or former board member, an agent 8102  
of the board, a person formally requested by the board to be the 8103  
board's representative, or an employee of the board shall not be 8104  
held liable in damages to any person as the result of any act, 8105  
omission, proceeding, conduct, or decision related to official 8106  
duties undertaken or performed pursuant to this chapter. If any 8107  
such person asks to be defended by the state against any claim 8108  
or action arising out of any act, omission, proceeding, conduct, 8109  
or decision related to the person's official duties, and if the 8110  
request is made in writing at a reasonable time before trial and 8111  
the person requesting defense cooperates in good faith in the 8112  
defense of the claim or action, the state shall provide and pay 8113  
for the person's defense and shall pay any resulting judgment, 8114  
compromise, or settlement. At no time shall the state pay any 8115  
part of a claim or judgment that is for punitive or exemplary 8116  
damages. 8117

Sec. 4772.28. The state medical board shall comply with 8118  
section 4776.20 of the Revised Code. 8119

Sec. 4772.99. (A) Whoever violates section 4772.02 of the 8120  
Revised Code is guilty of a misdemeanor of the first degree on a 8121  
first offense; on each subsequent offense, the person is guilty 8122  
of a felony of the fourth degree. 8123

(B) Whoever violates division (A), (B), (C), or (D) of 8124  
section 4772.23 of the Revised Code is guilty of a minor 8125  
misdemeanor on a first offense; on each subsequent offense the 8126  
person is guilty of a misdemeanor of the fourth degree, except 8127  
that an individual guilty of a subsequent offense shall not be 8128  
subject to imprisonment, but to a fine alone of up to one 8129  
thousand dollars for each offense. 8130



Sec. 4776.01. As used in this chapter: 8131

(A) "License" means an authorization evidenced by a 8132  
license, certificate, registration, permit, card, or other 8133  
authority that is issued or conferred by a licensing agency to a 8134  
licensee or to an applicant for an initial license by which the 8135  
licensee or initial license applicant has or claims the 8136  
privilege to engage in a profession, occupation, or occupational 8137  
activity, or, except in the case of the state dental board, to 8138  
have control of and operate certain specific equipment, 8139  
machinery, or premises, over which the licensing agency has 8140  
jurisdiction. 8141

(B) Except as provided in section 4776.20 of the Revised 8142  
Code, "licensee" means the person to whom the license is issued 8143  
by a licensing agency. "Licensee" includes a person who, for 8144  
purposes of section 3796.13 of the Revised Code, has complied 8145  
with sections 4776.01 to 4776.04 of the Revised Code and has 8146  
been determined by the department of commerce or state board of 8147  
pharmacy, as the applicable licensing agency, to meet the 8148  
requirements for employment. 8149

(C) Except as provided in section 4776.20 of the Revised 8150  
Code, "licensing agency" means any of the following: 8151

(1) The board authorized by Chapters 4701., 4717., 4725., 8152  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 8153  
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 8154  
4778., 4779., and 4783. of the Revised Code to issue a license 8155  
to engage in a specific profession, occupation, or occupational 8156  
activity, or to have charge of and operate certain specific 8157  
equipment, machinery, or premises. 8158

(2) The state dental board, relative to its authority to 8159

issue a license pursuant to section 4715.12, 4715.16, 4715.21, 8160  
or 4715.27 of the Revised Code; 8161

(3) The department of commerce or state board of pharmacy, 8162  
relative to its authority under Chapter 3796. of the Revised 8163  
Code and any rules adopted under that chapter with respect to a 8164  
person who is subject to section 3796.13 of the Revised Code; 8165

(4) The director of agriculture, relative to the 8166  
director's authority to issue licenses under Chapter 928. of the 8167  
Revised Code. 8168

(D) "Applicant for an initial license" includes persons 8169  
seeking a license for the first time and persons seeking a 8170  
license by reciprocity, endorsement, or similar manner of a 8171  
license issued in another state. "Applicant for an initial 8172  
license" also includes a person who, for purposes of section 8173  
3796.13 of the Revised Code, is required to comply with sections 8174  
4776.01 to 4776.04 of the Revised Code. 8175

(E) "Applicant for a restored license" includes persons 8176  
seeking restoration of a license under section 4730.14, 4730.28, 8177  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 8178  
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 8179  
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 8180  
"Applicant for a restored license" does not include a person 8181  
seeking restoration of a license under section 4751.33 of the 8182  
Revised Code. 8183

(F) "Criminal records check" has the same meaning as in 8184  
section 109.572 of the Revised Code. 8185

**Sec. 5123.47.** (A) As used in this section: 8186

(1) "In-home care" means the supportive services provided 8187  
within the home of an individual with a developmental disability 8188

who receives funding for the services through a county board of 8189  
developmental disabilities, including any recipient of 8190  
residential services funded as home and community-based 8191  
services, family support services provided under section 5126.11 8192  
of the Revised Code, or supported living provided in accordance 8193  
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 8194  
care" includes care that is provided outside an individual's 8195  
home in places incidental to the home, and while traveling to 8196  
places incidental to the home, except that "in-home care" does 8197  
not include care provided in the facilities of a county board of 8198  
developmental disabilities or care provided in schools. 8199

(2) "Parent" means either parent of a child, including an 8200  
adoptive parent but not a foster parent. 8201

(3) "Unlicensed in-home care worker" means an individual 8202  
who provides in-home care but is not a health care professional. 8203

(4) "Family member" means a parent, sibling, spouse, son, 8204  
daughter, grandparent, aunt, uncle, cousin, or guardian of the 8205  
individual with a developmental disability if the individual 8206  
with a developmental disability lives with the person and is 8207  
dependent on the person to the extent that, if the supports were 8208  
withdrawn, another living arrangement would have to be found. 8209

(5) "Health care professional" means any of the following: 8210

(a) A dentist who holds a valid license issued under 8211  
Chapter 4715. of the Revised Code; 8212

(b) A registered or licensed practical nurse who holds a 8213  
valid license issued under Chapter 4723. of the Revised Code; 8214

(c) An optometrist who holds a valid license issued under 8215  
Chapter 4725. of the Revised Code; 8216

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	8217 8218
(e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;	8219 8220 8221 8222
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	8223 8224
(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;	8225 8226 8227 8228
(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code;	8229 8230
<u>(i) A certified mental health assistant who holds a valid license issued under Chapter 4772. of the Revised Code.</u>	8231 8232
(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glyceic disorders through subcutaneous injections.	8233 8234 8235 8236 8237 8238 8239 8240 8241 8242 8243
(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability	8244 8245

may authorize an unlicensed in-home care worker to perform 8246  
health care tasks as part of the in-home care the worker 8247  
provides to the individual, if all of the following apply: 8248

(1) The family member is the primary supervisor of the 8249  
care. 8250

(2) The unlicensed in-home care worker has been selected 8251  
by the family member or the individual receiving care and is 8252  
under the direct supervision of the family member. 8253

(3) The unlicensed in-home care worker is providing the 8254  
care through an employment or other arrangement entered into 8255  
directly with the family member and is not otherwise employed by 8256  
or under contract with a person or government entity to provide 8257  
services to individuals with developmental disabilities. 8258

(4) The health care task is completed in accordance with 8259  
standard, written instructions. 8260

(5) Performance of the health care task requires no 8261  
judgment based on specialized health care knowledge or 8262  
expertise. 8263

(6) The outcome of the health care task is reasonably 8264  
predictable. 8265

(7) Performance of the health care task requires no 8266  
complex observation of the individual receiving the care. 8267

(8) Improper performance of the health care task will 8268  
result in only minimal complications that are not life- 8269  
threatening. 8270

(C) A family member shall obtain a prescription, if 8271  
applicable, and written instructions from a health care 8272  
professional for the care to be provided to the individual. The 8273

family member shall authorize the unlicensed in-home care worker 8274  
to provide the care by preparing a written document granting the 8275  
authority. The family member shall provide the unlicensed in- 8276  
home care worker with appropriate training and written 8277  
instructions in accordance with the instructions obtained from 8278  
the health care professional. The family member or a health care 8279  
professional shall be available to communicate with the 8280  
unlicensed in-home care worker either in person or by 8281  
telecommunication while the in-home care worker performs a 8282  
health care task. 8283

(D) A family member who authorizes an unlicensed in-home 8284  
care worker to administer oral and topical prescribed 8285  
medications or perform other health care tasks retains full 8286  
responsibility for the health and safety of the individual 8287  
receiving the care and for ensuring that the worker provides the 8288  
care appropriately and safely. No entity that funds or monitors 8289  
the provision of in-home care may be held liable for the results 8290  
of the care provided under this section by an unlicensed in-home 8291  
care worker, including such entities as the county board of 8292  
developmental disabilities and the department of developmental 8293  
disabilities. 8294

An unlicensed in-home care worker who is authorized under 8295  
this section by a family member to provide care to an individual 8296  
may not be held liable for any injury caused in providing the 8297  
care, unless the worker provides the care in a manner that is 8298  
not in accordance with the training and instructions received or 8299  
the worker acts in a manner that constitutes willful or wanton 8300  
misconduct. 8301

(E) A county board of developmental disabilities may 8302  
evaluate the authority granted by a family member under this 8303

section to an unlicensed in-home care worker at any time it 8304  
considers necessary and shall evaluate the authority on receipt 8305  
of a complaint. If the board determines that a family member has 8306  
acted in a manner that is inappropriate for the health and 8307  
safety of the individual receiving the care, the authorization 8308  
granted by the family member to an unlicensed in-home care 8309  
worker is void, and the family member may not authorize other 8310  
unlicensed in-home care workers to provide the care. In making 8311  
such a determination, the board shall use appropriately licensed 8312  
health care professionals and shall provide the family member an 8313  
opportunity to file a complaint under section 5126.06 of the 8314  
Revised Code. 8315

**Sec. 5164.95.** (A) As used in this section, "telehealth 8316  
service" means a health care service delivered to a patient 8317  
through the use of interactive audio, video, or other 8318  
telecommunications or electronic technology from a site other 8319  
than the site where the patient is located. 8320

(B) The department of medicaid shall establish standards 8321  
for medicaid payments for health care services the department 8322  
determines are appropriate to be covered by the medicaid program 8323  
when provided as telehealth services. The standards shall be 8324  
established in rules adopted under section 5164.02 of the 8325  
Revised Code. 8326

In accordance with section 5162.021 of the Revised Code, 8327  
the medicaid director shall adopt rules authorizing the 8328  
directors of other state agencies to adopt rules regarding the 8329  
medicaid coverage of telehealth services under programs 8330  
administered by the other state agencies. Any such rules adopted 8331  
by the medicaid director or the directors of other state 8332  
agencies are not subject to the requirements of division (F) of 8333

section 121.95 of the Revised Code. 8334

(C) (1) To the extent permitted under rules adopted under 8335  
section 5164.02 of the Revised Code and applicable federal law, 8336  
the following practitioners are eligible to provide telehealth 8337  
services covered pursuant to this section: 8338

(a) A physician licensed under Chapter 4731. of the 8339  
Revised Code to practice medicine and surgery, osteopathic 8340  
medicine and surgery, or podiatric medicine and surgery; 8341

(b) A psychologist, independent school psychologist, or 8342  
school psychologist licensed under Chapter 4732. of the Revised 8343  
Code; 8344

(c) A physician assistant licensed under Chapter 4730. of 8345  
the Revised Code; 8346

(d) A clinical nurse specialist, certified nurse-midwife, 8347  
or certified nurse practitioner licensed under Chapter 4723. of 8348  
the Revised Code; 8349

(e) An independent social worker, independent marriage and 8350  
family therapist, or professional clinical counselor licensed 8351  
under Chapter 4757. of the Revised Code; 8352

(f) An independent chemical dependency counselor licensed 8353  
under Chapter 4758. of the Revised Code; 8354

(g) A supervised practitioner or supervised trainee; 8355

(h) An audiologist or speech-language pathologist licensed 8356  
under Chapter 4753. of the Revised Code; 8357

(i) An audiology aide or speech-language pathology aide, 8358  
as defined in section 4753.072 of the Revised Code, or an 8359  
individual holding a conditional license under section 4753.071 8360



of the Revised Code;	8361
(j) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	8362 8363
(k) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code.	8364 8365 8366
(l) A dietitian licensed under Chapter 4759. of the Revised Code;	8367 8368
(m) A chiropractor licensed under Chapter 4734. of the Revised Code;	8369 8370
(n) A pharmacist licensed under Chapter 4729. of the Revised Code;	8371 8372
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	8373 8374
(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	8375 8376
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	8377 8378
(r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	8379 8380
(s) A practitioner who provides services through a medicaid school program;	8381 8382
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	8383 8384 8385 8386 8387

(u) <u>A certified mental health assistant licensed under Chapter 4772. of the Revised Code;</u>	8388
	8389
(v) Any other practitioner the medicaid director considers eligible to provide telehealth services.	8390
	8391
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services:	8392
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	8394
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	8396
(a) Any practitioner described in division (C) (1) of this section, except for those described in divisions (C) (1) (g), (i), and (k) of this section;	8397
	8398
	8399
(b) A professional medical group;	8400
(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	8401
	8402
	8403
(d) A rural health clinic;	8404
(e) An ambulatory health care clinic;	8405
(f) An outpatient hospital;	8406
(g) A medicaid school program;	8407
(h) Subject to section 5119.368 of the Revised Code, a community mental health services provider or community addiction services provider that offers services and supports certified under section 5119.36 of the Revised Code;	8408
	8409
	8410
	8411
(i) Any other provider type the medicaid director considers eligible to submit the claims for payment.	8412
	8413
(D) (1) When providing telehealth services under this	8414

section, a practitioner shall comply with all requirements under 8415  
state and federal law regarding the protection of patient 8416  
information. A practitioner shall ensure that any username or 8417  
password information and any electronic communications between 8418  
the practitioner and a patient are securely transmitted and 8419  
stored. 8420

(2) When providing telehealth services under this section, 8421  
every practitioner site shall have access to the medical records 8422  
of the patient at the time telehealth services are provided. 8423

**Sec. 5903.12.** (A) As used in this section: 8424

"Continuing education" means continuing education required 8425  
of a licensee by law and includes, but is not limited to, the 8426  
continuing education required of licensees under sections 8427  
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 8428  
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 8429  
4735.141, 4736.11, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 8430  
4757.33, 4759.06, 4761.06, ~~and 4763.07~~, and 4772.081 of the 8431  
Revised Code. 8432

"Reporting period" means the period of time during which a 8433  
licensee must complete the number of hours of continuing 8434  
education required of the licensee by law. 8435

(B) A licensee may submit an application to a licensing 8436  
agency, stating that the licensee requires an extension of the 8437  
current reporting period because the licensee has served on 8438  
active duty during the current or a prior reporting period. The 8439  
licensee shall submit proper documentation certifying the active 8440  
duty service and the length of that active duty service. Upon 8441  
receiving the application and proper documentation, the 8442  
licensing agency shall extend the current reporting period by an 8443

amount of time equal to the total number of months that the 8444  
licensee spent on active duty during the current reporting 8445  
period. For purposes of this division, any portion of a month 8446  
served on active duty shall be considered one full month. 8447

**Section 2.** That existing sections 2305.234, 2305.51, 8448  
2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 8449  
2925.36, 2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 8450  
3715.50, 3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 8451  
3719.064, 3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 8452  
4729.553, 4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 8453  
4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 4755.48, 4755.623, 8454  
4765.51, 4769.01, 4776.01, 5123.47, 5164.95, and 5903.12 of the 8455  
Revised Code are hereby repealed. 8456

**Section 3.** That the version of section 4755.48 of the 8457  
Revised Code that is scheduled to take effect December 29, 2023, 8458  
be amended to read as follows: 8459

**Sec. 4755.48.** (A) No person shall employ fraud or 8460  
deception in applying for or securing a license to practice 8461  
physical therapy or to be a physical therapist assistant. 8462

(B) No person shall practice or in any way imply or claim 8463  
to the public by words, actions, or the use of letters as 8464  
described in division (C) of this section to be able to practice 8465  
physical therapy or to provide physical therapy services, 8466  
including practice as a physical therapist assistant, unless the 8467  
person holds a valid license under sections 4755.40 to 4755.56 8468  
of the Revised Code or except for submission of claims as 8469  
provided in section 4755.56 of the Revised Code. 8470

(C) No person shall use the words or letters, physical 8471  
therapist, physical therapy, physical therapy services, 8472

physiotherapist, physiotherapy, physiotherapy services, licensed 8473  
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 8474  
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 8475  
therapist assistant, physical therapy technician, licensed 8476  
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 8477  
letters, words, abbreviations, or insignia, indicating or 8478  
implying that the person is a physical therapist or physical 8479  
therapist assistant without a valid license under sections 8480  
4755.40 to 4755.56 of the Revised Code. 8481

(D) No person who practices physical therapy or assists in 8482  
the provision of physical therapy treatments under the 8483  
supervision of a physical therapist shall fail to display the 8484  
person's current license granted under sections 4755.40 to 8485  
4755.56 of the Revised Code in a conspicuous location in the 8486  
place where the person spends the major part of the person's 8487  
time so engaged. 8488

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 8489  
Code shall affect or interfere with the performance of the 8490  
duties of any physical therapist or physical therapist assistant 8491  
in active service in the army, navy, coast guard, marine corps, 8492  
air force, public health service, or marine hospital service of 8493  
the United States, while so serving. 8494

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 8495  
Code shall prevent or restrict the activities or services of a 8496  
person pursuing a course of study leading to a degree in 8497  
physical therapy in an accredited or approved educational 8498  
program if the activities or services constitute a part of a 8499  
supervised course of study and the person is designated by a 8500  
title that clearly indicates the person's status as a student. 8501

(G) (1) Subject to division (G) (2) of this section, nothing 8502

in sections 4755.40 to 4755.56 of the Revised Code shall prevent 8503  
or restrict the activities or services of any person who holds a 8504  
current, unrestricted license to practice physical therapy in 8505  
another state when that person, pursuant to contract or 8506  
employment with an athletic team located in the state in which 8507  
the person holds the license, provides physical therapy to any 8508  
of the following while the team is traveling to or from or 8509  
participating in a sporting event in this state: 8510

(a) A member of the athletic team; 8511

(b) A member of the athletic team's coaching, 8512  
communications, equipment, or sports medicine staff; 8513

(c) A member of a band or cheerleading squad accompanying 8514  
the athletic team; 8515

(d) The athletic team's mascot. 8516

(2) In providing physical therapy pursuant to division (G) 8517  
(1) of this section, the person shall not do either of the 8518  
following: 8519

(a) Provide physical therapy at a health care facility; 8520

(b) Provide physical therapy for more than sixty days in a 8521  
calendar year. 8522

(3) The limitations described in divisions (G)(1) and (2) 8523  
of this section do not apply to a person who is practicing in 8524  
accordance with the compact privilege granted by this state 8525  
through the "Physical Therapy Licensure Compact" entered into 8526  
under section 4755.57 of the Revised Code. 8527

(4) The physical therapy section of the occupational 8528  
therapy, physical therapy, and athletic trainers board shall not 8529  
require a nonresident person who holds a license to practice 8530

physical therapy in another state to obtain a license in 8531  
accordance with Chapter 4796. of the Revised Code to provide 8532  
physical therapy services in the manner described under division 8533  
(G) (1) of this section. 8534

(H) (1) Except as provided in division (H) (2) of this 8535  
section and subject to division (I) of this section, no person 8536  
shall practice physical therapy other than on the prescription 8537  
of, or the referral of a patient by, a person who is licensed in 8538  
this or another state to do at least one of the following: 8539

(a) Practice medicine and surgery, chiropractic, 8540  
dentistry, osteopathic medicine and surgery, podiatric medicine 8541  
and surgery; 8542

(b) Practice as a physician assistant; 8543

(c) Practice nursing as an advanced practice registered 8544  
nurse; 8545

(d) Practice as a certified mental health assistant. 8546

(2) The prohibition in division (H) (1) of this section on 8547  
practicing physical therapy other than on the prescription of, 8548  
or the referral of a patient by, any of the persons described in 8549  
that division does not apply if either of the following applies 8550  
to the person: 8551

(a) The person holds a master's or doctorate degree from a 8552  
professional physical therapy program that is accredited by a 8553  
national physical therapy accreditation agency approved by the 8554  
physical therapy section of the Ohio occupational therapy, 8555  
physical therapy, and athletic trainers board. 8556

(b) On or before December 31, 2004, the person has 8557  
completed at least two years of practical experience as a 8558

licensed physical therapist. 8559

(I) To be authorized to prescribe physical therapy or 8560  
refer a patient to a physical therapist for physical therapy, a 8561  
person described in division (H) (1) of this section must be in 8562  
good standing with the relevant licensing board in this state or 8563  
the state in which the person is licensed and must act only 8564  
within the person's scope of practice. 8565

(J) In the prosecution of any person for violation of 8566  
division (B) or (C) of this section, it is not necessary to 8567  
allege or prove want of a valid license to practice physical 8568  
therapy or to practice as a physical therapist assistant, but 8569  
such matters shall be a matter of defense to be established by 8570  
the accused. 8571

**Section 4.** That the existing version of section 4755.48 of 8572  
the Revised Code that is scheduled to take effect December 29, 8573  
2023, is hereby repealed. 8574

**Section 5.** Sections 3 and 4 of this act take effect 8575  
December 29, 2023. 8576

**Section 6.** The General Assembly, applying the principle 8577  
stated in division (B) of section 1.52 of the Revised Code that 8578  
amendments are to be harmonized if reasonably capable of 8579  
simultaneous operation, finds that the following sections, 8580  
presented in this act as composites of the sections as amended 8581  
by the acts indicated, are the resulting versions of the 8582  
sections in effect prior to the effective date of the sections 8583  
as presented in this act: 8584

Section 3701.74 of the Revised Code as amended by both 8585  
H.B. 232 and H.B. 483 of the 130th General Assembly. 8586

Section 3719.121 of the Revised Code as amended by both 8587



H.B. 216 and S.B. 319 of the 131st General Assembly.	8588
Section 4729.01 of the Revised Code as amended by both H.B. 509 and H.B. 558 of the 134th General Assembly.	8589 8590
Section 4731.22 of the Revised Code as amended by both H.B. 254 and S.B. 288 of the 134th General Assembly.	8591 8592
Section 4776.01 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly.	8593 8594