

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 42**

**Senator Eklund**

**Cosponsors: Senators LaRose, Gardner, Bacon, Huffman, Brown, Hoagland,  
Oelslager, Hite, Terhar, Peterson**

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**A BILL**

To amend sections 2925.02, 2925.03, 2925.04, 1  
2925.05, 2925.11, 2925.12, 2925.14, 2925.141, 2  
2925.22, 2925.23, 2925.36, 2925.51, 2929.14, 3  
3719.99, and 4729.99 of the Revised Code to 4  
expressly provide that drug offense penalties 5  
that refer to a particular type of drug also 6  
apply to a compound, mixture, preparation, or 7  
substance containing a detectable amount of that 8  
drug and to declare an emergency. 9

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

**Section 1.** That sections 2925.02, 2925.03, 2925.04, 10  
2925.05, 2925.11, 2925.12, 2925.14, 2925.141, 2925.22, 2925.23, 11  
2925.36, 2925.51, 2929.14, 3719.99, and 4729.99 of the Revised 12  
Code be amended to read as follows: 13

**Sec. 2925.02.** (A) No person shall knowingly do any of the 14  
following: 15

(1) By force, threat, or deception, administer to another 16  
or induce or cause another to use a controlled substance; 17

(2) By any means, administer or furnish to another or 18  
induce or cause another to use a controlled substance with 19  
purpose to cause serious physical harm to the other person, or 20  
with purpose to cause the other person to become drug dependent; 21

(3) By any means, administer or furnish to another or 22  
induce or cause another to use a controlled substance, and 23  
thereby cause serious physical harm to the other person, or 24  
cause the other person to become drug dependent; 25

(4) By any means, do any of the following: 26

(a) Furnish or administer a controlled substance to a 27  
juvenile who is at least two years the offender's junior, when 28  
the offender knows the age of the juvenile or is reckless in 29  
that regard; 30

(b) Induce or cause a juvenile who is at least two years 31  
the offender's junior to use a controlled substance, when the 32  
offender knows the age of the juvenile or is reckless in that 33  
regard; 34

(c) Induce or cause a juvenile who is at least two years 35  
the offender's junior to commit a felony drug abuse offense, 36  
when the offender knows the age of the juvenile or is reckless 37  
in that regard; 38

(d) Use a juvenile, whether or not the offender knows the 39  
age of the juvenile, to perform any surveillance activity that 40  
is intended to prevent the detection of the offender or any 41  
other person in the commission of a felony drug abuse offense or 42  
to prevent the arrest of the offender or any other person for 43  
the commission of a felony drug abuse offense. 44

(5) By any means, furnish or administer a controlled 45  
substance to a pregnant woman or induce or cause a pregnant 46

woman to use a controlled substance, when the offender knows 47  
that the woman is pregnant or is reckless in that regard. 48

(B) Division (A) (1), (3), (4), or (5) of this section does 49  
not apply to manufacturers, wholesalers, licensed health 50  
professionals authorized to prescribe drugs, pharmacists, owners 51  
of pharmacies, and other persons whose conduct is in accordance 52  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 53  
4741. of the Revised Code. 54

(C) Whoever violates this section is guilty of corrupting 55  
another with drugs. The penalty for the offense shall be 56  
determined as follows: 57

(1) If the offense is a violation of division (A) (1), (2), 58  
(3), or (4) of this section and the drug involved is any 59  
compound, mixture, preparation, or substance included in 60  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 61  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 62  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 63  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 64  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol and 65  
any compound, mixture, preparation, or substance containing a 66  
detectable amount of any such drug, the offender shall be 67  
punished as follows: 68

(a) Except as otherwise provided in division (C) (1) (b) of 69  
this section, corrupting another with drugs committed in those 70  
circumstances is a felony of the second degree and, subject to 71  
division (E) of this section, the court shall impose as a 72  
mandatory prison term one of the prison terms prescribed for a 73  
felony of the second degree. 74

(b) If the offense was committed in the vicinity of a 75

school, corrupting another with drugs committed in those 76  
circumstances is a felony of the first degree, and, subject to 77  
division (E) of this section, the court shall impose as a 78  
mandatory prison term one of the prison terms prescribed for a 79  
felony of the first degree. 80

(2) If the offense is a violation of division (A) (1), (2), 81  
(3), or (4) of this section and the drug involved is any 82  
compound, mixture, preparation, or substance included in 83  
schedule III, IV, or V, the offender shall be punished as 84  
follows: 85

(a) Except as otherwise provided in division (C) (2) (b) of 86  
this section, corrupting another with drugs committed in those 87  
circumstances is a felony of the second degree and there is a 88  
presumption for a prison term for the offense. 89

(b) If the offense was committed in the vicinity of a 90  
school, corrupting another with drugs committed in those 91  
circumstances is a felony of the second degree and the court 92  
shall impose as a mandatory prison term one of the prison terms 93  
prescribed for a felony of the second degree. 94

(3) If the offense is a violation of division (A) (1), (2), 95  
(3), or (4) of this section and the drug involved is marihuana, 96  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 97  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 98  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 99  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or 100  
any compound, mixture, preparation, or substance containing a 101  
detectable amount of any such drug, the offender shall be 102  
punished as follows: 103

(a) Except as otherwise provided in division (C) (3) (b) of 104

this section, corrupting another with drugs committed in those 105  
circumstances is a felony of the fourth degree and division (C) 106  
of section 2929.13 of the Revised Code applies in determining 107  
whether to impose a prison term on the offender. 108

(b) If the offense was committed in the vicinity of a 109  
school, corrupting another with drugs committed in those 110  
circumstances is a felony of the third degree and division (C) 111  
of section 2929.13 of the Revised Code applies in determining 112  
whether to impose a prison term on the offender. 113

(4) If the offense is a violation of division (A) (5) of 114  
this section and the drug involved is any compound, mixture, 115  
preparation, or substance included in schedule I or II, with the 116  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 117  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 118  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 119  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 120  
3-hydroxycyclohexyl]-phenol and any compound, mixture, 121  
preparation, or substance containing a detectable amount of any 122  
such drug, corrupting another with drugs is a felony of the 123  
first degree and, subject to division (E) of this section, the 124  
court shall impose as a mandatory prison term one of the prison 125  
terms prescribed for a felony of the first degree. 126

(5) If the offense is a violation of division (A) (5) of 127  
this section and the drug involved is any compound, mixture, 128  
preparation, or substance included in schedule III, IV, or V, 129  
corrupting another with drugs is a felony of the second degree 130  
and the court shall impose as a mandatory prison term one of the 131  
prison terms prescribed for a felony of the second degree. 132

(6) If the offense is a violation of division (A) (5) of 133  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 134

naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 135  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 136  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 137  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or 138  
any compound, mixture, preparation, or substance containing a 139  
detectable amount of any such drug, corrupting another with 140  
drugs is a felony of the third degree and division (C) of 141  
section 2929.13 of the Revised Code applies in determining 142  
whether to impose a prison term on the offender. 143

(D) In addition to any prison term authorized or required 144  
by division (C) or (E) of this section and sections 2929.13 and 145  
2929.14 of the Revised Code and in addition to any other 146  
sanction imposed for the offense under this section or sections 147  
2929.11 to 2929.18 of the Revised Code, the court that sentences 148  
an offender who is convicted of or pleads guilty to a violation 149  
of division (A) of this section may suspend for not more than 150  
five years the offender's driver's or commercial driver's 151  
license or permit. However, if the offender pleaded guilty to or 152  
was convicted of a violation of section 4511.19 of the Revised 153  
Code or a substantially similar municipal ordinance or the law 154  
of another state or the United States arising out of the same 155  
set of circumstances as the violation, the court shall suspend 156  
the offender's driver's or commercial driver's license or permit 157  
for not more than five years. The court also shall do all of the 158  
following that are applicable regarding the offender: 159

(1) (a) If the violation is a felony of the first, second, 160  
or third degree, the court shall impose upon the offender the 161  
mandatory fine specified for the offense under division (B) (1) 162  
of section 2929.18 of the Revised Code unless, as specified in 163  
that division, the court determines that the offender is 164  
indigent. 165

(b) Notwithstanding any contrary provision of section 166  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 167  
to division (D) (1) (a) of this section and any fine imposed for a 168  
violation of this section pursuant to division (A) of section 169  
2929.18 of the Revised Code shall be paid by the clerk of the 170  
court in accordance with and subject to the requirements of, and 171  
shall be used as specified in, division (F) of section 2925.03 172  
of the Revised Code. 173

(c) If a person is charged with any violation of this 174  
section that is a felony of the first, second, or third degree, 175  
posts bail, and forfeits the bail, the forfeited bail shall be 176  
paid by the clerk of the court pursuant to division (D) (1) (b) of 177  
this section as if it were a fine imposed for a violation of 178  
this section. 179

(2) If the offender is a professionally licensed person, 180  
in addition to any other sanction imposed for a violation of 181  
this section, the court immediately shall comply with section 182  
2925.38 of the Revised Code. 183

(E) Notwithstanding the prison term otherwise authorized 184  
or required for the offense under division (C) of this section 185  
and sections 2929.13 and 2929.14 of the Revised Code, if the 186  
violation of division (A) of this section involves the sale, 187  
offer to sell, or possession of a schedule I or II controlled 188  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 189  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 190  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 191  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 192  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol and 193  
any compound, mixture, preparation, or substance containing a 194  
detectable amount of any such drug, and if the court imposing 195

sentence upon the offender finds that the offender as a result 196  
of the violation is a major drug offender and is guilty of a 197  
specification of the type described in section 2941.1410 of the 198  
Revised Code, the court, in lieu of the prison term that 199  
otherwise is authorized or required, shall impose upon the 200  
offender the mandatory prison term specified in division (B)(3) 201  
(a) of section 2929.14 of the Revised Code. 202

(F)(1) If the sentencing court suspends the offender's 203  
driver's or commercial driver's license or permit under division 204  
(D) of this section, the offender, at any time after the 205  
expiration of two years from the day on which the offender's 206  
sentence was imposed or from the day on which the offender 207  
finally was released from a prison term under the sentence, 208  
whichever is later, may file a motion with the sentencing court 209  
requesting termination of the suspension. Upon the filing of the 210  
motion and the court's finding of good cause for the 211  
determination, the court may terminate the suspension. 212

(2) Any offender who received a mandatory suspension of 213  
the offender's driver's or commercial driver's license or permit 214  
under this section prior to ~~the effective date of this amendment~~ 215  
September 13, 2016, may file a motion with the sentencing court 216  
requesting the termination of the suspension. However, an 217  
offender who pleaded guilty to or was convicted of a violation 218  
of section 4511.19 of the Revised Code or a substantially 219  
similar municipal ordinance or law of another state or the 220  
United States that arose out of the same set of circumstances as 221  
the violation for which the offender's license or permit was 222  
suspended under this section shall not file such a motion. 223

Upon the filing of a motion under division (F)(2) of this 224  
section, the sentencing court, in its discretion, may terminate 225



the suspension.	226
<b>Sec. 2925.03.</b> (A) No person shall knowingly do any of the	227
following:	228
(1) Sell or offer to sell a controlled substance or a	229
controlled substance analog;	230
(2) Prepare for shipment, ship, transport, deliver,	231
prepare for distribution, or distribute a controlled substance	232
or a controlled substance analog, when the offender knows or has	233
reasonable cause to believe that the controlled substance or a	234
controlled substance analog is intended for sale or resale by	235
the offender or another person.	236
(B) This section does not apply to any of the following:	237
(1) Manufacturers, licensed health professionals	238
authorized to prescribe drugs, pharmacists, owners of	239
pharmacies, and other persons whose conduct is in accordance	240
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	241
4741. of the Revised Code;	242
(2) If the offense involves an anabolic steroid, any	243
person who is conducting or participating in a research project	244
involving the use of an anabolic steroid if the project has been	245
approved by the United States food and drug administration;	246
(3) Any person who sells, offers for sale, prescribes,	247
dispenses, or administers for livestock or other nonhuman	248
species an anabolic steroid that is expressly intended for	249
administration through implants to livestock or other nonhuman	250
species and approved for that purpose under the "Federal Food,	251
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	252
as amended, and is sold, offered for sale, prescribed,	253
dispensed, or administered for that purpose in accordance with	254

that act. 255

(C) Whoever violates division (A) of this section is 256  
guilty of one of the following: 257

(1) If the drug involved in the violation is any compound, 258  
mixture, preparation, or substance included in schedule I or 259  
schedule II, with the exception of marihuana, cocaine, L.S.D., 260  
heroin, hashish, and controlled substance analogs and of any 261  
compound, mixture, preparation, or substance containing a 262  
detectable amount of any such drug, whoever violates division 263  
(A) of this section is guilty of aggravated trafficking in 264  
drugs. The penalty for the offense shall be determined as 265  
follows: 266

(a) Except as otherwise provided in division (C) (1) (b), 267  
(c), (d), (e), or (f) of this section, aggravated trafficking in 268  
drugs is a felony of the fourth degree, and division (C) of 269  
section 2929.13 of the Revised Code applies in determining 270  
whether to impose a prison term on the offender. 271

(b) Except as otherwise provided in division (C) (1) (c), 272  
(d), (e), or (f) of this section, if the offense was committed 273  
in the vicinity of a school or in the vicinity of a juvenile, 274  
aggravated trafficking in drugs is a felony of the third degree, 275  
and division (C) of section 2929.13 of the Revised Code applies 276  
in determining whether to impose a prison term on the offender. 277

(c) Except as otherwise provided in this division, if the 278  
amount of the drug involved equals or exceeds the bulk amount 279  
but is less than five times the bulk amount, aggravated 280  
trafficking in drugs is a felony of the third degree, and, 281  
except as otherwise provided in this division, there is a 282  
presumption for a prison term for the offense. If aggravated 283

trafficking in drugs is a felony of the third degree under this 284  
division and if the offender two or more times previously has 285  
been convicted of or pleaded guilty to a felony drug abuse 286  
offense, the court shall impose as a mandatory prison term one 287  
of the prison terms prescribed for a felony of the third degree. 288  
If the amount of the drug involved is within that range and if 289  
the offense was committed in the vicinity of a school or in the 290  
vicinity of a juvenile, aggravated trafficking in drugs is a 291  
felony of the second degree, and the court shall impose as a 292  
mandatory prison term one of the prison terms prescribed for a 293  
felony of the second degree. 294

(d) Except as otherwise provided in this division, if the 295  
amount of the drug involved equals or exceeds five times the 296  
bulk amount but is less than fifty times the bulk amount, 297  
aggravated trafficking in drugs is a felony of the second 298  
degree, and the court shall impose as a mandatory prison term 299  
one of the prison terms prescribed for a felony of the second 300  
degree. If the amount of the drug involved is within that range 301  
and if the offense was committed in the vicinity of a school or 302  
in the vicinity of a juvenile, aggravated trafficking in drugs 303  
is a felony of the first degree, and the court shall impose as a 304  
mandatory prison term one of the prison terms prescribed for a 305  
felony of the first degree. 306

(e) If the amount of the drug involved equals or exceeds 307  
fifty times the bulk amount but is less than one hundred times 308  
the bulk amount and regardless of whether the offense was 309  
committed in the vicinity of a school or in the vicinity of a 310  
juvenile, aggravated trafficking in drugs is a felony of the 311  
first degree, and the court shall impose as a mandatory prison 312  
term one of the prison terms prescribed for a felony of the 313  
first degree. 314

(f) If the amount of the drug involved equals or exceeds 315  
one hundred times the bulk amount and regardless of whether the 316  
offense was committed in the vicinity of a school or in the 317  
vicinity of a juvenile, aggravated trafficking in drugs is a 318  
felony of the first degree, the offender is a major drug 319  
offender, and the court shall impose as a mandatory prison term 320  
the maximum prison term prescribed for a felony of the first 321  
degree. 322

(2) If the drug involved in the violation is any compound, 323  
mixture, preparation, or substance included in schedule III, IV, 324  
or V, whoever violates division (A) of this section is guilty of 325  
trafficking in drugs. The penalty for the offense shall be 326  
determined as follows: 327

(a) Except as otherwise provided in division (C) (2) (b), 328  
(c), (d), or (e) of this section, trafficking in drugs is a 329  
felony of the fifth degree, and division (B) of section 2929.13 330  
of the Revised Code applies in determining whether to impose a 331  
prison term on the offender. 332

(b) Except as otherwise provided in division (C) (2) (c), 333  
(d), or (e) of this section, if the offense was committed in the 334  
vicinity of a school or in the vicinity of a juvenile, 335  
trafficking in drugs is a felony of the fourth degree, and 336  
division (C) of section 2929.13 of the Revised Code applies in 337  
determining whether to impose a prison term on the offender. 338

(c) Except as otherwise provided in this division, if the 339  
amount of the drug involved equals or exceeds the bulk amount 340  
but is less than five times the bulk amount, trafficking in 341  
drugs is a felony of the fourth degree, and division (B) of 342  
section 2929.13 of the Revised Code applies in determining 343  
whether to impose a prison term for the offense. If the amount 344

of the drug involved is within that range and if the offense was 345  
committed in the vicinity of a school or in the vicinity of a 346  
juvenile, trafficking in drugs is a felony of the third degree, 347  
and there is a presumption for a prison term for the offense. 348

(d) Except as otherwise provided in this division, if the 349  
amount of the drug involved equals or exceeds five times the 350  
bulk amount but is less than fifty times the bulk amount, 351  
trafficking in drugs is a felony of the third degree, and there 352  
is a presumption for a prison term for the offense. If the 353  
amount of the drug involved is within that range and if the 354  
offense was committed in the vicinity of a school or in the 355  
vicinity of a juvenile, trafficking in drugs is a felony of the 356  
second degree, and there is a presumption for a prison term for 357  
the offense. 358

(e) Except as otherwise provided in this division, if the 359  
amount of the drug involved equals or exceeds fifty times the 360  
bulk amount, trafficking in drugs is a felony of the second 361  
degree, and the court shall impose as a mandatory prison term 362  
one of the prison terms prescribed for a felony of the second 363  
degree. If the amount of the drug involved equals or exceeds 364  
fifty times the bulk amount and if the offense was committed in 365  
the vicinity of a school or in the vicinity of a juvenile, 366  
trafficking in drugs is a felony of the first degree, and the 367  
court shall impose as a mandatory prison term one of the prison 368  
terms prescribed for a felony of the first degree. 369

(3) If the drug involved in the violation is marihuana or 370  
a compound, mixture, preparation, or substance containing a 371  
detectable amount of marihuana other than hashish, whoever 372  
violates division (A) of this section is guilty of trafficking 373  
in marihuana. The penalty for the offense shall be determined as 374

follows: 375

(a) Except as otherwise provided in division (C) (3) (b), 376  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 377  
marihuana is a felony of the fifth degree, and division (B) of 378  
section 2929.13 of the Revised Code applies in determining 379  
whether to impose a prison term on the offender. 380

(b) Except as otherwise provided in division (C) (3) (c), 381  
(d), (e), (f), (g), or (h) of this section, if the offense was 382  
committed in the vicinity of a school or in the vicinity of a 383  
juvenile, trafficking in marihuana is a felony of the fourth 384  
degree, and division (B) of section 2929.13 of the Revised Code 385  
applies in determining whether to impose a prison term on the 386  
offender. 387

(c) Except as otherwise provided in this division, if the 388  
amount of the drug involved equals or exceeds two hundred grams 389  
but is less than one thousand grams of marihuana or of the 390  
compound, mixture, preparation, or substance containing the 391  
detectable amount of marihuana, trafficking in marihuana is a 392  
felony of the fourth degree, and division (B) of section 2929.13 393  
of the Revised Code applies in determining whether to impose a 394  
prison term on the offender. If the amount of the drug involved 395  
is within that range and if the offense was committed in the 396  
vicinity of a school or in the vicinity of a juvenile, 397  
trafficking in marihuana is a felony of the third degree, and 398  
division (C) of section 2929.13 of the Revised Code applies in 399  
determining whether to impose a prison term on the offender. 400

(d) Except as otherwise provided in this division, if the 401  
amount of the drug involved equals or exceeds one thousand grams 402  
but is less than five thousand grams of marihuana or of the 403  
compound, mixture, preparation, or substance containing the 404

detectable amount of marihuana, trafficking in marihuana is a 405  
felony of the third degree, and division (C) of section 2929.13 406  
of the Revised Code applies in determining whether to impose a 407  
prison term on the offender. If the amount of the drug involved 408  
is within that range and if the offense was committed in the 409  
vicinity of a school or in the vicinity of a juvenile, 410  
trafficking in marihuana is a felony of the second degree, and 411  
there is a presumption that a prison term shall be imposed for 412  
the offense. 413

(e) Except as otherwise provided in this division, if the 414  
amount of the drug involved equals or exceeds five thousand 415  
grams but is less than twenty thousand grams of marihuana or of 416  
the compound, mixture, preparation, or substance containing the 417  
detectable amount of marihuana, trafficking in marihuana is a 418  
felony of the third degree, and there is a presumption that a 419  
prison term shall be imposed for the offense. If the amount of 420  
the drug involved is within that range and if the offense was 421  
committed in the vicinity of a school or in the vicinity of a 422  
juvenile, trafficking in marihuana is a felony of the second 423  
degree, and there is a presumption that a prison term shall be 424  
imposed for the offense. 425

(f) Except as otherwise provided in this division, if the 426  
amount of the drug involved equals or exceeds twenty thousand 427  
grams but is less than forty thousand grams of marihuana or of 428  
the compound, mixture, preparation, or substance containing the 429  
detectable amount of marihuana, trafficking in marihuana is a 430  
felony of the second degree, and the court shall impose a 431  
mandatory prison term of five, six, seven, or eight years. If 432  
the amount of the drug involved is within that range and if the 433  
offense was committed in the vicinity of a school or in the 434  
vicinity of a juvenile, trafficking in marihuana is a felony of 435

the first degree, and the court shall impose as a mandatory 436  
prison term the maximum prison term prescribed for a felony of 437  
the first degree. 438

(g) Except as otherwise provided in this division, if the 439  
amount of the drug involved equals or exceeds forty thousand 440  
grams of marihuana or of the compound, mixture, preparation, or 441  
substance containing the detectable amount of marihuana, 442  
trafficking in marihuana is a felony of the second degree, and 443  
the court shall impose as a mandatory prison term the maximum 444  
prison term prescribed for a felony of the second degree. If the 445  
amount of the drug involved equals or exceeds forty thousand 446  
grams of marihuana or of the compound, mixture, preparation, or 447  
substance containing the detectable amount of marihuana and if 448  
the offense was committed in the vicinity of a school or in the 449  
vicinity of a juvenile, trafficking in marihuana is a felony of 450  
the first degree, and the court shall impose as a mandatory 451  
prison term the maximum prison term prescribed for a felony of 452  
the first degree. 453

(h) Except as otherwise provided in this division, if the 454  
offense involves a gift of twenty grams or less of marihuana or 455  
of the compound, mixture, preparation, or substance containing 456  
the detectable amount of marihuana, trafficking in marihuana is 457  
a minor misdemeanor upon a first offense and a misdemeanor of 458  
the third degree upon a subsequent offense. If the offense 459  
involves a gift of twenty grams or less of marihuana or of the 460  
compound, mixture, preparation, or substance containing the 461  
detectable amount of marihuana and if the offense was committed 462  
in the vicinity of a school or in the vicinity of a juvenile, 463  
trafficking in marihuana is a misdemeanor of the third degree. 464

(4) If the drug involved in the violation is cocaine or a 465



compound, mixture, preparation, or substance containing a detectable amount of 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 or in the vicinity of a juvenile, 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 or of the compound, mixture, preparation, or substance containing the detectable amount 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 or in the vicinity of a juvenile, 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 or of the compound, mixture, 496  
preparation, or substance containing the detectable amount of 497  
cocaine, trafficking in cocaine is a felony of the third degree, 498  
and, except as otherwise provided in this division, there is a 499  
presumption for a prison term for the offense. If trafficking in 500  
cocaine is a felony of the third degree under this division and 501  
if the offender two or more times previously has been convicted 502  
of or pleaded guilty to a felony drug abuse offense, the court 503  
shall impose as a mandatory prison term one of the prison terms 504  
prescribed for a felony of the third degree. If the amount of 505  
the drug involved is within that range and if the offense was 506  
committed in the vicinity of a school or in the vicinity of a 507  
juvenile, trafficking in cocaine is a felony of the second 508  
degree, and the court shall impose as a mandatory prison term 509  
one of the prison terms prescribed for a felony of the second 510  
degree. 511

(e) Except as otherwise provided in this division, if the 512  
amount of the drug involved equals or exceeds twenty grams but 513  
is less than twenty-seven grams of cocaine or of the compound, 514  
mixture, preparation, or substance containing the detectable 515  
amount of cocaine, trafficking in cocaine is a felony of the 516  
second degree, and the court shall impose as a mandatory prison 517  
term one of the prison terms prescribed for a felony of the 518  
second degree. If the amount of the drug involved is within that 519  
range and if the offense was committed in the vicinity of a 520  
school or in the vicinity of a juvenile, trafficking in cocaine 521  
is a felony of the first degree, and the court shall impose as a 522  
mandatory prison term one of the prison terms prescribed for a 523  
felony of the first degree. 524

(f) If the amount of the drug involved equals or exceeds 525  
twenty-seven grams but is less than one hundred grams of cocaine 526

or of the compound, mixture, preparation, or substance 527  
containing the detectable amount of cocaine and regardless of 528  
whether the offense was committed in the vicinity of a school or 529  
in the vicinity of a juvenile, trafficking in cocaine is a 530  
felony of the first degree, and the court shall impose as a 531  
mandatory prison term one of the prison terms prescribed for a 532  
felony of the first degree. 533

(g) If the amount of the drug involved equals or exceeds 534  
one hundred grams of cocaine or of the compound, mixture, 535  
preparation, or substance containing the detectable amount of 536  
cocaine and regardless of whether the offense was committed in 537  
the vicinity of a school or in the vicinity of a juvenile, 538  
trafficking in cocaine is a felony of the first degree, the 539  
offender is a major drug offender, and the court shall impose as 540  
a mandatory prison term the maximum prison term prescribed for a 541  
felony of the first degree. 542

(5) If the drug involved in the violation is L.S.D. or a 543  
compound, mixture, preparation, or substance containing a 544  
detectable amount of L.S.D., whoever violates division (A) of 545  
this section is guilty of trafficking in L.S.D. The penalty for 546  
the offense shall be determined as follows: 547

(a) Except as otherwise provided in division (C) (5) (b), 548  
(c), (d), (e), (f), or (g) of this section, trafficking in 549  
L.S.D. is a felony of the fifth degree, and division (B) of 550  
section 2929.13 of the Revised Code applies in determining 551  
whether to impose a prison term on the offender. 552

(b) Except as otherwise provided in division (C) (5) (c), 553  
(d), (e), (f), or (g) of this section, if the offense was 554  
committed in the vicinity of a school or in the vicinity of a 555  
juvenile, trafficking in L.S.D. is a felony of the fourth 556

degree, and division (C) of section 2929.13 of the Revised Code 557  
applies in determining whether to impose a prison term on the 558  
offender. 559

(c) Except as otherwise provided in this division, if the 560  
amount of the drug involved equals or exceeds ten unit doses but 561  
is less than fifty unit doses of L.S.D. or of the compound, 562  
mixture, preparation, or substance containing the detectable 563  
amount of L.S.D. in a solid form or equals or exceeds one gram 564  
but is less than five grams of L.S.D. or of the compound, 565  
mixture, preparation, or substance containing the detectable 566  
amount of L.S.D. in a liquid concentrate, liquid extract, or 567  
liquid distillate form, trafficking in L.S.D. is a felony of the 568  
fourth degree, and division (B) of section 2929.13 of the 569  
Revised Code applies in determining whether to impose a prison 570  
term for the offense. If the amount of the drug involved is 571  
within that range and if the offense was committed in the 572  
vicinity of a school or in the vicinity of a juvenile, 573  
trafficking in L.S.D. is a felony of the third degree, and there 574  
is a presumption for a prison term for the offense. 575

(d) Except as otherwise provided in this division, if the 576  
amount of the drug involved equals or exceeds fifty unit doses 577  
but is less than two hundred fifty unit doses of L.S.D. or of 578  
the compound, mixture, preparation, or substance containing the 579  
detectable amount of L.S.D. in a solid form or equals or exceeds 580  
five grams but is less than twenty-five grams of L.S.D. or of 581  
the compound, mixture, preparation, or substance containing the 582  
detectable amount of L.S.D. in a liquid concentrate, liquid 583  
extract, or liquid distillate form, trafficking in L.S.D. is a 584  
felony of the third degree, and, except as otherwise provided in 585  
this division, there is a presumption for a prison term for the 586  
offense. If trafficking in L.S.D. is a felony of the third 587

degree under this division and if the offender two or more times 588  
previously has been convicted of or pleaded guilty to a felony 589  
drug abuse offense, the court shall impose as a mandatory prison 590  
term one of the prison terms prescribed for a felony of the 591  
third degree. If the amount of the drug involved is within that 592  
range and if the offense was committed in the vicinity of a 593  
school or in the vicinity of a juvenile, trafficking in L.S.D. 594  
is a felony of the second degree, and the court shall impose as 595  
a mandatory prison term one of the prison terms prescribed for a 596  
felony of the second degree. 597

(e) Except as otherwise provided in this division, if the 598  
amount of the drug involved equals or exceeds two hundred fifty 599  
unit doses but is less than one thousand unit doses of L.S.D. or 600  
of the compound, mixture, preparation, or substance containing 601  
the detectable amount of L.S.D. in a solid form or equals or 602  
exceeds twenty-five grams but is less than one hundred grams of 603  
L.S.D. or of the compound, mixture, preparation, or substance 604  
containing the detectable amount of L.S.D. in a liquid 605  
concentrate, liquid extract, or liquid distillate form, 606  
trafficking in L.S.D. is a felony of the second degree, and the 607  
court shall impose as a mandatory prison term one of the prison 608  
terms prescribed for a felony of the second degree. If the 609  
amount of the drug involved is within that range and if the 610  
offense was committed in the vicinity of a school or in the 611  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 612  
first degree, and the court shall impose as a mandatory prison 613  
term one of the prison terms prescribed for a felony of the 614  
first degree. 615

(f) If the amount of the drug involved equals or exceeds 616  
one thousand unit doses but is less than five thousand unit 617  
doses of L.S.D. or of the compound, mixture, preparation, or 618

substance containing the detectable amount of L.S.D. in a solid 619  
form or equals or exceeds one hundred grams but is less than 620  
five hundred grams of L.S.D. or of the compound, mixture, 621  
preparation, or substance containing the detectable amount of 622  
L.S.D. in a liquid concentrate, liquid extract, or liquid 623  
distillate form and regardless of whether the offense was 624  
committed in the vicinity of a school or in the vicinity of a 625  
juvenile, trafficking in L.S.D. is a felony of the first degree, 626  
and the court shall impose as a mandatory prison term one of the 627  
prison terms prescribed for a felony of the first degree. 628

(g) If the amount of the drug involved equals or exceeds 629  
five thousand unit doses of L.S.D. or of the compound, mixture, 630  
preparation, or substance containing the detectable amount of 631  
L.S.D. in a solid form or equals or exceeds five hundred grams 632  
of L.S.D. or of the compound, mixture, preparation, or substance 633  
containing the detectable amount of L.S.D. in a liquid 634  
concentrate, liquid extract, or liquid distillate form and 635  
regardless of whether the offense was committed in the vicinity 636  
of a school or in the vicinity of a juvenile, trafficking in 637  
L.S.D. is a felony of the first degree, the offender is a major 638  
drug offender, and the court shall impose as a mandatory prison 639  
term the maximum prison term prescribed for a felony of the 640  
first degree. 641

(6) If the drug involved in the violation is heroin or a 642  
compound, mixture, preparation, or substance containing a 643  
detectable amount of heroin, whoever violates division (A) of 644  
this section is guilty of trafficking in heroin. The penalty for 645  
the offense shall be determined as follows: 646

(a) Except as otherwise provided in division (C) (6) (b), 647  
(c), (d), (e), (f), or (g) of this section, trafficking in 648

heroin is a felony of the fifth degree, and division (B) of 649  
section 2929.13 of the Revised Code applies in determining 650  
whether to impose a prison term on the offender. 651

(b) Except as otherwise provided in division (C) (6) (c), 652  
(d), (e), (f), or (g) of this section, if the offense was 653  
committed in the vicinity of a school or in the vicinity of a 654  
juvenile, trafficking in heroin is a felony of the fourth 655  
degree, and division (C) of section 2929.13 of the Revised Code 656  
applies in determining whether to impose a prison term on the 657  
offender. 658

(c) Except as otherwise provided in this division, if the 659  
amount of the drug involved equals or exceeds ten unit doses but 660  
is less than fifty unit doses of heroin or of the compound, 661  
mixture, preparation, or substance containing the detectable 662  
amount of heroin or equals or exceeds one gram but is less than 663  
five grams of heroin or of the compound, mixture, preparation, 664  
or substance containing the detectable amount of heroin, 665  
trafficking in heroin is a felony of the fourth degree, and 666  
division (B) of section 2929.13 of the Revised Code applies in 667  
determining whether to impose a prison term for the offense. If 668  
the amount of the drug involved is within that range and if the 669  
offense was committed in the vicinity of a school or in the 670  
vicinity of a juvenile, trafficking in heroin is a felony of the 671  
third degree, and there is a presumption for a prison term for 672  
the offense. 673

(d) Except as otherwise provided in this division, if the 674  
amount of the drug involved equals or exceeds fifty unit doses 675  
but is less than one hundred unit doses of heroin or of the 676  
compound, mixture, preparation, or substance containing the 677  
detectable amount of heroin or equals or exceeds five grams but 678

is less than ten grams of heroin or of the compound, mixture, 679  
preparation, or substance containing the detectable amount of 680  
heroin, trafficking in heroin is a felony of the third degree, 681  
and there is a presumption for a prison term for the offense. If 682  
the amount of the drug involved is within that range and if the 683  
offense was committed in the vicinity of a school or in the 684  
vicinity of a juvenile, trafficking in heroin is a felony of the 685  
second degree, and there is a presumption for a prison term for 686  
the offense. 687

(e) Except as otherwise provided in this division, if the 688  
amount of the drug involved equals or exceeds one hundred unit 689  
doses but is less than five hundred unit doses of heroin or of 690  
the compound, mixture, preparation, or substance containing the 691  
detectable amount of heroin or equals or exceeds ten grams but 692  
is less than fifty grams of heroin or of the compound, mixture, 693  
preparation, or substance containing the detectable amount of 694  
heroin, trafficking in heroin is a felony of the second degree, 695  
and the court shall impose as a mandatory prison term one of the 696  
prison terms prescribed for a felony of the second degree. If 697  
the amount of the drug involved is within that range and if the 698  
offense was committed in the vicinity of a school or in the 699  
vicinity of a juvenile, trafficking in heroin is a felony of the 700  
first degree, and the court shall impose as a mandatory prison 701  
term one of the prison terms prescribed for a felony of the 702  
first degree. 703

(f) If the amount of the drug involved equals or exceeds 704  
five hundred unit doses but is less than one thousand unit doses 705  
of heroin or of the compound, mixture, preparation, or substance 706  
containing the detectable amount of heroin or equals or exceeds 707  
fifty grams but is less than one hundred grams of heroin or of 708  
the compound, mixture, preparation, or substance containing the 709



detectable amount of heroin and regardless of whether the 710  
offense was committed in the vicinity of a school or in the 711  
vicinity of a juvenile, trafficking in heroin is a felony of the 712  
first degree, and the court shall impose as a mandatory prison 713  
term one of the prison terms prescribed for a felony of the 714  
first degree. 715

(g) If the amount of the drug involved equals or exceeds 716  
one thousand unit doses of heroin or of the compound, mixture, 717  
preparation, or substance containing the detectable amount of 718  
heroin or equals or exceeds one hundred grams of heroin or of 719  
the compound, mixture, preparation, or substance containing the 720  
detectable amount of heroin and regardless of whether the 721  
offense was committed in the vicinity of a school or in the 722  
vicinity of a juvenile, trafficking in heroin is a felony of the 723  
first degree, the offender is a major drug offender, and the 724  
court shall impose as a mandatory prison term the maximum prison 725  
term prescribed for a felony of the first degree. 726

(7) If the drug involved in the violation is hashish or a 727  
compound, mixture, preparation, or substance containing a 728  
detectable amount of hashish, whoever violates division (A) of 729  
this section is guilty of trafficking in hashish. The penalty 730  
for the offense shall be determined as follows: 731

(a) Except as otherwise provided in division (C) (7) (b), 732  
(c), (d), (e), (f), or (g) of this section, trafficking in 733  
hashish is a felony of the fifth degree, and division (B) of 734  
section 2929.13 of the Revised Code applies in determining 735  
whether to impose a prison term on the offender. 736

(b) Except as otherwise provided in division (C) (7) (c), 737  
(d), (e), (f), or (g) of this section, if the offense was 738  
committed in the vicinity of a school or in the vicinity of a 739

juvenile, trafficking in hashish is a felony of the fourth 740  
degree, and division (B) of section 2929.13 of the Revised Code 741  
applies in determining whether to impose a prison term on the 742  
offender. 743

(c) Except as otherwise provided in this division, if the 744  
amount of the drug involved equals or exceeds ten grams but is 745  
less than fifty grams of hashish or of the compound, mixture, 746  
preparation, or substance containing the detectable amount of 747  
hashish in a solid form or equals or exceeds two grams but is 748  
less than ten grams of hashish or of the compound, mixture, 749  
preparation, or substance containing the detectable amount of 750  
hashish in a liquid concentrate, liquid extract, or liquid 751  
distillate form, trafficking in hashish is a felony of the 752  
fourth degree, and division (B) of section 2929.13 of the 753  
Revised Code applies in determining whether to impose a prison 754  
term on the offender. If the amount of the drug involved is 755  
within that range and if the offense was committed in the 756  
vicinity of a school or in the vicinity of a juvenile, 757  
trafficking in hashish is a felony of the third degree, and 758  
division (C) of section 2929.13 of the Revised Code applies in 759  
determining whether to impose a prison term on the offender. 760

(d) Except as otherwise provided in this division, if the 761  
amount of the drug involved equals or exceeds fifty grams but is 762  
less than two hundred fifty grams of hashish or of the compound, 763  
mixture, preparation, or substance containing the detectable 764  
amount of hashish in a solid form or equals or exceeds ten grams 765  
but is less than fifty grams of hashish or of the compound, 766  
mixture, preparation, or substance containing the detectable 767  
amount of hashish in a liquid concentrate, liquid extract, or 768  
liquid distillate form, trafficking in hashish is a felony of 769  
the third degree, and division (C) of section 2929.13 of the 770

Revised Code applies in determining whether to impose a prison 771  
term on the offender. If the amount of the drug involved is 772  
within that range and if the offense was committed in the 773  
vicinity of a school or in the vicinity of a juvenile, 774  
trafficking in hashish is a felony of the second degree, and 775  
there is a presumption that a prison term shall be imposed for 776  
the offense. 777

(e) Except as otherwise provided in this division, if the 778  
amount of the drug involved equals or exceeds two hundred fifty 779  
grams but is less than one thousand grams of hashish or of the 780  
compound, mixture, preparation, or substance containing the 781  
detectable amount of hashish in a solid form or equals or 782  
exceeds fifty grams but is less than two hundred grams of 783  
hashish or of the compound, mixture, preparation, or substance 784  
containing the detectable amount of hashish in a liquid 785  
concentrate, liquid extract, or liquid distillate form, 786  
trafficking in hashish is a felony of the third degree, and 787  
there is a presumption that a prison term shall be imposed for 788  
the offense. If the amount of the drug involved is within that 789  
range and if the offense was committed in the vicinity of a 790  
school or in the vicinity of a juvenile, trafficking in hashish 791  
is a felony of the second degree, and there is a presumption 792  
that a prison term shall be imposed for the offense. 793

(f) Except as otherwise provided in this division, if the 794  
amount of the drug involved equals or exceeds one thousand grams 795  
but is less than two thousand grams of hashish or of the 796  
compound, mixture, preparation, or substance containing the 797  
detectable amount of hashish in a solid form or equals or 798  
exceeds two hundred grams but is less than four hundred grams of 799  
hashish or of the compound, mixture, preparation, or substance 800  
containing the detectable amount of hashish in a liquid 801

concentrate, liquid extract, or liquid distillate form, 802  
trafficking in hashish is a felony of the second degree, and the 803  
court shall impose a mandatory prison term of five, six, seven, 804  
or eight years. If the amount of the drug involved is within 805  
that range and if the offense was committed in the vicinity of a 806  
school or in the vicinity of a juvenile, trafficking in hashish 807  
is a felony of the first degree, and the court shall impose as a 808  
mandatory prison term the maximum prison term prescribed for a 809  
felony of the first degree. 810

(g) Except as otherwise provided in this division, if the 811  
amount of the drug involved equals or exceeds two thousand grams 812  
of hashish or of the compound, mixture, preparation, or 813  
substance containing the detectable amount of hashish in a solid 814  
form or equals or exceeds four hundred grams of hashish or of 815  
the compound, mixture, preparation, or substance containing the 816  
detectable amount of hashish in a liquid concentrate, liquid 817  
extract, or liquid distillate form, trafficking in hashish is a 818  
felony of the second degree, and the court shall impose as a 819  
mandatory prison term the maximum prison term prescribed for a 820  
felony of the second degree. If the amount of the drug involved 821  
equals or exceeds two thousand grams of hashish or of the 822  
compound, mixture, preparation, or substance containing the 823  
detectable amount of hashish in a solid form or equals or 824  
exceeds four hundred grams of hashish or of the compound, 825  
mixture, preparation, or substance containing the detectable 826  
amount of hashish in a liquid concentrate, liquid extract, or 827  
liquid distillate form and if the offense was committed in the 828  
vicinity of a school or in the vicinity of a juvenile, 829  
trafficking in hashish is a felony of the first degree, and the 830  
court shall impose as a mandatory prison term the maximum prison 831  
term prescribed for a felony of the first degree. 832

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

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

(b) Except as otherwise provided in division (C) (8) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a 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 ten grams but is less than twenty grams of the controlled substance analog or of the compound, mixture, preparation, or substance containing the detectable amount of the controlled substance analog, trafficking in a controlled substance analog 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 or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the

third degree, and there is a presumption for a prison term for 863  
the offense. 864

(d) Except as otherwise provided in this division, if the 865  
amount of the drug involved equals or exceeds twenty grams but 866  
is less than thirty grams of the controlled substance analog or 867  
of the compound, mixture, preparation, or substance containing 868  
the detectable amount of the controlled substance analog, 869  
trafficking in a controlled substance analog is a felony of the 870  
third degree, and there is a presumption for a prison term for 871  
the offense. If the amount of the drug involved is within that 872  
range and if the offense was committed in the vicinity of a 873  
school or in the vicinity of a juvenile, trafficking in a 874  
controlled substance analog is a felony of the second degree, 875  
and there is a presumption for a prison term for the offense. 876

(e) Except as otherwise provided in this division, if the 877  
amount of the drug involved equals or exceeds thirty grams but 878  
is less than forty grams of the controlled substance analog or 879  
of the compound, mixture, preparation, or substance containing 880  
the detectable amount of the controlled substance analog, 881  
trafficking in a controlled substance analog is a felony of the 882  
second degree, and the court shall impose as a mandatory prison 883  
term one of the prison terms prescribed for a felony of the 884  
second degree. If the amount of the drug involved is within that 885  
range and if the offense was committed in the vicinity of a 886  
school or in the vicinity of a juvenile, trafficking in a 887  
controlled substance analog is a felony of the first degree, and 888  
the court shall impose as a mandatory prison term one of the 889  
prison terms prescribed for a felony of the first degree. 890

(f) If the amount of the drug involved equals or exceeds 891  
forty grams but is less than fifty grams of the controlled 892

substance analog or of the compound, mixture, preparation, or 893  
substance containing the detectable amount of the controlled 894  
substance analog and regardless of whether the offense was 895  
committed in the vicinity of a school or in the vicinity of a 896  
juvenile, trafficking in a controlled substance analog is a 897  
felony of the first degree, and the court shall impose as a 898  
mandatory prison term one of the prison terms prescribed for a 899  
felony of the first degree. 900

(g) If the amount of the drug involved equals or exceeds 901  
fifty grams of the controlled substance analog or of the 902  
compound, mixture, preparation, or substance containing the 903  
detectable amount of the controlled substance analog and 904  
regardless of whether the offense was committed in the vicinity 905  
of a school or in the vicinity of a juvenile, trafficking in a 906  
controlled substance analog is a felony of the first degree, the 907  
offender is a major drug offender, and the court shall impose as 908  
a mandatory prison term the maximum prison term prescribed for a 909  
felony of the first degree. 910

(D) In addition to any prison term authorized or required 911  
by division (C) of this section and sections 2929.13 and 2929.14 912  
of the Revised Code, and in addition to any other sanction 913  
imposed for the offense under this section or sections 2929.11 914  
to 2929.18 of the Revised Code, the court that sentences an 915  
offender who is convicted of or pleads guilty to a violation of 916  
division (A) of this section may suspend the driver's or 917  
commercial driver's license or permit of the offender in 918  
accordance with division (G) of this section. However, if the 919  
offender pleaded guilty to or was convicted of a violation of 920  
section 4511.19 of the Revised Code or a substantially similar 921  
municipal ordinance or the law of another state or the United 922  
States arising out of the same set of circumstances as the 923

violation, the court shall suspend the offender's driver's or 924  
commercial driver's license or permit in accordance with 925  
division (G) of this section. If applicable, the court also 926  
shall do the following: 927

(1) If the violation of division (A) of this section is a 928  
felony of the first, second, or third degree, the court shall 929  
impose upon the offender the mandatory fine specified for the 930  
offense under division (B)(1) of section 2929.18 of the Revised 931  
Code unless, as specified in that division, the court determines 932  
that the offender is indigent. Except as otherwise provided in 933  
division (H)(1) of this section, a mandatory fine or any other 934  
fine imposed for a violation of this section is subject to 935  
division (F) of this section. If a person is charged with a 936  
violation of this section that is a felony of the first, second, 937  
or third degree, posts bail, and forfeits the bail, the clerk of 938  
the court shall pay the forfeited bail pursuant to divisions (D) 939  
(1) and (F) of this section, as if the forfeited bail was a fine 940  
imposed for a violation of this section. If any amount of the 941  
forfeited bail remains after that payment and if a fine is 942  
imposed under division (H)(1) of this section, the clerk of the 943  
court shall pay the remaining amount of the forfeited bail 944  
pursuant to divisions (H)(2) and (3) of this section, as if that 945  
remaining amount was a fine imposed under division (H)(1) of 946  
this section. 947

(2) If the offender is a professionally licensed person, 948  
the court immediately shall comply with section 2925.38 of the 949  
Revised Code. 950

(E) When a person is charged with the sale of or offer to 951  
sell a bulk amount or a multiple of a bulk amount of a 952  
controlled substance, the jury, or the court trying the accused, 953



shall determine the amount of the controlled substance involved 954  
at the time of the offense and, if a guilty verdict is returned, 955  
shall return the findings as part of the verdict. In any such 956  
case, it is unnecessary to find and return the exact amount of 957  
the controlled substance involved, and it is sufficient if the 958  
finding and return is to the effect that the amount of the 959  
controlled substance involved is the requisite amount, or that 960  
the amount of the controlled substance involved is less than the 961  
requisite amount. 962

(F) (1) Notwithstanding any contrary provision of section 963  
3719.21 of the Revised Code and except as provided in division 964  
(H) of this section, the clerk of the court shall pay any 965  
mandatory fine imposed pursuant to division (D) (1) of this 966  
section and any fine other than a mandatory fine that is imposed 967  
for a violation of this section pursuant to division (A) or (B) 968  
(5) of section 2929.18 of the Revised Code to the county, 969  
township, municipal corporation, park district, as created 970  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 971  
state law enforcement agencies in this state that primarily were 972  
responsible for or involved in making the arrest of, and in 973  
prosecuting, the offender. However, the clerk shall not pay a 974  
mandatory fine so imposed to a law enforcement agency unless the 975  
agency has adopted a written internal control policy under 976  
division (F) (2) of this section that addresses the use of the 977  
fine moneys that it receives. Each agency shall use the 978  
mandatory fines so paid to subsidize the agency's law 979  
enforcement efforts that pertain to drug offenses, in accordance 980  
with the written internal control policy adopted by the 981  
recipient agency under division (F) (2) of this section. 982

(2) Prior to receiving any fine moneys under division (F) 983  
(1) of this section or division (B) of section 2925.42 of the 984

Revised Code, a law enforcement agency shall adopt a written 985  
internal control policy that addresses the agency's use and 986  
disposition of all fine moneys so received and that provides for 987  
the keeping of detailed financial records of the receipts of 988  
those fine moneys, the general types of expenditures made out of 989  
those fine moneys, and the specific amount of each general type 990  
of expenditure. The policy shall not provide for or permit the 991  
identification of any specific expenditure that is made in an 992  
ongoing investigation. All financial records of the receipts of 993  
those fine moneys, the general types of expenditures made out of 994  
those fine moneys, and the specific amount of each general type 995  
of expenditure by an agency are public records open for 996  
inspection under section 149.43 of the Revised Code. 997  
Additionally, a written internal control policy adopted under 998  
this division is such a public record, and the agency that 999  
adopted it shall comply with it. 1000

(3) As used in division (F) of this section: 1001

(a) "Law enforcement agencies" includes, but is not 1002  
limited to, the state board of pharmacy and the office of a 1003  
prosecutor. 1004

(b) "Prosecutor" has the same meaning as in section 1005  
2935.01 of the Revised Code. 1006

(G) (1) If the sentencing court suspends the offender's 1007  
driver's or commercial driver's license or permit under division 1008  
(D) of this section or any other provision of this chapter, the 1009  
court shall suspend the license, by order, for not more than 1010  
five years. If an offender's driver's or commercial driver's 1011  
license or permit is suspended pursuant to this division, the 1012  
offender, at any time after the expiration of two years from the 1013  
day on which the offender's sentence was imposed or from the day 1014

on which the offender finally was released from a prison term 1015  
under the sentence, whichever is later, may file a motion with 1016  
the sentencing court requesting termination of the suspension; 1017  
upon the filing of such a motion and the court's finding of good 1018  
cause for the termination, the court may terminate the 1019  
suspension. 1020

(2) Any offender who received a mandatory suspension of 1021  
the offender's driver's or commercial driver's license or permit 1022  
under this section prior to ~~the effective date of this amendment~~ 1023  
September 13, 2016, may file a motion with the sentencing court 1024  
requesting the termination of the suspension. However, an 1025  
offender who pleaded guilty to or was convicted of a violation 1026  
of section 4511.19 of the Revised Code or a substantially 1027  
similar municipal ordinance or law of another state or the 1028  
United States that arose out of the same set of circumstances as 1029  
the violation for which the offender's license or permit was 1030  
suspended under this section shall not file such a motion. 1031

Upon the filing of a motion under division (G) (2) of this 1032  
section, the sentencing court, in its discretion, may terminate 1033  
the suspension. 1034

(H) (1) In addition to any prison term authorized or 1035  
required by division (C) of this section and sections 2929.13 1036  
and 2929.14 of the Revised Code, in addition to any other 1037  
penalty or sanction imposed for the offense under this section 1038  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1039  
addition to the forfeiture of property in connection with the 1040  
offense as prescribed in Chapter 2981. of the Revised Code, the 1041  
court that sentences an offender who is convicted of or pleads 1042  
guilty to a violation of division (A) of this section may impose 1043  
upon the offender an additional fine specified for the offense 1044

in division (B) (4) of section 2929.18 of the Revised Code. A 1045  
fine imposed under division (H) (1) of this section is not 1046  
subject to division (F) of this section and shall be used solely 1047  
for the support of one or more eligible community addiction 1048  
services providers in accordance with divisions (H) (2) and (3) 1049  
of this section. 1050

(2) The court that imposes a fine under division (H) (1) of 1051  
this section shall specify in the judgment that imposes the fine 1052  
one or more eligible community addiction services providers for 1053  
the support of which the fine money is to be used. No community 1054  
addiction services provider shall receive or use money paid or 1055  
collected in satisfaction of a fine imposed under division (H) 1056  
(1) of this section unless the services provider is specified in 1057  
the judgment that imposes the fine. No community addiction 1058  
services provider shall be specified in the judgment unless the 1059  
services provider is an eligible community addiction services 1060  
provider and, except as otherwise provided in division (H) (2) of 1061  
this section, unless the services provider is located in the 1062  
county in which the court that imposes the fine is located or in 1063  
a county that is immediately contiguous to the county in which 1064  
that court is located. If no eligible community addiction 1065  
services provider is located in any of those counties, the 1066  
judgment may specify an eligible community addiction services 1067  
provider that is located anywhere within this state. 1068

(3) Notwithstanding any contrary provision of section 1069  
3719.21 of the Revised Code, the clerk of the court shall pay 1070  
any fine imposed under division (H) (1) of this section to the 1071  
eligible community addiction services provider specified 1072  
pursuant to division (H) (2) of this section in the judgment. The 1073  
eligible community addiction services provider that receives the 1074  
fine moneys shall use the moneys only for the alcohol and drug 1075

addiction services identified in the application for 1076  
certification of services under section 5119.36 of the Revised 1077  
Code or in the application for a license under section 5119.391 1078  
of the Revised Code filed with the department of mental health 1079  
and addiction services by the community addiction services 1080  
provider specified in the judgment. 1081

(4) Each community addiction services provider that 1082  
receives in a calendar year any fine moneys under division (H) 1083  
(3) of this section shall file an annual report covering that 1084  
calendar year with the court of common pleas and the board of 1085  
county commissioners of the county in which the services 1086  
provider is located, with the court of common pleas and the 1087  
board of county commissioners of each county from which the 1088  
services provider received the moneys if that county is 1089  
different from the county in which the services provider is 1090  
located, and with the attorney general. The community addiction 1091  
services provider shall file the report no later than the first 1092  
day of March in the calendar year following the calendar year in 1093  
which the services provider received the fine moneys. The report 1094  
shall include statistics on the number of persons served by the 1095  
community addiction services provider, identify the types of 1096  
alcohol and drug addiction services provided to those persons, 1097  
and include a specific accounting of the purposes for which the 1098  
fine moneys received were used. No information contained in the 1099  
report shall identify, or enable a person to determine the 1100  
identity of, any person served by the community addiction 1101  
services provider. Each report received by a court of common 1102  
pleas, a board of county commissioners, or the attorney general 1103  
is a public record open for inspection under section 149.43 of 1104  
the Revised Code. 1105

(5) As used in divisions (H) (1) to (5) of this section: 1106

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

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

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

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

**Sec. 2925.04.** (A) No person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance.

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

(C) (1) Whoever commits a violation of division (A) of this section that involves any drug other than marihuana or any compound, mixture, preparation, or substance containing a detectable amount of marihuana is guilty of illegal manufacture of drugs, and whoever commits a violation of division (A) of

this section that involves marihuana or any compound, mixture, 1136  
preparation, or substance containing a detectable amount of 1137  
marihuana is guilty of illegal cultivation of marihuana. 1138

(2) Except as otherwise provided in this division, if the 1139  
drug involved in the violation of division (A) of this section 1140  
is any compound, mixture, preparation, or substance included in 1141  
schedule I or II, with the exception of methamphetamine or 1142  
marihuana and any compound, mixture, preparation, or substance 1143  
containing a detectable amount of methamphetamine or marihuana, 1144  
illegal manufacture of drugs is a felony of the second degree, 1145  
and, subject to division (E) of this section, the court shall 1146  
impose as a mandatory prison term one of the prison terms 1147  
prescribed for a felony of the second degree. 1148

If the drug involved in the violation is any compound, 1149  
mixture, preparation, or substance included in schedule I or II, 1150  
with the exception of methamphetamine or marihuana and any 1151  
compound, mixture, preparation, or substance containing a 1152  
detectable amount of methamphetamine or marihuana, and if the 1153  
offense was committed in the vicinity of a juvenile or in the 1154  
vicinity of a school, illegal manufacture of drugs is a felony 1155  
of the first degree, and, subject to division (E) of this 1156  
section, the court shall impose as a mandatory prison term one 1157  
of the prison terms prescribed for a felony of the first degree. 1158

(3) If the drug involved in the violation of division (A) 1159  
of this section is methamphetamine or any compound, mixture, 1160  
preparation, or substance containing a detectable amount of 1161  
methamphetamine, the penalty for the violation shall be 1162  
determined as follows: 1163

(a) Except as otherwise provided in division (C) (3) (b) of 1164  
this section, ~~if the drug involved in the violation is~~ 1165

~~methamphetamine~~, illegal manufacture of drugs committed in those 1166  
circumstances is a felony of the second degree, and, subject to 1167  
division (E) of this section, the court shall impose a mandatory 1168  
prison term on the offender determined in accordance with this 1169  
division. Except as otherwise provided in this division, the 1170  
court shall impose as a mandatory prison term one of the prison 1171  
terms prescribed for a felony of the second degree that is not 1172  
less than three years. If the offender previously has been 1173  
convicted of or pleaded guilty to a violation of division (A) of 1174  
this section, a violation of division (B) (6) of section 2919.22 1175  
of the Revised Code, or a violation of division (A) of section 1176  
2925.041 of the Revised Code, the court shall impose as a 1177  
mandatory prison term one of the prison terms prescribed for a 1178  
felony of the second degree that is not less than five years. 1179

(b) If the ~~drug involved in the violation is~~ 1180  
~~methamphetamine~~ and if the offense was committed in the vicinity 1181  
of a juvenile, in the vicinity of a school, or on public 1182  
premises, illegal manufacture of drugs committed in those 1183  
circumstances is a felony of the first degree, and, subject to 1184  
division (E) of this section, the court shall impose a mandatory 1185  
prison term on the offender determined in accordance with this 1186  
division. Except as otherwise provided in this division, the 1187  
court shall impose as a mandatory prison term one of the prison 1188  
terms prescribed for a felony of the first degree that is not 1189  
less than four years. If the offender previously has been 1190  
convicted of or pleaded guilty to a violation of division (A) of 1191  
this section, a violation of division (B) (6) of section 2919.22 1192  
of the Revised Code, or a violation of division (A) of section 1193  
2925.041 of the Revised Code, the court shall impose as a 1194  
mandatory prison term one of the prison terms prescribed for a 1195  
felony of the first degree that is not less than five years. 1196



(4) If the drug involved in the violation of division (A) 1197  
of this section is any compound, mixture, preparation, or 1198  
substance included in schedule III, IV, or V, illegal 1199  
manufacture of drugs is a felony of the third degree or, if the 1200  
offense was committed in the vicinity of a school or in the 1201  
vicinity of a juvenile, a felony of the second degree, and there 1202  
is a presumption for a prison term for the offense. 1203

(5) If the drug involved in the violation is marihuana or 1204  
any compound, mixture, preparation, or substance containing a 1205  
detectable amount of marihuana, the penalty for the offense 1206  
shall be determined as follows: 1207

(a) Except as otherwise provided in division (C) (5) (b), 1208  
(c), (d), (e), or (f) of this section, illegal cultivation of 1209  
marihuana is a minor misdemeanor or, if the offense was 1210  
committed in the vicinity of a school or in the vicinity of a 1211  
juvenile, a misdemeanor of the fourth degree. 1212

(b) If the amount of the marihuana or the compound, 1213  
mixture, preparation, or substance containing the detectable 1214  
amount of marihuana involved equals or exceeds one hundred grams 1215  
but is less than two hundred grams, illegal cultivation of 1216  
marihuana is a misdemeanor of the fourth degree or, if the 1217  
offense was committed in the vicinity of a school or in the 1218  
vicinity of a juvenile, a misdemeanor of the third degree. 1219

(c) If the amount of the marihuana or the compound, 1220  
mixture, preparation, or substance containing the detectable 1221  
amount of marihuana involved equals or exceeds two hundred grams 1222  
but is less than one thousand grams, illegal cultivation of 1223  
marihuana is a felony of the fifth degree or, if the offense was 1224  
committed in the vicinity of a school or in the vicinity of a 1225  
juvenile, a felony of the fourth degree, and division (B) of 1226

section 2929.13 of the Revised Code applies in determining 1227  
whether to impose a prison term on the offender. 1228

(d) If the amount of the marihuana or the compound, 1229  
mixture, preparation, or substance containing the detectable 1230  
amount of marihuana involved equals or exceeds one thousand 1231  
grams but is less than five thousand grams, illegal cultivation 1232  
of marihuana is a felony of the third degree or, if the offense 1233  
was committed in the vicinity of a school or in the vicinity of 1234  
a juvenile, a felony of the second degree, and division (C) of 1235  
section 2929.13 of the Revised Code applies in determining 1236  
whether to impose a prison term on the offender. 1237

(e) If the amount of the marihuana or the compound, 1238  
mixture, preparation, or substance containing the detectable 1239  
amount of marihuana involved equals or exceeds five thousand 1240  
grams but is less than twenty thousand grams, illegal 1241  
cultivation of marihuana is a felony of the third degree or, if 1242  
the offense was committed in the vicinity of a school or in the 1243  
vicinity of a juvenile, a felony of the second degree, and there 1244  
is a presumption for a prison term for the offense. 1245

(f) Except as otherwise provided in this division, if the 1246  
amount of the marihuana or the compound, mixture, preparation, 1247  
or substance containing the detectable amount of marihuana 1248  
involved equals or exceeds twenty thousand grams, illegal 1249  
cultivation of marihuana is a felony of the second degree, and 1250  
the court shall impose as a mandatory prison term the maximum 1251  
prison term prescribed for a felony of the second degree. If the 1252  
amount of the ~~drug~~ marihuana or the compound, mixture, 1253  
preparation, or substance containing the detectable amount of 1254  
marihuana involved equals or exceeds twenty thousand grams and 1255  
if the offense was committed in the vicinity of a school or in 1256

the vicinity of a juvenile, illegal cultivation of marihuana is 1257  
a felony of the first degree, and the court shall impose as a 1258  
mandatory prison term the maximum prison term prescribed for a 1259  
felony of the first degree. 1260

(D) In addition to any prison term authorized or required 1261  
by division (C) or (E) of this section and sections 2929.13 and 1262  
2929.14 of the Revised Code and in addition to any other 1263  
sanction imposed for the offense under this section or sections 1264  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1265  
an offender who is convicted of or pleads guilty to a violation 1266  
of division (A) of this section may suspend the offender's 1267  
driver's or commercial driver's license or permit in accordance 1268  
with division (G) of section 2925.03 of the Revised Code. 1269  
However, if the offender pleaded guilty to or was convicted of a 1270  
violation of section 4511.19 of the Revised Code or a 1271  
substantially similar municipal ordinance or the law of another 1272  
state or the United States arising out of the same set of 1273  
circumstances as the violation, the court shall suspend the 1274  
offender's driver's or commercial driver's license or permit in 1275  
accordance with division (G) of section 2925.03 of the Revised 1276  
Code. If applicable, the court also shall do the following: 1277

(1) If the violation of division (A) of this section is a 1278  
felony of the first, second, or third degree, the court shall 1279  
impose upon the offender the mandatory fine specified for the 1280  
offense under division (B)(1) of section 2929.18 of the Revised 1281  
Code unless, as specified in that division, the court determines 1282  
that the offender is indigent. The clerk of the court shall pay 1283  
a mandatory fine or other fine imposed for a violation of this 1284  
section pursuant to division (A) of section 2929.18 of the 1285  
Revised Code in accordance with and subject to the requirements 1286  
of division (F) of section 2925.03 of the Revised Code. The 1287

agency that receives the fine shall use the fine as specified in 1288  
division (F) of section 2925.03 of the Revised Code. If a person 1289  
is charged with a violation of this section that is a felony of 1290  
the first, second, or third degree, posts bail, and forfeits the 1291  
bail, the clerk shall pay the forfeited bail as if the forfeited 1292  
bail were a fine imposed for a violation of this section. 1293

(2) If the offender is a professionally licensed person, 1294  
the court immediately shall comply with section 2925.38 of the 1295  
Revised Code. 1296

(E) Notwithstanding the prison term otherwise authorized 1297  
or required for the offense under division (C) of this section 1298  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1299  
violation of division (A) of this section involves the sale, 1300  
offer to sell, or possession of a schedule I or II controlled 1301  
substance, with the exception of marihuana and any compound, 1302  
mixture, preparation, or substance containing a detectable 1303  
amount of marihuana, and if the court imposing sentence upon the 1304  
offender finds that the offender as a result of the violation is 1305  
a major drug offender and is guilty of a specification of the 1306  
type described in section 2941.1410 of the Revised Code, the 1307  
court, in lieu of the prison term otherwise authorized or 1308  
required, shall impose upon the offender the mandatory prison 1309  
term specified in division (B) (3) of section 2929.14 of the 1310  
Revised Code. 1311

(F) It is an affirmative defense, as provided in section 1312  
2901.05 of the Revised Code, to a charge under this section for 1313  
a fifth degree felony violation of illegal cultivation of 1314  
marihuana that the marihuana or the compound, mixture, 1315  
preparation, or substance containing the detectable amount of 1316  
marihuana that gave rise to the charge is in an amount, is in a 1317

form, is prepared, compounded, or mixed with substances that are 1318  
not controlled substances in a manner, or is possessed or 1319  
cultivated under any other circumstances that indicate that the 1320  
marihuana was solely for personal use. 1321

Notwithstanding any contrary provision of division (F) of 1322  
this section, if, in accordance with section 2901.05 of the 1323  
Revised Code, a person who is charged with a violation of 1324  
illegal cultivation of marihuana that is a felony of the fifth 1325  
degree sustains the burden of going forward with evidence of and 1326  
establishes by a preponderance of the evidence the affirmative 1327  
defense described in this division, the person may be prosecuted 1328  
for and may be convicted of or plead guilty to a misdemeanor 1329  
violation of illegal cultivation of marihuana. 1330

(G) Arrest or conviction for a minor misdemeanor violation 1331  
of this section does not constitute a criminal record and need 1332  
not be reported by the person so arrested or convicted in 1333  
response to any inquiries about the person's criminal record, 1334  
including any inquiries contained in an application for 1335  
employment, a license, or any other right or privilege or made 1336  
in connection with the person's appearance as a witness. 1337

(H) (1) If the sentencing court suspends the offender's 1338  
driver's or commercial driver's license or permit under this 1339  
section in accordance with division (G) of section 2925.03 of 1340  
the Revised Code, the offender may request termination of, and 1341  
the court may terminate, the suspension of the offender in 1342  
accordance with that division. 1343

(2) Any offender who received a mandatory suspension of 1344  
the offender's driver's or commercial driver's license or permit 1345  
under this section prior to ~~the effective date of this amendment~~ 1346  
September 13, 2016, may file a motion with the sentencing court 1347

requesting the termination of the suspension. However, an 1348  
offender who pleaded guilty to or was convicted of a violation 1349  
of section 4511.19 of the Revised Code or a substantially 1350  
similar municipal ordinance or law of another state or the 1351  
United States that arose out of the same set of circumstances as 1352  
the violation for which the offender's license or permit was 1353  
suspended under this section shall not file such a motion. 1354

Upon the filing of a motion under division (H) (2) of this 1355  
section, the sentencing court, in its discretion, may terminate 1356  
the suspension. 1357

**Sec. 2925.05.** (A) No person shall knowingly provide money 1358  
or other items of value to another person with the purpose that 1359  
the recipient of the money or items of value use them to obtain 1360  
any controlled substance for the purpose of violating section 1361  
2925.04 of the Revised Code or for the purpose of selling or 1362  
offering to sell the controlled substance in the following 1363  
amount: 1364

(1) If the drug to be sold or offered for sale is any 1365  
compound, mixture, preparation, or substance included in 1366  
schedule I or II, with the exception of marihuana, cocaine, 1367  
L.S.D., heroin, and hashish and any compound, mixture, 1368  
preparation, or substance containing a detectable amount of any 1369  
such drug, or schedule III, IV, or V, an amount of the drug that 1370  
equals or exceeds the bulk amount of the drug; 1371

(2) If the drug to be sold or offered for sale is 1372  
marihuana or a compound, mixture, preparation, or substance 1373  
other than hashish containing a detectable amount of marihuana, 1374  
an amount of the marihuana or the compound, mixture, 1375  
preparation, or substance that equals or exceeds two hundred 1376  
grams; 1377

(3) If the drug to be sold or offered for sale is cocaine 1378  
or a compound, mixture, preparation, or substance containing a 1379  
detectable amount of cocaine, an amount of the cocaine or the 1380  
compound, mixture, preparation, or substance that equals or 1381  
exceeds five grams; 1382

(4) If the drug to be sold or offered for sale is L.S.D. 1383  
or a compound, mixture, preparation, or substance containing a 1384  
detectable amount of L.S.D., an amount of the L.S.D. or the 1385  
compound, mixture, preparation, or substance that equals or 1386  
exceeds ten unit doses if the L.S.D. or the compound, mixture, 1387  
preparation, or substance is in a solid form or equals or 1388  
exceeds one gram if the L.S.D. or the compound, mixture, 1389  
preparation, or substance is in a liquid concentrate, liquid 1390  
extract, or liquid distillate form; 1391

(5) If the drug to be sold or offered for sale is heroin 1392  
or a compound, mixture, preparation, or substance containing a 1393  
detectable amount of heroin, an amount of the heroin or the 1394  
compound, mixture, preparation, or substance that equals or 1395  
exceeds ten unit doses or equals or exceeds one gram; 1396

(6) If the drug to be sold or offered for sale is hashish 1397  
or a compound, mixture, preparation, or substance containing a 1398  
detectable amount of hashish, an amount of the hashish or the 1399  
compound, mixture, preparation, or substance that equals or 1400  
exceeds ten grams if the hashish or the compound, mixture, 1401  
preparation, or substance is in a solid form or equals or 1402  
exceeds two grams if the hashish or the compound, mixture, 1403  
preparation, or substance is in a liquid concentrate, liquid 1404  
extract, or liquid distillate form. 1405

(B) This section does not apply to any person listed in 1406  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1407

Code to the extent and under the circumstances described in 1408  
those divisions. 1409

(C) (1) If the drug involved in the violation is any 1410  
compound, mixture, preparation, or substance included in 1411  
schedule I or II, with the exception of marihuana or a compound, 1412  
mixture, preparation, or substance containing a detectable 1413  
amount of marihuana, whoever violates division (A) of this 1414  
section is guilty of aggravated funding of drug trafficking, a 1415  
felony of the first degree, and, subject to division (E) of this 1416  
section, the court shall impose as a mandatory prison term one 1417  
of the prison terms prescribed for a felony of the first degree. 1418

(2) If the drug involved in the violation is any compound, 1419  
mixture, preparation, or substance included in schedule III, IV, 1420  
or V, whoever violates division (A) of this section is guilty of 1421  
funding of drug trafficking, a felony of the second degree, and 1422  
the court shall impose as a mandatory prison term one of the 1423  
prison terms prescribed for a felony of the second degree. 1424

(3) If the drug involved in the violation is marihuana or 1425  
a compound, mixture, preparation, or substance containing a 1426  
detectable amount of marihuana, whoever violates division (A) of 1427  
this section is guilty of funding of marihuana trafficking, a 1428  
felony of the third degree, and, except as otherwise provided in 1429  
this division, there is a presumption for a prison term for the 1430  
offense. If funding of marihuana trafficking is a felony of the 1431  
third degree under this division and if the offender two or more 1432  
times previously has been convicted of or pleaded guilty to a 1433  
felony drug abuse offense, the court shall impose as a mandatory 1434  
prison term one of the prison terms prescribed for a felony of 1435  
the third degree. 1436

(D) In addition to any prison term authorized or required 1437



by division (C) or (E) of this section and sections 2929.13 and 1438  
2929.14 of the Revised Code and in addition to any other 1439  
sanction imposed for the offense under this section or sections 1440  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1441  
an offender who is convicted of or pleads guilty to a violation 1442  
of division (A) of this section may suspend the offender's 1443  
driver's or commercial driver's license or permit in accordance 1444  
with division (G) of section 2925.03 of the Revised Code. 1445  
However, if the offender pleaded guilty to or was convicted of a 1446  
violation of section 4511.19 of the Revised Code or a 1447  
substantially similar municipal ordinance or the law of another 1448  
state or the United States arising out of the same set of 1449  
circumstances as the violation, the court shall suspend the 1450  
offender's driver's or commercial driver's license or permit in 1451  
accordance with division (G) of section 2925.03 of the Revised 1452  
Code. If applicable, the court also shall do the following: 1453

(1) The court shall impose the mandatory fine specified 1454  
for the offense under division (B) (1) of section 2929.18 of the 1455  
Revised Code unless, as specified in that division, the court 1456  
determines that the offender is indigent. The clerk of the court 1457  
shall pay a mandatory fine or other fine imposed for a violation 1458  
of this section pursuant to division (A) of section 2929.18 of 1459  
the Revised Code in accordance with and subject to the 1460  
requirements of division (F) of section 2925.03 of the Revised 1461  
Code. The agency that receives the fine shall use the fine in 1462  
accordance with division (F) of section 2925.03 of the Revised 1463  
Code. If a person is charged with a violation of this section, 1464  
posts bail, and forfeits the bail, the forfeited bail shall be 1465  
paid as if the forfeited bail were a fine imposed for a 1466  
violation of this section. 1467

(2) If the offender is a professionally licensed person, 1468

the court immediately shall comply with section 2925.38 of the Revised Code. 1469  
1470

(E) Notwithstanding the prison term otherwise authorized 1471  
or required for the offense under division (C) of this section 1472  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1473  
violation of division (A) of this section involves the sale, 1474  
offer to sell, or possession of a schedule I or II controlled 1475  
substance, with the exception of marihuana and any compound, 1476  
mixture, preparation, or substance containing a detectable 1477  
amount of marihuana, and if the court imposing sentence upon the 1478  
offender finds that the offender as a result of the violation is 1479  
a major drug offender and is guilty of a specification of the 1480  
type described in section 2941.1410 of the Revised Code, the 1481  
court, in lieu of the prison term otherwise authorized or 1482  
required, shall impose upon the offender the mandatory prison 1483  
term specified in division (B) (3) of section 2929.14 of the 1484  
Revised Code. 1485

(F) (1) If the sentencing court suspends the offender's 1486  
driver's or commercial driver's license or permit under this 1487  
section in accordance with division (G) of section 2925.03 of 1488  
the Revised Code, the offender may request termination of, and 1489  
the court may terminate, the suspension in accordance with that 1490  
division. 1491

(2) Any offender who received a mandatory suspension of 1492  
the offender's driver's or commercial driver's license or permit 1493  
under this section prior to ~~the effective date of this amendment~~ 1494  
September 13, 2016, may file a motion with the sentencing court 1495  
requesting the termination of the suspension. However, an 1496  
offender who pleaded guilty to or was convicted of a violation 1497  
of section 4511.19 of the Revised Code or a substantially 1498

similar municipal ordinance or law of another state or the 1499  
United States that arose out of the same set of circumstances as 1500  
the violation for which the offender's license or permit was 1501  
suspended under this section shall not file such a motion. 1502

Upon the filing of a motion under division (F)(2) of this 1503  
section, the sentencing court, in its discretion, may terminate 1504  
the suspension. 1505

**Sec. 2925.11.** (A) No person shall knowingly obtain, 1506  
possess, or use a controlled substance or a controlled substance 1507  
analog. 1508

(B)(1) This section does not apply to any of the 1509  
following: 1510

(a) Manufacturers, licensed health professionals 1511  
authorized to prescribe drugs, pharmacists, owners of 1512  
pharmacies, and other persons whose conduct was in accordance 1513  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1514  
4741. of the Revised Code; 1515

(b) If the offense involves an anabolic steroid, any 1516  
person who is conducting or participating in a research project 1517  
involving the use of an anabolic steroid if the project has been 1518  
approved by the United States food and drug administration; 1519

(c) Any person who sells, offers for sale, prescribes, 1520  
dispenses, or administers for livestock or other nonhuman 1521  
species an anabolic steroid that is expressly intended for 1522  
administration through implants to livestock or other nonhuman 1523  
species and approved for that purpose under the "Federal Food, 1524  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1525  
as amended, and is sold, offered for sale, prescribed, 1526  
dispensed, or administered for that purpose in accordance with 1527

that act; 1528

(d) Any person who obtained the controlled substance 1529  
pursuant to a lawful prescription issued by a licensed health 1530  
professional authorized to prescribe drugs. 1531

(2) (a) As used in division (B) (2) of this section: 1532

(i) "Community addiction services provider" has the same 1533  
meaning as in section 5119.01 of the Revised Code. 1534

(ii) "Community control sanction" and "drug treatment 1535  
program" have the same meanings as in section 2929.01 of the 1536  
Revised Code. 1537

(iii) "Health care facility" has the same meaning as in 1538  
section 2919.16 of the Revised Code. 1539

(iv) "Minor drug possession offense" means a violation of 1540  
this section that is a misdemeanor or a felony of the fifth 1541  
degree. 1542

(v) "Post-release control sanction" has the same meaning 1543  
as in section 2967.28 of the Revised Code. 1544

(vi) "Peace officer" has the same meaning as in section 1545  
2935.01 of the Revised Code. 1546

(vii) "Public agency" has the same meaning as in section 1547  
2930.01 of the Revised Code. 1548

(viii) "Qualified individual" means a person who is not on 1549  
community control or post-release control and is a person acting 1550  
in good faith who seeks or obtains medical assistance for 1551  
another person who is experiencing a drug overdose, a person who 1552  
experiences a drug overdose and who seeks medical assistance for 1553  
that overdose, or a person who is the subject of another person 1554

seeking or obtaining medical assistance for that overdose as 1555  
described in division (B) (2) (b) of this section. 1556

(ix) "Seek or obtain medical assistance" includes, but is 1557  
not limited to making a 9-1-1 call, contacting in person or by 1558  
telephone call an on-duty peace officer, or transporting or 1559  
presenting a person to a health care facility. 1560

(b) Subject to division (B) (2) (f) of this section, a 1561  
qualified individual shall not be arrested, charged, prosecuted, 1562  
convicted, or penalized pursuant to this chapter for a minor 1563  
drug possession offense if all of the following apply: 1564

(i) The evidence of the obtaining, possession, or use of 1565  
the controlled substance or controlled substance analog that 1566  
would be the basis of the offense was obtained as a result of 1567  
the qualified individual seeking the medical assistance or 1568  
experiencing an overdose and needing medical assistance. 1569

(ii) Subject to division (B) (2) (g) of this section, within 1570  
thirty days after seeking or obtaining the medical assistance, 1571  
the qualified individual seeks and obtains a screening and 1572  
receives a referral for treatment from a community addiction 1573  
services provider or a properly credentialed addiction treatment 1574  
professional. 1575

(iii) Subject to division (B) (2) (g) of this section, the 1576  
qualified individual who obtains a screening and receives a 1577  
referral for treatment under division (B) (2) (b) (ii) of this 1578  
section, upon the request of any prosecuting attorney, submits 1579  
documentation to the prosecuting attorney that verifies that the 1580  
qualified individual satisfied the requirements of that 1581  
division. The documentation shall be limited to the date and 1582  
time of the screening obtained and referral received. 1583

(c) If a person is found to be in violation of any 1584  
community control sanction and if the violation is a result of 1585  
either of the following, the court shall first consider ordering 1586  
the person's participation or continued participation in a drug 1587  
treatment program or mitigating the penalty specified in section 1588  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1589  
applicable, after which the court has the discretion either to 1590  
order the person's participation or continued participation in a 1591  
drug treatment program or to impose the penalty with the 1592  
mitigating factor specified in any of those applicable sections: 1593

(i) Seeking or obtaining medical assistance in good faith 1594  
for another person who is experiencing a drug overdose; 1595

(ii) Experiencing a drug overdose and seeking medical 1596  
assistance for that overdose or being the subject of another 1597  
person seeking or obtaining medical assistance for that overdose 1598  
as described in division (B)(2)(b) of this section. 1599

(d) If a person is found to be in violation of any post- 1600  
release control sanction and if the violation is a result of 1601  
either of the following, the court or the parole board shall 1602  
first consider ordering the person's participation or continued 1603  
participation in a drug treatment program or mitigating the 1604  
penalty specified in section 2929.141 or 2967.28 of the Revised 1605  
Code, whichever is applicable, after which the court or the 1606  
parole board has the discretion either to order the person's 1607  
participation or continued participation in a drug treatment 1608  
program or to impose the penalty with the mitigating factor 1609  
specified in either of those applicable sections: 1610

(i) Seeking or obtaining medical assistance in good faith 1611  
for another person who is experiencing a drug overdose; 1612

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

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

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

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

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

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

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

(g) Nothing in this section shall compel any qualified

individual to disclose protected health information in a way 1642  
that conflicts with the requirements of the "Health Insurance 1643  
Portability and Accountability Act of 1996," 104 Pub. L. No. 1644  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1645  
regulations promulgated by the United States department of 1646  
health and human services to implement the act or the 1647  
requirements of 42 C.F.R. Part 2. 1648

(C) Whoever violates division (A) of this section is 1649  
guilty of one of the following: 1650

(1) If the drug involved in the violation is a compound, 1651  
mixture, preparation, or substance included in schedule I or II, 1652  
with the exception of marihuana, cocaine, L.S.D., heroin, 1653  
hashish, and controlled substance analogs and of any compound, 1654  
mixture, preparation, or substance containing a detectable 1655  
amount of any such drug, whoever violates division (A) of this 1656  
section is guilty of aggravated possession of drugs. The penalty 1657  
for the offense shall be determined as follows: 1658

(a) Except as otherwise provided in division (C) (1) (b), 1659  
(c), (d), or (e) of this section, aggravated possession of drugs 1660  
is a felony of the fifth degree, and division (B) of section 1661  
2929.13 of the Revised Code applies in determining whether to 1662  
impose a prison term on the offender. 1663

(b) If the amount of the drug involved equals or exceeds 1664  
the bulk amount but is less than five times the bulk amount, 1665  
aggravated possession of drugs is a felony of the third degree, 1666  
and there is a presumption for a prison term for the offense. 1667

(c) If the amount of the drug involved equals or exceeds 1668  
five times the bulk amount but is less than fifty times the bulk 1669  
amount, aggravated possession of drugs is a felony of the second 1670



degree, and the court shall impose as a mandatory prison term 1671  
one of the prison terms prescribed for a felony of the second 1672  
degree. 1673

(d) If the amount of the drug involved equals or exceeds 1674  
fifty times the bulk amount but is less than one hundred times 1675  
the bulk amount, aggravated possession of drugs is a felony of 1676  
the first degree, and the court shall impose as a mandatory 1677  
prison term one of the prison terms prescribed for a felony of 1678  
the first degree. 1679

(e) If the amount of the drug involved equals or exceeds 1680  
one hundred times the bulk amount, aggravated possession of 1681  
drugs is a felony of the first degree, the offender is a major 1682  
drug offender, and the court shall impose as a mandatory prison 1683  
term the maximum prison term prescribed for a felony of the 1684  
first degree. 1685

(2) If the drug involved in the violation is a compound, 1686  
mixture, preparation, or substance included in schedule III, IV, 1687  
or V, whoever violates division (A) of this section is guilty of 1688  
possession of drugs. The penalty for the offense shall be 1689  
determined as follows: 1690

(a) Except as otherwise provided in division (C) (2) (b), 1691  
(c), or (d) of this section, possession of drugs is a 1692  
misdemeanor of the first degree or, if the offender previously 1693  
has been convicted of a drug abuse offense, a felony of the 1694  
fifth degree. 1695

(b) If the amount of the drug involved equals or exceeds 1696  
the bulk amount but is less than five times the bulk amount, 1697  
possession of drugs is a felony of the fourth degree, and 1698  
division (C) of section 2929.13 of the Revised Code applies in 1699

determining whether to impose a prison term on the offender. 1700

(c) If the amount of the drug involved equals or exceeds 1701  
five times the bulk amount but is less than fifty times the bulk 1702  
amount, possession of drugs is a felony of the third degree, and 1703  
there is a presumption for a prison term for the offense. 1704

(d) If the amount of the drug involved equals or exceeds 1705  
fifty times the bulk amount, possession of drugs is a felony of 1706  
the second degree, and the court shall impose upon the offender 1707  
as a mandatory prison term one of the prison terms prescribed 1708  
for a felony of the second degree. 1709

(3) If the drug involved in the violation is marihuana or 1710  
a compound, mixture, preparation, or substance containing a 1711  
detectable amount of marihuana other than hashish, whoever 1712  
violates division (A) of this section is guilty of possession of 1713  
marihuana. The penalty for the offense shall be determined as 1714  
follows: 1715

(a) Except as otherwise provided in division (C) (3) (b), 1716  
(c), (d), (e), (f), or (g) of this section, possession of 1717  
marihuana is a minor misdemeanor. 1718

(b) If the amount of the drug involved equals or exceeds 1719  
one hundred grams but is less than two hundred grams, possession 1720  
of marihuana is a misdemeanor of the fourth degree. 1721

(c) If the amount of the drug involved equals or exceeds 1722  
two hundred grams but is less than one thousand grams of 1723  
marihuana or of the compound, mixture, preparation, or substance 1724  
containing the detectable amount of marihuana, possession of 1725  
marihuana is a felony of the fifth degree, and division (B) of 1726  
section 2929.13 of the Revised Code applies in determining 1727  
whether to impose a prison term on the offender. 1728

(d) If the amount of the drug involved equals or exceeds 1729  
one thousand grams but is less than five thousand grams of 1730  
marihuana or of the compound, mixture, preparation, or substance 1731  
containing the detectable amount of marihuana, possession of 1732  
marihuana is a felony of the third degree, and division (C) of 1733  
section 2929.13 of the Revised Code applies in determining 1734  
whether to impose a prison term on the offender. 1735

(e) If the amount of the drug involved equals or exceeds 1736  
five thousand grams but is less than twenty thousand grams of 1737  
marihuana or of the compound, mixture, preparation, or substance 1738  
containing the detectable amount of marihuana, possession of 1739  
marihuana is a felony of the third degree, and there is a 1740  
presumption that a prison term shall be imposed for the offense. 1741

(f) If the amount of the drug involved equals or exceeds 1742  
twenty thousand grams but is less than forty thousand grams of 1743  
marihuana or of the compound, mixture, preparation, or substance 1744  
containing the detectable amount of marihuana, possession of 1745  
marihuana is a felony of the second degree, and the court shall 1746  
impose a mandatory prison term of five, six, seven, or eight 1747  
years. 1748

(g) If the amount of the drug involved equals or exceeds 1749  
forty thousand grams of marihuana or of the compound, mixture, 1750  
preparation, or substance containing the detectable amount of 1751  
marihuana, possession of marihuana is a felony of the second 1752  
degree, and the court shall impose as a mandatory prison term 1753  
the maximum prison term prescribed for a felony of the second 1754  
degree. 1755

(4) If the drug involved in the violation is cocaine or a 1756  
compound, mixture, preparation, or substance containing a 1757  
detectable amount of cocaine, whoever violates division (A) of 1758

this section is guilty of possession of cocaine. The penalty for 1759  
the offense shall be determined as follows: 1760

(a) Except as otherwise provided in division (C) (4) (b), 1761  
(c), (d), (e), or (f) of this section, possession of cocaine is 1762  
a felony of the fifth degree, and division (B) of section 1763  
2929.13 of the Revised Code applies in determining whether to 1764  
impose a prison term on the offender. 1765

(b) If the amount of the drug involved equals or exceeds 1766  
five grams but is less than ten grams of cocaine or of the 1767  
compound, mixture, preparation, or substance containing the 1768  
detectable amount of cocaine, possession of cocaine is a felony 1769  
of the fourth degree, and division (B) of section 2929.13 of the 1770  
Revised Code applies in determining whether to impose a prison 1771  
term on the offender. 1772

(c) If the amount of the drug involved equals or exceeds 1773  
ten grams but is less than twenty grams of cocaine or of the 1774  
compound, mixture, preparation, or substance containing the 1775  
detectable amount of cocaine, possession of cocaine is a felony 1776  
of the third degree, and, except as otherwise provided in this 1777  
division, there is a presumption for a prison term for the 1778  
offense. If possession of cocaine is a felony of the third 1779  
degree under this division and if the offender two or more times 1780  
previously has been convicted of or pleaded guilty to a felony 1781  
drug abuse offense, the court shall impose as a mandatory prison 1782  
term one of the prison terms prescribed for a felony of the 1783  
third degree. 1784

(d) If the amount of the drug involved equals or exceeds 1785  
twenty grams but is less than twenty-seven grams of cocaine or 1786  
of the compound, mixture, preparation, or substance containing 1787  
the detectable amount of cocaine, possession of cocaine is a 1788

felony of the second degree, and the court shall impose as a 1789  
mandatory prison term one of the prison terms prescribed for a 1790  
felony of the second degree. 1791

(e) If the amount of the drug involved equals or exceeds 1792  
twenty-seven grams but is less than one hundred grams of cocaine 1793  
or of the compound, mixture, preparation, or substance 1794  
containing the detectable amount of cocaine, possession of 1795  
cocaine is a felony of the first degree, and the court shall 1796  
impose as a mandatory prison term one of the prison terms 1797  
prescribed for a felony of the first degree. 1798

(f) If the amount of the drug involved equals or exceeds 1799  
one hundred grams of cocaine or of the compound, mixture, 1800  
preparation, or substance containing the detectable amount of 1801  
cocaine, possession of cocaine is a felony of the first degree, 1802  
the offender is a major drug offender, and the court shall 1803  
impose as a mandatory prison term the maximum prison term 1804  
prescribed for a felony of the first degree. 1805

(5) If the drug involved in the violation is L.S.D. or a 1806  
compound, mixture, preparation, or substance containing a 1807  
detectable amount of L.S.D., whoever violates division (A) of 1808  
this section is guilty of possession of L.S.D. The penalty for 1809  
the offense shall be determined as follows: 1810

(a) Except as otherwise provided in division (C) (5) (b), 1811  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1812  
felony of the fifth degree, and division (B) of section 2929.13 1813  
of the Revised Code applies in determining whether to impose a 1814  
prison term on the offender. 1815

(b) If the amount of L.S.D. involved equals or exceeds ten 1816  
unit doses but is less than fifty unit doses of L.S.D. or of the 1817

compound, mixture, preparation, or substance containing the 1818  
detectable amount of L.S.D. in a solid form or equals or exceeds 1819  
one gram but is less than five grams of L.S.D. or of the 1820  
compound, mixture, preparation, or substance containing the 1821  
detectable amount of L.S.D. in a liquid concentrate, liquid 1822  
extract, or liquid distillate form, possession of L.S.D. is a 1823  
felony of the fourth degree, and division (C) of section 2929.13 1824  
of the Revised Code applies in determining whether to impose a 1825  
prison term on the offender. 1826

(c) If the amount of L.S.D. involved equals or exceeds 1827  
fifty unit doses, but is less than two hundred fifty unit doses 1828  
of L.S.D. or of the compound, mixture, preparation, or substance 1829  
containing the detectable amount of L.S.D. in a solid form or 1830  
equals or exceeds five grams but is less than twenty-five grams 1831  
of L.S.D. or of the compound, mixture, preparation, or substance 1832  
containing the detectable amount of L.S.D. in a liquid 1833  
concentrate, liquid extract, or liquid distillate form, 1834  
possession of L.S.D. is a felony of the third degree, and there 1835  
is a presumption for a prison term for the offense. 1836

(d) If the amount of L.S.D. involved equals or exceeds two 1837  
hundred fifty unit doses but is less than one thousand unit 1838  
doses of L.S.D. or of the compound, mixture, preparation, or 1839  
substance containing the detectable amount of L.S.D. in a solid 1840  
form or equals or exceeds twenty-five grams but is less than one 1841  
hundred grams of L.S.D. or of the compound, mixture, 1842  
preparation, or substance containing the detectable amount of 1843  
L.S.D. in a liquid concentrate, liquid extract, or liquid 1844  
distillate form, possession of L.S.D. is a felony of the second 1845  
degree, and the court shall impose as a mandatory prison term 1846  
one of the prison terms prescribed for a felony of the second 1847  
degree. 1848

(e) If the amount of L.S.D. involved equals or exceeds one 1849  
thousand unit doses but is less than five thousand unit doses of 1850  
L.S.D. or of the compound, mixture, preparation, or substance 1851  
containing the detectable amount of L.S.D. in a solid form or 1852  
equals or exceeds one hundred grams but is less than five 1853  
hundred grams of L.S.D. or of the compound, mixture, 1854  
preparation, or substance containing the detectable amount of 1855  
L.S.D. in a liquid concentrate, liquid extract, or liquid 1856  
distillate form, possession of L.S.D. is a felony of the first 1857  
degree, and the court shall impose as a mandatory prison term 1858  
one of the prison terms prescribed for a felony of the first 1859  
degree. 1860

(f) If the amount of L.S.D. involved equals or exceeds 1861  
five thousand unit doses of L.S.D. or of the compound, mixture, 1862  
preparation, or substance containing the detectable amount of 1863  
L.S.D. in a solid form or equals or exceeds five hundred grams 1864  
of L.S.D. or of the compound, mixture, preparation, or substance 1865  
containing the detectable amount of L.S.D. in a liquid 1866  
concentrate, liquid extract, or liquid distillate form, 1867  
possession of L.S.D. is a felony of the first degree, the 1868  
offender is a major drug offender, and the court shall impose as 1869  
a mandatory prison term the maximum prison term prescribed for a 1870  
felony of the first degree. 1871

(6) If the drug involved in the violation is heroin or a 1872  
compound, mixture, preparation, or substance containing a 1873  
detectable amount of heroin, whoever violates division (A) of 1874  
this section is guilty of possession of heroin. The penalty for 1875  
the offense shall be determined as follows: 1876

(a) Except as otherwise provided in division (C) (6) (b), 1877  
(c), (d), (e), or (f) of this section, possession of heroin is a 1878

felony of the fifth degree, and division (B) of section 2929.13 1879  
of the Revised Code applies in determining whether to impose a 1880  
prison term on the offender. 1881

(b) If the amount of the drug involved equals or exceeds 1882  
ten unit doses but is less than fifty unit doses or equals or 1883  
exceeds one gram but is less than five grams of heroin or of the 1884  
compound, mixture, preparation, or substance containing the 1885  
detectable amount of heroin, possession of heroin is a felony of 1886  
the fourth degree, and division (C) of section 2929.13 of the 1887  
Revised Code applies in determining whether to impose a prison 1888  
term on the offender. 1889

(c) If the amount of the drug involved equals or exceeds 1890  
fifty unit doses but is less than one hundred unit doses or 1891  
equals or exceeds five grams but is less than ten grams of 1892  
heroin or of the compound, mixture, preparation, or substance 1893  
containing the detectable amount of heroin, possession of heroin 1894  
is a felony of the third degree, and there is a presumption for 1895  
a prison term for the offense. 1896

(d) If the amount of the drug involved equals or exceeds 1897  
one hundred unit doses but is less than five hundred unit doses 1898  
or equals or exceeds ten grams but is less than fifty grams of 1899  
heroin or of the compound, mixture, preparation, or substance 1900  
containing the detectable amount of heroin, possession of heroin 1901  
is a felony of the second degree, and the court shall impose as 1902  
a mandatory prison term one of the prison terms prescribed for a 1903  
felony of the second degree. 1904

(e) If the amount of the drug involved equals or exceeds 1905  
five hundred unit doses but is less than one thousand unit doses 1906  
or equals or exceeds fifty grams but is less than one hundred 1907  
grams of heroin or of the compound, mixture, preparation, or 1908



substance containing the detectable amount of heroin, possession 1909  
of heroin is a felony of the first degree, and the court shall 1910  
impose as a mandatory prison term one of the prison terms 1911  
prescribed for a felony of the first degree. 1912

(f) If the amount of the drug involved equals or exceeds 1913  
one thousand unit doses or equals or exceeds one hundred grams 1914  
of heroin or of the compound, mixture, preparation, or substance 1915  
containing the detectable amount of heroin, possession of heroin 1916  
is a felony of the first degree, the offender is a major drug 1917  
offender, and the court shall impose as a mandatory prison term 1918  
the maximum prison term prescribed for a felony of the first 1919  
degree. 1920

(7) If the drug involved in the violation is hashish or a 1921  
compound, mixture, preparation, or substance containing a 1922  
detectable amount of hashish, whoever violates division (A) of 1923  
this section is guilty of possession of hashish. The penalty for 1924  
the offense shall be determined as follows: 1925

(a) Except as otherwise provided in division (C) (7) (b), 1926  
(c), (d), (e), (f), or (g) of this section, possession of 1927  
hashish is a minor misdemeanor. 1928

(b) If the amount of the drug involved equals or exceeds 1929  
five grams but is less than ten grams of hashish or of the 1930  
compound, mixture, preparation, or substance containing the 1931  
detectable amount of hashish in a solid form or equals or 1932  
exceeds one gram but is less than two grams of hashish or of the 1933  
compound, mixture, preparation, or substance containing the 1934  
detectable amount of hashish in a liquid concentrate, liquid 1935  
extract, or liquid distillate form, possession of hashish is a 1936  
misdemeanor of the fourth degree. 1937

(c) If the amount of the drug involved equals or exceeds 1938  
ten grams but is less than fifty grams of hashish or of the 1939  
compound, mixture, preparation, or substance containing the 1940  
detectable amount of hashish in a solid form or equals or 1941  
exceeds two grams but is less than ten grams of hashish or of 1942  
the compound, mixture, preparation, or substance containing the 1943  
detectable amount of hashish in a liquid concentrate, liquid 1944  
extract, or liquid distillate form, possession of hashish is a 1945  
felony of the fifth degree, and division (B) of section 2929.13 1946  
of the Revised Code applies in determining whether to impose a 1947  
prison term on the offender. 1948

(d) If the amount of the drug involved equals or exceeds 1949  
fifty grams but is less than two hundred fifty grams of hashish 1950  
or of the compound, mixture, preparation, or substance 1951  
containing the detectable amount of hashish in a solid form or 1952  
equals or exceeds ten grams but is less than fifty grams of 1953  
hashish or of the compound, mixture, preparation, or substance 1954  
containing the detectable amount of hashish in a liquid 1955  
concentrate, liquid extract, or liquid distillate form, 1956  
possession of hashish is a felony of the third degree, and 1957  
division (C) of section 2929.13 of the Revised Code applies in 1958  
determining whether to impose a prison term on the offender. 1959

(e) If the amount of the drug involved equals or exceeds 1960  
two hundred fifty grams but is less than one thousand grams of 1961  
hashish or of the compound, mixture, preparation, or substance 1962  
containing the detectable amount of hashish in a solid form or 1963  
equals or exceeds fifty grams but is less than two hundred grams 1964  
of hashish or of the compound, mixture, preparation, or 1965  
substance containing the detectable amount of hashish in a 1966  
liquid concentrate, liquid extract, or liquid distillate form, 1967  
possession of hashish is a felony of the third degree, and there 1968

is a presumption that a prison term shall be imposed for the 1969  
offense. 1970

(f) If the amount of the drug involved equals or exceeds 1971  
one thousand grams but is less than two thousand grams of 1972  
hashish or of the compound, mixture, preparation, or substance 1973  
containing the detectable amount of hashish in a solid form or 1974  
equals or exceeds two hundred grams but is less than four 1975  
hundred grams of hashish or of the compound, mixture, 1976  
preparation, or substance containing the detectable amount of 1977  
hashish in a liquid concentrate, liquid extract, or liquid 1978  
distillate form, possession of hashish is a felony of the second 1979  
degree, and the court shall impose a mandatory prison term of 1980  
five, six, seven, or eight years. 1981

(g) If the amount of the drug involved equals or exceeds 1982  
two thousand grams of hashish or of the compound, mixture, 1983  
preparation, or substance containing the detectable amount of 1984  
hashish in a solid form or equals or exceeds four hundred grams 1985  
of hashish or of the compound, mixture, preparation, or 1986  
substance containing the detectable amount of hashish in a 1987  
liquid concentrate, liquid extract, or liquid distillate form, 1988  
possession of hashish is a felony of the second degree, and the 1989  
court shall impose as a mandatory prison term the maximum prison 1990  
term prescribed for a felony of the second degree. 1991

(8) If the drug involved is a controlled substance analog 1992  
or a compound, mixture, preparation, or substance that contains 1993  
a detectable amount of a controlled substance analog, whoever 1994  
violates division (A) of this section is guilty of possession of 1995  
a controlled substance analog. The penalty for the offense shall 1996  
be determined as follows: 1997

(a) Except as otherwise provided in division (C) (8) (b), 1998

(c), (d), (e), or (f) of this section, possession of a controlled substance analog 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 grams but is less than twenty grams of the controlled substance analog or of the compound, mixture, preparation, or substance containing the detectable amount of the controlled substance analog, possession of a controlled substance analog is a felony of the fourth degree, and there is a presumption for a prison term for the offense.

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

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

(e) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams of the controlled substance analog or of the compound, mixture, preparation, or substance containing the detectable amount of the controlled

substance analog, possession of a controlled substance analog is 2029  
a felony of the first degree, and the court shall impose as a 2030  
mandatory prison term one of the prison terms prescribed for a 2031  
felony of the first degree. 2032

(f) If the amount of the drug involved equals or exceeds 2033  
fifty grams of the controlled substance analog or of the 2034  
compound, mixture, preparation, or substance containing the 2035  
detectable amount of the controlled substance analog, possession 2036  
of a controlled substance analog is a felony of the first 2037  
degree, the offender is a major drug offender, and the court 2038  
shall impose as a mandatory prison term the maximum prison term 2039  
prescribed for a felony of the first degree. 2040

(D) Arrest or conviction for a minor misdemeanor violation 2041  
of this section does not constitute a criminal record and need 2042  
not be reported by the person so arrested or convicted in 2043  
response to any inquiries about the person's criminal record, 2044  
including any inquiries contained in any application for 2045  
employment, license, or other right or privilege, or made in 2046  
connection with the person's appearance as a witness. 2047

(E) In addition to any prison term or jail term authorized 2048  
or required by division (C) of this section and sections 2049  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2050  
Code and in addition to any other sanction that is imposed for 2051  
the offense under this section, sections 2929.11 to 2929.18, or 2052  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2053  
sentences an offender who is convicted of or pleads guilty to a 2054  
violation of division (A) of this section may suspend the 2055  
offender's driver's or commercial driver's license or permit for 2056  
not more than five years. However, if the offender pleaded 2057  
guilty to or was convicted of a violation of section 4511.19 of 2058

the Revised Code or a substantially similar municipal ordinance 2059  
or the law of another state or the United States arising out of 2060  
the same set of circumstances as the violation, the court shall 2061  
suspend the offender's driver's or commercial driver's license 2062  
or permit for not more than five years. If applicable, the court 2063  
also shall do the following: 2064

(1) (a) If the violation is a felony of the first, second, 2065  
or third degree, the court shall impose upon the offender the 2066  
mandatory fine specified for the offense under division (B) (1) 2067  
of section 2929.18 of the Revised Code unless, as specified in 2068  
that division, the court determines that the offender is 2069  
indigent. 2070

(b) Notwithstanding any contrary provision of section 2071  
3719.21 of the Revised Code, the clerk of the court shall pay a 2072  
mandatory fine or other fine imposed for a violation of this 2073  
section pursuant to division (A) of section 2929.18 of the 2074  
Revised Code in accordance with and subject to the requirements 2075  
of division (F) of section 2925.03 of the Revised Code. The 2076  
agency that receives the fine shall use the fine as specified in 2077  
division (F) of section 2925.03 of the Revised Code. 2078

(c) If a person is charged with a violation of this 2079  
section that is a felony of the first, second, or third degree, 2080  
posts bail, and forfeits the bail, the clerk shall pay the 2081  
forfeited bail pursuant to division (E) (1) (b) of this section as 2082  
if it were a mandatory fine imposed under division (E) (1) (a) of 2083  
this section. 2084

(2) If the offender is a professionally licensed person, 2085  
in addition to any other sanction imposed for a violation of 2086  
this section, the court immediately shall comply with section 2087  
2925.38 of the Revised Code. 2088

(F) It is an affirmative defense, as provided in section 2089  
2901.05 of the Revised Code, to a charge of a fourth degree 2090  
felony violation under this section that the controlled 2091  
substance that gave rise to the charge is in an amount, is in a 2092  
form, is prepared, compounded, or mixed with substances that are 2093  
not controlled substances in a manner, or is possessed under any 2094  
other circumstances, that indicate that the substance was 2095  
possessed solely for personal use. Notwithstanding any contrary 2096  
provision of this section, if, in accordance with section 2097  
2901.05 of the Revised Code, an accused who is charged with a 2098  
fourth degree felony violation of division (C) (2), (4), (5), or 2099  
(6) of this section sustains the burden of going forward with 2100  
evidence of and establishes by a preponderance of the evidence 2101  
the affirmative defense described in this division, the accused 2102  
may be prosecuted for and may plead guilty to or be convicted of 2103  
a misdemeanor violation of division (C) (2) of this section or a 2104  
fifth degree felony violation of division (C) (4), (5), or (6) of 2105  
this section respectively. 2106

(G) When a person is charged with possessing a bulk amount 2107  
or multiple of a bulk amount, division (E) of section 2925.03 of 2108  
the Revised Code applies regarding the determination of the 2109  
amount of the controlled substance involved at the time of the 2110  
offense. 2111

(H) It is an affirmative defense to a charge of possession 2112  
of a controlled substance analog under division (C) (8) of this 2113  
section that the person charged with violating that offense 2114  
obtained, possessed, or used an item described in division (HH) 2115  
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 2116

(I) Any offender who received a mandatory suspension of 2117  
the offender's driver's or commercial driver's license or permit 2118

under this section prior to ~~the effective date of this amendment~~ 2119  
September 13, 2016, may file a motion with the sentencing court 2120  
requesting the termination of the suspension. However, an 2121  
offender who pleaded guilty to or was convicted of a violation 2122  
of section 4511.19 of the Revised Code or a substantially 2123  
similar municipal ordinance or law of another state or the 2124  
United States that arose out of the same set of circumstances as 2125  
the violation for which the offender's license or permit was 2126  
suspended under this section shall not file such a motion. 2127

Upon the filing of a motion under division (I) of this 2128  
section, the sentencing court, in its discretion, may terminate 2129  
the suspension. 2130

**Sec. 2925.12.** (A) No person shall knowingly make, obtain, 2131  
possess, or use any instrument, article, or thing the customary 2132  
and primary purpose of which is for the administration or use of 2133  
a dangerous drug, other than marihuana or a compound, mixture, 2134  
preparation, or substance containing a detectable amount of 2135  
marihuana, when the instrument involved is a hypodermic or 2136  
syringe, whether or not of crude or extemporized manufacture or 2137  
assembly, and the instrument, article, or thing involved has 2138  
been used by the offender to unlawfully administer or use a 2139  
dangerous drug, other than marihuana or a compound, mixture, 2140  
preparation, or substance containing a detectable amount of 2141  
marihuana, or to prepare a dangerous drug, other than marihuana 2142  
or a compound, mixture, preparation, or substance containing a 2143  
detectable amount of marihuana, for unlawful administration or 2144  
use. 2145

(B) This section does not apply to manufacturers, licensed 2146  
health professionals authorized to prescribe drugs, pharmacists, 2147  
owners of pharmacies, and other persons whose conduct was in 2148



accordance with Chapters 3719., 4715., 4723., 4729., 4730., 2149  
4731., and 4741. of the Revised Code. 2150

(C) Whoever violates this section is guilty of possessing 2151  
drug abuse instruments, a misdemeanor of the second degree. If 2152  
the offender previously has been convicted of a drug abuse 2153  
offense, a violation of this section is a misdemeanor of the 2154  
first degree. 2155

(D) (1) In addition to any other sanction imposed upon an 2156  
offender for a violation of this section, the court may suspend 2157  
for not more than five years the offender's driver's or 2158  
commercial driver's license or permit. However, if the offender 2159  
pleaded guilty to or was convicted of a violation of section 2160  
4511.19 of the Revised Code or a substantially similar municipal 2161  
ordinance or the law of another state or the United States 2162  
arising out of the same set of circumstances as the violation, 2163  
the court shall suspend the offender's driver's or commercial 2164  
driver's license or permit for not more than five years. If the 2165  
offender is a professionally licensed person, in addition to any 2166  
other sanction imposed for a violation of this section, the 2167  
court immediately shall comply with section 2925.38 of the 2168  
Revised Code. 2169

(2) Any offender who received a mandatory suspension of 2170  
the offender's driver's or commercial driver's license or permit 2171  
under this section prior to ~~the effective date of this amendment~~ 2172  
September 13, 2016, may file a motion with the sentencing court 2173  
requesting the termination of the suspension. However, an 2174  
offender who pleaded guilty to or was convicted of a violation 2175  
of section 4511.19 of the Revised Code or a substantially 2176  
similar municipal ordinance or law of another state or the 2177  
United States that arose out of the same set of circumstances as 2178

the violation for which the offender's license or permit was 2179  
suspended under this section shall not file such a motion. 2180

Upon the filing of a motion under division (D) (2) of this 2181  
section, the sentencing court, in its discretion, may terminate 2182  
the suspension. 2183

**Sec. 2925.14.** (A) As used in this section, "drug 2184  
paraphernalia" means any equipment, product, or material of any 2185  
kind that is used by the offender, intended by the offender for 2186  
use, or designed for use, in propagating, cultivating, growing, 2187  
harvesting, manufacturing, compounding, converting, producing, 2188  
processing, preparing, testing, analyzing, packaging, 2189  
repackaging, storing, containing, concealing, injecting, 2190  
ingesting, inhaling, or otherwise introducing into the human 2191  
body, a controlled substance in violation of this chapter. "Drug 2192  
paraphernalia" includes, but is not limited to, any of the 2193  
following equipment, products, or materials that are used by the 2194  
offender, intended by the offender for use, or designed by the 2195  
offender for use, in any of the following manners: 2196

(1) A kit for propagating, cultivating, growing, or 2197  
harvesting any species of a plant that is a controlled substance 2198  
or from which a controlled substance can be derived; 2199

(2) A kit for manufacturing, compounding, converting, 2200  
producing, processing, or preparing a controlled substance; 2201

(3) Any object, instrument, or device for manufacturing, 2202  
compounding, converting, producing, processing, or preparing 2203  
methamphetamine or a compound, mixture, preparation, or 2204  
substance containing a detectable amount of methamphetamine; 2205

(4) An isomerization device for increasing the potency of 2206  
any species of a plant that is a controlled substance; 2207

- (5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance; 2208  
2209
- (6) A scale or balance for weighing or measuring a controlled substance; 2210  
2211
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance; 2212  
2213  
2214
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana or a compound, mixture, preparation, or substance containing a detectable amount of marihuana; 2215  
2216  
2217  
2218
- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 2219  
2220
- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 2221  
2222
- (11) A container or device for storing or concealing a controlled substance; 2223  
2224
- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 2225  
2226  
2227
- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, ~~or~~ hashish oil, or a compound, mixture, preparation, or substance containing a detectable amount of any such drug, 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 2228  
2229  
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mask; roach clip or similar object used to hold burning 2236  
material, such as a marihuana cigarette, that has become too 2237  
small or too short to be held in the hand; miniature cocaine 2238  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2239  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2240

(B) In determining if any equipment, product, or material 2241  
is drug paraphernalia, a court or law enforcement officer shall 2242  
consider, in addition to other relevant factors, the following: 2243

(1) Any statement by the owner, or by anyone in control, 2244  
of the equipment, product, or material, concerning its use; 2245

(2) The proximity in time or space of the equipment, 2246  
product, or material, or of the act relating to the equipment, 2247  
product, or material, to a violation of any provision of this 2248  
chapter; 2249

(3) The proximity of the equipment, product, or material 2250  
to any controlled substance; 2251

(4) The existence of any residue of a controlled substance 2252  
on the equipment, product, or material; 2253

(5) Direct or circumstantial evidence of the intent of the 2254  
owner, or of anyone in control, of the equipment, product, or 2255  
material, to deliver it to any person whom the owner or person 2256  
in control of the equipment, product, or material knows intends 2257  
to use the object to facilitate a violation of any provision of 2258  
this chapter. A finding that the owner, or anyone in control, of 2259  
the equipment, product, or material, is not guilty of a 2260  
violation of any other provision of this chapter does not 2261  
prevent a finding that the equipment, product, or material was 2262  
intended or designed by the offender for use as drug 2263  
paraphernalia. 2264

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;	2265 2266
(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;	2267 2268
(8) National or local advertising concerning the use of the equipment, product, or material;	2269 2270
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	2271 2272
(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;	2273 2274 2275
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	2276 2277
(12) Expert testimony concerning the use of the equipment, product, or material.	2278 2279
(C) (1) Subject to division (D) (2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.	2280 2281 2282
(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.	2283 2284 2285 2286
(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	2287 2288 2289 2290 2291 2292

use as drug paraphernalia. 2293

(D) (1) This section does not apply to manufacturers, 2294  
licensed health professionals authorized to prescribe drugs, 2295  
pharmacists, owners of pharmacies, and other persons whose 2296  
conduct is in accordance with Chapters 3719., 4715., 4723., 2297  
4729., 4730., 4731., and 4741. of the Revised Code. This section 2298  
shall not be construed to prohibit the possession or use of a 2299  
hypodermic as authorized by section 3719.172 of the Revised 2300  
Code. 2301

(2) Division (C) (1) of this section does not apply to a 2302  
person's use, or possession with purpose to use, any drug 2303  
paraphernalia that is equipment, a product, or material of any 2304  
kind that is used by the person, intended by the person for use, 2305  
or designed for use in storing, containing, concealing, 2306  
injecting, ingesting, inhaling, or otherwise introducing into 2307  
the human body marihuana or a compound, mixture, preparation, or 2308  
substance containing a detectable amount of marihuana. 2309

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2310  
drug paraphernalia that was used, possessed, sold, or 2311  
manufactured in a violation of this section shall be seized, 2312  
after a conviction for that violation shall be forfeited, and 2313  
upon forfeiture shall be disposed of pursuant to division (B) of 2314  
section 2981.12 of the Revised Code. 2315

(F) (1) Whoever violates division (C) (1) of this section is 2316  
guilty of illegal use or possession of drug paraphernalia, a 2317  
misdemeanor of the fourth degree. 2318

(2) Except as provided in division (F) (3) of this section, 2319  
whoever violates division (C) (2) of this section is guilty of 2320  
dealing in drug paraphernalia, a misdemeanor of the second 2321

degree. 2322

(3) Whoever violates division (C) (2) of this section by 2323  
selling drug paraphernalia to a juvenile is guilty of selling 2324  
drug paraphernalia to juveniles, a misdemeanor of the first 2325  
degree. 2326

(4) Whoever violates division (C) (3) of this section is 2327  
guilty of illegal advertising of drug paraphernalia, a 2328  
misdemeanor of the second degree. 2329

(G) (1) In addition to any other sanction imposed upon an 2330  
offender for a violation of this section, the court may suspend 2331  
for not more than five years the offender's driver's or 2332  
commercial driver's license or permit. However, if the offender 2333  
pleaded guilty to or was convicted of a violation of section 2334  
4511.19 of the Revised Code or a substantially similar municipal 2335  
ordinance or the law of another state or the United States 2336  
arising out of the same set of circumstances as the violation, 2337  
the court shall suspend the offender's driver's or commercial 2338  
driver's license or permit for not more than five years. If the 2339  
offender is a professionally licensed person, in addition to any 2340  
other sanction imposed for a violation of this section, the 2341  
court immediately shall comply with section 2925.38 of the 2342  
Revised Code. 2343

(2) Any offender who received a mandatory suspension of 2344  
the offender's driver's or commercial driver's license or permit 2345  
under this section prior to ~~the effective date of this amendment~~ 2346  
September 13, 2016, may file a motion with the sentencing court 2347  
requesting the termination of the suspension. However, an 2348  
offender who pleaded guilty to or was convicted of a violation 2349  
of section 4511.19 of the Revised Code or a substantially 2350  
similar municipal ordinance or law of another state or the 2351

United States that arose out of the same set of circumstances as 2352  
the violation for which the offender's license or permit was 2353  
suspended under this section shall not file such a motion. 2354

Upon the filing of a motion under division (G) (2) of this 2355  
section, the sentencing court, in its discretion, may terminate 2356  
the suspension. 2357

**Sec. 2925.141.** (A) As used in this section, "drug 2358  
paraphernalia" has the same meaning as in section 2925.14 of the 2359  
Revised Code. 2360

(B) In determining if any equipment, product, or material 2361  
is drug paraphernalia, a court or law enforcement officer shall 2362  
consider, in addition to other relevant factors, all factors 2363  
identified in division (B) of section 2925.14 of the Revised 2364  
Code. 2365

(C) No person shall knowingly use, or possess with purpose 2366  
to use, any drug paraphernalia that is equipment, a product, or 2367  
material of any kind that is used by the person, intended by the 2368  
person for use, or designed for use in storing, containing, 2369  
concealing, injecting, ingesting, inhaling, or otherwise 2370  
introducing into the human body marihuana or a compound, 2371  
mixture, preparation, or substance containing a detectable 2372  
amount of marihuana. 2373

(D) This section does not apply to any person identified 2374  
in division (D) (1) of section 2925.14 of the Revised Code, and 2375  
it shall not be construed to prohibit the possession or use of a 2376  
hypodermic as authorized by section 3719.172 of the Revised 2377  
Code. 2378

(E) Division (E) of section 2925.14 of the Revised Code 2379  
applies with respect to any drug paraphernalia that was used or 2380



possessed in violation of this section. 2381

(F) Whoever violates division (C) of this section is 2382  
guilty of illegal use or possession of marihuana drug 2383  
paraphernalia, a minor misdemeanor. 2384

(G) (1) In addition to any other sanction imposed upon an 2385  
offender for a violation of this section, the court may suspend 2386  
for not more than five years the offender's driver's or 2387  
commercial driver's license or permit. However, if the offender 2388  
pleaded guilty to or was convicted of a violation of section 2389  
4511.19 of the Revised Code or a substantially similar municipal 2390  
ordinance or the law of another state or the United States 2391  
arising out of the same set of circumstances as the violation, 2392  
the court shall suspend the offender's driver's or commercial 2393  
driver's license or permit for not more than five years. If the 2394  
offender is a professionally licensed person, in addition to any 2395  
other sanction imposed for a violation of this section, the 2396  
court immediately shall comply with section 2925.38 of the 2397  
Revised Code. 2398

(2) Any offender who received a mandatory suspension of 2399  
the offender's driver's or commercial driver's license or permit 2400  
under this section prior to ~~the effective date of this amendment~~ 2401  
September 13, 2016, may file a motion with the sentencing court 2402  
requesting the termination of the suspension. However, an 2403  
offender who pleaded guilty to or was convicted of a violation 2404  
of section 4511.19 of the Revised Code or a substantially 2405  
similar municipal ordinance or law of another state or the 2406  
United States that arose out of the same set of circumstances as 2407  
the violation for which the offender's license or permit was 2408  
suspended under this section shall not file such a motion. 2409

Upon the filing of a motion under division (G) (2) of this 2410

section, the sentencing court, in its discretion, may terminate 2411  
the suspension. 2412

**Sec. 2925.22.** (A) No person, by deception, shall procure 2413  
the administration of, a prescription for, or the dispensing of, 2414  
a dangerous drug or shall possess an uncompleted preprinted 2415  
prescription blank used for writing a prescription for a 2416  
dangerous drug. 2417

(B) Whoever violates this section is guilty of deception 2418  
to obtain a dangerous drug. The penalty for the offense shall be 2419  
determined as follows: 2420

(1) If the person possesses an uncompleted preprinted 2421  
prescription blank used for writing a prescription for a 2422  
dangerous drug or if the drug involved is a dangerous drug, 2423  
except as otherwise provided in division (B) (2) or (3) of this 2424  
section, deception to obtain a dangerous drug is a felony of the 2425  
fifth degree or, if the offender previously has been convicted 2426  
of or pleaded guilty to a drug abuse offense, a felony of the 2427  
fourth degree. Division (C) of section 2929.13 of the Revised 2428  
Code applies in determining whether to impose a prison term on 2429  
the offender pursuant to this division. 2430

(2) If the drug involved is a compound, mixture, 2431  
preparation, or substance included in schedule I or II, with the 2432  
exception of marihuana and any compound, mixture, preparation, 2433  
or substance containing a detectable amount of marihuana, the 2434  
penalty for deception to obtain drugs is one of the following: 2435

(a) Except as otherwise provided in division (B) (2) (b), 2436  
(c), or (d) of this section, it is a felony of the fourth 2437  
degree, and division (C) of section 2929.13 of the Revised Code 2438  
applies in determining whether to impose a prison term on the 2439

offender. 2440

(b) If the amount of the drug involved equals or exceeds 2441  
the bulk amount but is less than five times the bulk amount, or 2442  
if the amount of the drug involved that could be obtained 2443  
pursuant to the prescription would equal or exceed the bulk 2444  
amount but would be less than five times the bulk amount, it is 2445  
a felony of the third degree, and there is a presumption for a 2446  
prison term for the offense. 2447

(c) If the amount of the drug involved equals or exceeds 2448  
five times the bulk amount but is less than fifty times the bulk 2449  
amount, or if the amount of the drug involved that could be 2450  
obtained pursuant to the prescription would equal or exceed five 2451  
times the bulk amount but would be less than fifty times the 2452  
bulk amount, it is a felony of the second degree, and there is a 2453  
presumption for a prison term for the offense. 2454

(d) If the amount of the drug involved equals or exceeds 2455  
fifty times the bulk amount, or if the amount of the drug 2456  
involved that could be obtained pursuant to the prescription 2457  
would equal or exceed fifty times the bulk amount, it is a 2458  
felony of the first degree, and there is a presumption for a 2459  
prison term for the offense. 2460

(3) If the drug involved is a compound, mixture, 2461  
preparation, or substance included in schedule III, IV, or V or 2462  
is marihuana or a compound, mixture, preparation, or substance 2463  
containing a detectable amount of marihuana, the penalty for 2464  
deception to obtain a dangerous drug is one of the following: 2465

(a) Except as otherwise provided in division (B) (3) (b), 2466  
(c), or (d) of this section, it is a felony of the fifth degree, 2467  
and division (C) of section 2929.13 of the Revised Code applies 2468

in determining whether to impose a prison term on the offender. 2469

(b) If the amount of the drug involved equals or exceeds 2470  
the bulk amount but is less than five times the bulk amount, or 2471  
if the amount of the drug involved that could be obtained 2472  
pursuant to the prescription would equal or exceed the bulk 2473  
amount but would be less than five times the bulk amount, it is 2474  
a felony of the fourth degree, and division (C) of section 2475  
2929.13 of the Revised Code applies in determining whether to 2476  
impose a prison term on the offender. 2477

(c) If the amount of the drug involved equals or exceeds 2478  
five times the bulk amount but is less than fifty times the bulk 2479  
amount, or if the amount of the drug involved that could be 2480  
obtained pursuant to the prescription would equal or exceed five 2481  
times the bulk amount but would be less than fifty times the 2482  
bulk amount, it is a felony of the third degree, and there is a 2483  
presumption for a prison term for the offense. 2484

(d) If the amount of the drug involved equals or exceeds 2485  
fifty times the bulk amount, or if the amount of the drug 2486  
involved that could be obtained pursuant to the prescription 2487  
would equal or exceed fifty times the bulk amount, it is a 2488  
felony of the second degree, and there is a presumption for a 2489  
prison term for the offense. 2490

(C) (1) In addition to any prison term authorized or 2491  
required by division (B) of this section and sections 2929.13 2492  
and 2929.14 of the Revised Code and in addition to any other 2493  
sanction imposed for the offense under this section or sections 2494  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2495  
an offender who is convicted of or pleads guilty to a violation 2496  
of division (A) of this section may suspend for not more than 2497  
five years the offender's driver's or commercial driver's 2498

license or permit. However, if the offender pleaded guilty to or 2499  
was convicted of a violation of section 4511.19 of the Revised 2500  
Code or a substantially similar municipal ordinance or the law 2501  
of another state or the United States arising out of the same 2502  
set of circumstances as the violation, the court shall suspend 2503  
the offender's driver's or commercial driver's license or permit 2504  
for not more than five years. 2505

If the offender is a professionally licensed person, in 2506  
addition to any other sanction imposed for a violation of this 2507  
section, the court immediately shall comply with section 2925.38 2508  
of the Revised Code. 2509

(2) Any offender who received a mandatory suspension of 2510  
the offender's driver's or commercial driver's license or permit 2511  
under this section prior to ~~the effective date of this amendment~~ 2512  
September 13, 2016, may file a motion with the sentencing court 2513  
requesting the termination of the suspension. However, an 2514  
offender who pleaded guilty to or was convicted of a violation 2515  
of section 4511.19 of the Revised Code or a substantially 2516  
similar municipal ordinance or law of another state or the 2517  
United States that arose out of the same set of circumstances as 2518  
the violation for which the offender's license or permit was 2519  
suspended under this section shall not file such a motion. 2520

Upon the filing of a motion under division (C) (2) of this 2521  
section, the sentencing court, in its discretion, may terminate 2522  
the suspension. 2523

(D) Notwithstanding any contrary provision of section 2524  
3719.21 of the Revised Code, the clerk of the court shall pay a 2525  
fine imposed for a violation of this section pursuant to 2526  
division (A) of section 2929.18 of the Revised Code in 2527  
accordance with and subject to the requirements of division (F) 2528

of section 2925.03 of the Revised Code. The agency that receives 2529  
the fine shall use the fine as specified in division (F) of 2530  
section 2925.03 of the Revised Code. 2531

**Sec. 2925.23.** (A) No person shall knowingly make a false 2532  
statement in any prescription, order, report, or record required 2533  
by Chapter 3719. or 4729. of the Revised Code. 2534

(B) No person shall intentionally make, utter, or sell, or 2535  
knowingly possess any of the following that is a false or 2536  
forged: 2537

(1) Prescription; 2538

(2) Uncompleted preprinted prescription blank used for 2539  
writing a prescription; 2540

(3) Official written order; 2541

(4) License for a terminal distributor of dangerous drugs 2542  
as required in section 4729.60 of the Revised Code; 2543

(5) Registration certificate for a wholesale distributor 2544  
of dangerous drugs as required in section 4729.60 of the Revised 2545  
Code. 2546

(C) No person, by theft as defined in section 2913.02 of 2547  
the Revised Code, shall acquire any of the following: 2548

(1) A prescription; 2549

(2) An uncompleted preprinted prescription blank used for 2550  
writing a prescription; 2551

(3) An official written order; 2552

(4) A blank official written order; 2553

(5) A license or blank license for a terminal distributor 2554

of dangerous drugs as required in section 4729.60 of the Revised Code; 2555  
2556

(6) A registration certificate or blank registration certificate for a wholesale distributor of dangerous drugs as required in section 4729.60 of the Revised Code. 2557  
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(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs. 2560  
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(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 2563  
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(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows: 2568  
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(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana and any compound, mixture, preparation, or substance containing a detectable amount of marihuana, illegal processing of drug documents 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. 2576  
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(2) If the drug involved is a dangerous drug or a 2584  
compound, mixture, preparation, or substance included in 2585  
schedule III, IV, or V or is marihuana or a compound, mixture, 2586  
preparation, or substance containing a detectable amount of 2587  
marihuana, illegal processing of drug documents is a felony of 2588  
the fifth degree, and division (C) of section 2929.13 of the 2589  
Revised Code applies in determining whether to impose a prison 2590  
term on the offender. 2591

(G) (1) In addition to any prison term authorized or 2592  
required by division (F) of this section and sections 2929.13 2593  
and 2929.14 of the Revised Code and in addition to any other 2594  
sanction imposed for the offense under this section or sections 2595  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2596  
an offender who is convicted of or pleads guilty to any 2597  
violation of divisions (A) to (D) of this section may suspend 2598  
for not more than five years the offender's driver's or 2599  
commercial driver's license or permit. However, if the offender 2600  
pleaded guilty to or was convicted of a violation of section 2601  
4511.19 of the Revised Code or a substantially similar municipal 2602  
ordinance or the law of another state or the United States 2603  
arising out of the same set of circumstances as the violation, 2604  
the court shall suspend the offender's driver's or commercial 2605  
driver's license or permit for not more than five years. 2606

If the offender is a professionally licensed person, in 2607  
addition to any other sanction imposed for a violation of this 2608  
section, the court immediately shall comply with section 2925.38 2609  
of the Revised Code. 2610

(2) Any offender who received a mandatory suspension of 2611  
the offender's driver's or commercial driver's license or permit 2612  
under this section prior to ~~the effective date of this amendment~~ 2613



September 13, 2016, may file a motion with the sentencing court 2614  
requesting the termination of the suspension. However, an 2615  
offender who pleaded guilty to or was convicted of a violation 2616  
of section 4511.19 of the Revised Code or a substantially 2617  
similar municipal ordinance or law of another state or the 2618  
United States that arose out of the same set of circumstances as 2619  
the violation for which the offender's license or permit was 2620  
suspended under this section shall not file such a motion. 2621

Upon the filing of a motion under division (G) (2) of this 2622  
section, the sentencing court, in its discretion, may terminate 2623  
the suspension. 2624

(H) Notwithstanding any contrary provision of section 2625  
3719.21 of the Revised Code, the clerk of court shall pay a fine 2626  
imposed for a violation of this section pursuant to division (A) 2627  
of section 2929.18 of the Revised Code in accordance with and 2628  
subject to the requirements of division (F) of section 2925.03 2629  
of the Revised Code. The agency that receives the fine shall use 2630  
the fine as specified in division (F) of section 2925.03 of the 2631  
Revised Code. 2632

**Sec. 2925.36.** (A) No person shall knowingly furnish 2633  
another a sample drug. 2634

(B) Division (A) of this section does not apply to 2635  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2636  
licensed health professionals authorized to prescribe drugs, and 2637  
other persons whose conduct is in accordance with Chapters 2638  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2639  
the Revised Code. 2640

(C) (1) Whoever violates this section is guilty of illegal 2641  
dispensing of drug samples. 2642

(2) If the drug involved in the offense is a compound, 2643  
mixture, preparation, or substance included in schedule I or II, 2644  
with the exception of marihuana and any compound, mixture, 2645  
preparation, or substance containing a detectable amount of 2646  
marihuana, the penalty for the offense shall be determined as 2647  
follows: 2648

(a) Except as otherwise provided in division (C) (2) (b) of 2649  
this section, illegal dispensing of drug samples is a felony of 2650  
the fifth degree, and, subject to division (E) of this section, 2651  
division (C) of section 2929.13 of the Revised Code applies in 2652  
determining whether to impose a prison term on the offender. 2653

(b) If the offense was committed in the vicinity of a 2654  
school or in the vicinity of a juvenile, illegal dispensing of 2655  
drug samples is a felony of the fourth degree, and, subject to 2656  
division (E) of this section, division (C) of section 2929.13 of 2657  
the Revised Code applies in determining whether to impose a 2658  
prison term on the offender. 2659

(3) If the drug involved in the offense is a dangerous 2660  
drug or a compound, mixture, preparation, or substance included 2661  
in schedule III, IV, or V, or is marihuana or a compound, 2662  
mixture, preparation, or substance containing a detectable 2663  
amount of marihuana, the penalty for the offense shall be 2664  
determined as follows: 2665

(a) Except as otherwise provided in division (C) (3) (b) of 2666  
this section, illegal dispensing of drug samples is a 2667  
misdemeanor of the second degree. 2668

(b) If the offense was committed in the vicinity of a 2669  
school or in the vicinity of a juvenile, illegal dispensing of 2670  
drug samples is a misdemeanor of the first degree. 2671

(D) (1) In addition to any prison term authorized or 2672  
required by division (C) or (E) of this section and sections 2673  
2929.13 and 2929.14 of the Revised Code and in addition to any 2674  
other sanction imposed for the offense under this section or 2675  
sections 2929.11 to 2929.18 of the Revised Code, the court that 2676  
sentences an offender who is convicted of or pleads guilty to a 2677  
violation of division (A) of this section may suspend for not 2678  
more than five years the offender's driver's or commercial 2679  
driver's license or permit. However, if the offender pleaded 2680  
guilty to or was convicted of a violation of section 4511.19 of 2681  
the Revised Code or a substantially similar municipal ordinance 2682  
or the law of another state or the United States arising out of 2683  
the same set of circumstances as the violation, the court shall 2684  
suspend the offender's driver's or commercial driver's license 2685  
or permit for not more than five years. 2686

If the offender is a professionally licensed person, in 2687  
addition to any other sanction imposed for a violation of this 2688  
section, the court immediately shall comply with section 2925.38 2689  
of the Revised Code. 2690

(2) Any offender who received a mandatory suspension of 2691  
the offender's driver's or commercial driver's license or permit 2692  
under this section prior to ~~the effective date of this amendment~~ 2693  
September 13, 2016, may file a motion with the sentencing court 2694  
requesting the termination of the suspension. However, an 2695  
offender who pleaded guilty to or was convicted of a violation 2696  
of section 4511.19 of the Revised Code or a substantially 2697  
similar municipal ordinance or law of another state or the 2698  
United States that arose out of the same set of circumstances as 2699  
the violation for which the offender's license or permit was 2700  
suspended under this section shall not file such a motion. 2701

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 any compound, mixture, preparation, or substance containing a detectable amount 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 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. 2925.51.** (A) In any criminal prosecution for a violation of this chapter or Chapter 3719. of the Revised Code, a laboratory report from the bureau of criminal identification and investigation, a laboratory operated by another law enforcement agency, or a laboratory established by or under the

authority of an institution of higher education that has its 2732  
main campus in this state and that is accredited by the 2733  
association of American universities or the north central 2734  
association of colleges and secondary schools, primarily for the 2735  
purpose of providing scientific services to law enforcement 2736  
agencies and signed by the person performing the analysis, 2737  
stating that the substance that is the basis of the alleged 2738  
offense has been weighed and analyzed and stating the findings 2739  
as to the content, weight, and identity of the substance and 2740  
that it contains any amount of a controlled substance and the 2741  
number and description of unit dosages, is prima-facie evidence 2742  
of the content, identity, and weight or the existence and number 2743  
of unit dosages of the substance. In any criminal prosecution 2744  
for a violation of section 2925.041 of the Revised Code or a 2745  
violation of this chapter or Chapter 3719. of the Revised Code 2746  
that is based on the possession of chemicals sufficient to 2747  
produce a compound, mixture, preparation, or substance included 2748  
in schedule I, II, III, IV, or V, a laboratory report from the 2749  
bureau or from any laboratory that is operated or established as 2750  
described in this division that is signed by the person 2751  
performing the analysis, stating that the substances that are 2752  
the basis of the alleged offense have been weighed and analyzed 2753  
and stating the findings as to the content, weight, and identity 2754  
of each of the substances, is prima-facie evidence of the 2755  
content, identity, and weight of the substances. 2756

Attached to that report shall be a copy of a notarized 2757  
statement by the signer of the report giving the name of the 2758  
signer and stating that the signer is an employee of the 2759  
laboratory issuing the report and that performing the analysis 2760  
is a part of the signer's regular duties, and giving an outline 2761  
of the signer's education, training, and experience for 2762

performing an analysis of materials included under this section. 2763  
The signer shall attest that scientifically accepted tests were 2764  
performed with due caution, and that the evidence was handled in 2765  
accordance with established and accepted procedures while in the 2766  
custody of the laboratory. 2767

(B) The prosecuting attorney shall serve a copy of the 2768  
report on the attorney of record for the accused, or on the 2769  
accused if the accused has no attorney, prior to any proceeding 2770  
in which the report is to be used against the accused other than 2771  
at a preliminary hearing or grand jury proceeding where the 2772  
report may be used without having been previously served upon 2773  
the accused. 2774

(C) The report shall not be prima-facie evidence of the 2775  
contents, identity, and weight or the existence and number of 2776  
unit dosages of the substance if the accused or the accused's 2777  
attorney demands the testimony of the person signing the report, 2778  
by serving the demand upon the prosecuting attorney within seven 2779  
days from the accused or the accused's attorney's receipt of the 2780  
report. The time may be extended by a trial judge in the 2781  
interests of justice. 2782

(D) Any report issued for use under this section shall 2783  
contain notice of the right of the accused to demand, and the 2784  
manner in which the accused shall demand, the testimony of the 2785  
person signing the report. 2786

(E) Any person who is accused of a violation of this 2787  
chapter or of Chapter 3719. of the Revised Code is entitled, 2788  
upon written request made to the prosecuting attorney, to have a 2789  
portion of the substance that is, or of each of the substances 2790  
that are, the basis of the alleged violation preserved for the 2791  
benefit of independent analysis performed by a laboratory 2792

analyst employed by the accused person, or, if the accused is 2793  
indigent, by a qualified laboratory analyst appointed by the 2794  
court. Such portion shall be a representative sample of the 2795  
entire substance that is, or of each of the substances that are, 2796  
the basis of the alleged violation and shall be of sufficient 2797  
size, in the opinion of the court, to permit the accused's 2798  
analyst to make a thorough scientific analysis concerning the 2799  
identity of the substance or substances. The prosecuting 2800  
attorney shall provide the accused's analyst with the sample 2801  
portion at least fourteen days prior to trial, unless the trial 2802  
is to be held in a court not of record or unless the accused 2803  
person is charged with a minor misdemeanor, in which case the 2804  
prosecuting attorney shall provide the accused's analyst with 2805  
the sample portion at least three days prior to trial. If the 2806  
prosecuting attorney determines that such a sample portion 2807  
cannot be preserved and given to the accused's analyst, the 2808  
prosecuting attorney shall so inform the accused person or his 2809  
attorney. In such a circumstance, the accused person is 2810  
entitled, upon written request made to the prosecuting attorney, 2811  
to have the accused's privately employed or court appointed 2812  
analyst present at an analysis of the substance that is, or the 2813  
substances that are, the basis of the alleged violation, and, 2814  
upon further written request, to receive copies of all recorded 2815  
scientific data that result from the analysis and that can be 2816  
used by an analyst in arriving at conclusions, findings, or 2817  
opinions concerning the identity of the substance or substances 2818  
subject to the analysis. 2819

(F) In addition to the rights provided under division (E) 2820  
of this section, any person who is accused of a violation of 2821  
this chapter or of Chapter 3719. of the Revised Code that 2822  
involves a bulk amount of a controlled substance, or any 2823

multiple thereof, or who is accused of a violation of section 2824  
2925.11 of the Revised Code, other than a minor misdemeanor 2825  
violation, that involves marihuana or a compound, mixture, 2826  
preparation, or substance containing a detectable amount of 2827  
marihuana, is entitled, upon written request made to the 2828  
prosecuting attorney, to have a laboratory analyst of the 2829  
accused's choice, or, if the accused is indigent, a qualified 2830  
laboratory analyst appointed by the court present at a 2831  
measurement or weighing of the substance that is the basis of 2832  
the alleged violation. Also, the accused person is entitled, 2833  
upon further written request, to receive copies of all recorded 2834  
scientific data that result from the measurement or weighing and 2835  
that can be used by an analyst in arriving at conclusions, 2836  
findings, or opinions concerning the weight, volume, or number 2837  
of unit doses of the substance subject to the measurement or 2838  
weighing. 2839

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 2840  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 2841  
(G), (H), (J), or (K) of this section or in division (D) (6) of 2842  
section 2919.25 of the Revised Code and except in relation to an 2843  
offense for which a sentence of death or life imprisonment is to 2844  
be imposed, if the court imposing a sentence upon an offender 2845  
for a felony elects or is required to impose a prison term on 2846  
the offender pursuant to this chapter, the court shall impose a 2847  
definite prison term that shall be one of the following: 2848

(1) For a felony of the first degree, the prison term 2849  
shall be three, four, five, six, seven, eight, nine, ten, or 2850  
eleven years. 2851

(2) For a felony of the second degree, the prison term 2852  
shall be two, three, four, five, six, seven, or eight years. 2853



(3) (a) For a felony of the third degree that is a 2854  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2855  
2907.05, or 3795.04 of the Revised Code or that is a violation 2856  
of section 2911.02 or 2911.12 of the Revised Code if the 2857  
offender previously has been convicted of or pleaded guilty in 2858  
two or more separate proceedings to two or more violations of 2859  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 2860  
Code, the prison term shall be twelve, eighteen, twenty-four, 2861  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 2862  
months. 2863

(b) For a felony of the third degree that is not an 2864  
offense for which division (A) (3) (a) of this section applies, 2865  
the prison term shall be nine, twelve, eighteen, twenty-four, 2866  
thirty, or thirty-six months. 2867

(4) For a felony of the fourth degree, the prison term 2868  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2869  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2870

(5) For a felony of the fifth degree, the prison term 2871  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 2872

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2873  
section, if an offender who is convicted of or pleads guilty to 2874  
a felony also is convicted of or pleads guilty to a 2875  
specification of the type described in section 2941.141, 2876  
2941.144, or 2941.145 of the Revised Code, the court shall 2877  
impose on the offender one of the following prison terms: 2878

(i) A prison term of six years if the specification is of 2879  
the type described in division (A) of section 2941.144 of the 2880  
Revised Code that charges the offender with having a firearm 2881  
that is an automatic firearm or that was equipped with a firearm 2882

muffler or suppressor on or about the offender's person or under 2883  
the offender's control while committing the offense; 2884

(ii) A prison term of three years if the specification is 2885  
of the type described in division (A) of section 2941.145 of the 2886  
Revised Code that charges the offender with having a firearm on 2887  
or about the offender's person or under the offender's control 2888  
while committing the offense and displaying the firearm, 2889  
brandishing the firearm, indicating that the offender possessed 2890  
the firearm, or using it to facilitate the offense; 2891

(iii) A prison term of one year if the specification is of 2892  
the type described in division (A) of section 2941.141 of the 2893  
Revised Code that charges the offender with having a firearm on 2894  
or about the offender's person or under the offender's control 2895  
while committing the offense; 2896

(iv) A prison term of nine years if the specification is 2897  
of the type described in division (D) of section 2941.144 of the 2898  
Revised Code that charges the offender with having a firearm 2899  
that is an automatic firearm or that was equipped with a firearm 2900  
muffler or suppressor on or about the offender's person or under 2901  
the offender's control while committing the offense and 2902  
specifies that the offender previously has been convicted of or 2903  
pleaded guilty to a specification of the type described in 2904  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2905  
the Revised Code; 2906

(v) A prison term of fifty-four months if the 2907  
specification is of the type described in division (D) of 2908  
section 2941.145 of the Revised Code that charges the offender 2909  
with having a firearm on or about the offender's person or under 2910  
the offender's control while committing the offense and 2911  
displaying the firearm, brandishing the firearm, indicating that 2912

the offender possessed the firearm, or using the firearm to 2913  
facilitate the offense and that the offender previously has been 2914  
convicted of or pleaded guilty to a specification of the type 2915  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2916  
2941.1412 of the Revised Code; 2917

(vi) A prison term of eighteen months if the specification 2918  
is of the type described in division (D) of section 2941.141 of 2919  
the Revised Code that charges the offender with having a firearm 2920  
on or about the offender's person or under the offender's 2921  
control while committing the offense and that the offender 2922  
previously has been convicted of or pleaded guilty to a 2923  
specification of the type described in section 2941.141, 2924  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2925

(b) If a court imposes a prison term on an offender under 2926  
division (B) (1) (a) of this section, the prison term shall not be 2927  
reduced pursuant to section 2967.19, section 2929.20, section 2928  
2967.193, or any other provision of Chapter 2967. or Chapter 2929  
5120. of the Revised Code. Except as provided in division (B) (1) 2930  
(g) of this section, a court shall not impose more than one 2931  
prison term on an offender under division (B) (1) (a) of this 2932  
section for felonies committed as part of the same act or 2933  
transaction. 2934

(c) (i) Except as provided in division (B) (1) (e) of this 2935  
section, if an offender who is convicted of or pleads guilty to 2936  
a violation of section 2923.161 of the Revised Code or to a 2937  
felony that includes, as an essential element, purposely or 2938  
knowingly causing or attempting to cause the death of or 2939  
physical harm to another, also is convicted of or pleads guilty 2940  
to a specification of the type described in division (A) of 2941  
section 2941.146 of the Revised Code that charges the offender 2942

with committing the offense by discharging a firearm from a 2943  
motor vehicle other than a manufactured home, the court, after 2944  
imposing a prison term on the offender for the violation of 2945  
section 2923.161 of the Revised Code or for the other felony 2946  
offense under division (A), (B) (2), or (B) (3) of this section, 2947  
shall impose an additional prison term of five years upon the 2948  
offender that shall not be reduced pursuant to section 2929.20, 2949  
section 2967.19, section 2967.193, or any other provision of 2950  
Chapter 2967. or Chapter 5120. of the Revised Code. 2951

(ii) Except as provided in division (B) (1) (e) of this 2952  
section, if an offender who is convicted of or pleads guilty to 2953  
a violation of section 2923.161 of the Revised Code or to a 2954  
felony that includes, as an essential element, purposely or 2955  
knowingly causing or attempting to cause the death of or 2956  
physical harm to another, also is convicted of or pleads guilty 2957  
to a specification of the type described in division (C) of 2958  
section 2941.146 of the Revised Code that charges the offender 2959  
with committing the offense by discharging a firearm from a 2960  
motor vehicle other than a manufactured home and that the 2961  
offender previously has been convicted of or pleaded guilty to a 2962  
specification of the type described in section 2941.141, 2963  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2964  
the court, after imposing a prison term on the offender for the 2965  
violation of section 2923.161 of the Revised Code or for the 2966  
other felony offense under division (A), (B) (2), or (3) of this 2967  
section, shall impose an additional prison term of ninety months 2968  
upon the offender that shall not be reduced pursuant to section 2969  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 2970  
2967. or Chapter 5120. of the Revised Code. 2971

(iii) A court shall not impose more than one additional 2972  
prison term on an offender under division (B) (1) (c) of this 2973

section for felonies committed as part of the same act or 2974  
transaction. If a court imposes an additional prison term on an 2975  
offender under division (B) (1) (c) of this section relative to an 2976  
offense, the court also shall impose a prison term under 2977  
division (B) (1) (a) of this section relative to the same offense, 2978  
provided the criteria specified in that division for imposing an 2979  
additional prison term are satisfied relative to the offender 2980  
and the offense. 2981

(d) If an offender who is convicted of or pleads guilty to 2982  
an offense of violence that is a felony also is convicted of or 2983  
pleads guilty to a specification of the type described in 2984  
section 2941.1411 of the Revised Code that charges the offender 2985  
with wearing or carrying body armor while committing the felony 2986  
offense of violence, the court shall impose on the offender a 2987  
prison term of two years. The prison term so imposed, subject to 2988  
divisions (C) to (I) of section 2967.19 of the Revised Code, 2989  
shall not be reduced pursuant to section 2929.20, section 2990  
2967.19, section 2967.193, or any other provision of Chapter 2991  
2967. or Chapter 5120. of the Revised Code. A court shall not 2992  
impose more than one prison term on an offender under division 2993  
(B) (1) (d) of this section for felonies committed as part of the 2994  
same act or transaction. If a court imposes an additional prison 2995  
term under division (B) (1) (a) or (c) of this section, the court 2996  
is not precluded from imposing an additional prison term under 2997  
division (B) (1) (d) of this section. 2998

(e) The court shall not impose any of the prison terms 2999  
described in division (B) (1) (a) of this section or any of the 3000  
additional prison terms described in division (B) (1) (c) of this 3001  
section upon an offender for a violation of section 2923.12 or 3002  
2923.123 of the Revised Code. The court shall not impose any of 3003  
the prison terms described in division (B) (1) (a) or (b) of this 3004

section upon an offender for a violation of section 2923.122 3005  
that involves a deadly weapon that is a firearm other than a 3006  
dangerous ordnance, section 2923.16, or section 2923.121 of the 3007  
Revised Code. The court shall not impose any of the prison terms 3008  
described in division (B) (1) (a) of this section or any of the 3009  
additional prison terms described in division (B) (1) (c) of this 3010  
section upon an offender for a violation of section 2923.13 of 3011  
the Revised Code unless all of the following apply: 3012

(i) The offender previously has been convicted of 3013  
aggravated murder, murder, or any felony of the first or second 3014  
degree. 3015

(ii) Less than five years have passed since the offender 3016  
was released from prison or post-release control, whichever is 3017  
later, for the prior offense. 3018

(f) (i) If an offender is convicted of or pleads guilty to 3019  
a felony that includes, as an essential element, causing or 3020  
attempting to cause the death of or physical harm to another and 3021  
also is convicted of or pleads guilty to a specification of the 3022  
type described in division (A) of section 2941.1412 of the 3023  
Revised Code that charges the offender with committing the 3024  
offense by discharging a firearm at a peace officer as defined 3025  
in section 2935.01 of the Revised Code or a corrections officer, 3026  
as defined in section 2941.1412 of the Revised Code, the court, 3027  
after imposing a prison term on the offender for the felony 3028  
offense under division (A), (B) (2), or (B) (3) of this section, 3029  
shall impose an additional prison term of seven years upon the 3030  
offender that shall not be reduced pursuant to section 2929.20, 3031  
section 2967.19, section 2967.193, or any other provision of 3032  
Chapter 2967. or Chapter 5120. of the Revised Code. 3033

(ii) If an offender is convicted of or pleads guilty to a 3034

felony that includes, as an essential element, causing or 3035  
attempting to cause the death of or physical harm to another and 3036  
also is convicted of or pleads guilty to a specification of the 3037  
type described in division (B) of section 2941.1412 of the 3038  
Revised Code that charges the offender with committing the 3039  
offense by discharging a firearm at a peace officer, as defined 3040  
in section 2935.01 of the Revised Code, or a corrections 3041  
officer, as defined in section 2941.1412 of the Revised Code, 3042  
and that the offender previously has been convicted of or 3043  
pleaded guilty to a specification of the type described in 3044  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3045  
the Revised Code, the court, after imposing a prison term on the 3046  
offender for the felony offense under division (A), (B) (2), or 3047  
(3) of this section, shall impose an additional prison term of 3048  
one hundred twenty-six months upon the offender that shall not 3049  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3050  
any other provision of Chapter 2967. or 5120. of the Revised 3051  
Code. 3052

(iii) If an offender is convicted of or pleads guilty to 3053  
two or more felonies that include, as an essential element, 3054  
causing or attempting to cause the death or physical harm to 3055  
another and also is convicted of or pleads guilty to a 3056  
specification of the type described under division (B) (1) (f) of 3057  
this section in connection with two or more of the felonies of 3058  
which the offender is convicted or to which the offender pleads 3059  
guilty, the sentencing court shall impose on the offender the 3060  
prison term specified under division (B) (1) (f) of this section 3061  
for each of two of the specifications of which the offender is 3062  
convicted or to which the offender pleads guilty and, in its 3063  
discretion, also may impose on the offender the prison term 3064  
specified under that division for any or all of the remaining 3065

specifications. If a court imposes an additional prison term on 3066  
an offender under division (B) (1) (f) of this section relative to 3067  
an offense, the court shall not impose a prison term under 3068  
division (B) (1) (a) or (c) of this section relative to the same 3069  
offense. 3070

(g) If an offender is convicted of or pleads guilty to two 3071  
or more felonies, if one or more of those felonies are 3072  
aggravated murder, murder, attempted aggravated murder, 3073  
attempted murder, aggravated robbery, felonious assault, or 3074  
rape, and if the offender is convicted of or pleads guilty to a 3075  
specification of the type described under division (B) (1) (a) of 3076  
this section in connection with two or more of the felonies, the 3077  
sentencing court shall impose on the offender the prison term 3078  
specified under division (B) (1) (a) of this section for each of 3079  
the two most serious specifications of which the offender is 3080  
convicted or to which the offender pleads guilty and, in its 3081  
discretion, also may impose on the offender the prison term 3082  
specified under that division for any or all of the remaining 3083  
specifications. 3084

(2) (a) If division (B) (2) (b) of this section does not 3085  
apply, the court may impose on an offender, in addition to the 3086  
longest prison term authorized or required for the offense, an 3087  
additional definite prison term of one, two, three, four, five, 3088  
six, seven, eight, nine, or ten years if all of the following 3089  
criteria are met: 3090

(i) The offender is convicted of or pleads guilty to a 3091  
specification of the type described in section 2941.149 of the 3092  
Revised Code that the offender is a repeat violent offender. 3093

(ii) The offense of which the offender currently is 3094  
convicted or to which the offender currently pleads guilty is 3095



aggravated murder and the court does not impose a sentence of 3096  
death or life imprisonment without parole, murder, terrorism and 3097  
the court does not impose a sentence of life imprisonment 3098  
without parole, any felony of the first degree that is an 3099  
offense of violence and the court does not impose a sentence of 3100  
life imprisonment without parole, or any felony of the second 3101  
degree that is an offense of violence and the trier of fact 3102  
finds that the offense involved an attempt to cause or a threat 3103  
to cause serious physical harm to a person or resulted in 3104  
serious physical harm to a person. 3105

(iii) The court imposes the longest prison term for the 3106  
offense that is not life imprisonment without parole. 3107

(iv) The court finds that the prison terms imposed 3108  
pursuant to division (B) (2) (a) (iii) of this section and, if 3109  
applicable, division (B) (1) or (3) of this section are 3110  
inadequate to punish the offender and protect the public from 3111  
future crime, because the applicable factors under section 3112  
2929.12 of the Revised Code indicating a greater likelihood of 3113  
recidivism outweigh the applicable factors under that section 3114  
indicating a lesser likelihood of recidivism. 3115

(v) The court finds that the prison terms imposed pursuant 3116  
to division (B) (2) (a) (iii) of this section and, if applicable, 3117  
division (B) (1) or (3) of this section are demeaning to the 3118  
seriousness of the offense, because one or more of the factors 3119  
under section 2929.12 of the Revised Code indicating that the 3120  
offender's conduct is more serious than conduct normally 3121  
constituting the offense are present, and they outweigh the 3122  
applicable factors under that section indicating that the 3123  
offender's conduct is less serious than conduct normally 3124  
constituting the offense. 3125

(b) The court shall impose on an offender the longest 3126  
prison term authorized or required for the offense and shall 3127  
impose on the offender an additional definite prison term of 3128  
one, two, three, four, five, six, seven, eight, nine, or ten 3129  
years if all of the following criteria are met: 3130

(i) The offender is convicted of or pleads guilty to a 3131  
specification of the type described in section 2941.149 of the 3132  
Revised Code that the offender is a repeat violent offender. 3133

(ii) The offender within the preceding twenty years has 3134  
been convicted of or pleaded guilty to three or more offenses 3135  
described in division (CC)(1) of section 2929.01 of the Revised 3136  
Code, including all offenses described in that division of which 3137  
the offender is convicted or to which the offender pleads guilty 3138  
in the current prosecution and all offenses described in that 3139  
division of which the offender previously has been convicted or 3140  
to which the offender previously pleaded guilty, whether 3141  
prosecuted together or separately. 3142

(iii) The offense or offenses of which the offender 3143  
currently is convicted or to which the offender currently pleads 3144  
guilty is aggravated murder and the court does not impose a 3145  
sentence of death or life imprisonment without parole, murder, 3146  
terrorism and the court does not impose a sentence of life 3147  
imprisonment without parole, any felony of the first degree that 3148  
is an offense of violence and the court does not impose a 3149  
sentence of life imprisonment without parole, or any felony of 3150  
the second degree that is an offense of violence and the trier 3151  
of fact finds that the offense involved an attempt to cause or a 3152  
threat to cause serious physical harm to a person or resulted in 3153  
serious physical harm to a person. 3154

(c) For purposes of division (B)(2)(b) of this section, 3155

two or more offenses committed at the same time or as part of 3156  
the same act or event shall be considered one offense, and that 3157  
one offense shall be the offense with the greatest penalty. 3158

(d) A sentence imposed under division (B) (2) (a) or (b) of 3159  
this section shall not be reduced pursuant to section 2929.20, 3160  
section 2967.19, or section 2967.193, or any other provision of 3161  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3162  
shall serve an additional prison term imposed under this section 3163  
consecutively to and prior to the prison term imposed for the 3164  
underlying offense. 3165

(e) When imposing a sentence pursuant to division (B) (2) 3166  
(a) or (b) of this section, the court shall state its findings 3167  
explaining the imposed sentence. 3168

(3) Except when an offender commits a violation of section 3169  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3170  
for the violation is life imprisonment or commits a violation of 3171  
section 2903.02 of the Revised Code, if the offender commits a 3172  
violation of section 2925.03 or 2925.11 of the Revised Code and 3173  
that section classifies the offender as a major drug offender, 3174  
if the offender commits a felony violation of section 2925.02, 3175  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 3176  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 3177  
division (E) of section 4729.51, or division (J) of section 3178  
4729.54 of the Revised Code that includes the sale, offer to 3179  
sell, or possession of a schedule I or II controlled substance, 3180  
with the exception of marihuana and any compound, mixture, 3181  
preparation, or substance containing a detectable amount of 3182  
marihuana, and the court imposing sentence upon the offender 3183  
finds that the offender is guilty of a specification of the type 3184  
described in section 2941.1410 of the Revised Code charging that 3185

the offender is a major drug offender, if the court imposing 3186  
sentence upon an offender for a felony finds that the offender 3187  
is guilty of corrupt activity with the most serious offense in 3188  
the pattern of corrupt activity being a felony of the first 3189  
degree, or if the offender is guilty of an attempted violation 3190  
of section 2907.02 of the Revised Code and, had the offender 3191  
completed the violation of section 2907.02 of the Revised Code 3192  
that was attempted, the offender would have been subject to a 3193  
sentence of life imprisonment or life imprisonment without 3194  
parole for the violation of section 2907.02 of the Revised Code, 3195  
the court shall impose upon the offender for the felony 3196  
violation a mandatory prison term of the maximum prison term 3197  
prescribed for a felony of the first degree that, subject to 3198  
divisions (C) to (I) of section 2967.19 of the Revised Code, 3199  
cannot be reduced pursuant to section 2929.20, section 2967.19, 3200  
or any other provision of Chapter 2967. or 5120. of the Revised 3201  
Code. 3202

(4) If the offender is being sentenced for a third or 3203  
fourth degree felony OVI offense under division (G) (2) of 3204  
section 2929.13 of the Revised Code, the sentencing court shall 3205  
impose upon the offender a mandatory prison term in accordance 3206  
with that division. In addition to the mandatory prison term, if 3207  
the offender is being sentenced for a fourth degree felony OVI 3208  
offense, the court, notwithstanding division (A) (4) of this 3209  
section, may sentence the offender to a definite prison term of 3210  
not less than six months and not more than thirty months, and if 3211  
the offender is being sentenced for a third degree felony OVI 3212  
offense, the sentencing court may sentence the offender to an 3213  
additional prison term of any duration specified in division (A) 3214  
(3) of this section. In either case, the additional prison term 3215  
imposed shall be reduced by the sixty or one hundred twenty days 3216

imposed upon the offender as the mandatory prison term. The 3217  
total of the additional prison term imposed under division (B) 3218  
(4) of this section plus the sixty or one hundred twenty days 3219  
imposed as the mandatory prison term shall equal a definite term 3220  
in the range of six months to thirty months for a fourth degree 3221  
felony OVI offense and shall equal one of the authorized prison 3222  
terms specified in division (A) (3) of this section for a third 3223  
degree felony OVI offense. If the court imposes an additional 3224  
prison term under division (B) (4) of this section, the offender 3225  
shall serve the additional prison term after the offender has 3226  
served the mandatory prison term required for the offense. In 3227  
addition to the mandatory prison term or mandatory and 3228  
additional prison term imposed as described in division (B) (4) 3229  
of this section, the court also may sentence the offender to a 3230  
community control sanction under section 2929.16 or 2929.17 of 3231  
the Revised Code, but the offender shall serve all of the prison 3232  
terms so imposed prior to serving the community control 3233  
sanction. 3234

If the offender is being sentenced for a fourth degree 3235  
felony OVI offense under division (G) (1) of section 2929.13 of 3236  
the Revised Code and the court imposes a mandatory term of local 3237  
incarceration, the court may impose a prison term as described 3238  
in division (A) (1) of that section. 3239

(5) If an offender is convicted of or pleads guilty to a 3240  
violation of division (A) (1) or (2) of section 2903.06 of the 3241  
Revised Code and also is convicted of or pleads guilty to a 3242  
specification of the type described in section 2941.1414 of the 3243  
Revised Code that charges that the victim of the offense is a 3244  
peace officer, as defined in section 2935.01 of the Revised 3245  
Code, or an investigator of the bureau of criminal 3246  
identification and investigation, as defined in section 2903.11 3247

of the Revised Code, the court shall impose on the offender a 3248  
prison term of five years. If a court imposes a prison term on 3249  
an offender under division (B) (5) of this section, the prison 3250  
term, subject to divisions (C) to (I) of section 2967.19 of the 3251  
Revised Code, shall not be reduced pursuant to section 2929.20, 3252  
section 2967.19, section 2967.193, or any other provision of 3253  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3254  
shall not impose more than one prison term on an offender under 3255  
division (B) (5) of this section for felonies committed as part 3256  
of the same act. 3257

(6) If an offender is convicted of or pleads guilty to a 3258  
violation of division (A) (1) or (2) of section 2903.06 of the 3259  
Revised Code and also is convicted of or pleads guilty to a 3260  
specification of the type described in section 2941.1415 of the 3261  
Revised Code that charges that the offender previously has been 3262  
convicted of or pleaded guilty to three or more violations of 3263  
division (A) or (B) of section 4511.19 of the Revised Code or an 3264  
equivalent offense, as defined in section 2941.1415 of the 3265  
Revised Code, or three or more violations of any combination of 3266  
those divisions and offenses, the court shall impose on the 3267  
offender a prison term of three years. If a court imposes a 3268  
prison term on an offender under division (B) (6) of this 3269  
section, the prison term, subject to divisions (C) to (I) of 3270  
section 2967.19 of the Revised Code, shall not be reduced 3271  
pursuant to section 2929.20, section 2967.19, section 2967.193, 3272  
or any other provision of Chapter 2967. or Chapter 5120. of the 3273  
Revised Code. A court shall not impose more than one prison term 3274  
on an offender under division (B) (6) of this section for 3275  
felonies committed as part of the same act. 3276

(7) (a) If an offender is convicted of or pleads guilty to 3277  
a felony violation of section 2905.01, 2905.02, 2907.21, 3278

2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 3279  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 3280  
the Revised Code and also is convicted of or pleads guilty to a 3281  
specification of the type described in section 2941.1422 of the 3282  
Revised Code that charges that the offender knowingly committed 3283  
the offense in furtherance of human trafficking, the court shall 3284  
impose on the offender a mandatory prison term that is one of 3285  
the following: 3286

(i) If the offense is a felony of the first degree, a 3287  
definite prison term of not less than five years and not greater 3288  
than ten years; 3289

(ii) If the offense is a felony of the second or third 3290  
degree, a definite prison term of not less than three years and 3291  
not greater than the maximum prison term allowed for the offense 3292  
by division (A) of section 2929.14 of the Revised Code; 3293

(iii) If the offense is a felony of the fourth or fifth 3294  
degree, a definite prison term that is the maximum prison term 3295  
allowed for the offense by division (A) of section 2929.14 of 3296  
the Revised Code. 3297

(b) Subject to divisions (C) to (I) of section 2967.19 of 3298  
the Revised Code, the prison term imposed under division (B) (7) 3299  
(a) of this section shall not be reduced pursuant to section 3300  
2929.20, section 2967.19, section 2967.193, or any other 3301  
provision of Chapter 2967. of the Revised Code. A court shall 3302  
not impose more than one prison term on an offender under 3303  
division (B) (7) (a) of this section for felonies committed as 3304  
part of the same act, scheme, or plan. 3305

(8) If an offender is convicted of or pleads guilty to a 3306  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3307

Revised Code and also is convicted of or pleads guilty to a 3308  
specification of the type described in section 2941.1423 of the 3309  
Revised Code that charges that the victim of the violation was a 3310  
woman whom the offender knew was pregnant at the time of the 3311  
violation, notwithstanding the range of prison terms prescribed 3312  
in division (A) of this section for felonies of the same degree 3313  
as the violation, the court shall impose on the offender a 3314  
mandatory prison term that is either a definite prison term of 3315  
six months or one of the prison terms prescribed in section 3316  
2929.14 of the Revised Code for felonies of the same degree as 3317  
the violation. 3318

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3319  
if a mandatory prison term is imposed upon an offender pursuant 3320  
to division (B) (1) (a) of this section for having a firearm on or 3321  
about the offender's person or under the offender's control 3322  
while committing a felony, if a mandatory prison term is imposed 3323  
upon an offender pursuant to division (B) (1) (c) of this section 3324  
for committing a felony specified in that division by 3325  
discharging a firearm from a motor vehicle, or if both types of 3326  
mandatory prison terms are imposed, the offender shall serve any 3327  
mandatory prison term imposed under either division 3328  
consecutively to any other mandatory prison term imposed under 3329  
either division or under division (B) (1) (d) of this section, 3330  
consecutively to and prior to any prison term imposed for the 3331  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3332  
this section or any other section of the Revised Code, and 3333  
consecutively to any other prison term or mandatory prison term 3334  
previously or subsequently imposed upon the offender. 3335

(b) If a mandatory prison term is imposed upon an offender 3336  
pursuant to division (B) (1) (d) of this section for wearing or 3337  
carrying body armor while committing an offense of violence that 3338



is a felony, the offender shall serve the mandatory term so 3339  
imposed consecutively to any other mandatory prison term imposed 3340  
under that division or under division (B) (1) (a) or (c) of this 3341  
section, consecutively to and prior to any prison term imposed 3342  
for the underlying felony under division (A), (B) (2), or (B) (3) 3343  
of this section or any other section of the Revised Code, and 3344  
consecutively to any other prison term or mandatory prison term 3345  
previously or subsequently imposed upon the offender. 3346

(c) If a mandatory prison term is imposed upon an offender 3347  
pursuant to division (B) (1) (f) of this section, the offender 3348  
shall serve the mandatory prison term so imposed consecutively 3349  
to and prior to any prison term imposed for the underlying 3350  
felony under division (A), (B) (2), or (B) (3) of this section or 3351  
any other section of the Revised Code, and consecutively to any 3352  
other prison term or mandatory prison term previously or 3353  
subsequently imposed upon the offender. 3354

(d) If a mandatory prison term is imposed upon an offender 3355  
pursuant to division (B) (7) or (8) of this section, the offender 3356  
shall serve the mandatory prison term so imposed consecutively 3357  
to any other mandatory prison term imposed under that division 3358  
or under any other provision of law and consecutively to any 3359  
other prison term or mandatory prison term previously or 3360  
subsequently imposed upon the offender. 3361

(2) If an offender who is an inmate in a jail, prison, or 3362  
other residential detention facility violates section 2917.02, 3363  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3364  
(2) of section 2921.34 of the Revised Code, if an offender who 3365  
is under detention at a detention facility commits a felony 3366  
violation of section 2923.131 of the Revised Code, or if an 3367  
offender who is an inmate in a jail, prison, or other 3368

residential detention facility or is under detention at a 3369  
detention facility commits another felony while the offender is 3370  
an escapee in violation of division (A) (1) or (2) of section 3371  
2921.34 of the Revised Code, any prison term imposed upon the 3372  
offender for one of those violations shall be served by the 3373  
offender consecutively to the prison term or term of 3374  
imprisonment the offender was serving when the offender 3375  
committed that offense and to any other prison term previously 3376  
or subsequently imposed upon the offender. 3377

(3) If a prison term is imposed for a violation of 3378  
division (B) of section 2911.01 of the Revised Code, a violation 3379  
of division (A) of section 2913.02 of the Revised Code in which 3380  
the stolen property is a firearm or dangerous ordnance, or a 3381  
felony violation of division (B) of section 2921.331 of the 3382  
Revised Code, the offender shall serve that prison term 3383  
consecutively to any other prison term or mandatory prison term 3384  
previously or subsequently imposed upon the offender. 3385

(4) If multiple prison terms are imposed on an offender 3386  
for convictions of multiple offenses, the court may require the 3387  
offender to serve the prison terms consecutively if the court 3388  
finds that the consecutive service is necessary to protect the 3389  
public from future crime or to punish the offender and that 3390  
consecutive sentences are not disproportionate to the 3391  
seriousness of the offender's conduct and to the danger the 3392  
offender poses to the public, and if the court also finds any of 3393  
the following: 3394

(a) The offender committed one or more of the multiple 3395  
offenses while the offender was awaiting trial or sentencing, 3396  
was under a sanction imposed pursuant to section 2929.16, 3397  
2929.17, or 2929.18 of the Revised Code, or was under post- 3398

release control for a prior offense. 3399

(b) At least two of the multiple offenses were committed 3400  
as part of one or more courses of conduct, and the harm caused 3401  
by two or more of the multiple offenses so committed was so 3402  
great or unusual that no single prison term for any of the 3403  
offenses committed as part of any of the courses of conduct 3404  
adequately reflects the seriousness of the offender's conduct. 3405

(c) The offender's history of criminal conduct 3406  
demonstrates that consecutive sentences are necessary to protect 3407  
the public from future crime by the offender. 3408

(5) If a mandatory prison term is imposed upon an offender 3409  
pursuant to division (B) (5) or (6) of this section, the offender 3410  
shall serve the mandatory prison term consecutively to and prior 3411  
to any prison term imposed for the underlying violation of 3412  
division (A) (1) or (2) of section 2903.06 of the Revised Code 3413  
pursuant to division (A) of this section or section 2929.142 of 3414  
the Revised Code. If a mandatory prison term is imposed upon an 3415  
offender pursuant to division (B) (5) of this section, and if a 3416  
mandatory prison term also is imposed upon the offender pursuant 3417  
to division (B) (6) of this section in relation to the same 3418  
violation, the offender shall serve the mandatory prison term 3419  
imposed pursuant to division (B) (5) of this section 3420  
consecutively to and prior to the mandatory prison term imposed 3421  
pursuant to division (B) (6) of this section and consecutively to 3422  
and prior to any prison term imposed for the underlying 3423  
violation of division (A) (1) or (2) of section 2903.06 of the 3424  
Revised Code pursuant to division (A) of this section or section 3425  
2929.142 of the Revised Code. 3426

(6) When consecutive prison terms are imposed pursuant to 3427  
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 3428

of this section, the term to be served is the aggregate of all 3429  
of the terms so imposed. 3430

(D) (1) If a court imposes a prison term for a felony of 3431  
the first degree, for a felony of the second degree, for a 3432  
felony sex offense, or for a felony of the third degree that is 3433  
not a felony sex offense and in the commission of which the 3434  
offender caused or threatened to cause physical harm to a 3435  
person, it shall include in the sentence a requirement that the 3436  
offender be subject to a period of post-release control after 3437  
the offender's release from imprisonment, in accordance with 3438  
that division. If a court imposes a sentence including a prison 3439  
term of a type described in this division on or after July 11, 3440  
2006, the failure of a court to include a post-release control 3441  
requirement in the sentence pursuant to this division does not 3442  
negate, limit, or otherwise affect the mandatory period of post- 3443  
release control that is required for the offender under division 3444  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 3445  
the Revised Code applies if, prior to July 11, 2006, a court 3446  
imposed a sentence including a prison term of a type described 3447  
in this division and failed to include in the sentence pursuant 3448  
to this division a statement regarding post-release control. 3449

(2) If a court imposes a prison term for a felony of the 3450  
third, fourth, or fifth degree that is not subject to division 3451  
(D) (1) of this section, it shall include in the sentence a 3452  
requirement that the offender be subject to a period of post- 3453  
release control after the offender's release from imprisonment, 3454  
in accordance with that division, if the parole board determines 3455  
that a period of post-release control is necessary. Section 3456  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3457  
a court imposed a sentence including a prison term of a type 3458  
described in this division and failed to include in the sentence 3459

pursuant to this division a statement regarding post-release control. 3460  
3461

(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply: 3462  
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(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator. 3468  
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(2) A person is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code. 3472  
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(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 3480  
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(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code. 3484  
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(5) A person is convicted of or pleads guilty to 3489  
aggravated murder committed on or after January 1, 2008, and 3490  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3491  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3492  
(d) of section 2929.03, or division (A) or (B) of section 3493  
2929.06 of the Revised Code requires the court to sentence the 3494  
offender pursuant to division (B) (3) of section 2971.03 of the 3495  
Revised Code. 3496

(6) A person is convicted of or pleads guilty to murder 3497  
committed on or after January 1, 2008, and division (B) (2) of 3498  
section 2929.02 of the Revised Code requires the court to 3499  
sentence the offender pursuant to section 2971.03 of the Revised 3500  
Code. 3501

(F) If a person who has been convicted of or pleaded 3502  
guilty to a felony is sentenced to a prison term or term of 3503  
imprisonment under this section, sections 2929.02 to 2929.06 of 3504  
the Revised Code, section 2929.142 of the Revised Code, section 3505  
2971.03 of the Revised Code, or any other provision of law, 3506  
section 5120.163 of the Revised Code applies regarding the 3507  
person while the person is confined in a state correctional 3508  
institution. 3509

(G) If an offender who is convicted of or pleads guilty to 3510  
a felony that is an offense of violence also is convicted of or 3511  
pleads guilty to a specification of the type described in 3512  
section 2941.142 of the Revised Code that charges the offender 3513  
with having committed the felony while participating in a 3514  
criminal gang, the court shall impose upon the offender an 3515  
additional prison term of one, two, or three years. 3516

(H) (1) If an offender who is convicted of or pleads guilty 3517  
to aggravated murder, murder, or a felony of the first, second, 3518

or third degree that is an offense of violence also is convicted 3519  
of or pleads guilty to a specification of the type described in 3520  
section 2941.143 of the Revised Code that charges the offender 3521  
with having committed the offense in a school safety zone or 3522  
towards a person in a school safety zone, the court shall impose 3523  
upon the offender an additional prison term of two years. The 3524  
offender shall serve the additional two years consecutively to 3525  
and prior to the prison term imposed for the underlying offense. 3526

(2) (a) If an offender is convicted of or pleads guilty to 3527  
a felony violation of section 2907.22, 2907.24, 2907.241, or 3528  
2907.25 of the Revised Code and to a specification of the type 3529  
described in section 2941.1421 of the Revised Code and if the 3530  
court imposes a prison term on the offender for the felony 3531  
violation, the court may impose upon the offender an additional 3532  
prison term as follows: 3533

(i) Subject to division (H) (2) (a) (ii) of this section, an 3534  
additional prison term of one, two, three, four, five, or six 3535  
months; 3536

(ii) If the offender previously has been convicted of or 3537  
pleaded guilty to one or more felony or misdemeanor violations 3538  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3539  
the Revised Code and also was convicted of or pleaded guilty to 3540  
a specification of the type described in section 2941.1421 of 3541  
the Revised Code regarding one or more of those violations, an 3542  
additional prison term of one, two, three, four, five, six, 3543  
seven, eight, nine, ten, eleven, or twelve months. 3544

(b) In lieu of imposing an additional prison term under 3545  
division (H) (2) (a) of this section, the court may directly 3546  
impose on the offender a sanction that requires the offender to 3547  
wear a real-time processing, continual tracking electronic 3548

monitoring device during the period of time specified by the 3549  
court. The period of time specified by the court shall equal the 3550  
duration of an additional prison term that the court could have 3551  
imposed upon the offender under division (H) (2) (a) of this 3552  
section. A sanction imposed under this division shall commence 3553  
on the date specified by the court, provided that the sanction 3554  
shall not commence until after the offender has served the 3555  
prison term imposed for the felony violation of section 2907.22, 3556  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3557  
residential sanction imposed for the violation under section 3558  
2929.16 of the Revised Code. A sanction imposed under this 3559  
division shall be considered to be a community control sanction 3560  
for purposes of section 2929.15 of the Revised Code, and all 3561  
provisions of the Revised Code that pertain to community control 3562  
sanctions shall apply to a sanction imposed under this division, 3563  
except to the extent that they would by their nature be clearly 3564  
inapplicable. The offender shall pay all costs associated with a 3565  
sanction imposed under this division, including the cost of the 3566  
use of the monitoring device. 3567

(I) At the time of sentencing, the court may recommend the 3568  
offender for placement in a program of shock incarceration under 3569  
section 5120.031 of the Revised Code or for placement in an 3570  
intensive program prison under section 5120.032 of the Revised 3571  
Code, disapprove placement of the offender in a program of shock 3572  
incarceration or an intensive program prison of that nature, or 3573  
make no recommendation on placement of the offender. In no case 3574  
shall the department of rehabilitation and correction place the 3575  
offender in a program or prison of that nature unless the 3576  
department determines as specified in section 5120.031 or 3577  
5120.032 of the Revised Code, whichever is applicable, that the 3578  
offender is eligible for the placement. 3579



If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the

notice to disapprove the placement. 3610

(J) If a person is convicted of or pleads guilty to 3611  
aggravated vehicular homicide in violation of division (A) (1) of 3612  
section 2903.06 of the Revised Code and division (B) (2) (c) of 3613  
that section applies, the person shall be sentenced pursuant to 3614  
section 2929.142 of the Revised Code. 3615

(K) (1) The court shall impose an additional mandatory 3616  
prison term of two, three, four, five, six, seven, eight, nine, 3617  
ten, or eleven years on an offender who is convicted of or 3618  
pleads guilty to a violent felony offense if the offender also 3619  
is convicted of or pleads guilty to a specification of the type 3620  
described in section 2941.1424 of the Revised Code that charges 3621  
that the offender is a violent career criminal and had a firearm 3622  
on or about the offender's person or under the offender's 3623  
control while committing the presently charged violent felony 3624  
offense and displayed or brandished the firearm, indicated that 3625  
the offender possessed a firearm, or used the firearm to 3626  
facilitate the offense. The offender shall serve the prison term 3627  
imposed under this division consecutively to and prior to the 3628  
prison term imposed for the underlying offense. The prison term 3629  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 3630  
any other provision of Chapter 2967. or 5120. of the Revised 3631  
Code. A court may not impose more than one sentence under 3632  
division (B) (2) (a) of this section and this division for acts 3633  
committed as part of the same act or transaction. 3634

(2) As used in division (K) (1) of this section, "violent 3635  
career criminal" and "violent felony offense" have the same 3636  
meanings as in section 2923.132 of the Revised Code. 3637

**Sec. 3719.99.** (A) Whoever violates section 3719.16 or 3638  
3719.161 of the Revised Code is guilty of a felony of the fifth 3639

degree. If the offender previously has been convicted of a 3640  
violation of section 3719.16 or 3719.161 of the Revised Code or 3641  
a drug abuse offense, a violation of section 3719.16 or 3719.161 3642  
of the Revised Code is a felony of the fourth degree. If the 3643  
violation involves the sale, offer to sell, or possession of a 3644  
schedule I or II controlled substance, with the exception of 3645  
marihuana and any compound, mixture, preparation, or substance 3646  
containing a detectable amount of marihuana, and if the 3647  
offender, as a result of the violation, is a major drug 3648  
offender, division (D) of this section applies. 3649

(B) Whoever violates division (C) or (D) of section 3650  
3719.172 of the Revised Code is guilty of a felony of the fifth 3651  
degree. If the offender previously has been convicted of a 3652  
violation of division (C) or (D) of section 3719.172 of the 3653  
Revised Code or a drug abuse offense, a violation of division 3654  
(C) or (D) of section 3719.172 of the Revised Code is a felony 3655  
of the fourth degree. If the violation involves the sale, offer 3656  
to sell, or possession of a schedule I or II controlled 3657  
substance, with the exception of marihuana and any compound, 3658  
mixture, preparation, or substance containing a detectable 3659  
amount of marihuana, and if the offender, as a result of the 3660  
violation, is a major drug offender, division (D) of this 3661  
section applies. 3662

(C) Whoever violates section 3719.07 or 3719.08 of the 3663  
Revised Code is guilty of a misdemeanor of the first degree. If 3664  
the offender previously has been convicted of a violation of 3665  
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 3666  
offense, a violation of section 3719.07 or 3719.08 of the 3667  
Revised Code is a felony of the fifth degree. If the violation 3668  
involves the sale, offer to sell, or possession of a schedule I 3669  
or II controlled substance, with the exception of marihuana and 3670

any compound, mixture, preparation, or substance containing a 3671  
detectable amount of marihuana, and if the offender, as a result 3672  
of the violation, is a major drug offender, division (D) of this 3673  
section applies. 3674

(D) (1) If an offender is convicted of or pleads guilty to 3675  
a felony violation of section 3719.07, 3719.08, 3719.16, or 3676  
3719.161 or of division (C) or (D) of section 3719.172 of the 3677  
Revised Code, if the violation involves the sale, offer to sell, 3678  
or possession of a schedule I or II controlled substance, with 3679  
the exception of marihuana and any compound, mixture, 3680  
preparation, or substance containing a detectable amount of 3681  
marihuana, and if the court imposing sentence upon the offender 3682  
finds that the offender as a result of the violation is a major 3683  
drug offender and is guilty of a specification of the type 3684  
described in section 2941.1410 of the Revised Code, the court, 3685  
in lieu of the prison term authorized or required by division 3686  
(A), (B), or (C) of this section and sections 2929.13 and 3687  
2929.14 of the Revised Code and in addition to any other 3688  
sanction imposed for the offense under sections 2929.11 to 3689  
2929.18 of the Revised Code, shall impose upon the offender, in 3690  
accordance with division (B) (3) (a) of section 2929.14 of the 3691  
Revised Code, the mandatory prison term specified in that 3692  
division and may impose an additional prison term under division 3693  
(B) (3) (b) of that section. 3694

(2) Notwithstanding any contrary provision of section 3695  
3719.21 of the Revised Code, the clerk of the court shall pay 3696  
any fine imposed for a felony violation of section 3719.07, 3697  
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 3698  
section 3719.172 of the Revised Code pursuant to division (A) of 3699  
section 2929.18 of the Revised Code in accordance with and 3700  
subject to the requirements of division (F) of section 2925.03 3701

of the Revised Code. The agency that receives the fine shall use 3702  
the fine as specified in division (F) of section 2925.03 of the 3703  
Revised Code. 3704

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3705  
3719.31 or division (B) of section 3719.172 of the Revised Code 3706  
is guilty of a misdemeanor of the third degree. If the offender 3707  
previously has been convicted of a violation of section 3719.05, 3708  
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 3709  
of the Revised Code or a drug abuse offense, a violation of 3710  
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 3711  
section 3719.172 of the Revised Code is a misdemeanor of the 3712  
first degree. 3713

(F) Whoever violates section 3719.30 of the Revised Code 3714  
is guilty of a misdemeanor of the fourth degree. If the offender 3715  
previously has been convicted of a violation of section 3719.30 3716  
of the Revised Code or a drug abuse offense, a violation of 3717  
section 3719.30 of the Revised Code is a misdemeanor of the 3718  
third degree. 3719

(G) Whoever violates section 3719.32 or 3719.33 of the 3720  
Revised Code is guilty of a minor misdemeanor. 3721

(H) Whoever violates division (K) (2) (b) of section 3719.44 3722  
of the Revised Code is guilty of a felony of the fifth degree. 3723

(I) Whoever violates division (K) (2) (c) of section 3719.44 3724  
of the Revised Code is guilty of a misdemeanor of the second 3725  
degree. 3726

(J) As used in this section, "major drug offender" has the 3727  
same meaning as in section 2929.01 of the Revised Code. 3728

**Sec. 4729.99.** (A) Whoever violates division (H) of section 3729  
4729.16, division (G) of section 4729.38, section 4729.57, or 3730

division (F) of section 4729.96 of the Revised Code is guilty of 3731  
a minor misdemeanor, unless a different penalty is otherwise 3732  
specified in the Revised Code. Each day's violation constitutes 3733  
a separate offense. 3734

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 3735  
of the Revised Code is guilty of a misdemeanor of the third 3736  
degree. Each day's violation constitutes a separate offense. If 3737  
the offender previously has been convicted of or pleaded guilty 3738  
to a violation of this chapter, that person is guilty of a 3739  
misdemeanor of the second degree. 3740

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 3741  
of the Revised Code is guilty of a misdemeanor. 3742

(D) Whoever violates division (A), (B), (C), (D), (F), or 3743  
(G) of section 4729.51 of the Revised Code is guilty of a 3744  
misdemeanor of the first degree. 3745

(E) (1) Whoever violates section 4729.37, division (E) (1) 3746  
(b) of section 4729.51, division (J) of section 4729.54, 3747  
division (B) or (D) of section 4729.553, or section 4729.61 of 3748  
the Revised Code is guilty of a felony of the fifth degree. If 3749  
the offender previously has been convicted of or pleaded guilty 3750  
to a violation of this chapter or a violation of Chapter 2925. 3751  
or 3719. of the Revised Code, that person is guilty of a felony 3752  
of the fourth degree. 3753

(2) If an offender is convicted of or pleads guilty to a 3754  
violation of section 4729.37, division (E) of section 4729.51, 3755  
division (J) of section 4729.54, or section 4729.61 of the 3756  
Revised Code, if the violation involves the sale, offer to sell, 3757  
or possession of a schedule I or II controlled substance, with 3758  
the exception of marihuana and any compound, mixture, 3759

preparation, or substance containing a detectable amount of 3760  
marihuana, and if the court imposing sentence upon the offender 3761  
finds that the offender as a result of the violation is a major 3762  
drug offender, as defined in section 2929.01 of the Revised 3763  
Code, and is guilty of a specification of the type described in 3764  
section 2941.1410 of the Revised Code, the court, in lieu of the 3765  
prison term authorized or required by division (E) (1) of this 3766  
section and sections 2929.13 and 2929.14 of the Revised Code and 3767  
in addition to any other sanction imposed for the offense under 3768  
sections 2929.11 to 2929.18 of the Revised Code, shall impose 3769  
upon the offender, in accordance with division (B) (3) of section 3770  
2929.14 of the Revised Code, the mandatory prison term specified 3771  
in that division. 3772

(3) Notwithstanding any contrary provision of section 3773  
3719.21 of the Revised Code, the clerk of court shall pay any 3774  
fine imposed for a violation of section 4729.37, division (E) of 3775  
section 4729.51, division (J) of section 4729.54, or section 3776  
4729.61 of the Revised Code pursuant to division (A) of section 3777  
2929.18 of the Revised Code in accordance with and subject to 3778  
the requirements of division (F) of section 2925.03 of the 3779  
Revised Code. The agency that receives the fine shall use the 3780  
fine as specified in division (F) of section 2925.03 of the 3781  
Revised Code. 3782

(F) Whoever violates section 4729.531 of the Revised Code 3783  
or any rule adopted thereunder or section 4729.532 of the 3784  
Revised Code is guilty of a misdemeanor of the first degree. 3785

(G) Whoever violates division (E) (1) (a) of section 4729.51 3786  
of the Revised Code is guilty of a felony of the fourth degree. 3787  
If the offender has previously been convicted of or pleaded 3788  
guilty to a violation of this chapter, or of a violation of 3789

Chapter 2925. or 3719. of the Revised Code, that person is 3790  
guilty of a felony of the third degree. 3791

(H) Whoever violates division (E)(1)(c) of section 4729.51 3792  
of the Revised Code is guilty of a misdemeanor of the first 3793  
degree. If the offender has previously been convicted of or 3794  
pleaded guilty to a violation of this chapter, or of a violation 3795  
of Chapter 2925. or 3719. of the Revised Code, that person is 3796  
guilty of a felony of the fifth degree. 3797

(I)(1) Whoever violates division (A) of section 4729.95 of 3798  
the Revised Code is guilty of unauthorized pharmacy-related drug 3799  
conduct. Except as otherwise provided in this section, 3800  
unauthorized pharmacy-related drug conduct is a misdemeanor of 3801  
the second degree. If the offender previously has been convicted 3802  
of or pleaded guilty to a violation of division (A), (B), or (C) 3803  
of that section, unauthorized pharmacy-related drug conduct is a 3804  
misdemeanor of the first degree on a second offense and a felony 3805  
of the fifth degree on a third or subsequent offense. 3806

(2) Whoever violates division (B) or (C) of section 3807  
4729.95 of the Revised Code is guilty of permitting unauthorized 3808  
pharmacy-related drug conduct. Except as otherwise provided in 3809  
this section, permitting unauthorized pharmacy-related drug 3810  
conduct is a misdemeanor of the second degree. If the offender 3811  
previously has been convicted of or pleaded guilty to a 3812  
violation of division (A), (B), or (C) of that section, 3813  
permitting unauthorized pharmacy-related drug conduct is a 3814  
misdemeanor of the first degree on a second offense and a felony 3815  
of the fifth degree on a third or subsequent offense. 3816

(3) Notwithstanding any contrary provision of section 3817  
3719.21 of the Revised Code or any other provision of law that 3818  
governs the distribution of fines, the clerk of the court shall 3819



pay any fine imposed pursuant to division (I) (1) or (2) of this 3820  
section to the state board of pharmacy if the board has adopted 3821  
a written internal control policy under division (F) (2) of 3822  
section 2925.03 of the Revised Code that addresses fine moneys 3823  
that it receives under Chapter 2925. of the Revised Code and if 3824  
the policy also addresses fine moneys paid under this division. 3825  
The state board of pharmacy shall use the fines so paid in 3826  
accordance with the written internal control policy to subsidize 3827  
the board's law enforcement efforts that pertain to drug 3828  
offenses. 3829

(J) (1) Whoever violates division (A) (1) of section 4729.86 3830  
of the Revised Code is guilty of a misdemeanor of the third 3831  
degree. If the offender has previously been convicted of or 3832  
pleaded guilty to a violation of division (A) (1), (2), or (3) of 3833  
section 4729.86 of the Revised Code, that person is guilty of a 3834  
misdemeanor of the first degree. 3835

(2) Whoever violates division (A) (2) of section 4729.86 of 3836  
the Revised Code is guilty of a misdemeanor of the first degree. 3837  
If the offender has previously been convicted of or pleaded 3838  
guilty to a violation of division (A) (1), (2), or (3) of section 3839  
4729.86 of the Revised Code, that person is guilty of a felony 3840  
of the fifth degree. 3841

(3) Whoever violates division (A) (3) of section 4729.86 of 3842  
the Revised Code is guilty of a felony of the fifth degree. If 3843  
the offender has previously been convicted of or pleaded guilty 3844  
to a violation of division (A) (1), (2), or (3) of section 3845  
4729.86 of the Revised Code, that person is guilty of a felony 3846  
of the fourth degree. 3847

(K) A person who violates division (C) of section 4729.552 3848  
of the Revised Code is guilty of a misdemeanor of the first 3849

degree. If the person previously has been convicted of or 3850  
pleaded guilty to a violation of division (C) of section 3851  
4729.552 of the Revised Code, that person is guilty of a felony 3852  
of the fifth degree. 3853

**Section 2.** That existing sections 2925.02, 2925.03, 3854  
2925.04, 2925.05, 2925.11, 2925.12, 2925.14, 2925.141, 2925.22, 3855  
2925.23, 2925.36, 2925.51, 2929.14, 3719.99, and 4729.99 of the 3856  
Revised Code are hereby repealed. 3857

**Section 3.** Section 2925.03 of the Revised Code is 3858  
presented in this act as a composite of the section as amended 3859  
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 3860  
131st General Assembly. The General Assembly, applying the 3861  
principle stated in division (B) of section 1.52 of the Revised 3862  
Code that amendments are to be harmonized if reasonably capable 3863  
of simultaneous operation, finds that the composite is the 3864  
resulting version of the section in effect prior to the 3865  
effective date of the section as presented in this act. 3866

Section 2925.11 of the Revised Code is presented in this 3867  
act as a composite of the section as amended by Sub. H.B. 110, 3868  
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 3869  
The General Assembly, applying the principle stated in division 3870  
(B) of section 1.52 of the Revised Code that amendments are to 3871  
be harmonized if reasonably capable of simultaneous operation, 3872  
finds that the composite is the resulting version of the section 3873  
in effect prior to the effective date of the section as 3874  
presented in this act. 3875

Section 2929.14 of the Revised Code is presented in this 3876  
act as a composite of the section as amended by both Sub. H.B. 3877  
470 and Sub. S.B. 319 of the 131st General Assembly. The General 3878  
Assembly, applying the principle stated in division (B) of 3879

section 1.52 of the Revised Code that amendments are to be 3880  
harmonized if reasonably capable of simultaneous operation, 3881  
finds that the composite is the resulting version of the section 3882  
in effect prior to the effective date of the section as 3883  
presented in this act. 3884

Section 4729.99 of the Revised Code is presented in this 3885  
act as a composite of the section as amended by both Sub. H.B. 3886  
505 and Sub. S.B. 319 of the 131st General Assembly. The General 3887  
Assembly, applying the principle stated in division (B) of 3888  
section 1.52 of the Revised Code that amendments are to be 3889  
harmonized if reasonably capable of simultaneous operation, 3890  
finds that the composite is the resulting version of the section 3891  
in effect prior to the effective date of the section as 3892  
presented in this act. 3893

**Section 4.** This act is hereby declared to be an emergency 3894  
measure necessary for the immediate preservation of the public 3895  
peace, health, and safety. The reason for such necessity is to 3896  
ensure that the method for determining the amount of a drug 3897  
involved in a drug offense for purposes of sentencing that 3898  
applied prior to the Ohio Supreme Court's holding in *State v.* 3899  
*Gonzales*, \_\_\_ Ohio St.3d \_\_\_, 2016-Ohio-8319, will continue to 3900  
be valid. Therefore, this act shall go into immediate effect. 3901