

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 462**

**Representatives Hagan, Sprague**

**Cosponsor: Representative Phillips**

---

**A BILL**

To amend sections 505.482, 715.05, 2907.24, 1  
2925.11, and 2925.61 of the Revised Code to 2  
authorize specified political subdivisions to 3  
establish a joint police district, to modify the 4  
membership of a joint police district governing 5  
body, to expand the offense of solicitation to 6  
also apply to a person who agrees with another 7  
to engage with the other person in sexual 8  
activity for hire, to provide that the 9  
"prescription exemption" from the drug 10  
possession offenses does not apply to a person 11  
who uses more of the drug than the maximum 12  
prescribed amount per day or the maximum amount 13  
to be used within the prescription timeline or 14  
who administers or takes the drug in a manner 15  
not prescribed by the prescribing health 16  
professional, and to provide immunity from civil 17  
liability to a peace officer who administers 18  
naloxone to a person who is apparently 19  
experiencing an opioid-related overdose. 20

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

**Section 1.** That sections 505.482, 715.05, 2907.24, 21  
2925.11, and 2925.61 of the Revised Code be amended to read as 22  
follows: 23

**Sec. 505.482.** (A) The boards of township trustees of any 24  
two or more ~~contiguous~~ townships, ~~or~~ the boards of township 25  
trustees of one or more ~~contiguous~~ townships and the legislative 26  
authorities of one or more ~~contiguous~~ municipal corporations, or 27  
the legislative authorities of two or more municipal 28  
corporations, whether or not within the same county, by adoption 29  
of a joint resolution by a majority favorable vote of each such 30  
board and of the members of the legislative authority of each 31  
such municipal corporation, may form themselves into a joint 32  
police district comprising all or any part of the townships or 33  
municipal corporations as are mutually agreed upon. The 34  
governing body of the joint police district shall be a joint 35  
police district board, which shall consist of trustees that 36  
include ~~either all of the~~ following: 37

(1) If the district includes one or more townships, one 38  
representative from each board of township trustees ~~of each~~ 39  
~~township and all of the members of~~ forming the district; 40

(2) If the district includes one or more municipal 41  
corporations, one representative from the legislative authority 42  
of each municipal corporation in the district, ~~as agreed to and~~ 43  
~~established in the joint resolution creating the joint police~~ 44  
~~district; or an odd number of members as agreed to and~~ 45  
~~established in the joint resolution, as long as the members are~~ 46  
~~representatives from each board of township trustees of each~~ 47  
~~township and from the legislative authority of each municipal~~ 48  
~~corporation in the joint police district.~~ 49

(B) The joint police district board shall organize within 50

thirty days after the favorable vote by the last board of 51  
township trustees or the members of the legislative authority of 52  
the last municipal corporation joining itself into the joint 53  
police district board. The president of the board of township 54  
trustees of the most populous participating township or the 55  
legislative authority of the most populous participating 56  
municipal corporation shall give notice of the time and place of 57  
organization to each pending member of the joint police district 58  
board, as established in the joint resolution. Such notice shall 59  
be signed and shall be sent by certified mail to each such 60  
pending member of the board at least five days prior to the 61  
organization meeting, which meeting shall be held in one of the 62  
participating townships or municipal corporations. Two-thirds of 63  
the joint police district board members constitutes a quorum. 64  
The members of the joint police district board shall, at the 65  
organization meeting, proceed with the election of a president, 66  
a secretary, and a treasurer, and such other officers as they 67  
consider necessary and proper, and shall transact such other 68  
business as properly comes before the board. 69

(C) In the formation of a joint police district, such 70  
action may be taken by or on behalf of part of a township, by 71  
excluding that portion of the township lying within a municipal 72  
corporation. The joint police district board may exercise the 73  
same powers as are granted to a board of township trustees in 74  
the operation of a township police district under sections 75  
505.49 to 505.55 of the Revised Code, including, but not limited 76  
to, the power to employ, train, and discipline personnel, to 77  
acquire equipment and buildings, to levy a tax, to issue bonds 78  
and notes, and to dissolve the district. 79

**Sec. 715.05. (A)** All municipal corporations may organize 80  
and maintain police and fire departments, erect the necessary 81

buildings, and purchase and hold all implements and apparatus 82  
required therefor. 83

(B) The legislative authority of a municipal corporation 84  
may do either or both of the following: 85

(1) Create and participate in a joint fire district, or 86  
join and participate in an existing joint fire district, under 87  
section 505.371 of the Revised Code; 88

(2) Form and participate in a joint police district under 89  
section 505.482 of the Revised Code, or join and participate in 90  
an existing joint police district under section 505.483 of the 91  
Revised Code. 92

**Sec. 2907.24.** (A) (1) No person shall solicit another who 93  
is eighteen years of age or older, or agree with another who is 94  
eighteen years of age or older, to engage with such other person 95  
in sexual activity for hire. 96

(2) No person shall solicit another to engage with such 97  
other person, or agree with another to engage with such other 98  
person, in sexual activity for hire if the other person is 99  
sixteen or seventeen years of age and the offender knows that 100  
the other person is sixteen or seventeen years of age or is 101  
reckless in that regard. 102

(3) No person shall solicit another to engage with such 103  
other person, or agree with another to engage with such other 104  
person, in sexual activity for hire if ~~either of the following~~ 105  
~~applies:~~ 106

~~(a) The~~ the other person is less than sixteen years of 107  
age, whether or not the offender knows the age of the other 108  
person. 109

~~(b) The, or the~~ other person is a developmentally disabled 110  
person and the offender knows or has reasonable cause to believe 111  
that the other person is a developmentally disabled person. 112

(B) No person, with knowledge that the person has tested 113  
positive as a carrier of a virus that causes acquired 114  
immunodeficiency syndrome, shall engage in conduct in violation 115  
of division (A) of this section. 116

(C) (1) Whoever violates division (A) of this section is 117  
guilty of soliciting. A violation of division (A) (1) of this 118  
section is a misdemeanor of the third degree. A violation of 119  
division (A) (2) of this section is a felony of the fifth degree. 120  
A violation of division (A) (3) of this section is a felony of 121  
the third degree. 122

(2) Whoever violates division (B) of this section is 123  
guilty of engaging in solicitation after a positive HIV test. If 124  
the offender commits the violation prior to July 1, 1996, 125  
engaging in solicitation after a positive HIV test is a felony 126  
of the second degree. If the offender commits the violation on 127  
or after July 1, 1996, engaging in solicitation after a positive 128  
HIV test is a felony of the third degree. 129

(D) If a person is convicted of or pleads guilty to a 130  
violation of any provision of this section, an attempt to commit 131  
a violation of any provision of this section, or a violation of 132  
or an attempt to commit a violation of a municipal ordinance 133  
that is substantially equivalent to any provision of this 134  
section and if the person, in committing or attempting to commit 135  
the violation, was in, was on, or used a motor vehicle, the 136  
court, in addition to or independent of all other penalties 137  
imposed for the violation, may impose upon the offender a class 138  
six suspension of the person's driver's license, commercial 139

driver's license, temporary instruction permit, probationary 140  
license, or nonresident operating privilege from the range 141  
specified in division (A) (6) of section 4510.02 of the Revised 142  
Code. In lieu of imposing upon the offender the class six 143  
suspension, the court instead may require the offender to 144  
perform community service for a number of hours determined by 145  
the court. 146

(E) As used in this section: 147

(1) "Developmentally disabled person" has the same meaning 148  
as in section 2905.32 of the Revised Code. 149

(2) "Sexual activity for hire" means an implicit or 150  
explicit agreement to provide sexual activity in exchange for 151  
anything of value paid to the person engaging in such sexual 152  
activity, to any person trafficking that person, or to any 153  
person associated with either such person. 154

**Sec. 2925.11.** (A) No person shall knowingly obtain, 155  
possess, or use a controlled substance or a controlled substance 156  
analog. 157

(B) This section does not apply to any of the following: 158

(1) Manufacturers, licensed health professionals 159  
authorized to prescribe drugs, pharmacists, owners of 160  
pharmacies, and other persons whose conduct was in accordance 161  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 162  
4741. of the Revised Code; 163

(2) If the offense involves an anabolic steroid, any 164  
person who is conducting or participating in a research project 165  
involving the use of an anabolic steroid if the project has been 166  
approved by the United States food and drug administration; 167

(3) Any person who sells, offers for sale, prescribes, 168  
dispenses, or administers for livestock or other nonhuman 169  
species an anabolic steroid that is expressly intended for 170  
administration through implants to livestock or other nonhuman 171  
species and approved for that purpose under the "Federal Food, 172  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 173  
as amended, and is sold, offered for sale, prescribed, 174  
dispensed, or administered for that purpose in accordance with 175  
that act; 176

(4) Any person who obtained the controlled substance 177  
pursuant to a lawful prescription issued by a licensed health 178  
professional authorized to prescribe drugs, except that this 179  
exemption does not apply to a person who so obtained the 180  
controlled substance if the person has used, administered, or 181  
taken the controlled substance in either of the following 182  
manners: 183

(a) The person has used more of the controlled substance 184  
than the maximum prescribed amount per day or the maximum amount 185  
to be used within the prescription timeline; 186

(b) The person has administered or taken the controlled 187  
substance in a manner that was not prescribed by the licensed 188  
health professional. 189

(C) Whoever violates division (A) of this section is 190  
guilty of one of the following: 191

(1) If the drug involved in the violation is a compound, 192  
mixture, preparation, or substance included in schedule I or II, 193  
with the exception of marihuana, cocaine, L.S.D., heroin, 194  
hashish, and controlled substance analogs, whoever violates 195  
division (A) of this section is guilty of aggravated possession 196

of drugs. The penalty for the offense shall be determined as 197  
follows: 198

(a) Except as otherwise provided in division (C) (1) (b), 199  
(c), (d), or (e) of this section, aggravated possession of drugs 200  
is a felony of the fifth degree, and division (B) of section 201  
2929.13 of the Revised Code applies in determining whether to 202  
impose a prison term on the offender. 203

(b) If the amount of the drug involved equals or exceeds 204  
the bulk amount but is less than five times the bulk amount, 205  
aggravated possession of drugs is a felony of the third degree, 206  
and there is a presumption for a prison term for the offense. 207

(c) If the amount of the drug involved equals or exceeds 208  
five times the bulk amount but is less than fifty times the bulk 209  
amount, aggravated possession of drugs is a felony of the second 210  
degree, and the court shall impose as a mandatory prison term 211  
one of the prison terms prescribed for a felony of the second 212  
degree. 213

(d) If the amount of the drug involved equals or exceeds 214  
fifty times the bulk amount but is less than one hundred times 215  
the bulk amount, aggravated possession of drugs is a felony of 216  
the first degree, and the court shall impose as a mandatory 217  
prison term one of the prison terms prescribed for a felony of 218  
the first degree. 219

(e) If the amount of the drug involved equals or exceeds 220  
one hundred times the bulk amount, aggravated possession of 221  
drugs is a felony of the first degree, the offender is a major 222  
drug offender, and the court shall impose as a mandatory prison 223  
term the maximum prison term prescribed for a felony of the 224  
first degree. 225



(2) If the drug involved in the violation is a compound, 226  
mixture, preparation, or substance included in schedule III, IV, 227  
or V, whoever violates division (A) of this section is guilty of 228  
possession of drugs. The penalty for the offense shall be 229  
determined as follows: 230

(a) Except as otherwise provided in division (C) (2) (b), 231  
(c), or (d) of this section, possession of drugs is a 232  
misdemeanor of the first degree or, if the offender previously 233  
has been convicted of a drug abuse offense, a felony of the 234  
fifth degree. 235

(b) If the amount of the drug involved equals or exceeds 236  
the bulk amount but is less than five times the bulk amount, 237  
possession of drugs is a felony of the fourth degree, and 238  
division (C) of section 2929.13 of the Revised Code applies in 239  
determining whether to impose a prison term on the offender. 240

(c) If the amount of the drug involved equals or exceeds 241  
five times the bulk amount but is less than fifty times the bulk 242  
amount, possession of drugs is a felony of the third degree, and 243  
there is a presumption for a prison term for the offense. 244

(d) If the amount of the drug involved equals or exceeds 245  
fifty times the bulk amount, possession of drugs is a felony of 246  
the second degree, and the court shall impose upon the offender 247  
as a mandatory prison term one of the prison terms prescribed 248  
for a felony of the second degree. 249

(3) If the drug involved in the violation is marihuana or 250  
a compound, mixture, preparation, or substance containing 251  
marihuana other than hashish, whoever violates division (A) of 252  
this section is guilty of possession of marihuana. The penalty 253  
for the offense shall be determined as follows: 254

(a) Except as otherwise provided in division (C) (3) (b), 255  
(c), (d), (e), (f), or (g) of this section, possession of 256  
marihuana is a minor misdemeanor. 257

(b) If the amount of the drug involved equals or exceeds 258  
one hundred grams but is less than two hundred grams, possession 259  
of marihuana is a misdemeanor of the fourth degree. 260

(c) If the amount of the drug involved equals or exceeds 261  
two hundred grams but is less than one thousand grams, 262  
possession of marihuana is a felony of the fifth degree, and 263  
division (B) of section 2929.13 of the Revised Code applies in 264  
determining whether to impose a prison term on the offender. 265

(d) If the amount of the drug involved equals or exceeds 266  
one thousand grams but is less than five thousand grams, 267  
possession of marihuana is a felony of the third degree, and 268  
division (C) of section 2929.13 of the Revised Code applies in 269  
determining whether to impose a prison term on the offender. 270

(e) If the amount of the drug involved equals or exceeds 271  
five thousand grams but is less than twenty thousand grams, 272  
possession of marihuana is a felony of the third degree, and 273  
there is a presumption that a prison term shall be imposed for 274  
the offense. 275

(f) If the amount of the drug involved equals or exceeds 276  
twenty thousand grams but is less than forty thousand grams, 277  
possession of marihuana is a felony of the second degree, and 278  
the court shall impose a mandatory prison term of five, six, 279  
seven, or eight years. 280

(g) If the amount of the drug involved equals or exceeds 281  
forty thousand grams, possession of marihuana is a felony of the 282  
second degree, and the court shall impose as a mandatory prison 283

term the maximum prison term prescribed for a felony of the 284  
second degree. 285

(4) If the drug involved in the violation is cocaine or a 286  
compound, mixture, preparation, or substance containing cocaine, 287  
whoever violates division (A) of this section is guilty of 288  
possession of cocaine. The penalty for the offense shall be 289  
determined as follows: 290

(a) Except as otherwise provided in division (C) (4) (b), 291  
(c), (d), (e), or (f) of this section, possession of cocaine is 292  
a felony of the fifth degree, and division (B) of section 293  
2929.13 of the Revised Code applies in determining whether to 294  
impose a prison term on the offender. 295

(b) If the amount of the drug involved equals or exceeds 296  
five grams but is less than ten grams of cocaine, possession of 297  
cocaine is a felony of the fourth degree, and division (B) of 298  
section 2929.13 of the Revised Code applies in determining 299  
whether to impose a prison term on the offender. 300

(c) If the amount of the drug involved equals or exceeds 301  
ten grams but is less than twenty grams of cocaine, possession 302  
of cocaine is a felony of the third degree, and, except as 303  
otherwise provided in this division, there is a presumption for 304  
a prison term for the offense. If possession of cocaine is a 305  
felony of the third degree under this division and if the 306  
offender two or more times previously has been convicted of or 307  
pleaded guilty to a felony drug abuse offense, the court shall 308  
impose as a mandatory prison term one of the prison terms 309  
prescribed for a felony of the third degree. 310

(d) If the amount of the drug involved equals or exceeds 311  
twenty grams but is less than twenty-seven grams of cocaine, 312

possession of cocaine is a felony of the second degree, and the 313  
court shall impose as a mandatory prison term one of the prison 314  
terms prescribed for a felony of the second degree. 315

(e) If the amount of the drug involved equals or exceeds 316  
twenty-seven grams but is less than one hundred grams of 317  
cocaine, possession of cocaine is a felony of the first degree, 318  
and the court shall impose as a mandatory prison term one of the 319  
prison terms prescribed for a felony of the first degree. 320

(f) If the amount of the drug involved equals or exceeds 321  
one hundred grams of cocaine, possession of cocaine is a felony 322  
of the first degree, the offender is a major drug offender, and 323  
the court shall impose as a mandatory prison term the maximum 324  
prison term prescribed for a felony of the first degree. 325

(5) If the drug involved in the violation is L.S.D., 326  
whoever violates division (A) of this section is guilty of 327  
possession of L.S.D. The penalty for the offense shall be 328  
determined as follows: 329

(a) Except as otherwise provided in division (C) (5) (b), 330  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 331  
felony of the fifth degree, and division (B) of section 2929.13 332  
of the Revised Code applies in determining whether to impose a 333  
prison term on the offender. 334

(b) If the amount of L.S.D. involved equals or exceeds ten 335  
unit doses but is less than fifty unit doses of L.S.D. in a 336  
solid form or equals or exceeds one gram but is less than five 337  
grams of L.S.D. in a liquid concentrate, liquid extract, or 338  
liquid distillate form, possession of L.S.D. is a felony of the 339  
fourth degree, and division (C) of section 2929.13 of the 340  
Revised Code applies in determining whether to impose a prison 341

term on the offender. 342

(c) If the amount of L.S.D. involved equals or exceeds 343  
fifty unit doses, but is less than two hundred fifty unit doses 344  
of L.S.D. in a solid form or equals or exceeds five grams but is 345  
less than twenty-five grams of L.S.D. in a liquid concentrate, 346  
liquid extract, or liquid distillate form, possession of L.S.D. 347  
is a felony of the third degree, and there is a presumption for 348  
a prison term for the offense. 349

(d) If the amount of L.S.D. involved equals or exceeds two 350  
hundred fifty unit doses but is less than one thousand unit 351  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 352  
grams but is less than one hundred grams of L.S.D. in a liquid 353  
concentrate, liquid extract, or liquid distillate form, 354  
possession of L.S.D. is a felony of the second degree, and the 355  
court shall impose as a mandatory prison term one of the prison 356  
terms prescribed for a felony of the second degree. 357

(e) If the amount of L.S.D. involved equals or exceeds one 358  
thousand unit doses but is less than five thousand unit doses of 359  
L.S.D. in a solid form or equals or exceeds one hundred grams 360  
but is less than five hundred grams of L.S.D. in a liquid 361  
concentrate, liquid extract, or liquid distillate form, 362  
possession of L.S.D. is a felony of the first degree, and the 363  
court shall impose as a mandatory prison term one of the prison 364  
terms prescribed for a felony of the first degree. 365

(f) If the amount of L.S.D. involved equals or exceeds 366  
five thousand unit doses of L.S.D. in a solid form or equals or 367  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 368  
liquid extract, or liquid distillate form, possession of L.S.D. 369  
is a felony of the first degree, the offender is a major drug 370  
offender, and the court shall impose as a mandatory prison term 371

the maximum prison term prescribed for a felony of the first 372  
degree. 373

(6) If the drug involved in the violation is heroin or a 374  
compound, mixture, preparation, or substance containing heroin, 375  
whoever violates division (A) of this section is guilty of 376  
possession of heroin. The penalty for the offense shall be 377  
determined as follows: 378

(a) Except as otherwise provided in division (C) (6) (b), 379  
(c), (d), (e), or (f) of this section, possession of heroin is a 380  
felony of the fifth degree, and division (B) of section 2929.13 381  
of the Revised Code applies in determining whether to impose a 382  
prison term on the offender. 383

(b) If the amount of the drug involved equals or exceeds 384  
ten unit doses but is less than fifty unit doses or equals or 385  
exceeds one gram but is less than five grams, possession of 386  
heroin is a felony of the fourth degree, and division (C) of 387  
section 2929.13 of the Revised Code applies in determining 388  
whether to impose a prison term on the offender. 389

(c) If the amount of the drug involved equals or exceeds 390  
fifty unit doses but is less than one hundred unit doses or 391  
equals or exceeds five grams but is less than ten grams, 392  
possession of heroin is a felony of the third degree, and there 393  
is a presumption for a prison term for the offense. 394

(d) If the amount of the drug involved equals or exceeds 395  
one hundred unit doses but is less than five hundred unit doses 396  
or equals or exceeds ten grams but is less than fifty grams, 397  
possession of heroin is a felony of the second degree, and the 398  
court shall impose as a mandatory prison term one of the prison 399  
terms prescribed for a felony of the second degree. 400

(e) If the amount of the drug involved equals or exceeds 401  
five hundred unit doses but is less than two thousand five 402  
hundred unit doses or equals or exceeds fifty grams but is less 403  
than two hundred fifty grams, possession of heroin is a felony 404  
of the first degree, and the court shall impose as a mandatory 405  
prison term one of the prison terms prescribed for a felony of 406  
the first degree. 407

(f) If the amount of the drug involved equals or exceeds 408  
two thousand five hundred unit doses or equals or exceeds two 409  
hundred fifty grams, possession of heroin is a felony of the 410  
first degree, the offender is a major drug offender, and the 411  
court shall impose as a mandatory prison term the maximum prison 412  
term prescribed for a felony of the first degree. 413

(7) If the drug involved in the violation is hashish or a 414  
compound, mixture, preparation, or substance containing hashish, 415  
whoever violates division (A) of this section is guilty of 416  
possession of hashish. The penalty for the offense shall be 417  
determined as follows: 418

(a) Except as otherwise provided in division (C) (7) (b), 419  
(c), (d), (e), (f), or (g) of this section, possession of 420  
hashish is a minor misdemeanor. 421

(b) If the amount of the drug involved equals or exceeds 422  
five grams but is less than ten grams of hashish in a solid form 423  
or equals or exceeds one gram but is less than two grams of 424  
hashish in a liquid concentrate, liquid extract, or liquid 425  
distillate form, possession of hashish is a misdemeanor of the 426  
fourth degree. 427

(c) If the amount of the drug involved equals or exceeds 428  
ten grams but is less than fifty grams of hashish in a solid 429

form or equals or exceeds two grams but is less than ten grams 430  
of hashish in a liquid concentrate, liquid extract, or liquid 431  
distillate form, possession of hashish is a felony of the fifth 432  
degree, and division (B) of section 2929.13 of the Revised Code 433  
applies in determining whether to impose a prison term on the 434  
offender. 435

(d) If the amount of the drug involved equals or exceeds 436  
fifty grams but is less than two hundred fifty grams of hashish 437  
in a solid form or equals or exceeds ten grams but is less than 438  
fifty grams of hashish in a liquid concentrate, liquid extract, 439  
or liquid distillate form, possession of hashish is a felony of 440  
the third degree, and division (C) of section 2929.13 of the 441  
Revised Code applies in determining whether to impose a prison 442  
term on the offender. 443

(e) If the amount of the drug involved equals or exceeds 444  
two hundred fifty grams but is less than one thousand grams of 445  
hashish in a solid form or equals or exceeds fifty grams but is 446  
less than two hundred grams of hashish in a liquid concentrate, 447  
liquid extract, or liquid distillate form, possession of hashish 448  
is a felony of the third degree, and there is a presumption that 449  
a prison term shall be imposed for the offense. 450

(f) If the amount of the drug involved equals or exceeds 451  
one thousand grams but is less than two thousand grams of 452  
hashish in a solid form or equals or exceeds two hundred grams 453  
but is less than four hundred grams of hashish in a liquid 454  
concentrate, liquid extract, or liquid distillate form, 455  
possession of hashish is a felony of the second degree, and the 456  
court shall impose a mandatory prison term of five, six, seven, 457  
or eight years. 458

(g) If the amount of the drug involved equals or exceeds 459



two thousand grams of hashish in a solid form or equals or 460  
exceeds four hundred grams of hashish in a liquid concentrate, 461  
liquid extract, or liquid distillate form, possession of hashish 462  
is a felony of the second degree, and the court shall impose as 463  
a mandatory prison term the maximum prison term prescribed for a 464  
felony of the second degree. 465

(8) If the drug involved is a controlled substance analog 466  
or compound, mixture, preparation, or substance that contains a 467  
controlled substance analog, whoever violates division (A) of 468  
this section is guilty of possession of a controlled substance 469  
analog. The penalty for the offense shall be determined as 470  
follows: 471

(a) Except as otherwise provided in division (C) (8) (b), 472  
(c), (d), (e), or (f) of this section, possession of a 473  
controlled substance analog is a felony of the fifth degree, and 474  
division (B) of section 2929.13 of the Revised Code applies in 475  
determining whether to impose a prison term on the offender. 476

(b) If the amount of the drug involved equals or exceeds 477  
ten grams but is less than twenty grams, possession of a 478  
controlled substance analog is a felony of the fourth degree, 479  
and there is a presumption for a prison term for the offense. 480

(c) If the amount of the drug involved equals or exceeds 481  
twenty grams but is less than thirty grams, possession of a 482  
controlled substance analog is a felony of the third degree, and 483  
there is a presumption for a prison term for the offense. 484

(d) If the amount of the drug involved equals or exceeds 485  
thirty grams but is less than forty grams, possession of a 486  
controlled substance analog is a felony of the second degree, 487  
and the court shall impose as a mandatory prison term one of the 488

prison terms prescribed for a felony of the second degree. 489

(e) If the amount of the drug involved equals or exceeds 490  
forty grams but is less than fifty grams, possession of a 491  
controlled substance analog is a felony of the first degree, and 492  
the court shall impose as a mandatory prison term one of the 493  
prison terms prescribed for a felony of the first degree. 494

(f) If the amount of the drug involved equals or exceeds 495  
fifty grams, possession of a controlled substance analog is a 496  
felony of the first degree, the offender is a major drug 497  
offender, and the court shall impose as a mandatory prison term 498  
the maximum prison term prescribed for a felony of the first 499  
degree. 500

(D) Arrest or conviction for a minor misdemeanor violation 501  
of this section does not constitute a criminal record and need 502  
not be reported by the person so arrested or convicted in 503  
response to any inquiries about the person's criminal record, 504  
including any inquiries contained in any application for 505  
employment, license, or other right or privilege, or made in 506  
connection with the person's appearance as a witness. 507

(E) In addition to any prison term or jail term authorized 508  
or required by division (C) of this section and sections 509  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 510  
Code and in addition to any other sanction that is imposed for 511  
the offense under this section, sections 2929.11 to 2929.18, or 512  
sections 2929.21 to 2929.28 of the Revised Code, the court that 513  
sentences an offender who is convicted of or pleads guilty to a 514  
violation of division (A) of this section shall do all of the 515  
following that are applicable regarding the offender: 516

(1) (a) If the violation is a felony of the first, second, 517

or third degree, the court shall impose upon the offender the 518  
mandatory fine specified for the offense under division (B) (1) 519  
of section 2929.18 of the Revised Code unless, as specified in 520  
that division, the court determines that the offender is 521  
indigent. 522

(b) Notwithstanding any contrary provision of section 523  
3719.21 of the Revised Code, the clerk of the court shall pay a 524  
mandatory fine or other fine imposed for a violation of this 525  
section pursuant to division (A) of section 2929.18 of the 526  
Revised Code in accordance with and subject to the requirements 527  
of division (F) of section 2925.03 of the Revised Code. The 528  
agency that receives the fine shall use the fine as specified in 529  
division (F) of section 2925.03 of the Revised Code. 530

(c) If a person is charged with a violation of this 531  
section that is a felony of the first, second, or third degree, 532  
posts bail, and forfeits the bail, the clerk shall pay the 533  
forfeited bail pursuant to division (E) (1) (b) of this section as 534  
if it were a mandatory fine imposed under division (E) (1) (a) of 535  
this section. 536

(2) The court shall suspend for not less than six months 537  
or more than five years the offender's driver's or commercial 538  
driver's license or permit. 539

(3) If the offender is a professionally licensed person, 540  
in addition to any other sanction imposed for a violation of 541  
this section, the court immediately shall comply with section 542  
2925.38 of the Revised Code. 543

(F) It is an affirmative defense, as provided in section 544  
2901.05 of the Revised Code, to a charge of a fourth degree 545  
felony violation under this section that the controlled 546

substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C) (2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C) (2) of this section or a fifth degree felony violation of division (C) (4), (5), or (6) of this section respectively.

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

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

**Sec. 2925.61.** (A) As used in this section:

(1) "Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.

(2) "Licensed health professional" means all of the

following:	576
(a) A physician;	577
(b) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	578 579 580 581
(c) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code.	582 583 584
(3) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code.	585 586
(4) "Physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	587 588 589 590
(B) A family member, friend, or other individual who is in a position to assist an individual who is apparently experiencing or at risk of experiencing an opioid-related overdose, is not subject to criminal prosecution for a violation of section 4731.41 of the Revised Code or criminal prosecution under this chapter if the individual, acting in good faith, does all of the following:	591 592 593 594 595 596 597
(1) Obtains naloxone pursuant to a prescription issued by a licensed health professional or obtains naloxone from one of the following: a licensed health professional, an individual who is authorized by a physician under section 4731.941 of the Revised Code to personally furnish naloxone, or a pharmacist or pharmacy intern who is authorized by a physician or board of health under section 4729.44 of the Revised Code to dispense	598 599 600 601 602 603 604

naloxone without a prescription; 605

(2) Administers the naloxone obtained as described in 606  
division (B)(1) of this section to an individual who is 607  
apparently experiencing an opioid-related overdose; 608

(3) Attempts to summon emergency services as soon as 609  
practicable either before or after administering the naloxone. 610

(C) Division (B) of this section does not apply to a peace 611  
officer or to an emergency medical technician-basic, emergency 612  
medical technician-intermediate, or emergency medical 613  
technician-paramedic, as defined in section 4765.01 of the 614  
Revised Code. 615

~~(D) (1) If a peace officer employed by a law enforcement 616  
agency is not subject to administrative action, criminal 617  
prosecution for a violation of section 4731.41 of the Revised 618  
Code, or criminal prosecution under this chapter if the peace 619  
officer, acting in good faith, obtains naloxone from the peace 620  
officer's law enforcement agency and administers the naloxone to 621  
an individual who is apparently experiencing an opioid-related 622  
overdose, both of the following apply: 623~~

(a) The peace officer is not subject to administrative 624  
action, criminal prosecution for a violation of section 4731.41 625  
of the Revised Code, or criminal prosecution under this chapter; 626

(b) The peace officer is not liable for damages in a civil 627  
action for injury, death, or loss to person or property for an 628  
act or omission that allegedly arises from obtaining and 629  
administering the naloxone. 630

(2) Division (D)(1)(b) of this section does not eliminate, 631  
limit, or reduce any other immunity or defense that an entity or 632  
person may be entitled to under Chapter 2744. of the Revised 633

Code, any other provision of the Revised Code, or the common law 634  
of this state. 635

**Section 2.** That existing sections 505.482, 715.05, 636  
2907.24, 2925.11, and 2925.61 of the Revised Code are hereby 637  
repealed. 638

**Section 3.** Section 2925.61 of the Revised Code is 639  
presented in this act as a composite of the section as amended 640  
by both Am. Sub. H.B. 4 and Sub. S.B. 110 of the 131st General 641  
Assembly. The General Assembly, applying the principle stated in 642  
division (B) of section 1.52 of the Revised Code that amendments 643  
are to be harmonized if reasonably capable of simultaneous 644  
operation, finds that the composite is the resulting version of 645  
the section in effect prior to the effective date of the section 646  
as presented in this act. 647