

As Introduced

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

S. B. No. 193

Senators Hoagland, Johnson

A BILL

To amend sections 2909.21, 2909.24, 2925.37, and 1
3719.21 and to enact section 5502.09 of the 2
Revised Code to add drug offenses committed by a 3
major drug offender to the definition of 4
"specified offenses" used in terrorism offenses, 5
to modify the offense of terrorism, to prohibit 6
possession of an encapsulating or tableting 7
machine, and to create the pill press mold, 8
encapsulating machine, and tableting machine 9
registry. 10

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

Section 1. That sections 2909.21, 2909.24, 2925.37, and 11
3719.21 be amended and section 5502.09 of the Revised Code be 12
enacted to read as follows: 13

Sec. 2909.21. As used in sections 2909.21 to 2909.31 of 14
the Revised Code: 15

(A) "Act of terrorism" means an act that is committed 16
within or outside the territorial jurisdiction of this state or 17
the United States, that constitutes a specified offense if 18
committed in this state or constitutes an offense in any 19

jurisdiction within or outside the territorial jurisdiction of 20
the United States containing all of the essential elements of a 21
specified offense, and that is intended to do one or more of the 22
following: 23

(1) Intimidate or coerce a civilian population; 24

(2) Influence the policy of any government by intimidation 25
or coercion; 26

(3) Affect the conduct of any government by the act that 27
constitutes the offense. 28

(B) "Biological agent," "delivery system," "toxin," and 29
"vector" have the same meanings as in section 2917.33 of the 30
Revised Code. 31

(C) "Biological weapon" means any biological agent, toxin, 32
vector, or delivery system or combination of any biological 33
agent or agents, any toxin or toxins, any vector or vectors, and 34
any delivery system or systems. 35

(D) "Chemical weapon" means any one or more of the 36
following: 37

(1) Any toxic chemical or precursor of a toxic chemical 38
that is listed in Schedule 1, Schedule 2, or Schedule 3 of the 39
international "Convention on the Prohibition of the Development, 40
Production, Stockpiling and Use of Chemical Weapons and on their 41
Destruction (CWC)," as entered into force on April 29, 1997; 42

(2) A device specifically designed to cause death or other 43
harm through the toxic properties of a toxic chemical or 44
precursor identified in division (D)(1) of this section that 45
would be created or released as a result of the employment of 46
that device; 47

(3) Any equipment specifically designed for use directly 48
in connection with the employment of devices identified in 49
division (D) (2) of this section. 50

(E) "Radiological or nuclear weapon" means any device that 51
is designed to create or release radiation or radioactivity at a 52
level that is dangerous to human life or in order to cause 53
serious physical harm to persons as a result of the radiation or 54
radioactivity created or released. 55

(F) "Explosive device" has the same meaning as in section 56
2923.11 of the Revised Code. 57

(G) "Key component of a binary or multicomponent chemical 58
system" means the precursor that plays the most important role 59
in determining the toxic properties of the final product and 60
reacts rapidly with other chemicals in the binary or 61
multicomponent chemical system. 62

(H) "Material support or resources" means currency, 63
payment instruments, other financial securities, funds, transfer 64
of funds, financial services, communications, lodging, training, 65
safe houses, false documentation or identification, 66
communications equipment, facilities, weapons, lethal 67
substances, explosives, personnel, transportation, and other 68
physical assets, except medicine or religious materials. 69

(I) "Payment instrument" means a check, draft, money 70
order, traveler's check, cashier's check, teller's check, or 71
other instrument or order for the transmission or payment of 72
money, regardless of whether the item in question is negotiable. 73

(J) "Peace officer" and "prosecutor" have the same 74
meanings as in section 2935.01 of the Revised Code. 75

(K) "Precursor" means any chemical reactant that takes 76

part at any stage in the production by whatever method of a 77
toxic chemical, including any key component of a binary or 78
multicomponent chemical system. 79

(L) "Response costs" means all costs a political 80
subdivision incurs as a result of, or in making any response to, 81
a threat of a specified offense made as described in section 82
2909.23 of the Revised Code or a specified offense committed as 83
described in section 2909.24 of the Revised Code, including, but 84
not limited to, all costs so incurred by any law enforcement 85
officers, firefighters, rescue personnel, or emergency medical 86
services personnel of the political subdivision and all costs so 87
incurred by the political subdivision that relate to laboratory 88
testing or hazardous material cleanup. 89

(M) "Specified offense" means any of the following: 90

(1) A felony offense of violence, ~~a;~~ 91

(2) A violation of section 2909.04, 2909.081, 2909.22, 92
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, or 2927.24 93
of the Revised Code, ~~a;~~ 94

(3) A violation of section 2925.03, 2925.04, 2925.05, or 95
2925.11 of the Revised Code if the offender is a major drug 96
offender; 97

(4) Except as provided in division (M) (3) of this section, 98
a felony of the first degree that is not a violation of any 99
provision in Chapter 2925. or 3719. of the Revised Code; 100

~~(2)-(5)~~ (5) An attempt to commit, complicity in committing, or 101
a conspiracy to commit an offense listed in ~~division~~ divisions 102
(M) (1) to (4) of this section. 103

(N) "Toxic chemical" means any chemical that through its 104

chemical action on life processes can cause death or serious 105
physical harm to persons or animals, regardless of its origin or 106
of its method of production and regardless of whether it is 107
produced in facilities, in munitions, or elsewhere. 108

(O) "Hazardous radioactive substance" means any substance 109
or item that releases or is designed to release radiation or 110
radioactivity at a level dangerous to human life. 111

(P) "Major drug offender" has the same meaning as in 112
section 2929.01 of the Revised Code. 113

Sec. 2909.24. (A) No person shall commit a specified 114
offense with purpose to do any of the following: 115

(1) Intimidate or coerce a civilian population; 116

(2) Influence the policy of any government by intimidation 117
or coercion; 118

(3) Affect the conduct of any government by the specified 119
offense. 120

~~(B) (1)~~ (B) For a prosecution under division (A) (1) of this 121
section, the element "intimidate or coerce a civilian 122
population" has been established if the specified offense is one 123
of the specified offenses in division (M) (3) of section 2909.21 124
of the Revised Code and in committing the specified offense the 125
offender caused or created a substantial risk of serious 126
physical harm or death to one or more persons. 127

(C) (1) Whoever violates this section is guilty of 128
terrorism. 129

(2) Except as otherwise provided in divisions ~~(B) (3)~~ (C) 130
(3) and (4) of this section, terrorism is an offense one degree 131
higher than the most serious underlying specified offense the 132

defendant committed.	133
(3) Except as provided in division (B) (6) <u>(C) (6)</u> of this section, if the most serious underlying specified offense the defendant committed is a felony of the first degree or murder, the person shall be sentenced to life imprisonment without parole.	134 135 136 137 138
(4) Except as provided in division (B) (6) <u>(C) (6)</u> of this section, if the most serious underlying specified offense the defendant committed is aggravated murder, the offender shall be sentenced to life imprisonment without parole or death pursuant to sections 2929.02 to 2929.06 of the Revised Code.	139 140 141 142 143
(5) Section 2909.25 of the Revised Code applies regarding an offender who is convicted of or pleads guilty to a violation of this section.	144 145 146
(6) If a person commits a violation of this section, if the most serious underlying specified offense the offender committed is aggravated murder, murder, or a felony of the first degree, and if the offender was under eighteen years of age at the time of the violation, the offender shall not be sentenced to life imprisonment without parole, but instead the offender shall be sentenced to an indefinite prison term of thirty years to life.	147 148 149 150 151 152 153 154
Sec. 2925.37. (A) No person shall knowingly possess any counterfeit controlled substance.	155 156
(B) No person shall knowingly make, sell, offer to sell, or deliver any substance that the person knows is a counterfeit controlled substance.	157 158 159
(C) No person shall make, possess, sell, offer to sell, or deliver any punch, die, plate, stone, or other device knowing or	160 161

having reason to know that it will be used to print or reproduce 162
a trademark, trade name, or other identifying mark upon a 163
counterfeit controlled substance. 164

(D) No person shall knowingly make, possess, sell, offer 165
to sell, or deliver an encapsulating machine or tableting 166
machine knowing or having reason to know that it is likely to be 167
used to compound, convert, manufacture, prepare, process, or 168
produce a counterfeit controlled substance. 169

(E) No person shall sell, offer to sell, give, or deliver 170
any counterfeit controlled substance to a juvenile. 171

~~(E)~~(F) No person shall directly or indirectly represent a 172
counterfeit controlled substance as a controlled substance by 173
describing its effects as the physical or psychological effects 174
associated with use of a controlled substance. 175

~~(F)~~(G) No person shall directly or indirectly falsely 176
represent or advertise a counterfeit controlled substance as a 177
controlled substance. As used in this division, "advertise" 178
means engaging in "advertisement," as defined in section 3715.01 179
of the Revised Code. 180

~~(G)~~(H) Whoever violates division (A) of this section is 181
guilty of possession of counterfeit controlled substances, a 182
misdemeanor of the first degree. 183

~~(H)~~(I) Whoever violates division (B) ~~or~~, (C), or (D) of 184
this section is guilty of trafficking in counterfeit controlled 185
substances. Except as otherwise provided in this division, 186
trafficking in counterfeit controlled substances is a felony of 187
the fifth degree, and division (C) of section 2929.13 of the 188
Revised Code applies in determining whether to impose a prison 189
term on the offender. If the offense was committed in the 190

vicinity of a school or in the vicinity of a juvenile, 191
trafficking in counterfeit controlled substances is a felony of 192
the fourth degree, and division (C) of section 2929.13 of the 193
Revised Code applies in determining whether to impose a prison 194
term on the offender. 195

~~(I)~~ (J) Whoever violates division ~~(D)~~ (E) of this section 196
is guilty of aggravated trafficking in counterfeit controlled 197
substances. Except as otherwise provided in this division, 198
aggravated trafficking in counterfeit controlled substances is a 199
felony of the fourth degree, and division (C) of section 2929.13 200
of the Revised Code applies in determining whether to impose a 201
prison term on the offender. 202

~~(J)~~ (K) Whoever violates division ~~(E)~~ (F) of this section 203
is guilty of promoting and encouraging drug abuse. Except as 204
otherwise provided in this division, promoting and encouraging 205
drug abuse is a felony of the fifth degree, and division (C) of 206
section 2929.13 of the Revised Code applies in determining 207
whether to impose a prison term on the offender. If the offense 208
was committed in the vicinity of a school or in the vicinity of 209
a juvenile, promoting and encouraging drug abuse is a felony of 210
the fourth degree, and division (C) of section 2929.13 of the 211
Revised Code applies in determining whether to impose a prison 212
term on the offender. 213

~~(K)~~ (L) Whoever violates division ~~(F)~~ (G) of this section 214
is guilty of fraudulent drug advertising. Except as otherwise 215
provided in this division, fraudulent drug advertising is a 216
felony of the fifth degree, and division (C) of section 2929.13 217
of the Revised Code applies in determining whether to impose a 218
prison term on the offender. If the offense was committed in the 219
vicinity of a school or in the vicinity of a juvenile, 220

fraudulent drug advertising is a felony of the fourth degree, 221
and division (C) of section 2929.13 of the Revised Code applies 222
in determining whether to impose a prison term on the offender. 223

~~(I)(1)~~ (M)(1) In addition to any prison term authorized or 224
required by divisions ~~(H)~~ (I) to ~~(K)~~ (L) of this section and 225
sections 2929.13 and 2929.14 of the Revised Code and in addition 226
to any other sanction imposed for the offense under this section 227
or sections 2929.11 to 2929.18 of the Revised Code, the court 228
that sentences an offender who is convicted of or pleads guilty 229
to a violation of division (B), (C), (D), (E), ~~or (F)~~, or (G) of 230
this section may suspend for not more than five years the 231
offender's driver's or commercial driver's license or permit. 232
However, if the offender pleaded guilty to or was convicted of a 233
violation of section 4511.19 of the Revised Code or a 234
substantially similar municipal ordinance or the law of another 235
state or the United States arising out of the same set of 236
circumstances as the violation, the court shall suspend the 237
offender's driver's or commercial driver's license or permit for 238
not more than five years. 239

If the offender is a professionally licensed person, in 240
addition to any other sanction imposed for a violation of this 241
section, the court immediately shall comply with section 2925.38 242
of the Revised Code. 243

(2) Any offender who received a mandatory suspension of 244
the offender's driver's or commercial driver's license or permit 245
under this section prior to ~~the effective date of this amendment~~ 246
September 13, 2016, may file a motion with the sentencing court 247
requesting the termination of the suspension. However, an 248
offender who pleaded guilty to or was convicted of a violation 249
of section 4511.19 of the Revised Code or a substantially 250

similar municipal ordinance or law of another state or the 251
United States that arose out of the same set of circumstances as 252
the violation for which the offender's license or permit was 253
suspended under this section shall not file such a motion. 254

Upon the filing of a motion under division ~~(L) (2)~~ (M) (2) 255
of this section, the sentencing court, in its discretion, may 256
terminate the suspension. 257

~~(M)~~ (N) Notwithstanding any contrary provision of section 258
3719.21 of the Revised Code, the clerk of the court shall pay a 259
fine imposed for a violation of this section pursuant to 260
division (A) of section 2929.18 of the Revised Code in 261
accordance with and subject to the requirements of division (F) 262
of section 2925.03 of the Revised Code. The agency that receives 263
the fine shall use the fine as specified in division (F) of 264
section 2925.03 of the Revised Code. 265

Sec. 3719.21. Except as provided in division (C) of 266
section 2923.42, division (B) of section 2923.44, divisions (D) 267
(1), (F), and (H) of section 2925.03, division (D) (1) of section 268
2925.02, 2925.04, or 2925.05, division (E) (1) of section 269
2925.11, division (E) of section 2925.13, division (F) of 270
section 2925.36, division (D) of section 2925.22, division (H) 271
of section 2925.23, division ~~(M)~~ (N) of section 2925.37, 272
division (B) of section 2925.42, division (B) of section 273
2929.18, division (D) of section 3719.99, division (B) (1) of 274
section 4729.65, division (E) (3) of section 4729.99, and 275
division (I) (3) of section 4729.99 of the Revised Code, the 276
clerk of the court shall pay all fines or forfeited bail 277
assessed and collected under prosecutions or prosecutions 278
commenced for violations of this chapter, section 2923.42 of the 279
Revised Code, or Chapter 2925. of the Revised Code, within 280

thirty days, to the executive director of the state board of 281
pharmacy, and the executive director shall deposit the fines 282
into the state treasury to the credit of the occupational 283
licensing and regulatory fund. 284

Sec. 5502.09. (A) As used in this section: 285

(1) "Counterfeit controlled substance" has the same 286
meaning as in section 2925.01 of the Revised Code. 287

(2) "Encapsulating machine" or "tableting machine" means a 288
machine that may be used to compound, convert, manufacture, 289
prepare, process, or produce a counterfeit controlled substance. 290

(3) "Law enforcement agency" means a municipal or township 291
police department, a county sheriff's office, or the state 292
highway patrol. 293

(4) "Licensed health professional authorized to prescribe 294
drugs" and "prescriber" have the same meanings as in section 295
4729.01 of the Revised Code. 296

(5) "Pill press mold" means a punch, die, plate, stone, or 297
other device that may be used to print or reproduce a trademark, 298
trade name, or other identifying mark upon a counterfeit 299
controlled substance. 300

(B) Within six months after the effective date of this 301
section, the department of public safety shall establish and 302
maintain a pill press mold, encapsulating machine, and tableting 303
machine registry. 304

(C) (1) Any person who possesses a pill press mold, 305
encapsulating machine, or tableting machine shall register the 306
pill press mold, encapsulating machine, or tableting machine 307
with the department of public safety. A person who is in 308

possession of a pill press mold, encapsulating machine, or 309
tableting machine on the date that the pill press mold, 310
encapsulating machine, and tableting machine registry is 311
established shall register the pill press mold, encapsulating 312
machine, or tableting machine with the department within six 313
months after the date that the pill press mold, encapsulating 314
machine, and tableting machine registry is established. A person 315
who acquires possession of a pill press mold, encapsulating 316
machine, or tableting machine after the date that the pill press 317
mold, encapsulating machine, and tableting machine registry is 318
established shall register the pill press mold, encapsulating 319
machine, or tableting machine with the department within thirty 320
days of acquiring possession of the pill press mold, 321
encapsulating machine, or tableting machine. 322

(2) The registrant shall register by obtaining from the 323
department of public safety a copy of the registration form 324
prescribed by the department, completing and signing the form, 325
and returning to the department the completed and signed form. 326

(3) The registration form shall include all of the 327
following: 328

(a) The registrant's full name and any alias used; 329

(b) The registrant's address; 330

(c) The registrant's telephone number; 331

(d) The registrant's social security number; 332

(e) The name and address of the registrant's place of 333
employment; 334

(f) The name and address of any school or institution of 335
higher education that the registrant is attending; 336

(g) The registrant's driver's license number or commercial driver's license number, or state identification card number; 337
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(h) The license plate number of each vehicle owned or operated by the registrant or registered in the registrant's name, the vehicle identification number of each vehicle, and a description of each vehicle; 339
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(i) The number and description of each pill press mold, encapsulating machine, or tableting machine that the registrant possesses; 343
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(j) Any other information required by the department of public safety. 346
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(D) The registrant shall reregister one year after the registrant's last registration or reregistration. The registrant shall reregister by obtaining from the department of public safety a copy of the reregistration form prescribed by the department, completing and signing the form, and returning to the department the completed and signed form, amending any information required under division (C) of this section that has changed since the last registration, and providing any additional registration information required by the department. 348
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(E) (1) If the registrant no longer possesses a pill press mold, encapsulating machine, or tableting machine, the registrant shall provide notice of a change of possession to the department of public safety within ninety days of the registrant no longer possessing the pill press mold, encapsulating machine, or tableting machine. 357
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(2) The registrant shall provide notice of a change of possession to the department of public safety by obtaining from the department a copy of the notice of change of possession form 363
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prescribed by the department, completing and signing the form, 366
and returning to the department the completed and signed form. 367

(F) The department of public safety shall make the pill 368
press mold, encapsulating machine, and tableting machine 369
registry available to the department of public safety and law 370
enforcement agencies. The pill press mold, encapsulating 371
machine, and tableting machine registry is not a public record 372
under section 149.43 of the Revised Code. 373

(G) Within six months after the effective date of this 374
section, the department of public safety shall do both of the 375
following: 376

(1) In accordance with Chapter 119. of the Revised Code, 377
adopt rules with respect to the pill press mold, encapsulating 378
machine, and tableting machine registry; 379

(2) Prescribe forms to be used by registrants to register, 380
reregister, and provide notice of change of possession as 381
described in divisions (C), (D), and (E) of this section. 382

(H) This section does not apply to manufacturers, licensed 383
health professionals authorized to prescribe drugs, prescribers, 384
pharmacists, owners of pharmacies, and other persons whose 385
conduct is in accordance with Chapters 3719., 4715., 4723., 386
4729., 4730., 4731., and 4741. of the Revised Code. 387

(I) Whoever fails to register or reregister in violation 388
of division (C) or (D) of this section is guilty of failure to 389
register with the pill press mold, encapsulating machine, and 390
tableting machine registry, a misdemeanor of the first degree. 391

Section 2. That existing sections 2909.21, 2909.24, 392
2925.37, and 3719.21 of the Revised Code are hereby repealed. 393