

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 211

Senator Hackett

A BILL

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

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

Section 1. That sections 9.45, 2925.01, 4712.01, and 9
4712.99 be amended; sections 4710.01 (4712.50), 4710.02 10
(4712.51), 4710.03 (4712.52), and 4710.04 (4712.53) be amended 11
for the purpose of adopting new section numbers as indicated in 12
parentheses; and sections 4712.502, 4712.54, and 4712.55 of the 13
Revised Code be enacted to read as follows: 14

Sec. 9.45. Notwithstanding section 1321.32 of the Revised 15
Code, the state and any of its political subdivisions or 16
instrumentalities may deduct from the wages or salaries of a 17
public employee, as defined in section 9.40 of the Revised Code, 18
such amounts as are authorized in writing by the employee to a 19

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

Sec. 2925.01. As used in this chapter: 26

(A) "Administer," "controlled substance," "controlled 27
substance analog," "dispense," "distribute," "hypodermic," 28
"manufacturer," "official written order," "person," 29
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 30
"schedule III," "schedule IV," "schedule V," and "wholesaler" 31
have the same meanings as in section 3719.01 of the Revised 32
Code. 33

(B) "Drug dependent person" and "drug of abuse" have the 34
same meanings as in section 3719.011 of the Revised Code. 35

(C) "Drug," "dangerous drug," "licensed health 36
professional authorized to prescribe drugs," and "prescription" 37
have the same meanings as in section 4729.01 of the Revised 38
Code. 39

(D) "Bulk amount" of a controlled substance means any of 40
the following: 41

(1) For any compound, mixture, preparation, or substance 42
included in schedule I, schedule II, or schedule III, with the 43
exception of any controlled substance analog, marihuana, 44
cocaine, L.S.D., heroin, any fentanyl-related compound, and 45
hashish and except as provided in division (D) (2), (5), or (6) 46
of this section, whichever of the following is applicable: 47

(a) An amount equal to or exceeding ten grams or twenty- 48

five unit doses of a compound, mixture, preparation, or 49
substance that is or contains any amount of a schedule I opiate 50
or opium derivative; 51

(b) An amount equal to or exceeding ten grams of a 52
compound, mixture, preparation, or substance that is or contains 53
any amount of raw or gum opium; 54

(c) An amount equal to or exceeding thirty grams or ten 55
unit doses of a compound, mixture, preparation, or substance 56
that is or contains any amount of a schedule I hallucinogen 57
other than tetrahydrocannabinol or lysergic acid amide, or a 58
schedule I stimulant or depressant; 59

(d) An amount equal to or exceeding twenty grams or five 60
times the maximum daily dose in the usual dose range specified 61
in a standard pharmaceutical reference manual of a compound, 62
mixture, preparation, or substance that is or contains any 63
amount of a schedule II opiate or opium derivative; 64

(e) An amount equal to or exceeding five grams or ten unit 65
doses of a compound, mixture, preparation, or substance that is 66
or contains any amount of phencyclidine; 67

(f) An amount equal to or exceeding one hundred twenty 68
grams or thirty times the maximum daily dose in the usual dose 69
range specified in a standard pharmaceutical reference manual of 70
a compound, mixture, preparation, or substance that is or 71
contains any amount of a schedule II stimulant that is in a 72
final dosage form manufactured by a person authorized by the 73
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 74
U.S.C.A. 301, as amended, and the federal drug abuse control 75
laws, as defined in section 3719.01 of the Revised Code, that is 76
or contains any amount of a schedule II depressant substance or 77

a schedule II hallucinogenic substance;	78
(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.	79 80 81 82 83 84
(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;	85 86 87 88 89 90 91
(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;	92 93 94 95 96
(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;	97 98 99 100
(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;	101 102 103 104
(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any	105 106

other compound, mixture, preparation, or substance included in 107
schedule III, schedule IV, or schedule V, if the defendant is 108
charged with a violation of section 2925.11 of the Revised Code 109
and the sentencing provisions set forth in divisions (C) (10) (b) 110
and (C) (11) of that section will not apply regarding the 111
defendant and the violation, the bulk amount of the controlled 112
substance for purposes of the violation is the amount specified 113
in division (D) (1), (2), (3), (4), or (5) of this section for 114
the other schedule III, IV, or V controlled substance that is 115
combined with the fentanyl-related compound. 116

(E) "Unit dose" means an amount or unit of a compound, 117
mixture, or preparation containing a controlled substance that 118
is separately identifiable and in a form that indicates that it 119
is the amount or unit by which the controlled substance is 120
separately administered to or taken by an individual. 121

(F) "Cultivate" includes planting, watering, fertilizing, 122
or tilling. 123

(G) "Drug abuse offense" means any of the following: 124

(1) A violation of division (A) of section 2913.02 that 125
constitutes theft of drugs, or a violation of section 2925.02, 126
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 127
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 128
or 2925.37 of the Revised Code; 129

(2) A violation of an existing or former law of this or 130
any other state or of the United States that is substantially 131
equivalent to any section listed in division (G) (1) of this 132
section; 133

(3) An offense under an existing or former law of this or 134
any other state, or of the United States, of which planting, 135

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

(3) 1,4 Butanediol.	163
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	164 165 166 167 168 169
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	170 171 172 173
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	174 175 176 177 178 179
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	180 181 182
(N) "Juvenile" means a person under eighteen years of age.	183
(O) "Counterfeit controlled substance" means any of the following:	184 185
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	186 187 188 189
(2) Any unmarked or unlabeled substance that is	190

represented to be a controlled substance manufactured, 191
processed, packed, or distributed by a person other than the 192
person that manufactured, processed, packed, or distributed it; 193

(3) Any substance that is represented to be a controlled 194
substance but is not a controlled substance or is a different 195
controlled substance; 196

(4) Any substance other than a controlled substance that a 197
reasonable person would believe to be a controlled substance 198
because of its similarity in shape, size, and color, or its 199
markings, labeling, packaging, distribution, or the price for 200
which it is sold or offered for sale. 201

(P) An offense is "committed in the vicinity of a school" 202
if the offender commits the offense on school premises, in a 203
school building, or within one thousand feet of the boundaries 204
of any school premises, regardless of whether the offender knows 205
the offense is being committed on school premises, in a school 206
building, or within one thousand feet of the boundaries of any 207
school premises. 208

(Q) "School" means any school operated by a board of 209
education, any community school established under Chapter 3314. 210
of the Revised Code, or any nonpublic school for which the state 211
board of education prescribes minimum standards under section 212
3301.07 of the Revised Code, whether or not any instruction, 213
extracurricular activities, or training provided by the school 214
is being conducted at the time a criminal offense is committed. 215

(R) "School premises" means either of the following: 216

(1) The parcel of real property on which any school is 217
situated, whether or not any instruction, extracurricular 218
activities, or training provided by the school is being 219

conducted on the premises at the time a criminal offense is 220
committed; 221

(2) Any other parcel of real property that is owned or 222
leased by a board of education of a school, the governing 223
authority of a community school established under Chapter 3314. 224
of the Revised Code, or the governing body of a nonpublic school 225
for which the state board of education prescribes minimum 226
standards under section 3301.07 of the Revised Code and on which 227
some of the instruction, extracurricular activities, or training 228
of the school is conducted, whether or not any instruction, 229
extracurricular activities, or training provided by the school 230
is being conducted on the parcel of real property at the time a 231
criminal offense is committed. 232

(S) "School building" means any building in which any of 233
the instruction, extracurricular activities, or training 234
provided by a school is conducted, whether or not any 235
instruction, extracurricular activities, or training provided by 236
the school is being conducted in the school building at the time 237
a criminal offense is committed. 238

(T) "Disciplinary counsel" means the disciplinary counsel 239
appointed by the board of commissioners on grievances and 240
discipline of the supreme court under the Rules for the 241
Government of the Bar of Ohio. 242

(U) "Certified grievance committee" means a duly 243
constituted and organized committee of the Ohio state bar 244
association or of one or more local bar associations of the 245
state of Ohio that complies with the criteria set forth in Rule 246
V, section 6 of the Rules for the Government of the Bar of Ohio. 247

(V) "Professional license" means any license, permit, 248

certificate, registration, qualification, admission, temporary 249
license, temporary permit, temporary certificate, or temporary 250
registration that is described in divisions (W) (1) to (37) of 251
this section and that qualifies a person as a professionally 252
licensed person. 253

(W) "Professionally licensed person" means any of the 254
following: 255

(1) A person who has received a certificate or temporary 256
certificate as a certified public accountant or who has 257
registered as a public accountant under Chapter 4701. of the 258
Revised Code and who holds an Ohio permit issued under that 259
chapter; 260

(2) A person who holds a certificate of qualification to 261
practice architecture issued or renewed and registered under 262
Chapter 4703. of the Revised Code; 263

(3) A person who is registered as a landscape architect 264
under Chapter 4703. of the Revised Code or who holds a permit as 265
a landscape architect issued under that chapter; 266

(4) A person licensed under Chapter 4707. of the Revised 267
Code; 268

(5) A person who has been issued a certificate of 269
registration as a registered barber under Chapter 4709. of the 270
Revised Code; 271

(6) A person ~~licensed and regulated~~ registered to engage 272
in the business of a debt pooling company ~~by a legislative~~ 273
~~authority, under authority of Chapter 4710. sections 4712.50 to~~ 274
4712.55 of the Revised Code; 275

(7) A person who has been issued a cosmetologist's 276

license, hair designer's license, manicurist's license,	277
esthetician's license, natural hair stylist's license, advanced	278
cosmetologist's license, advanced hair designer's license,	279
advanced manicurist's license, advanced esthetician's license,	280
advanced natural hair stylist's license, cosmetology	281
instructor's license, hair design instructor's license,	282
manicurist instructor's license, esthetics instructor's license,	283
natural hair style instructor's license, independent	284
contractor's license, or tanning facility permit under Chapter	285
4713. of the Revised Code;	286
(8) A person who has been issued a license to practice	287
dentistry, a general anesthesia permit, a conscious sedation	288
permit, a limited resident's license, a limited teaching	289
license, a dental hygienist's license, or a dental hygienist's	290
teacher's certificate under Chapter 4715. of the Revised Code;	291
(9) A person who has been issued an embalmer's license, a	292
funeral director's license, a funeral home license, or a	293
crematory license, or who has been registered for an embalmer's	294
or funeral director's apprenticeship under Chapter 4717. of the	295
Revised Code;	296
(10) A person who has been licensed as a registered nurse	297
or practical nurse, or who has been issued a certificate for the	298
practice of nurse-midwifery under Chapter 4723. of the Revised	299
Code;	300
(11) A person who has been licensed to practice optometry	301
or to engage in optical dispensing under Chapter 4725. of the	302
Revised Code;	303
(12) A person licensed to act as a pawnbroker under	304
Chapter 4727. of the Revised Code;	305

(13) A person licensed to act as a precious metals dealer	306
under Chapter 4728. of the Revised Code;	307
(14) A person licensed under Chapter 4729. of the Revised	308
Code as a pharmacist or pharmacy intern or registered under that	309
chapter as a registered pharmacy technician, certified pharmacy	310
technician, or pharmacy technician trainee;	311
(15) A person licensed under Chapter 4729. of the Revised	312
Code as a manufacturer of dangerous drugs, outsourcing facility,	313
third-party logistics provider, repackager of dangerous drugs,	314
wholesale distributor of dangerous drugs, or terminal	315
distributor of dangerous drugs;	316
(16) A person who is authorized to practice as a physician	317
assistant under Chapter 4730. of the Revised Code;	318
(17) A person who has been issued a license to practice	319
medicine and surgery, osteopathic medicine and surgery, or	320
podiatric medicine and surgery under Chapter 4731. of the	321
Revised Code or has been issued a certificate to practice a	322
limited branch of medicine under that chapter;	323
(18) A person licensed as a psychologist or school	324
psychologist under Chapter 4732. of the Revised Code;	325
(19) A person registered to practice the profession of	326
engineering or surveying under Chapter 4733. of the Revised	327
Code;	328
(20) A person who has been issued a license to practice	329
chiropractic under Chapter 4734. of the Revised Code;	330
(21) A person licensed to act as a real estate broker or	331
real estate salesperson under Chapter 4735. of the Revised Code;	332
(22) A person registered as a registered environmental	333

health specialist under Chapter 4736. of the Revised Code;	334
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	335 336
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	337 338
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	339 340
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	341 342 343 344
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	345 346 347
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	348 349 350
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	351 352
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	353 354 355
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	356 357 358
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social	359 360

worker, independent social worker, independent marriage and 361
family therapist, or marriage and family therapist, or 362
registered as a social work assistant under Chapter 4757. of the 363
Revised Code; 364

(33) A person issued a license to practice dietetics under 365
Chapter 4759. of the Revised Code; 366

(34) A person who has been issued a license or limited 367
permit to practice respiratory therapy under Chapter 4761. of 368
the Revised Code; 369

(35) A person who has been issued a real estate appraiser 370
certificate under Chapter 4763. of the Revised Code; 371

(36) A person who has been issued a home inspector license 372
under Chapter 4764. of the Revised Code; 373

(37) A person who has been admitted to the bar by order of 374
the supreme court in compliance with its prescribed and 375
published rules. 376

(X) "Cocaine" means any of the following: 377

(1) A cocaine salt, isomer, or derivative, a salt of a 378
cocaine isomer or derivative, or the base form of cocaine; 379

(2) Coca leaves or a salt, compound, derivative, or 380
preparation of coca leaves, including ecgonine, a salt, isomer, 381
or derivative of ecgonine, or a salt of an isomer or derivative 382
of ecgonine; 383

(3) A salt, compound, derivative, or preparation of a 384
substance identified in division (X)(1) or (2) of this section 385
that is chemically equivalent to or identical with any of those 386
substances, except that the substances shall not include 387
decocainized coca leaves or extraction of coca leaves if the 388

extractions do not contain cocaine or ecgonine.	389
(Y) "L.S.D." means lysergic acid diethylamide.	390
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	391 392
(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	393 394 395
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	396 397
"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.	398 399 400 401 402
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	403 404 405
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	406 407 408 409 410 411 412
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in	413 414 415 416

order to comply with the purposes and principles of sentencing 417
under section 2929.11 of the Revised Code. 418

(DD) "Major drug offender" has the same meaning as in 419
section 2929.01 of the Revised Code. 420

(EE) "Minor drug possession offense" means either of the 421
following: 422

(1) A violation of section 2925.11 of the Revised Code as 423
it existed prior to July 1, 1996; 424

(2) A violation of section 2925.11 of the Revised Code as 425
it exists on and after July 1, 1996, that is a misdemeanor or a 426
felony of the fifth degree. 427

(FF) "Mandatory prison term" has the same meaning as in 428
section 2929.01 of the Revised Code. 429

(GG) "Adulterate" means to cause a drug to be adulterated 430
as described in section 3715.63 of the Revised Code. 431

(HH) "Public premises" means any hotel, restaurant, 432
tavern, store, arena, hall, or other place of public 433
accommodation, business, amusement, or resort. 434

(II) "Methamphetamine" means methamphetamine, any salt, 435
isomer, or salt of an isomer of methamphetamine, or any 436
compound, mixture, preparation, or substance containing 437
methamphetamine or any salt, isomer, or salt of an isomer of 438
methamphetamine. 439

(JJ) "Deception" has the same meaning as in section 440
2913.01 of the Revised Code. 441

(KK) "Fentanyl-related compound" means any of the 442
following: 443

(1) Fentanyl;	444
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	445 446 447
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	448 449
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	450 451
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	452 453 454
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	455 456
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	457 458
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	459 460
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	461 462
(10) Alfentanil;	463
(11) Carfentanil;	464
(12) Remifentanil;	465
(13) Sufentanil;	466
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	467 468
(15) Any compound that meets all of the following fentanyl	469

pharmacophore requirements to bind at the mu receptor, as 470
identified by a report from an established forensic laboratory, 471
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 472
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 473
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 474
fluorofentanyl: 475

(a) A chemical scaffold consisting of both of the 476
following: 477

(i) A five, six, or seven member ring structure containing 478
a nitrogen, whether or not further substituted; 479

(ii) An attached nitrogen to the ring, whether or not that 480
nitrogen is enclosed in a ring structure, including an attached 481
aromatic ring or other lipophilic group to that nitrogen. 482

(b) A polar functional group attached to the chemical 483
scaffold, including but not limited to a hydroxyl, ketone, 484
amide, or ester; 485

(c) An alkyl or aryl substitution off the ring nitrogen of 486
the chemical scaffold; and 487

(d) The compound has not been approved for medical use by 488
the United States food and drug administration. 489

(LL) "First degree felony mandatory prison term" means one 490
of the definite prison terms prescribed in division (A) (1) (b) of 491
section 2929.14 of the Revised Code for a felony of the first 492
degree, except that if the violation for which sentence is being 493
imposed is committed on or after March 22, 2019, it means one of 494
the minimum prison terms prescribed in division (A) (1) (a) of 495
that section for a felony of the first degree. 496

(MM) "Second degree felony mandatory prison term" means 497

one of the definite prison terms prescribed in division (A) (2) 498
(b) of section 2929.14 of the Revised Code for a felony of the 499
second degree, except that if the violation for which sentence 500
is being imposed is committed on or after March 22, 2019, it 501
means one of the minimum prison terms prescribed in division (A) 502
(2) (a) of that section for a felony of the second degree. 503

(NN) "Maximum first degree felony mandatory prison term" 504
means the maximum definite prison term prescribed in division 505
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 506
the first degree, except that if the violation for which 507
sentence is being imposed is committed on or after March 22, 508
2019, it means the longest minimum prison term prescribed in 509
division (A) (1) (a) of that section for a felony of the first 510
degree. 511

(OO) "Maximum second degree felony mandatory prison term" 512
means the maximum definite prison term prescribed in division 513
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 514
the second degree, except that if the violation for which 515
sentence is being imposed is committed on or after March 22, 516
2019, it means the longest minimum prison term prescribed in 517
division (A) (2) (a) of that section for a felony of the second 518
degree. 519

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 520
as in section 928.01 of the Revised Code. 521

Sec. 4712.01. As used in sections 4712.01 to 4712.14 of 522
the Revised Code: 523

(A) "Buyer" means an individual who is solicited to 524
purchase or who purchases the services of a credit services 525
organization for purposes other than obtaining a business loan 526

as described in division (B) (6) of section 1343.01 of the Revised Code.

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

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

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

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

(c) Providing advice or assistance to a buyer in connection with division (C) (1) (a) or (b) of this section;

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

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

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

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

(b) A mortgage broker, as defined in section 1322.01 of

the Revised Code, that holds a valid certificate of registration 554
under Chapter 1322. of the Revised Code; 555

(c) A lender approved by the United States secretary of 556
housing and urban development for participation in a mortgage 557
insurance program under the "National Housing Act," 48 Stat. 558
1246 (1934), 12 U.S.C.A. 1701, as amended; 559

(d) A bank, savings bank, or savings and loan association, 560
or a subsidiary or an affiliate of a bank, savings bank, or 561
savings and loan association. For purposes of division (C) (2) (d) 562
of this section, "affiliate" has the same meaning as in division 563
(A) of section 1101.01 of the Revised Code and "bank," as used 564
in division (A) of section 1101.01 of the Revised Code, is 565
deemed to include a savings bank or savings and loan 566
association. 567

(e) A credit union organized and qualified under Chapter 568
1733. of the Revised Code or the "Federal Credit Union Act," 84 569
Stat. 994 (1970), 12 U.S.C.A. 1751, as amended; 570

(f) A budget and debt counseling service, as defined in 571
division (D) of section 2716.03 of the Revised Code, provided 572
that the service is a nonprofit organization exempt from 573
taxation under section 501(c) (3) of the "Internal Revenue Code 574
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that 575
the service is in compliance with ~~Chapter 4710. sections 4712.50~~ 576
to 4712.55 of the Revised Code; 577

(g) A consumer reporting agency that is in substantial 578
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 579
15 U.S.C.A. 1681a, as amended. 580

(h) A mortgage banker; 581

(i) Any political subdivision, or any governmental or 582

other public entity, corporation, or agency, in or of the United States or any state of the United States; 583
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(j) A college or university, or controlled entity of a college or university, as defined in section 1713.05 of the Revised Code; 585
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(k) A motor vehicle dealer licensed pursuant to Chapter 4517. of the Revised Code acting within the scope and authority of that license or a motor vehicle auction owner licensed pursuant to Chapters 4517. and 4707. of the Revised Code acting within the scope and authority of that license; 588
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(l) An attorney at law admitted to the practice of law in this state who offers, provides, or performs a legal service that is privileged by reason of the attorney-client relationship, provided that the service is not a service described in division (C) (1) (b) or (e) of this section. 593
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(D) "Extension of credit" means the right to defer payment of debt, or to incur debt and defer its payment, offered or granted primarily for personal, family, or household purposes. "Extension of credit" does not include a mortgage. 598
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(E) "Mortgage" means any indebtedness secured by a deed of trust, security deed, or other lien on real property. 602
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(F) "Mortgage banker" means any person that makes, services, or buys and sells mortgage loans and is approved by the United States department of housing and urban development, the United States department of veterans affairs, the federal national mortgage association, or the federal home loan mortgage corporation. 604
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(G) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in 610
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section 1181.21 of the Revised Code. 612

Sec. ~~4710.01~~ 4712.50. As used in ~~this chapter~~ sections 613
4712.50 to 4712.55 of the Revised Code: 614

(A) "Person" includes individuals, partnerships, 615
associations, corporations, trusts, and other legal entities. 616

(B) (1) "Debt adjusting" means doing business in debt 617
adjusting, budget counseling, debt management, or debt pooling 618
service, or holding oneself out, by words of similar import, as 619
providing services to debtors in the management, reduction, or 620
elimination of the amount or repayment terms of their debts, to 621
do either of the following: 622

~~(1)~~ (a) To effect the adjustment, compromise, or discharge 623
of any account, note, or other indebtedness of the debtor, to 624
obtain any of the following: 625

(i) An adjustment of an interest rate on a debt owed by a 626
debtor to a creditor; 627

(ii) A waiver or reduction of fees or charges; 628

(iii) A discharge of a debt by reducing the principal 629
balance of the debt. 630

~~(2)~~ (b) To receive from the debtor and disburse to the 631
debtor's creditors any money or other thing of value. 632

(2) "Debt adjusting" does not include any of the 633
activities of a debt collector, as defined in 15 U.S.C. 1692a. 634

(C) "Resides" means to live in a particular place on a 635
temporary or a permanent basis. 636

Sec. 4712.502. (A) No person shall engage in debt 637
adjusting in this state without first registering with the 638

attorney general as prescribed by the attorney general pursuant 639
to rules adopted under this section. 640

(B) The attorney general shall adopt rules pursuant to 641
Chapter 119. of the Revised Code relating to registration, 642
oversight, and enforcement of sections 4712.50 to 4712.55 of the 643
Revised Code, including any rules to expand registration 644
requirements under those sections. 645

(C) The application for registration and the application 646
for registration renewal shall be in a form prescribed by the 647
attorney general, signed under oath and shall contain such 648
information as the attorney general shall reasonably require. 649
The attorney general shall evaluate an applicant's financial 650
responsibility and general fitness. A registration to provide 651
debt adjusting services shall be for a period of two years from 652
the date of issuance. Any adjudication by the attorney general 653
relating to the registration requirement under division (A) of 654
this section shall follow the procedures in Chapter 119. of the 655
Revised Code. 656

(D) The following items shall be submitted with or 657
required in any application for a registration under sections 658
4712.50 to 4712.55 of the Revised Code: 659

(1) An unexpired certificate from the tax commissioner 660
verifying that the applicant is not subject to any assessment or 661
enforcement action for unpaid tax, interest, or penalties 662
imposed under Chapter 5751. of the Revised Code. The 663
commissioner shall provide this certificate to the applicant, if 664
so entitled, not later than fourteen days after receiving the 665
applicant's request for it. The certificate expires ninety days 666
after the date of its issuance. 667

(2) Proof that the applicant is in compliance with any 668
requirement imposed by the secretary of state for an entity to 669
engage in business in this state; 670

(3) The applicant's name, principal business address and 671
telephone number, all business addresses in this state, the 672
principal electronic mail address for the business, and the 673
principal internet web site address to be used for the business; 674

(4) The name and home address of each executive officer 675
and director of the applicant and each person that owns, 676
directly or indirectly, more than twenty per cent of the voting 677
interests of the applicant; 678

(5) A statement describing, to the extent it is known or 679
should be known by the applicant, any material civil or criminal 680
judgment in any jurisdiction, or any material administrative or 681
enforcement action by a governmental agency, in each case 682
relating to financial fraud or misuse, against the applicant, 683
any of its executive officers, directors, or owners; 684

(6) A copy of each form of agreement and the schedule of 685
fees and charges that the applicant will use with consumers who 686
reside in this state. 687

(E) The attorney general may participate in a multi-state 688
licensing system for the sharing of regulatory information and 689
for the registration and application, by electronic or other 690
means, of entities engaged in the business of debt adjusting. 691
The attorney general may establish requirements for 692
participation by an applicant in a multi-state licensing system, 693
which may vary from the provisions set out in sections 4712.50 694
to 4712.55 of the Revised Code. 695

(F) An applicant or registrant shall notify the attorney 696

general within thirty days after a material change in any of the 697
information submitted in connection with any application or 698
renewal application for a registration under sections 4712.50 to 699
4712.55 of the Revised Code, including but not limited to any of 700
the following: 701

(1) A change in the applicant's or registrant's home or 702
business address; 703

(2) A merger or dissolution relative to the registration; 704

(3) When a registrant pleads guilty or is convicted of any 705
felony in a court of competent jurisdiction. 706

(G) The attorney general may deny a registration if any of 707
the following applies: 708

(1) The applicant does not satisfy the criteria set forth 709
in this section. 710

(2) The application contains information that is 711
materially erroneous or incomplete. 712

(3) The applicant fails to provide in a timely manner such 713
information as the attorney general may reasonably request. 714

(4) Either of the following apply to an executive officer, 715
director, managing member, or principal of the applicant: 716

(a) The person has been convicted of or pleaded nolo 717
contendere to a felony; 718

(b) The person has committed an act involving fraud, 719
deceit, or dishonesty. 720

(5) An executive officer, director, managing member, or 721
principal of the applicant has had a professional license or 722
registration revoked, suspended, or subjected to administrative 723

action in any jurisdiction, and such license or registration has 724
not been reinstated. 725

(6) The applicant's license or registration was revoked or 726
suspended in another jurisdiction and has not been reinstated. 727

(H) Not later than twenty days after a registration 728
application denial, the attorney general shall provide to the 729
applicant a written decision and findings containing the reasons 730
supporting a registration denial. Not later than thirty days 731
after the date of the notice, the applicant may appeal the 732
denial pursuant to Chapter 119. of the Revised Code. 733

(I) (1) The attorney general may suspend, revoke, or deny 734
renewal of a registration if any of the following applies: 735

(a) A registrant has materially violated sections 4712.50 736
to 4712.55 of the Revised Code or any rule adopted by the 737
attorney general or any other law applicable to the conduct of 738
its business. 739

(b) A fact or condition exists that, if it had existed 740
when the registrant applied for a registration, would have 741
warranted the attorney general to refuse the registration. 742

(c) The registrant does not satisfy the application 743
criteria required under this section. 744

(d) The registrant has refused to permit the attorney 745
general to examine the registrant's books and records. 746

(e) The registrant has not responded within a reasonable 747
time and in an appropriate manner to the attorney general's 748
communications. 749

(2) If the attorney general suspends, revokes, or denies 750
renewal of a registration, the attorney general may seek a court 751

order to seize the registrant's books and records with respect 752
to any consumers in this state that are being serviced by the 753
registrant. 754

(3) A registrant may deliver a written notice to the 755
attorney general to surrender its registration, provided, 756
however, that if a registrant surrenders its registration, its 757
civil or criminal liability for acts committed before the 758
surrender is not affected. 759

(4) Upon submission of a renewal application for a 760
registration and until such time as such renewal application is 761
approved or denied, the registrant may continue to provide debt 762
adjusting services, but a denial of such registration terminates 763
any right to provide debt adjusting services in this state 764
unless approved by the attorney general. 765

(J) The attorney general shall adopt rules related to both 766
of the following: 767

(1) Reasonable registration fees, any subsequent increase 768
of which shall be approved by the general assembly through the 769
biennial operating appropriations act; 770

(2) Penalties for any violation of sections 4712.50 to 771
4712.55 of the Revised Code, which may include any of the 772
following: 773

(a) Fines; 774

(b) Suspension of registration for up to five years; 775

(c) Indefinite barring from registration. 776

(K) Except as described in divisions (C) and (H) of this 777
section, any person subject to an enforcement action taken by 778
the attorney general under sections 4712.50 to 4712.55 of the 779

Revised Code may appeal such decision to the court of common 780
pleas of the county in which the place of business of the 781
registrant is located or the county in which the registrant is a 782
resident. 783

Sec. ~~4710.02~~ 4712.51. (A) Subject to division (C) of this 784
section, a person engaged in debt adjusting shall do all of the 785
following: 786

(1) Unless specifically instructed otherwise by a debtor, 787
disburse to the appropriate creditors all funds received from 788
the debtor, less any contributions not prohibited by division 789
(B) of this section, within thirty days of receipt of the funds 790
from the debtor; 791

(2) Maintain a separate trust account for the receipt of 792
any funds from debtors and the disbursement of the funds to 793
creditors on behalf of the debtors; 794

(3) Charge or accept only reasonable fees or contributions 795
in accordance with division (B) of this section; 796

(4) Establish and implement a policy that allows for the 797
waiver or discontinuation of fees or contributions not 798
prohibited by division (B) of this section if the debtor is 799
unable to pay such fees or contributions; 800

(5) Comply with federal law and regulations as it relates 801
to debt adjusting and with the federal telemarketing sales rule 802
under 16 C.F.R. part 310. 803

(B) If fees or contributions for providing debt adjusting 804
services are charged or accepted, directly or indirectly, no 805
person providing or engaged in debt adjusting shall do any of 806
the following: 807

(1) Charge or accept a fee or contribution exceeding 808
seventy-five dollars from a debtor residing in this state for an 809
initial consultation or initial set up of a debt management plan 810
or similar plan; 811

(2) Charge or accept consultation fees or contributions 812
exceeding one hundred dollars per calendar year from a debtor 813
residing in this state; 814

(3) Charge or accept a periodic fee or contribution from a 815
debtor residing in this state for administering a debt 816
management plan or similar plan, which fee or contribution 817
exceeds eight and one-half per cent of the amount paid by the 818
debtor each month for distribution to the debtor's creditors or 819
thirty dollars, whichever is greater. 820

(C) Division (A) or (B) of this section does not prohibit 821
a person engaged in debt adjusting for a debtor who is residing 822
in this state from charging the debtor a reasonable fee for 823
insufficient funds transactions that is in addition to fees or 824
contributions not prohibited by division (B) of this section. 825

(D) Any person that engages in debt adjusting, annually, 826
shall arrange for and undergo an audit conducted by an 827
independent, third party, certified public accountant of the 828
person's business, including any trust funds deposited and 829
distributed to creditors on behalf of debtors. Both of the 830
following apply to an audit described in this division: 831

(1) The person shall file the results of the audit and the 832
auditor's opinion with the consumer protection division of the 833
attorney general. 834

(2) The attorney general shall make available a summary of 835
the results of the audit and the auditor's opinion upon written 836

request of a person and payment of a fee not exceeding the cost 837
of copying the summary and opinion. 838

(E) A person engaged in debt adjusting shall obtain and 839
maintain at all times insurance coverage for employee 840
dishonesty, depositor's forgery, and computer fraud in the 841
amount of ten per cent of the monthly average for the immediate 842
preceding six months of the aggregate amount of all deposits 843
made with the person by all debtors. The insurance coverage 844
shall comply with all of the following: 845

(1) The insurance coverage is not less than one hundred 846
thousand dollars. 847

(2) The insurance coverage includes a deductible that does 848
not exceed ten per cent of the face amount of the policy 849
coverage. 850

(3) The insurance coverage is issued by an insurer rated 851
at least A- or its equivalent by a nationally recognized rating 852
organization. 853

(4) The insurance coverage provides that thirty days 854
advance written notice be given to the consumer protection 855
division of the attorney general before coverage is terminated. 856

(F) (1) No person engaged in debt adjusting shall fail to 857
comply with division (A) of this section or shall violate 858
division (B) of this section. 859

(2) No person engaged in debt adjusting shall fail to 860
comply with divisions (D) and (E) of this section. 861

Sec. ~~4710.03~~ 4712.52. Nothing in ~~this chapter sections~~ 862
4712.50 to 4712.55 of the Revised Code applies to any of the 863
following: 864

(A) The federal national mortgage association; the federal 865
home loan mortgage corporation; a bank, bank holding company, 866
trust company, savings and loan association, credit union, 867
savings bank, or credit card bank, that is regulated by the 868
office of the comptroller of currency, office of thrift 869
supervision, federal reserve, federal deposit insurance 870
corporation, national credit union administration, or division 871
of financial institutions; or to subsidiaries of any of these 872
entities; 873

(B) Debt adjusting incurred in the practice of law in this 874
state; 875

(C) A person that incidentally engages in debt adjusting 876
to adjust the indebtedness owed to that person; 877

(D) A registrant as defined in section 1321.51 of the 878
Revised Code; 879

(E) A registrant or licensee as both are defined in 880
section 1322.01 of the Revised Code. 881

Sec. ~~4710.04~~ 4712.53. (A) Any violation of ~~division (F) (1)~~ 882
~~of section 4710.02~~ sections 4712.50 to 4712.55 of the Revised 883
Code is deemed an unfair or deceptive act or practice in 884
violation of section 1345.02 of the Revised Code. A person 885
injured by a violation of that division has a cause of action 886
and is entitled to the same relief available to a consumer under 887
section 1345.09 of the Revised Code, and all the powers and 888
remedies available to the attorney general to enforce sections 889
1345.01 to 1345.13 of the Revised Code are available to the 890
attorney general to enforce ~~division (F) (1) of section 4710.02~~ 891
sections 4712.50 to 4712.55 of the Revised Code. 892

(B) Any person who violates division (F) (2) of section 893

~~4710.02-4712.51~~ of the Revised Code, in addition to the 894
penalties imposed by division (C) of section ~~4710.99-4712.99~~ of 895
the Revised Code, shall be fined not more than ten thousand 896
dollars for each violation. 897

Sec. 4712.54. A person engaged in debt adjusting and 898
operating in compliance with federal laws or regulations, 899
including regulations adopted under 16 C.F.R. part 310, is not 900
subject to division (B) of section 4712.51 of the Revised Code. 901

Sec. 4712.55. (A) No person engaging in debt adjusting 902
shall send a cease and desist letter or a similar letter to any 903
creditor on behalf of a debtor. 904

(B) Nothing in sections 4712.50 to 4712.55 of the Revised 905
Code shall be construed as permitting the unauthorized practice 906
of law by any person engaged in debt adjusting. 907

Sec. 4712.99. (A) Whoever violates division (J) of section 908
4712.02, division (E) of section 4712.04, division (D) or (E) of 909
section 4712.05, division (A) of section 4712.06, section 910
4712.07 or 4712.08, or division (A) of section 4712.09 of the 911
Revised Code is guilty of a felony of the fifth degree. 912

(B) (1) Whoever violates section 4712.071 of the Revised 913
Code is guilty of a minor misdemeanor and shall be fined not 914
less than one hundred nor more than five hundred dollars. 915

(2) The offense established under section 4712.071 of the 916
Revised Code is a strict liability offense and section 2901.20 917
of the Revised Code does not apply. The designation of this 918
offense as a strict liability offense shall not be construed to 919
imply that any other offense for which there is no specified 920
degree of culpability, whether in this section or another 921
section of the Revised Code, is not a strict liability offense. 922

(C) Whoever recklessly violates division (F) of section 4712.51 of the Revised Code is guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the second degree for any subsequent offense. 923
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Section 2. That existing sections 9.45, 2925.01, 4710.01, 4710.02, 4710.03, 4710.04, 4712.01, and 4712.99 of the Revised Code are hereby repealed. 927
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Section 3. That section 4710.99 of the Revised Code is hereby repealed. 930
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Section 4. Section 2925.01 of the Revised Code is presented in this act as a composite of the section as amended by H.B. 341 and H.B. 442 both of the 133rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act. 932
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