

**As Introduced**

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

**S. B. No. 301**

**Senator Blessing**

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**A BILL**

To amend sections 2923.01, 2925.02, 2925.03, 1  
2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 3  
2925.31, 2925.32, 2925.36, 2925.37, 3123.56, 4  
3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 5  
4509.101, 4509.37, 4509.67, 4510.101, 4510.111, 6  
and 4510.17 and to repeal section 4510.32 of the 7  
Revised Code to make changes to the laws 8  
governing driver's license suspensions for 9  
certain drug offenses and failure to pay child 10  
support and to the laws governing penalties for 11  
failure to provide proof of financial 12  
responsibility. 13

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

**Section 1.** That sections 2923.01, 2925.02, 2925.03, 14  
2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2925.13, 2925.14, 15  
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 2925.37, 16  
3123.56, 3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 17  
4509.101, 4509.37, 4509.67, 4510.101, 4510.111, and 4510.17 of 18  
the Revised Code be amended to read as follows: 19

**Sec. 2923.01.** (A) No person, with purpose to commit or to 20  
promote or facilitate the commission of aggravated murder, 21  
murder, kidnapping, abduction, compelling prostitution, 22  
promoting prostitution, trafficking in persons, aggravated 23  
arson, arson, aggravated robbery, robbery, aggravated burglary, 24  
burglary, trespassing in a habitation when a person is present 25  
or likely to be present, engaging in a pattern of corrupt 26  
activity, corrupting another with drugs, a felony drug 27  
trafficking, manufacturing, processing, or possession offense, 28  
theft of drugs, or illegal processing of drug documents, the 29  
commission of a felony offense of unauthorized use of a vehicle, 30  
illegally transmitting multiple commercial electronic mail 31  
messages or unauthorized access of a computer in violation of 32  
section 2923.421 of the Revised Code, or the commission of a 33  
violation of any provision of Chapter 3734. of the Revised Code, 34  
other than section 3734.18 of the Revised Code, that relates to 35  
hazardous wastes, shall do either of the following: 36

(1) With another person or persons, plan or aid in 37  
planning the commission of any of the specified offenses; 38

(2) Agree with another person or persons that one or more 39  
of them will engage in conduct that facilitates the commission 40  
of any of the specified offenses. 41

(B) No person shall be convicted of conspiracy unless a 42  
substantial overt act in furtherance of the conspiracy is 43  
alleged and proved to have been done by the accused or a person 44  
with whom the accused conspired, subsequent to the accused's 45  
entrance into the conspiracy. For purposes of this section, an 46  
overt act is substantial when it is of a character that 47  
manifests a purpose on the part of the actor that the object of 48  
the conspiracy should be completed. 49

(C) When the offender knows or has reasonable cause to believe that a person with whom the offender conspires also has conspired or is conspiring with another to commit the same offense, the offender is guilty of conspiring with that other person, even though the other person's identity may be unknown to the offender.

(D) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the conspiracy was impossible under the circumstances.

(E) A conspiracy terminates when the offense or offenses that are its objects are committed or when it is abandoned by all conspirators. In the absence of abandonment, it is no defense to a charge under this section that no offense that was the object of the conspiracy was committed.

(F) A person who conspires to commit more than one offense is guilty of only one conspiracy, when the offenses are the object of the same agreement or continuous conspiratorial relationship.

(G) When a person is convicted of committing or attempting to commit a specific offense or of complicity in the commission of or attempt to commit the specific offense, the person shall not be convicted of conspiracy involving the same offense.

(H) (1) No person shall be convicted of conspiracy upon the testimony of a person with whom the defendant conspired, unsupported by other evidence.

(2) If a person with whom the defendant allegedly has conspired testifies against the defendant in a case in which the defendant is charged with conspiracy and if the testimony is supported by other evidence, the court, when it charges the

jury, shall state substantially the following: 79

"The testimony of an accomplice that is supported by other 80  
evidence does not become inadmissible because of the 81  
accomplice's complicity, moral turpitude, or self-interest, but 82  
the admitted or claimed complicity of a witness may affect the 83  
witness' credibility and make the witness' testimony subject to 84  
grave suspicion, and require that it be weighed with great 85  
caution. 86

It is for you, as jurors, in the light of all the facts 87  
presented to you from the witness stand, to evaluate such 88  
testimony and to determine its quality and worth or its lack of 89  
quality and worth." 90

(3) "Conspiracy," as used in division (H)(1) of this 91  
section, does not include any conspiracy that results in an 92  
attempt to commit an offense or in the commission of an offense. 93

(I) The following are affirmative defenses to a charge of 94  
conspiracy: 95

(1) After conspiring to commit an offense, the actor 96  
thwarted the success of the conspiracy under circumstances 97  
manifesting a complete and voluntary renunciation of the actor's 98  
criminal purpose. 99

(2) After conspiring to commit an offense, the actor 100  
abandoned the conspiracy prior to the commission of or attempt 101  
to commit any offense that was the object of the conspiracy, 102  
either by advising all other conspirators of the actor's 103  
abandonment, or by informing any law enforcement authority of 104  
the existence of the conspiracy and of the actor's participation 105  
in the conspiracy. 106

(J) Whoever violates this section is guilty of conspiracy, 107

which is one of the following:	108
(1) A felony of the first degree, when one of the objects	109
of the conspiracy is aggravated murder, murder, or an offense	110
for which the maximum penalty is imprisonment for life;	111
(2) A felony of the next lesser degree than the most	112
serious offense that is the object of the conspiracy, when the	113
most serious offense that is the object of the conspiracy is a	114
felony of the first, second, third, or fourth degree;	115
(3) A felony punishable by a fine of not more than twenty-	116
five thousand dollars or imprisonment for not more than eighteen	117
months, or both, when the offense that is the object of the	118
conspiracy is a violation of any provision of Chapter 3734. of	119
the Revised Code, other than section 3734.18 of the Revised	120
Code, that relates to hazardous wastes;	121
(4) A misdemeanor of the first degree, when the most	122
serious offense that is the object of the conspiracy is a felony	123
of the fifth degree.	124
(K) This section does not define a separate conspiracy	125
offense or penalty where conspiracy is defined as an offense by	126
one or more sections of the Revised Code, other than this	127
section. In such a case, however:	128
(1) With respect to the offense specified as the object of	129
the conspiracy in the other section or sections, division (A) of	130
this section defines the voluntary act or acts and culpable	131
mental state necessary to constitute the conspiracy;	132
(2) Divisions (B) to (I) of this section are incorporated	133
by reference in the conspiracy offense defined by the other	134
section or sections of the Revised Code.	135

(L) (1) In addition to the penalties that otherwise are 136  
imposed for conspiracy, a person who is found guilty of 137  
conspiracy to engage in a pattern of corrupt activity is subject 138  
to divisions (B) (2) and (3) of section 2923.32, division (A) of 139  
section 2981.04, and division (D) of section 2981.06 of the 140  
Revised Code. 141

(2) If a person is convicted of or pleads guilty to 142  
conspiracy and if the most serious offense that is the object of 143  
the conspiracy is a felony drug trafficking, manufacturing, 144  
processing, or possession offense, in addition to the penalties 145  
or sanctions that may be imposed for the conspiracy under 146  
division (J) (2) or (4) of this section and Chapter 2929. of the 147  
Revised Code, both of the following apply: 148

(a) The provisions of divisions (D) ~~and (F) and (G)~~ of 149  
section 2925.03, division (D) of section 2925.04, division (D) 150  
of section 2925.05, division (D) of section 2925.06, and 151  
division (E) of section 2925.11 of the Revised Code that pertain 152  
to mandatory and additional fines, ~~driver's or commercial~~ 153  
~~driver's license or permit suspensions,~~ and professionally 154  
licensed persons and that would apply under the appropriate 155  
provisions of those divisions to a person who is convicted of or 156  
pleads guilty to the felony drug trafficking, manufacturing, 157  
processing, or possession offense that is the most serious 158  
offense that is the basis of the conspiracy shall apply to the 159  
person who is convicted of or pleads guilty to the conspiracy as 160  
if the person had been convicted of or pleaded guilty to the 161  
felony drug trafficking, manufacturing, processing, or 162  
possession offense that is the most serious offense that is the 163  
basis of the conspiracy. 164

(b) The court that imposes sentence upon the person who is 165

convicted of or pleads guilty to the conspiracy shall comply 166  
with the provisions identified as being applicable under 167  
division (L) (2) of this section, in addition to any other 168  
penalty or sanction that it imposes for the conspiracy under 169  
division (J) (2) or (4) of this section and Chapter 2929. of the 170  
Revised Code. 171

(M) As used in this section: 172

(1) "Felony drug trafficking, manufacturing, processing, 173  
or possession offense" means any of the following that is a 174  
felony: 175

(a) A violation of section 2925.03, 2925.04, 2925.05, or 176  
2925.06 of the Revised Code; 177

(b) A violation of section 2925.11 of the Revised Code 178  
that is not a minor drug possession offense. 179

(2) "Minor drug possession offense" has the same meaning 180  
as in section 2925.01 of the Revised Code. 181

**Sec. 2925.02.** (A) No person shall knowingly do any of the 182  
following: 183

(1) By force, threat, or deception, administer to another 184  
or induce or cause another to use a controlled substance; 185

(2) By any means, administer or furnish to another or 186  
induce or cause another to use a controlled substance with 187  
purpose to cause serious physical harm to the other person, or 188  
with purpose to cause the other person to become drug dependent; 189

(3) By any means, administer or furnish to another or 190  
induce or cause another to use a controlled substance, and 191  
thereby cause serious physical harm to the other person, or 192  
cause the other person to become drug dependent; 193

(4) By any means, do any of the following:	194
(a) Furnish or administer a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard;	195 196 197 198
(b) Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance, when the offender knows the age of the juvenile or is reckless in that regard;	199 200 201 202
(c) Induce or cause a juvenile who is at least two years the offender's junior to commit a felony drug abuse offense, when the offender knows the age of the juvenile or is reckless in that regard;	203 204 205 206
(d) Use a juvenile, whether or not the offender knows the age of the juvenile, to perform any surveillance activity that is intended to prevent the detection of the offender or any other person in the commission of a felony drug abuse offense or to prevent the arrest of the offender or any other person for the commission of a felony drug abuse offense.	207 208 209 210 211 212
(5) By any means, furnish or administer a controlled substance to a pregnant woman or induce or cause a pregnant woman to use a controlled substance, when the offender knows that the woman is pregnant or is reckless in that regard.	213 214 215 216
(B) Division (A) (1), (3), (4), or (5) of this section does not apply to manufacturers, wholesalers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code.	217 218 219 220 221 222



(C) Whoever violates this section is guilty of corrupting 223  
another with drugs. The penalty for the offense shall be 224  
determined as follows: 225

(1) If the offense is a violation of division (A) (1), (2), 226  
(3), or (4) of this section and the drug involved is any 227  
compound, mixture, preparation, or substance included in 228  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 229  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 230  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 231  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 232  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 233  
offender shall be punished as follows: 234

(a) Except as otherwise provided in division (C) (1) (b) of 235  
this section, corrupting another with drugs committed in those 236  
circumstances is a felony of the second degree and, subject to 237  
division (E) of this section, the court shall impose as a 238  
mandatory prison term a second degree felony mandatory prison 239  
term. 240

(b) If the offense was committed in the vicinity of a 241  
school, corrupting another with drugs committed in those 242  
circumstances is a felony of the first degree, and, subject to 243  
division (E) of this section, the court shall impose as a 244  
mandatory prison term a first degree felony mandatory prison 245  
term. 246

(2) If the offense is a violation of division (A) (1), (2), 247  
(3), or (4) of this section and the drug involved is any 248  
compound, mixture, preparation, or substance included in 249  
schedule III, IV, or V, the offender shall be punished as 250  
follows: 251

(a) Except as otherwise provided in division (C) (2) (b) of 252  
this section, corrupting another with drugs committed in those 253  
circumstances is a felony of the second degree and there is a 254  
presumption for a prison term for the offense. 255

(b) If the offense was committed in the vicinity of a 256  
school, corrupting another with drugs committed in those 257  
circumstances is a felony of the second degree and the court 258  
shall impose as a mandatory prison term a second degree felony 259  
mandatory prison term. 260

(3) If the offense is a violation of division (A) (1), (2), 261  
(3), or (4) of this section and the drug involved is marihuana, 262  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 263  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 264  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 265  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 266  
offender shall be punished as follows: 267

(a) Except as otherwise provided in division (C) (3) (b) of 268  
this section, corrupting another with drugs committed in those 269  
circumstances is a felony of the fourth degree and division (C) 270  
of section 2929.13 of the Revised Code applies in determining 271  
whether to impose a prison term on the offender. 272

(b) If the offense was committed in the vicinity of a 273  
school, corrupting another with drugs committed in those 274  
circumstances is a felony of the third degree and division (C) 275  
of section 2929.13 of the Revised Code applies in determining 276  
whether to impose a prison term on the offender. 277

(4) If the offense is a violation of division (A) (5) of 278  
this section and the drug involved is any compound, mixture, 279  
preparation, or substance included in schedule I or II, with the 280

exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 281  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 282  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 283  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 284  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 285  
felony of the first degree and, subject to division (E) of this 286  
section, the court shall impose as a mandatory prison term a 287  
first degree felony mandatory prison term. 288

(5) If the offense is a violation of division (A) (5) of 289  
this section and the drug involved is any compound, mixture, 290  
preparation, or substance included in schedule III, IV, or V, 291  
corrupting another with drugs is a felony of the second degree 292  
and the court shall impose as a mandatory prison term a second 293  
degree felony mandatory prison term. 294

(6) If the offense is a violation of division (A) (5) of 295  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 296  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 297  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 298  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 299  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 300  
corrupting another with drugs is a felony of the third degree 301  
and division (C) of section 2929.13 of the Revised Code applies 302  
in determining whether to impose a prison term on the offender. 303

(D) In addition to any prison term authorized or required 304  
by division (C) or (E) of this section and sections 2929.13 and 305  
2929.14 of the Revised Code and in addition to any other 306  
sanction imposed for the offense under this section or sections 307  
2929.11 to 2929.18 of the Revised Code, the court that sentences 308  
an offender who is convicted of or pleads guilty to a violation 309  
of division (A) of this section, when the violation is a felony 310

of the first degree, may suspend for not more than five years 311  
the offender's driver's or commercial driver's license or 312  
permit. However, if the offender pleaded guilty to or was 313  
convicted of a violation of section 4511.19 of the Revised Code 314  
or a substantially similar municipal ordinance or the law of 315  
another state or the United States arising out of the same set 316  
of circumstances as the first degree felony violation, the court 317  
shall suspend the offender's driver's or commercial driver's 318  
license or permit for not more than five years. The court also 319  
shall do all of the following that are applicable regarding the 320  
offender: 321

(1) (a) If the violation is a felony of the first, second, 322  
or third degree, the court shall impose upon the offender the 323  
mandatory fine specified for the offense under division (B) (1) 324  
of section 2929.18 of the Revised Code unless, as specified in 325  
that division, the court determines that the offender is 326  
indigent. 327

(b) Notwithstanding any contrary provision of section 328  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 329  
to division (D) (1) (a) of this section and any fine imposed for a 330  
violation of this section pursuant to division (A) of section 331  
2929.18 of the Revised Code shall be paid by the clerk of the 332  
court in accordance with and subject to the requirements of, and 333  
shall be used as specified in, division (F) of section 2925.03 334  
of the Revised Code. 335

(c) If a person is charged with any violation of this 336  
section that is a felony of the first, second, or third degree, 337  
posts bail, and forfeits the bail, the forfeited bail shall be 338  
paid by the clerk of the court pursuant to division (D) (1) (b) of 339  
this section as if it were a fine imposed for a violation of 340

this section. 341

(2) If the offender is a professionally licensed person, 342  
in addition to any other sanction imposed for a violation of 343  
this section, the court immediately shall comply with section 344  
2925.38 of the Revised Code. 345

(E) Notwithstanding the prison term otherwise authorized 346  
or required for the offense under division (C) of this section 347  
and sections 2929.13 and 2929.14 of the Revised Code, if the 348  
violation of division (A) of this section involves the sale, 349  
offer to sell, or possession of a schedule I or II controlled 350  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 351  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 352  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 353  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 354  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 355  
if the court imposing sentence upon the offender finds that the 356  
offender as a result of the violation is a major drug offender 357  
and is guilty of a specification of the type described in 358  
division (A) of section 2941.1410 of the Revised Code, the 359  
court, in lieu of the prison term that otherwise is authorized 360  
or required, shall impose upon the offender the mandatory prison 361  
term specified in division (B) (3) (a) of section 2929.14 of the 362  
Revised Code. 363

(F) (1) If the sentencing court suspends the offender's 364  
driver's or commercial driver's license or permit under division 365  
(D) of this section, the offender, at any time after the 366  
expiration of two years from the day on which the offender's 367  
sentence was imposed or from the day on which the offender 368  
finally was released from a prison term under the sentence, 369  
whichever is later, may file a motion with the sentencing court 370

requesting termination of the suspension. Upon the filing of the motion and the court's finding of good cause for the determination, the court may terminate the suspension.

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

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

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

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

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

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

(1) Manufacturers, licensed health professionals

authorized to prescribe drugs, pharmacists, owners of 400  
pharmacies, and other persons whose conduct is in accordance 401  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 402  
4741. of the Revised Code; 403

(2) If the offense involves an anabolic steroid, any 404  
person who is conducting or participating in a research project 405  
involving the use of an anabolic steroid if the project has been 406  
approved by the United States food and drug administration; 407

(3) Any person who sells, offers for sale, prescribes, 408  
dispenses, or administers for livestock or other nonhuman 409  
species an anabolic steroid that is expressly intended for 410  
administration through implants to livestock or other nonhuman 411  
species and approved for that purpose under the "Federal Food, 412  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 413  
as amended, and is sold, offered for sale, prescribed, 414  
dispensed, or administered for that purpose in accordance with 415  
that act. 416

(C) Whoever violates division (A) of this section is 417  
guilty of one of the following: 418

(1) If the drug involved in the violation is any compound, 419  
mixture, preparation, or substance included in schedule I or 420  
schedule II, with the exception of marihuana, cocaine, L.S.D., 421  
heroin, any fentanyl-related compound, hashish, and any 422  
controlled substance analog, whoever violates division (A) of 423  
this section is guilty of aggravated trafficking in drugs. The 424  
penalty for the offense shall be determined as follows: 425

(a) Except as otherwise provided in division (C) (1) (b), 426  
(c), (d), (e), or (f) of this section, aggravated trafficking in 427  
drugs is a felony of the fourth degree, and division (C) of 428

section 2929.13 of the Revised Code applies in determining 429  
whether to impose a prison term on the offender. 430

(b) Except as otherwise provided in division (C)(1)(c), 431  
(d), (e), or (f) of this section, if the offense was committed 432  
in the vicinity of a school or in the vicinity of a juvenile, 433  
aggravated trafficking in drugs is a felony of the third degree, 434  
and division (C) of section 2929.13 of the Revised Code applies 435  
in determining whether to impose a prison term on the offender. 436

(c) Except as otherwise provided in this division, if the 437  
amount of the drug involved equals or exceeds the bulk amount 438  
but is less than five times the bulk amount, aggravated 439  
trafficking in drugs is a felony of the third degree, and, 440  
except as otherwise provided in this division, there is a 441  
presumption for a prison term for the offense. If aggravated 442  
trafficking in drugs is a felony of the third degree under this 443  
division and if the offender two or more times previously has 444  
been convicted of or pleaded guilty to a felony drug abuse 445  
offense, the court shall impose as a mandatory prison term one 446  
of the prison terms prescribed for a felony of the third degree. 447  
If the amount of the drug involved is within that range and if 448  
the offense was committed in the vicinity of a school or in the 449  
vicinity of a juvenile, aggravated trafficking in drugs is a 450  
felony of the second degree, and the court shall impose as a 451  
mandatory prison term a second degree felony mandatory prison 452  
term. 453

(d) Except as otherwise provided in this division, if the 454  
amount of the drug involved equals or exceeds five times the 455  
bulk amount but is less than fifty times the bulk amount, 456  
aggravated trafficking in drugs is a felony of the second 457  
degree, and the court shall impose as a mandatory prison term a 458



second degree felony mandatory prison term. If the amount of the 459  
drug involved is within that range and if the offense was 460  
committed in the vicinity of a school or in the vicinity of a 461  
juvenile, aggravated trafficking in drugs is a felony of the 462  
first degree, and the court shall impose as a mandatory prison 463  
term a first degree felony mandatory prison term. 464

(e) If the amount of the drug involved equals or exceeds 465  
fifty times the bulk amount but is less than one hundred times 466  
the bulk amount and regardless of whether the offense was 467  
committed in the vicinity of a school or in the vicinity of a 468  
juvenile, aggravated trafficking in drugs is a felony of the 469  
first degree, and the court shall impose as a mandatory prison 470  
term a first degree felony mandatory prison term. 471

(f) If the amount of the drug involved equals or exceeds 472  
one hundred times the bulk amount and regardless of whether the 473  
offense was committed in the vicinity of a school or in the 474  
vicinity of a juvenile, aggravated trafficking in drugs is a 475  
felony of the first degree, the offender is a major drug 476  
offender, and the court shall impose as a mandatory prison term 477  
a maximum first degree felony mandatory prison term. 478

(2) If the drug involved in the violation is any compound, 479  
mixture, preparation, or substance included in schedule III, IV, 480  
or V, whoever violates division (A) of this section is guilty of 481  
trafficking in drugs. The penalty for the offense shall be 482  
determined as follows: 483

(a) Except as otherwise provided in division (C) (2) (b), 484  
(c), (d), or (e) of this section, trafficking in drugs is a 485  
felony of the fifth degree, and division (B) of section 2929.13 486  
of the Revised Code applies in determining whether to impose a 487  
prison term on the offender. 488

(b) Except as otherwise provided in division (C) (2) (c), 489  
(d), or (e) of this section, if the offense was committed in the 490  
vicinity of a school or in the vicinity of a juvenile, 491  
trafficking in drugs is a felony of the fourth degree, and 492  
division (C) of section 2929.13 of the Revised Code applies in 493  
determining whether to impose a prison term on the offender. 494

(c) Except as otherwise provided in this division, if the 495  
amount of the drug involved equals or exceeds the bulk amount 496  
but is less than five times the bulk amount, trafficking in 497  
drugs is a felony of the fourth degree, and division (B) of 498  
section 2929.13 of the Revised Code applies in determining 499  
whether to impose a prison term for the offense. If the amount 500  
of the drug involved is within that range and if the offense was 501  
committed in the vicinity of a school or in the vicinity of a 502  
juvenile, trafficking in drugs is a felony of the third degree, 503  
and there is a presumption for a prison term for the offense. 504

(d) Except as otherwise provided in this division, if the 505  
amount of the drug involved equals or exceeds five times the 506  
bulk amount but is less than fifty times the bulk amount, 507  
trafficking in drugs is a felony of the third degree, and there 508  
is a presumption for a prison term for the offense. If the 509  
amount of the drug involved is within that range and if the 510  
offense was committed in the vicinity of a school or in the 511  
vicinity of a juvenile, trafficking in drugs is a felony of the 512  
second degree, and there is a presumption for a prison term for 513  
the offense. 514

(e) Except as otherwise provided in this division, if the 515  
amount of the drug involved equals or exceeds fifty times the 516  
bulk amount, trafficking in drugs is a felony of the second 517  
degree, and the court shall impose as a mandatory prison term a 518

second degree felony mandatory prison term. If the amount of the 519  
drug involved equals or exceeds fifty times the bulk amount and 520  
if the offense was committed in the vicinity of a school or in 521  
the vicinity of a juvenile, trafficking in drugs is a felony of 522  
the first degree, and the court shall impose as a mandatory 523  
prison term a first degree felony mandatory prison term. 524

(3) If the drug involved in the violation is marihuana or 525  
a compound, mixture, preparation, or substance containing 526  
marihuana other than hashish, whoever violates division (A) of 527  
this section is guilty of trafficking in marihuana. The penalty 528  
for the offense shall be determined as follows: 529

(a) Except as otherwise provided in division (C) (3) (b), 530  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 531  
marihuana is a felony of the fifth degree, and division (B) of 532  
section 2929.13 of the Revised Code applies in determining 533  
whether to impose a prison term on the offender. 534

(b) Except as otherwise provided in division (C) (3) (c), 535  
(d), (e), (f), (g), or (h) of this section, if the offense was 536  
committed in the vicinity of a school or in the vicinity of a 537  
juvenile, trafficking in marihuana is a felony of the fourth 538  
degree, and division (B) of section 2929.13 of the Revised Code 539  
applies in determining whether to impose a prison term on the 540  
offender. 541

(c) Except as otherwise provided in this division, if the 542  
amount of the drug involved equals or exceeds two hundred grams 543  
but is less than one thousand grams, trafficking in marihuana is 544  
a felony of the fourth degree, and division (B) of section 545  
2929.13 of the Revised Code applies in determining whether to 546  
impose a prison term on the offender. If the amount of the drug 547  
involved is within that range and if the offense was committed 548

in the vicinity of a school or in the vicinity of a juvenile, 549  
trafficking in marihuana is a felony of the third degree, and 550  
division (C) of section 2929.13 of the Revised Code applies in 551  
determining whether to impose a prison term on the offender. 552

(d) Except as otherwise provided in this division, if the 553  
amount of the drug involved equals or exceeds one thousand grams 554  
but is less than five thousand grams, trafficking in marihuana 555  
is a felony of the third degree, and division (C) of section 556  
2929.13 of the Revised Code applies in determining whether to 557  
impose a prison term on the offender. If the amount of the drug 558  
involved is within that range and if the offense was committed 559  
in the vicinity of a school or in the vicinity of a juvenile, 560  
trafficking in marihuana is a felony of the second degree, and 561  
there is a presumption that a prison term shall be imposed for 562  
the offense. 563

(e) Except as otherwise provided in this division, if the 564  
amount of the drug involved equals or exceeds five thousand 565  
grams but is less than twenty thousand grams, trafficking in 566  
marihuana is a felony of the third degree, and there is a 567  
presumption that a prison term shall be imposed for the offense. 568  
If the amount of the drug involved is within that range and if 569  
the offense was committed in the vicinity of a school or in the 570  
vicinity of a juvenile, trafficking in marihuana is a felony of 571  
the second degree, and there is a presumption that a prison term 572  
shall be imposed for the offense. 573

(f) Except as otherwise provided in this division, if the 574  
amount of the drug involved equals or exceeds twenty thousand 575  
grams but is less than forty thousand grams, trafficking in 576  
marihuana is a felony of the second degree, and the court shall 577  
impose as a mandatory prison term a second degree felony 578

mandatory prison term of five, six, seven, or eight years. If 579  
the amount of the drug involved is within that range and if the 580  
offense was committed in the vicinity of a school or in the 581  
vicinity of a juvenile, trafficking in marihuana is a felony of 582  
the first degree, and the court shall impose as a mandatory 583  
prison term a maximum first degree felony mandatory prison term. 584

(g) Except as otherwise provided in this division, if the 585  
amount of the drug involved equals or exceeds forty thousand 586  
grams, trafficking in marihuana is a felony of the second 587  
degree, and the court shall impose as a mandatory prison term a 588  
maximum second degree felony mandatory prison term. If the 589  
amount of the drug involved equals or exceeds forty thousand 590  
grams and if the offense was committed in the vicinity of a 591  
school or in the vicinity of a juvenile, trafficking in 592  
marihuana is a felony of the first degree, and the court shall 593  
impose as a mandatory prison term a maximum first degree felony 594  
mandatory prison term. 595

(h) Except as otherwise provided in this division, if the 596  
offense involves a gift of twenty grams or less of marihuana, 597  
trafficking in marihuana is a minor misdemeanor upon a first 598  
offense and a misdemeanor of the third degree upon a subsequent 599  
offense. If the offense involves a gift of twenty grams or less 600  
of marihuana and if the offense was committed in the vicinity of 601  
a school or in the vicinity of a juvenile, trafficking in 602  
marihuana is a misdemeanor of the third degree. 603

(4) If the drug involved in the violation is cocaine or a 604  
compound, mixture, preparation, or substance containing cocaine, 605  
whoever violates division (A) of this section is guilty of 606  
trafficking in cocaine. The penalty for the offense shall be 607  
determined as follows: 608

(a) Except as otherwise provided in division (C) (4) (b), 609  
(c), (d), (e), (f), or (g) of this section, trafficking in 610  
cocaine is a felony of the fifth degree, and division (B) of 611  
section 2929.13 of the Revised Code applies in determining 612  
whether to impose a prison term on the offender. 613

(b) Except as otherwise provided in division (C) (4) (c), 614  
(d), (e), (f), or (g) of this section, if the offense was 615  
committed in the vicinity of a school or in the vicinity of a 616  
juvenile, trafficking in cocaine is a felony of the fourth 617  
degree, and division (C) of section 2929.13 of the Revised Code 618  
applies in determining whether to impose a prison term on the 619  
offender. 620

(c) Except as otherwise provided in this division, if the 621  
amount of the drug involved equals or exceeds five grams but is 622  
less than ten grams of cocaine, trafficking in cocaine is a 623  
felony of the fourth degree, and division (B) of section 2929.13 624  
of the Revised Code applies in determining whether to impose a 625  
prison term for the offense. If the amount of the drug involved 626  
is within that range and if the offense was committed in the 627  
vicinity of a school or in the vicinity of a juvenile, 628  
trafficking in cocaine is a felony of the third degree, and 629  
there is a presumption for a prison term for the offense. 630

(d) Except as otherwise provided in this division, if the 631  
amount of the drug involved equals or exceeds ten grams but is 632  
less than twenty grams of cocaine, trafficking in cocaine is a 633  
felony of the third degree, and, except as otherwise provided in 634  
this division, there is a presumption for a prison term for the 635  
offense. If trafficking in cocaine is a felony of the third 636  
degree under this division and if the offender two or more times 637  
previously has been convicted of or pleaded guilty to a felony 638

drug abuse offense, the court shall impose as a mandatory prison 639  
term one of the prison terms prescribed for a felony of the 640  
third degree. If the amount of the drug involved is within that 641  
range and if the offense was committed in the vicinity of a 642  
school or in the vicinity of a juvenile, trafficking in cocaine 643  
is a felony of the second degree, and the court shall impose as 644  
a mandatory prison term a second degree felony mandatory prison 645  
term. 646

(e) Except as otherwise provided in this division, if the 647  
amount of the drug involved equals or exceeds twenty grams but 648  
is less than twenty-seven grams of cocaine, trafficking in 649  
cocaine is a felony of the second degree, and the court shall 650  
impose as a mandatory prison term a second degree felony 651  
mandatory prison term. If the amount of the drug involved is 652  
within that range and if the offense was committed in the 653  
vicinity of a school or in the vicinity of a juvenile, 654  
trafficking in cocaine is a felony of the first degree, and the 655  
court shall impose as a mandatory prison term a first degree 656  
felony mandatory prison term. 657

(f) If the amount of the drug involved equals or exceeds 658  
twenty-seven grams but is less than one hundred grams of cocaine 659  
and regardless of whether the offense was committed in the 660  
vicinity of a school or in the vicinity of a juvenile, 661  
trafficking in cocaine is a felony of the first degree, and the 662  
court shall impose as a mandatory prison term a first degree 663  
felony mandatory prison term. 664

(g) If the amount of the drug involved equals or exceeds 665  
one hundred grams of cocaine and regardless of whether the 666  
offense was committed in the vicinity of a school or in the 667  
vicinity of a juvenile, trafficking in cocaine is a felony of 668

the first degree, the offender is a major drug offender, and the 669  
court shall impose as a mandatory prison term a maximum first 670  
degree felony mandatory prison term. 671

(5) If the drug involved in the violation is L.S.D. or a 672  
compound, mixture, preparation, or substance containing L.S.D., 673  
whoever violates division (A) of this section is guilty of 674  
trafficking in L.S.D. The penalty for the offense shall be 675  
determined as follows: 676

(a) Except as otherwise provided in division (C) (5) (b), 677  
(c), (d), (e), (f), or (g) of this section, trafficking in 678  
L.S.D. is a felony of the fifth degree, and division (B) of 679  
section 2929.13 of the Revised Code applies in determining 680  
whether to impose a prison term on the offender. 681

(b) Except as otherwise provided in division (C) (5) (c), 682  
(d), (e), (f), or (g) of this section, if the offense was 683  
committed in the vicinity of a school or in the vicinity of a 684  
juvenile, trafficking in L.S.D. is a felony of the fourth 685  
degree, and division (C) of section 2929.13 of the Revised Code 686  
applies in determining whether to impose a prison term on the 687  
offender. 688

(c) Except as otherwise provided in this division, if the 689  
amount of the drug involved equals or exceeds ten unit doses but 690  
is less than fifty unit doses of L.S.D. in a solid form or 691  
equals or exceeds one gram but is less than five grams of L.S.D. 692  
in a liquid concentrate, liquid extract, or liquid distillate 693  
form, trafficking in L.S.D. is a felony of the fourth degree, 694  
and division (B) of section 2929.13 of the Revised Code applies 695  
in determining whether to impose a prison term for the offense. 696  
If the amount of the drug involved is within that range and if 697  
the offense was committed in the vicinity of a school or in the 698



vicinity of a juvenile, trafficking in L.S.D. is a felony of the 699  
third degree, and there is a presumption for a prison term for 700  
the offense. 701

(d) Except as otherwise provided in this division, if the 702  
amount of the drug involved equals or exceeds fifty unit doses 703  
but is less than two hundred fifty unit doses of L.S.D. in a 704  
solid form or equals or exceeds five grams but is less than 705  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 706  
extract, or liquid distillate form, trafficking in L.S.D. is a 707  
felony of the third degree, and, except as otherwise provided in 708  
this division, there is a presumption for a prison term for the 709  
offense. If trafficking in L.S.D. is a felony of the third 710  
degree under this division and if the offender two or more times 711  
previously has been convicted of or pleaded guilty to a felony 712  
drug abuse offense, the court shall impose as a mandatory prison 713  
term one of the prison terms prescribed for a felony of the 714  
third degree. If the amount of the drug involved is within that 715  
range and if the offense was committed in the vicinity of a 716  
school or in the vicinity of a juvenile, trafficking in L.S.D. 717  
is a felony of the second degree, and the court shall impose as 718  
a mandatory prison term a second degree felony mandatory prison 719  
term. 720

(e) Except as otherwise provided in this division, if the 721  
amount of the drug involved equals or exceeds two hundred fifty 722  
unit doses but is less than one thousand unit doses of L.S.D. in 723  
a solid form or equals or exceeds twenty-five grams but is less 724  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 725  
extract, or liquid distillate form, trafficking in L.S.D. is a 726  
felony of the second degree, and the court shall impose as a 727  
mandatory prison term a second degree felony mandatory prison 728  
term. If the amount of the drug involved is within that range 729

and if the offense was committed in the vicinity of a school or 730  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 731  
of the first degree, and the court shall impose as a mandatory 732  
prison term a first degree felony mandatory prison term. 733

(f) If the amount of the drug involved equals or exceeds 734  
one thousand unit doses but is less than five thousand unit 735  
doses of L.S.D. in a solid form or equals or exceeds one hundred 736  
grams but is less than five hundred grams of L.S.D. in a liquid 737  
concentrate, liquid extract, or liquid distillate form and 738  
regardless of whether the offense was committed in the vicinity 739  
of a school or in the vicinity of a juvenile, trafficking in 740  
L.S.D. is a felony of the first degree, and the court shall 741  
impose as a mandatory prison term a first degree felony 742  
mandatory prison term. 743

(g) If the amount of the drug involved equals or exceeds 744  
five thousand unit doses of L.S.D. in a solid form or equals or 745  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 746  
liquid extract, or liquid distillate form and regardless of 747  
whether the offense was committed in the vicinity of a school or 748  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 749  
of the first degree, the offender is a major drug offender, and 750  
the court shall impose as a mandatory prison term a maximum 751  
first degree felony mandatory prison term. 752

(6) If the drug involved in the violation is heroin or a 753  
compound, mixture, preparation, or substance containing heroin, 754  
whoever violates division (A) of this section is guilty of 755  
trafficking in heroin. The penalty for the offense shall be 756  
determined as follows: 757

(a) Except as otherwise provided in division (C) (6) (b), 758  
(c), (d), (e), (f), or (g) of this section, trafficking in 759

heroin is a felony of the fifth degree, and division (B) of 760  
section 2929.13 of the Revised Code applies in determining 761  
whether to impose a prison term on the offender. 762

(b) Except as otherwise provided in division (C) (6) (c), 763  
(d), (e), (f), or (g) of this section, if the offense was 764  
committed in the vicinity of a school or in the vicinity of a 765  
juvenile, trafficking in heroin is a felony of the fourth 766  
degree, and division (C) of section 2929.13 of the Revised Code 767  
applies in determining whether to impose a prison term on the 768  
offender. 769

(c) Except as otherwise provided in this division, if the 770  
amount of the drug involved equals or exceeds ten unit doses but 771  
is less than fifty unit doses or equals or exceeds one gram but 772  
is less than five grams, trafficking in heroin is a felony of 773  
the fourth degree, and division (B) of section 2929.13 of the 774  
Revised Code applies in determining whether to impose a prison 775  
term for the offense. If the amount of the drug involved is 776  
within that range and if the offense was committed in the 777  
vicinity of a school or in the vicinity of a juvenile, 778  
trafficking in heroin is a felony of the third degree, and there 779  
is a presumption for a prison term for the offense. 780

(d) Except as otherwise provided in this division, if the 781  
amount of the drug involved equals or exceeds fifty unit doses 782  
but is less than one hundred unit doses or equals or exceeds 783  
five grams but is less than ten grams, trafficking in heroin is 784  
a felony of the third degree, and there is a presumption for a 785  
prison term for the offense. If the amount of the drug involved 786  
is within that range and if the offense was committed in the 787  
vicinity of a school or in the vicinity of a juvenile, 788  
trafficking in heroin is a felony of the second degree, and 789

there is a presumption for a prison term for the offense. 790

(e) Except as otherwise provided in this division, if the 791  
amount of the drug involved equals or exceeds one hundred unit 792  
doses but is less than five hundred unit doses or equals or 793  
exceeds ten grams but is less than fifty grams, trafficking in 794  
heroin is a felony of the second degree, and the court shall 795  
impose as a mandatory prison term a second degree felony 796  
mandatory prison term. If the amount of the drug involved is 797  
within that range and if the offense was committed in the 798  
vicinity of a school or in the vicinity of a juvenile, 799  
trafficking in heroin is a felony of the first degree, and the 800  
court shall impose as a mandatory prison term a first degree 801  
felony mandatory prison term. 802

(f) If the amount of the drug involved equals or exceeds 803  
five hundred unit doses but is less than one thousand unit doses 804  
or equals or exceeds fifty grams but is less than one hundred 805  
grams and regardless of whether the offense was committed in the 806  
vicinity of a school or in the vicinity of a juvenile, 807  
trafficking in heroin is a felony of the first degree, and the 808  
court shall impose as a mandatory prison term a first degree 809  
felony mandatory prison term. 810

(g) If the amount of the drug involved equals or exceeds 811  
one thousand unit doses or equals or exceeds one hundred grams 812  
and regardless of whether the offense was committed in the 813  
vicinity of a school or in the vicinity of a juvenile, 814  
trafficking in heroin is a felony of the first degree, the 815  
offender is a major drug offender, and the court shall impose as 816  
a mandatory prison term a maximum first degree felony mandatory 817  
prison term. 818

(7) If the drug involved in the violation is hashish or a 819

compound, mixture, preparation, or substance containing hashish, 820  
whoever violates division (A) of this section is guilty of 821  
trafficking in hashish. The penalty for the offense shall be 822  
determined as follows: 823

(a) Except as otherwise provided in division (C) (7) (b), 824  
(c), (d), (e), (f), or (g) of this section, trafficking in 825  
hashish is a felony of the fifth degree, and division (B) of 826  
section 2929.13 of the Revised Code applies in determining 827  
whether to impose a prison term on the offender. 828

(b) Except as otherwise provided in division (C) (7) (c), 829  
(d), (e), (f), or (g) of this section, if the offense was 830  
committed in the vicinity of a school or in the vicinity of a 831  
juvenile, trafficking in hashish is a felony of the fourth 832  
degree, and division (B) of section 2929.13 of the Revised Code 833  
applies in determining whether to impose a prison term on the 834  
offender. 835

(c) Except as otherwise provided in this division, if the 836  
amount of the drug involved equals or exceeds ten grams but is 837  
less than fifty grams of hashish in a solid form or equals or 838  
exceeds two grams but is less than ten grams of hashish in a 839  
liquid concentrate, liquid extract, or liquid distillate form, 840  
trafficking in hashish is a felony of the fourth degree, and 841  
division (B) of section 2929.13 of the Revised Code applies in 842  
determining whether to impose a prison term on the offender. If 843  
the amount of the drug involved is within that range and if the 844  
offense was committed in the vicinity of a school or in the 845  
vicinity of a juvenile, trafficking in hashish is a felony of 846  
the third degree, and division (C) of section 2929.13 of the 847  
Revised Code applies in determining whether to impose a prison 848  
term on the offender. 849

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

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

extract, or liquid distillate form, trafficking in hashish is a 881  
felony of the second degree, and the court shall impose as a 882  
mandatory prison term a second degree felony mandatory prison 883  
term of five, six, seven, or eight years. If the amount of the 884  
drug involved is within that range and if the offense was 885  
committed in the vicinity of a school or in the vicinity of a 886  
juvenile, trafficking in hashish is a felony of the first 887  
degree, and the court shall impose as a mandatory prison term a 888  
maximum first degree felony mandatory prison term. 889

(g) Except as otherwise provided in this division, if the 890  
amount of the drug involved equals or exceeds two thousand grams 891  
of hashish in a solid form or equals or exceeds four hundred 892  
grams of hashish in a liquid concentrate, liquid extract, or 893  
liquid distillate form, trafficking in hashish is a felony of 894  
the second degree, and the court shall impose as a mandatory 895  
prison term a maximum second degree felony mandatory prison 896  
term. If the amount of the drug involved equals or exceeds two 897  
thousand grams of hashish in a solid form or equals or exceeds 898  
four hundred grams of hashish in a liquid concentrate, liquid 899  
extract, or liquid distillate form and if the offense was 900  
committed in the vicinity of a school or in the vicinity of a 901  
juvenile, trafficking in hashish is a felony of the first 902  
degree, and the court shall impose as a mandatory prison term a 903  
maximum first degree felony mandatory prison term. 904

(8) If the drug involved in the violation is a controlled 905  
substance analog or compound, mixture, preparation, or substance 906  
that contains a controlled substance analog, whoever violates 907  
division (A) of this section is guilty of trafficking in a 908  
controlled substance analog. The penalty for the offense shall 909  
be determined as follows: 910

(a) Except as otherwise provided in division (C) (8) (b), 911  
(c), (d), (e), (f), or (g) of this section, trafficking in a 912  
controlled substance analog is a felony of the fifth degree, and 913  
division (C) of section 2929.13 of the Revised Code applies in 914  
determining whether to impose a prison term on the offender. 915

(b) Except as otherwise provided in division (C) (8) (c), 916  
(d), (e), (f), or (g) of this section, if the offense was 917  
committed in the vicinity of a school or in the vicinity of a 918  
juvenile, trafficking in a controlled substance analog is a 919  
felony of the fourth degree, and division (C) of section 2929.13 920  
of the Revised Code applies in determining whether to impose a 921  
prison term on the offender. 922

(c) Except as otherwise provided in this division, if the 923  
amount of the drug involved equals or exceeds ten grams but is 924  
less than twenty grams, trafficking in a controlled substance 925  
analog is a felony of the fourth degree, and division (B) of 926  
section 2929.13 of the Revised Code applies in determining 927  
whether to impose a prison term for the offense. If the amount 928  
of the drug involved is within that range and if the offense was 929  
committed in the vicinity of a school or in the vicinity of a 930  
juvenile, trafficking in a controlled substance analog is a 931  
felony of the third degree, and there is a presumption for a 932  
prison term for the offense. 933

(d) Except as otherwise provided in this division, if the 934  
amount of the drug involved equals or exceeds twenty grams but 935  
is less than thirty grams, trafficking in a controlled substance 936  
analog is a felony of the third degree, and there is a 937  
presumption for a prison term for the offense. If the amount of 938  
the drug involved is within that range and if the offense was 939  
committed in the vicinity of a school or in the vicinity of a 940



juvenile, trafficking in a controlled substance analog is a 941  
felony of the second degree, and there is a presumption for a 942  
prison term for the offense. 943

(e) Except as otherwise provided in this division, if the 944  
amount of the drug involved equals or exceeds thirty grams but 945  
is less than forty grams, trafficking in a controlled substance 946  
analog is a felony of the second degree, and the court shall 947  
impose as a mandatory prison term a second degree felony 948  
mandatory prison term. If the amount of the drug involved is 949  
within that range and if the offense was committed in the 950  
vicinity of a school or in the vicinity of a juvenile, 951  
trafficking in a controlled substance analog is a felony of the 952  
first degree, and the court shall impose as a mandatory prison 953  
term a first degree felony mandatory prison term. 954

(f) If the amount of the drug involved equals or exceeds 955  
forty grams but is less than fifty grams and regardless of 956  
whether the offense was committed in the vicinity of a school or 957  
in the vicinity of a juvenile, trafficking in a controlled 958  
substance analog is a felony of the first degree, and the court 959  
shall impose as a mandatory prison term a first degree felony 960  
mandatory prison term. 961

(g) If the amount of the drug involved equals or exceeds 962  
fifty grams and regardless of whether the offense was committed 963  
in the vicinity of a school or in the vicinity of a juvenile, 964  
trafficking in a controlled substance analog is a felony of the 965  
first degree, the offender is a major drug offender, and the 966  
court shall impose as a mandatory prison term a maximum first 967  
degree felony mandatory prison term. 968

(9) If the drug involved in the violation is a fentanyl- 969  
related compound or a compound, mixture, preparation, or 970

substance containing a fentanyl-related compound and division 971  
(C) (10) (a) of this section does not apply to the drug involved, 972  
whoever violates division (A) of this section is guilty of 973  
trafficking in a fentanyl-related compound. The penalty for the 974  
offense shall be determined as follows: 975

(a) Except as otherwise provided in division (C) (9) (b), 976  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 977  
a fentanyl-related compound is a felony of the fifth degree, and 978  
division (B) of section 2929.13 of the Revised Code applies in 979  
determining whether to impose a prison term on the offender. 980

(b) Except as otherwise provided in division (C) (9) (c), 981  
(d), (e), (f), (g), or (h) of this section, if the offense was 982  
committed in the vicinity of a school or in the vicinity of a 983  
juvenile, trafficking in a fentanyl-related compound is a felony 984  
of the fourth degree, and division (C) of section 2929.13 of the 985  
Revised Code applies in determining whether to impose a prison 986  
term on the offender. 987

(c) Except as otherwise provided in this division, if the 988  
amount of the drug involved equals or exceeds ten unit doses but 989  
is less than fifty unit doses or equals or exceeds one gram but 990  
is less than five grams, trafficking in a fentanyl-related 991  
compound is a felony of the fourth degree, and division (B) of 992  
section 2929.13 of the Revised Code applies in determining 993  
whether to impose a prison term for the offense. If the amount 994  
of the drug involved is within that range and if the offense was 995  
committed in the vicinity of a school or in the vicinity of a 996  
juvenile, trafficking in a fentanyl-related compound is a felony 997  
of the third degree, and there is a presumption for a prison 998  
term for the offense. 999

(d) Except as otherwise provided in this division, if the 1000

amount of the drug involved equals or exceeds fifty unit doses 1001  
but is less than one hundred unit doses or equals or exceeds 1002  
five grams but is less than ten grams, trafficking in a 1003  
fentanyl-related compound is a felony of the third degree, and 1004  
there is a presumption for a prison term for the offense. If the 1005  
amount of the drug involved is within that range and if the 1006  
offense was committed in the vicinity of a school or in the 1007  
vicinity of a juvenile, trafficking in a fentanyl-related 1008  
compound is a felony of the second degree, and there is a 1009  
presumption for a prison term for the offense. 1010

(e) Except as otherwise provided in this division, if the 1011  
amount of the drug involved equals or exceeds one hundred unit 1012  
doses but is less than two hundred unit doses or equals or 1013  
exceeds ten grams but is less than twenty grams, trafficking in 1014  
a fentanyl-related compound is a felony of the second degree, 1015  
and the court shall impose as a mandatory prison term one of the 1016  
prison terms prescribed for a felony of the second degree. If 1017  
the amount of the drug involved is within that range and if the 1018  
offense was committed in the vicinity of a school or in the 1019  
vicinity of a juvenile, trafficking in a fentanyl-related 1020  
compound is a felony of the first degree, and the court shall 1021  
impose as a mandatory prison term one of the prison terms 1022  
prescribed for a felony of the first degree. 1023

(f) If the amount of the drug involved equals or exceeds 1024  
two hundred unit doses but is less than five hundred unit doses 1025  
or equals or exceeds twenty grams but is less than fifty grams 1026  
and regardless of whether the offense was committed in the 1027  
vicinity of a school or in the vicinity of a juvenile, 1028  
trafficking in a fentanyl-related compound is a felony of the 1029  
first degree, and the court shall impose as a mandatory prison 1030  
term one of the prison terms prescribed for a felony of the 1031

first degree. 1032

(g) If the amount of the drug involved equals or exceeds 1033  
five hundred unit doses but is less than one thousand unit doses 1034  
or equals or exceeds fifty grams but is less than one hundred 1035  
grams and regardless of whether the offense was committed in the 1036  
vicinity of a school or in the vicinity of a juvenile, 1037  
trafficking in a fentanyl-related compound is a felony of the 1038  
first degree, and the court shall impose as a mandatory prison 1039  
term the maximum prison term prescribed for a felony of the 1040  
first degree. 1041

(h) If the amount of the drug involved equals or exceeds 1042  
one thousand unit doses or equals or exceeds one hundred grams 1043  
and regardless of whether the offense was committed in the 1044  
vicinity of a school or in the vicinity of a juvenile, 1045  
trafficking in a fentanyl-related compound is a felony of the 1046  
first degree, the offender is a major drug offender, and the 1047  
court shall impose as a mandatory prison term the maximum prison 1048  
term prescribed for a felony of the first degree. 1049

(10) If the drug involved in the violation is a compound, 1050  
mixture, preparation, or substance that is a combination of a 1051  
fentanyl-related compound and marihuana, one of the following 1052  
applies: 1053

(a) Except as otherwise provided in division (C) (10) (b) of 1054  
this section, the offender is guilty of trafficking in marihuana 1055  
and shall be punished under division (C) (3) of this section. The 1056  
offender is not guilty of trafficking in a fentanyl-related 1057  
compound and shall not be charged with, convicted of, or 1058  
punished under division (C) (9) of this section for trafficking 1059  
in a fentanyl-related compound. 1060

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

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section, when the violation is a felony of the first degree, may suspend the driver's or commercial driver's license or permit of the offender in accordance with division (G) of this section. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the first degree felony violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of this section. If applicable, the court also shall do the following:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H) (1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to

division (F) of this section. If a person is charged with a 1092  
violation of this section that is a felony of the first, second, 1093  
or third degree, posts bail, and forfeits the bail, the clerk of 1094  
the court shall pay the forfeited bail pursuant to divisions (D) 1095  
(1) and (F) of this section, as if the forfeited bail was a fine 1096  
imposed for a violation of this section. If any amount of the 1097  
forfeited bail remains after that payment and if a fine is 1098  
imposed under division (H) (1) of this section, the clerk of the 1099  
court shall pay the remaining amount of the forfeited bail 1100  
pursuant to divisions (H) (2) and (3) of this section, as if that 1101  
remaining amount was a fine imposed under division (H) (1) of 1102  
this section. 1103

(2) If the offender is a professionally licensed person, 1104  
the court immediately shall comply with section 2925.38 of the 1105  
Revised Code. 1106

(E) When a person is charged with the sale of or offer to 1107  
sell a bulk amount or a multiple of a bulk amount of a 1108  
controlled substance, the jury, or the court trying the accused, 1109  
shall determine the amount of the controlled substance involved 1110  
at the time of the offense and, if a guilty verdict is returned, 1111  
shall return the findings as part of the verdict. In any such 1112  
case, it is unnecessary to find and return the exact amount of 1113  
the controlled substance involved, and it is sufficient if the 1114  
finding and return is to the effect that the amount of the 1115  
controlled substance involved is the requisite amount, or that 1116  
the amount of the controlled substance involved is less than the 1117  
requisite amount. 1118

(F) (1) Notwithstanding any contrary provision of section 1119  
3719.21 of the Revised Code and except as provided in division 1120  
(H) of this section, the clerk of the court shall pay any 1121

mandatory fine imposed pursuant to division (D) (1) of this 1122  
section and any fine other than a mandatory fine that is imposed 1123  
for a violation of this section pursuant to division (A) or (B) 1124  
(5) of section 2929.18 of the Revised Code to the county, 1125  
township, municipal corporation, park district, as created 1126  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1127  
state law enforcement agencies in this state that primarily were 1128  
responsible for or involved in making the arrest of, and in 1129  
prosecuting, the offender. However, the clerk shall not pay a 1130  
mandatory fine so imposed to a law enforcement agency unless the 1131  
agency has adopted a written internal control policy under 1132  
division (F) (2) of this section that addresses the use of the 1133  
fine moneys that it receives. Each agency shall use the 1134  
mandatory fines so paid to subsidize the agency's law 1135  
enforcement efforts that pertain to drug offenses, in accordance 1136  
with the written internal control policy adopted by the 1137  
recipient agency under division (F) (2) of this section. 1138

(2) Prior to receiving any fine moneys under division (F) 1139  
(1) of this section or division (B) of section 2925.42 of the 1140  
Revised Code, a law enforcement agency shall adopt a written 1141  
internal control policy that addresses the agency's use and 1142  
disposition of all fine moneys so received and that provides for 1143  
the keeping of detailed financial records of the receipts of 1144  
those fine moneys, the general types of expenditures made out of 1145  
those fine moneys, and the specific amount of each general type 1146  
of expenditure. The policy shall not provide for or permit the 1147  
identification of any specific expenditure that is made in an 1148  
ongoing investigation. All financial records of the receipts of 1149  
those fine moneys, the general types of expenditures made out of 1150  
those fine moneys, and the specific amount of each general type 1151  
of expenditure by an agency are public records open for 1152

inspection under section 149.43 of the Revised Code. 1153  
Additionally, a written internal control policy adopted under 1154  
this division is such a public record, and the agency that 1155  
adopted it shall comply with it. 1156

(3) As used in division (F) of this section: 1157

(a) "Law enforcement agencies" includes, but is not 1158  
limited to, the state board of pharmacy and the office of a 1159  
prosecutor. 1160

(b) "Prosecutor" has the same meaning as in section 1161  
2935.01 of the Revised Code. 1162

(G) (1) If the sentencing court suspends the offender's 1163  
driver's or commercial driver's license or permit under division 1164  
(D) of this section or any other provision of this chapter, the 1165  
court shall suspend the license, by order, for not more than 1166  
five years. If an offender's driver's or commercial driver's 1167  
license or permit is suspended pursuant to this division, the 1168  
offender, at any time after the expiration of two years from the 1169  
day on which the offender's sentence was imposed or from the day 1170  
on which the offender finally was released from a prison term 1171  
under the sentence, whichever is later, may file a motion with 1172  
the sentencing court requesting termination of the suspension; 1173  
upon the filing of such a motion and the court's finding of good 1174  
cause for the termination, the court may terminate the 1175  
suspension. 1176

(2) Any offender who received a mandatory suspension of 1177  
the offender's driver's or commercial driver's license or permit 1178  
under this section prior to September 13, 2016, may file a 1179  
motion with the sentencing court requesting the termination of 1180  
the suspension. However, an offender who pleaded guilty to or 1181



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

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

(H) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, in addition to any other penalty or sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, and in addition to the forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may impose upon the offender an additional fine specified for the offense in division (B) (4) of section 2929.18 of the Revised Code. A fine imposed under division (H) (1) of this section is not subject to division (F) of this section and shall be used solely for the support of one or more eligible community addiction services providers in accordance with divisions (H) (2) and (3) of this section.

(2) The court that imposes a fine under division (H) (1) of this section shall specify in the judgment that imposes the fine one or more eligible community addiction services providers for the support of which the fine money is to be used. No community addiction services provider shall receive or use money paid or

collected in satisfaction of a fine imposed under division (H) 1212  
(1) of this section unless the services provider is specified in 1213  
the judgment that imposes the fine. No community addiction 1214  
services provider shall be specified in the judgment unless the 1215  
services provider is an eligible community addiction services 1216  
provider and, except as otherwise provided in division (H) (2) of 1217  
this section, unless the services provider is located in the 1218  
county in which the court that imposes the fine is located or in 1219  
a county that is immediately contiguous to the county in which 1220  
that court is located. If no eligible community addiction 1221  
services provider is located in any of those counties, the 1222  
judgment may specify an eligible community addiction services 1223  
provider that is located anywhere within this state. 1224

(3) Notwithstanding any contrary provision of section 1225  
3719.21 of the Revised Code, the clerk of the court shall pay 1226  
any fine imposed under division (H) (1) of this section to the 1227  
eligible community addiction services provider specified 1228  
pursuant to division (H) (2) of this section in the judgment. The 1229  
eligible community addiction services provider that receives the 1230  
fine moneys shall use the moneys only for the alcohol and drug 1231  
addiction services identified in the application for 1232  
certification of services under section 5119.36 of the Revised 1233  
Code or in the application for a license under section 5119.37 1234  
of the Revised Code filed with the department of mental health 1235  
and addiction services by the community addiction services 1236  
provider specified in the judgment. 1237

(4) Each community addiction services provider that 1238  
receives in a calendar year any fine moneys under division (H) 1239  
(3) of this section shall file an annual report covering that 1240  
calendar year with the court of common pleas and the board of 1241  
county commissioners of the county in which the services 1242

provider is located, with the court of common pleas and the 1243  
board of county commissioners of each county from which the 1244  
services provider received the moneys if that county is 1245  
different from the county in which the services provider is 1246  
located, and with the attorney general. The community addiction 1247  
services provider shall file the report no later than the first 1248  
day of March in the calendar year following the calendar year in 1249  
which the services provider received the fine moneys. The report 1250  
shall include statistics on the number of persons served by the 1251  
community addiction services provider, identify the types of 1252  
alcohol and drug addiction services provided to those persons, 1253  
and include a specific accounting of the purposes for which the 1254  
fine moneys received were used. No information contained in the 1255  
report shall identify, or enable a person to determine the 1256  
identity of, any person served by the community addiction 1257  
services provider. Each report received by a court of common 1258  
pleas, a board of county commissioners, or the attorney general 1259  
is a public record open for inspection under section 149.43 of 1260  
the Revised Code. 1261

(5) As used in divisions (H) (1) to (5) of this section: 1262

(a) "Community addiction services provider" and "alcohol 1263  
and drug addiction services" have the same meanings as in 1264  
section 5119.01 of the Revised Code. 1265

(b) "Eligible community addiction services provider" means 1266  
a community addiction services provider, including a community 1267  
addiction services provider that operates an opioid treatment 1268  
program licensed under section 5119.37 of the Revised Code. 1269

(I) As used in this section, "drug" includes any substance 1270  
that is represented to be a drug. 1271

(J) It is an affirmative defense to a charge of 1272  
trafficking in a controlled substance analog under division (C) 1273  
(8) of this section that the person charged with violating that 1274  
offense sold or offered to sell, or prepared for shipment, 1275  
shipped, transported, delivered, prepared for distribution, or 1276  
distributed one of the following items that are excluded from 1277  
the meaning of "controlled substance analog" under section 1278  
3719.01 of the Revised Code: 1279

(1) A controlled substance; 1280

(2) Any substance for which there is an approved new drug 1281  
application; 1282

(3) With respect to a particular person, any substance if 1283  
an exemption is in effect for investigational use for that 1284  
person pursuant to federal law to the extent that conduct with 1285  
respect to that substance is pursuant to that exemption. 1286

**Sec. 2925.04.** (A) No person shall knowingly cultivate 1287  
marihuana or knowingly manufacture or otherwise engage in any 1288  
part of the production of a controlled substance. 1289

(B) This section does not apply to any person listed in 1290  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1291  
Code to the extent and under the circumstances described in 1292  
those divisions. 1293

(C) (1) Whoever commits a violation of division (A) of this 1294  
section that involves any drug other than marihuana is guilty of 1295  
illegal manufacture of drugs, and whoever commits a violation of 1296  
division (A) of this section that involves marihuana is guilty 1297  
of illegal cultivation of marihuana. 1298

(2) Except as otherwise provided in this division, if the 1299  
drug involved in the violation of division (A) of this section 1300

is any compound, mixture, preparation, or substance included in 1301  
schedule I or II, with the exception of methamphetamine or 1302  
marihuana, illegal manufacture of drugs is a felony of the 1303  
second degree, and, subject to division (E) of this section, the 1304  
court shall impose as a mandatory prison term a second degree 1305  
felony mandatory prison term. 1306

If the drug involved in the violation is any compound, 1307  
mixture, preparation, or substance included in schedule I or II, 1308  
with the exception of methamphetamine or marihuana, and if the 1309  
offense was committed in the vicinity of a juvenile or in the 1310  
vicinity of a school, illegal manufacture of drugs is a felony 1311  
of the first degree, and, subject to division (E) of this 1312  
section, the court shall impose as a mandatory prison term a 1313  
first degree felony mandatory prison term. 1314

(3) If the drug involved in the violation of division (A) 1315  
of this section is methamphetamine, the penalty for the 1316  
violation shall be determined as follows: 1317

(a) Except as otherwise provided in division (C) (3) (b) of 1318  
this section, if the drug involved in the violation is 1319  
methamphetamine, illegal manufacture of drugs is a felony of the 1320  
second degree, and, subject to division (E) of this section, the 1321  
court shall impose a mandatory prison term on the offender 1322  
determined in accordance with this division. Except as otherwise 1323  
provided in this division, the court shall impose as a mandatory 1324  
prison term a second degree felony mandatory prison term that is 1325  
not less than three years. If the offender previously has been 1326  
convicted of or pleaded guilty to a violation of division (A) of 1327  
this section, a violation of division (B) (6) of section 2919.22 1328  
of the Revised Code, or a violation of division (A) of section 1329  
2925.041 of the Revised Code, the court shall impose as a 1330

mandatory prison term a second degree felony mandatory prison 1331  
term that is not less than five years. 1332

(b) If the drug involved in the violation is 1333  
methamphetamine and if the offense was committed in the vicinity 1334  
of a juvenile, in the vicinity of a school, or on public 1335  
premises, illegal manufacture of drugs is a felony of the first 1336  
degree, and, subject to division (E) of this section, the court 1337  
shall impose a mandatory prison term on the offender determined 1338  
in accordance with this division. Except as otherwise provided 1339  
in this division, the court shall impose as a mandatory prison 1340  
term a first degree felony mandatory prison term that is not 1341  
less than four years. If the offender previously has been 1342  
convicted of or pleaded guilty to a violation of division (A) of 1343  
this section, a violation of division (B) (6) of section 2919.22 1344  
of the Revised Code, or a violation of division (A) of section 1345  
2925.041 of the Revised Code, the court shall impose as a 1346  
mandatory prison term a first degree felony mandatory prison 1347  
term that is not less than five years. 1348

(4) If the drug involved in the violation of division (A) 1349  
of this section is any compound, mixture, preparation, or 1350  
substance included in schedule III, IV, or V, illegal 1351  
manufacture of drugs is a felony of the third degree or, if the 1352  
offense was committed in the vicinity of a school or in the 1353  
vicinity of a juvenile, a felony of the second degree, and there 1354  
is a presumption for a prison term for the offense. 1355

(5) If the drug involved in the violation is marihuana, 1356  
the penalty for the offense shall be determined as follows: 1357

(a) Except as otherwise provided in division (C) (5) (b), 1358  
(c), (d), (e), or (f) of this section, illegal cultivation of 1359  
marihuana is a minor misdemeanor or, if the offense was 1360

committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree. 1361  
1362

(b) If the amount of marihuana involved equals or exceeds one hundred grams but is less than two hundred grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree. 1363  
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(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a felony of the fifth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 1369  
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(d) If the amount of marihuana involved equals or exceeds one thousand grams but is less than five thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 1376  
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(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense. 1383  
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(f) Except as otherwise provided in this division, if the 1389

amount of marihuana involved equals or exceeds twenty thousand 1390  
grams, illegal cultivation of marihuana is a felony of the 1391  
second degree, and the court shall impose as a mandatory prison 1392  
term a maximum second degree felony mandatory prison term. If 1393  
the amount of the drug involved equals or exceeds twenty 1394  
thousand grams and if the offense was committed in the vicinity 1395  
of a school or in the vicinity of a juvenile, illegal 1396  
cultivation of marihuana is a felony of the first degree, and 1397  
the court shall impose as a mandatory prison term a maximum 1398  
first degree felony mandatory prison term. 1399

(D) In addition to any prison term authorized or required 1400  
by division (C) or (E) of this section and sections 2929.13 and 1401  
2929.14 of the Revised Code and in addition to any other 1402  
sanction imposed for the offense under this section or sections 1403  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1404  
an offender who is convicted of or pleads guilty to a violation 1405  
of division (A) of this section, when the violation is a felony 1406  
of the first degree, may suspend the offender's driver's or 1407  
commercial driver's license or permit in accordance with 1408  
division (G) of section 2925.03 of the Revised Code. However, if 1409  
the offender pleaded guilty to or was convicted of a violation 1410  
of section 4511.19 of the Revised Code or a substantially 1411  
similar municipal ordinance or the law of another state or the 1412  
United States arising out of the same set of circumstances as 1413  
the first degree felony violation, the court shall suspend the 1414  
offender's driver's or commercial driver's license or permit in 1415  
accordance with division (G) of section 2925.03 of the Revised 1416  
Code. If applicable, the court also shall do the following: 1417

(1) If the violation of division (A) of this section is a 1418  
felony of the first, second, or third degree, the court shall 1419  
impose upon the offender the mandatory fine specified for the 1420



offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

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

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

(F) It is an affirmative defense, as provided in section

2901.05 of the Revised Code, to a charge under this section for 1451  
a fifth degree felony violation of illegal cultivation of 1452  
marihuana that the marihuana that gave rise to the charge is in 1453  
an amount, is in a form, is prepared, compounded, or mixed with 1454  
substances that are not controlled substances in a manner, or is 1455  
possessed or cultivated under any other circumstances that 1456  
indicate that the marihuana was solely for personal use. 1457

Notwithstanding any contrary provision of division (F) of 1458  
this section, if, in accordance with section 2901.05 of the 1459  
Revised Code, a person who is charged with a violation of 1460  
illegal cultivation of marihuana that is a felony of the fifth 1461  
degree sustains the burden of going forward with evidence of and 1462  
establishes by a preponderance of the evidence the affirmative 1463  
defense described in this division, the person may be prosecuted 1464  
for and may be convicted of or plead guilty to a misdemeanor 1465  
violation of illegal cultivation of marihuana. 1466

(G) Arrest or conviction for a minor misdemeanor violation 1467  
of this section does not constitute a criminal record and need 1468  
not be reported by the person so arrested or convicted in 1469  
response to any inquiries about the person's criminal record, 1470  
including any inquiries contained in an application for 1471  
employment, a license, or any other right or privilege or made 1472  
in connection with the person's appearance as a witness. 1473

(H) (1) If the sentencing court suspends the offender's 1474  
driver's or commercial driver's license or permit under this 1475  
section in accordance with division (G) of section 2925.03 of 1476  
the Revised Code, the offender may request termination of, and 1477  
the court may terminate, the suspension of the offender in 1478  
accordance with that division. 1479

(2) Any offender who received a mandatory suspension of 1480

the offender's driver's or commercial driver's license or permit 1481  
under this section prior to September 13, 2016, may file a 1482  
motion with the sentencing court requesting the termination of 1483  
the suspension. However, an offender who pleaded guilty to or 1484  
was convicted of a violation of section 4511.19 of the Revised 1485  
Code or a substantially similar municipal ordinance or law of 1486  
another state or the United States that arose out of the same 1487  
set of circumstances as the violation for which the offender's 1488  
license or permit was suspended under this section shall not 1489  
file such a motion. 1490

Upon the filing of a motion under division (H) (2) of this 1491  
section, the sentencing court, in its discretion, may terminate 1492  
the suspension. 1493

**Sec. 2925.041.** (A) No person shall knowingly assemble or 1494  
possess one or more chemicals that may be used to manufacture a 1495  
controlled substance in schedule I or II with the intent to 1496  
manufacture a controlled substance in schedule I or II in 1497  
violation of section 2925.04 of the Revised Code. 1498

(B) In a prosecution under this section, it is not 1499  
necessary to allege or prove that the offender assembled or 1500  
possessed all chemicals necessary to manufacture a controlled 1501  
substance in schedule I or II. The assembly or possession of a 1502  
single chemical that may be used in the manufacture of a 1503  
controlled substance in schedule I or II, with the intent to 1504  
manufacture a controlled substance in either schedule, is 1505  
sufficient to violate this section. 1506

(C) Whoever violates this section is guilty of illegal 1507  
assembly or possession of chemicals for the manufacture of 1508  
drugs. Except as otherwise provided in this division, illegal 1509  
assembly or possession of chemicals for the manufacture of drugs 1510

is a felony of the third degree, and, except as otherwise 1511  
provided in division (C) (1) or (2) of this section, division (C) 1512  
of section 2929.13 of the Revised Code applies in determining 1513  
whether to impose a prison term on the offender. If the offense 1514  
was committed in the vicinity of a juvenile or in the vicinity 1515  
of a school, illegal assembly or possession of chemicals for the 1516  
manufacture of drugs is a felony of the second degree, and, 1517  
except as otherwise provided in division (C) (1) or (2) of this 1518  
section, division (C) of section 2929.13 of the Revised Code 1519  
applies in determining whether to impose a prison term on the 1520  
offender. If the violation of division (A) of this section is a 1521  
felony of the third degree under this division and if the 1522  
chemical or chemicals assembled or possessed in violation of 1523  
division (A) of this section may be used to manufacture 1524  
methamphetamine, there either is a presumption for a prison term 1525  
for the offense or the court shall impose a mandatory prison 1526  
term on the offender, determined as follows: 1527

(1) Except as otherwise provided in this division, there 1528  
is a presumption for a prison term for the offense. If the 1529  
offender two or more times previously has been convicted of or 1530  
pleaded guilty to a felony drug abuse offense, except as 1531  
otherwise provided in this division, the court shall impose as a 1532  
mandatory prison term one of the prison terms prescribed for a 1533  
felony of the third degree that is not less than two years. If 1534  
the offender two or more times previously has been convicted of 1535  
or pleaded guilty to a felony drug abuse offense and if at least 1536  
one of those previous convictions or guilty pleas was to a 1537  
violation of division (A) of this section, a violation of 1538  
division (B) (6) of section 2919.22 of the Revised Code, or a 1539  
violation of division (A) of section 2925.04 of the Revised 1540  
Code, the court shall impose as a mandatory prison term one of 1541

the prison terms prescribed for a felony of the third degree 1542  
that is not less than five years. 1543

(2) If the violation of division (A) of this section is a 1544  
felony of the second degree under division (C) of this section 1545  
and the chemical or chemicals assembled or possessed in 1546  
committing the violation may be used to manufacture 1547  
methamphetamine, the court shall impose as a mandatory prison 1548  
term a second degree felony mandatory prison term that is not 1549  
less than three years. If the violation of division (A) of this 1550  
section is a felony of the second degree under division (C) of 1551  
this section, if the chemical or chemicals assembled or 1552  
possessed in committing the violation may be used to manufacture 1553  
methamphetamine, and if the offender previously has been 1554  
convicted of or pleaded guilty to a violation of division (A) of 1555  
this section, a violation of division (B) (6) of section 2919.22 1556  
of the Revised Code, or a violation of division (A) of section 1557  
2925.04 of the Revised Code, the court shall impose as a 1558  
mandatory prison term a second degree felony mandatory prison 1559  
term that is not less than five years. 1560

(D) In addition to any prison term authorized by division 1561  
(C) of this section and sections 2929.13 and 2929.14 of the 1562  
Revised Code and in addition to any other sanction imposed for 1563  
the offense under this section or sections 2929.11 to 2929.18 of 1564  
the Revised Code, the court that sentences an offender who is 1565  
convicted of or pleads guilty to a violation of this section, 1566  
when the violation is a felony of the second degree, may suspend 1567  
the offender's driver's or commercial driver's license or permit 1568  
in accordance with division (G) of section 2925.03 of the 1569  
Revised Code. However, if the offender pleaded guilty to or was 1570  
convicted of a violation of section 4511.19 of the Revised Code 1571  
or a substantially similar municipal ordinance or the law of 1572

another state or the United States arising out of the same set 1573  
of circumstances as the second degree felony violation, the 1574  
court shall suspend the offender's driver's or commercial 1575  
driver's license or permit in accordance with division (G) of 1576  
section 2925.03 of the Revised Code. If applicable, the court 1577  
also shall do the following: 1578

(1) The court shall impose upon the offender the mandatory 1579  
fine specified for the offense under division (B) (1) of section 1580  
2929.18 of the Revised Code unless, as specified in that 1581  
division, the court determines that the offender is indigent. 1582  
The clerk of the court shall pay a mandatory fine or other fine 1583  
imposed for a violation of this section under division (A) of 1584  
section 2929.18 of the Revised Code in accordance with and 1585  
subject to the requirements of division (F) of section 2925.03 1586  
of the Revised Code. The agency that receives the fine shall use 1587  
the fine as specified in division (F) of section 2925.03 of the 1588  
Revised Code. If a person charged with a violation of this 1589  
section posts bail and forfeits the bail, the clerk shall pay 1590  
the forfeited bail as if the forfeited bail were a fine imposed 1591  
for a violation of this section. 1592

(2) If the offender is a professionally licensed person or 1593  
a person who has been admitted to the bar by order of the 1594  
supreme court in compliance with its prescribed and published 1595  
rules, the court shall comply with section 2925.38 of the 1596  
Revised Code. 1597

(E) (1) If the sentencing court suspends the offender's 1598  
driver's or commercial driver's license or permit under this 1599  
section in accordance with division (G) of section 2925.03 of 1600  
the Revised Code, the offender may request termination of, and 1601  
the court may terminate, the suspension of the offender in 1602

accordance with that division. 1603

(2) Any offender who received a mandatory suspension of 1604  
the offender's driver's or commercial driver's license or permit 1605  
under this section prior to September 13, 2016, may file a 1606  
motion with the sentencing court requesting the termination of 1607  
the suspension. However, an offender who pleaded guilty to or 1608  
was convicted of a violation of section 4511.19 of the Revised 1609  
Code or a substantially similar municipal ordinance or law of 1610  
another state or the United States that arose out of the same 1611  
set of circumstances as the violation for which the offender's 1612  
license or permit was suspended under this section shall not 1613  
file such a motion. 1614

Upon the filing of a motion under division (E)(2) of this 1615  
section, the sentencing court, in its discretion, may terminate 1616  
the suspension. 1617

**Sec. 2925.05.** (A) No person shall knowingly provide money 1618  
or other items of value to another person with the purpose that 1619  
the recipient of the money or items of value use them to obtain 1620  
any controlled substance for the purpose of violating section 1621  
2925.04 of the Revised Code or for the purpose of selling or 1622  
offering to sell the controlled substance in the following 1623  
amount: 1624

(1) If the drug to be sold or offered for sale is any 1625  
compound, mixture, preparation, or substance included in 1626  
schedule I or II, with the exception of marihuana, cocaine, 1627  
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1628  
schedule III, IV, or V, an amount of the drug that equals or 1629  
exceeds the bulk amount of the drug; 1630

(2) If the drug to be sold or offered for sale is 1631

marihuana or a compound, mixture, preparation, or substance 1632  
other than hashish containing marihuana, an amount of the 1633  
marihuana that equals or exceeds two hundred grams; 1634

(3) If the drug to be sold or offered for sale is cocaine 1635  
or a compound, mixture, preparation, or substance containing 1636  
cocaine, an amount of the cocaine that equals or exceeds five 1637  
grams; 1638

(4) If the drug to be sold or offered for sale is L.S.D. 1639  
or a compound, mixture, preparation, or substance containing 1640  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1641  
doses if the L.S.D. is in a solid form or equals or exceeds one 1642  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1643  
or liquid distillate form; 1644

(5) If the drug to be sold or offered for sale is heroin 1645  
or a fentanyl-related compound, or a compound, mixture, 1646  
preparation, or substance containing heroin or a fentanyl- 1647  
related compound, an amount that equals or exceeds ten unit 1648  
doses or equals or exceeds one gram; 1649

(6) If the drug to be sold or offered for sale is hashish 1650  
or a compound, mixture, preparation, or substance containing 1651  
hashish, an amount of the hashish that equals or exceeds ten 1652  
grams if the hashish is in a solid form or equals or exceeds two 1653  
grams if the hashish is in a liquid concentrate, liquid extract, 1654  
or liquid distillate form. 1655

(B) This section does not apply to any person listed in 1656  
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1657  
Code to the extent and under the circumstances described in 1658  
those divisions. 1659

(C)(1) If the drug involved in the violation is any 1660



compound, mixture, preparation, or substance included in 1661  
schedule I or II, with the exception of marihuana, whoever 1662  
violates division (A) of this section is guilty of aggravated 1663  
funding of drug trafficking, a felony of the first degree, and, 1664  
subject to division (E) of this section, the court shall impose 1665  
as a mandatory prison term a first degree felony mandatory 1666  
prison term. 1667

(2) If the drug involved in the violation is any compound, 1668  
mixture, preparation, or substance included in schedule III, IV, 1669  
or V, whoever violates division (A) of this section is guilty of 1670  
funding of drug trafficking, a felony of the second degree, and 1671  
the court shall impose as a mandatory prison term a second 1672  
degree felony mandatory prison term. 1673

(3) If the drug involved in the violation is marihuana, 1674  
whoever violates division (A) of this section is guilty of 1675  
funding of marihuana trafficking, a felony of the third degree, 1676  
and, except as otherwise provided in this division, there is a 1677  
presumption for a prison term for the offense. If funding of 1678  
marihuana trafficking is a felony of the third degree under this 1679  
division and if the offender two or more times previously has 1680  
been convicted of or pleaded guilty to a felony drug abuse 1681  
offense, the court shall impose as a mandatory prison term one 1682  
of the prison terms prescribed for a felony of the third degree. 1683

(D) In addition to any prison term authorized or required 1684  
by division (C) or (E) of this section and sections 2929.13 and 1685  
2929.14 of the Revised Code and in addition to any other 1686  
sanction imposed for the offense under this section or sections 1687  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1688  
an offender who is convicted of or pleads guilty to a violation 1689  
of division (A) of this section, when the violation is a felony 1690

of the first degree, may suspend the offender's driver's or 1691  
commercial driver's license or permit in accordance with 1692  
division (G) of section 2925.03 of the Revised Code. However, if 1693  
the offender pleaded guilty to or was convicted of a violation 1694  
of section 4511.19 of the Revised Code or a substantially 1695  
similar municipal ordinance or the law of another state or the 1696  
United States arising out of the same set of circumstances as 1697  
the first degree felony violation, the court shall suspend the 1698  
offender's driver's or commercial driver's license or permit in 1699  
accordance with division (G) of section 2925.03 of the Revised 1700  
Code. If applicable, the court also shall do the following: 1701

(1) The court shall impose the mandatory fine specified 1702  
for the offense under division (B)(1) of section 2929.18 of the 1703  
Revised Code unless, as specified in that division, the court 1704  
determines that the offender is indigent. The clerk of the court 1705  
shall pay a mandatory fine or other fine imposed for a violation 1706  
of this section pursuant to division (A) of section 2929.18 of 1707  
the Revised Code in accordance with and subject to the 1708  
requirements of division (F) of section 2925.03 of the Revised 1709  
Code. The agency that receives the fine shall use the fine in 1710  
accordance with division (F) of section 2925.03 of the Revised 1711  
Code. If a person is charged with a violation of this section, 1712  
posts bail, and forfeits the bail, the forfeited bail shall be 1713  
paid as if the forfeited bail were a fine imposed for a 1714  
violation of this section. 1715

(2) If the offender is a professionally licensed person, 1716  
the court immediately shall comply with section 2925.38 of the 1717  
Revised Code. 1718

(E) Notwithstanding the prison term otherwise authorized 1719  
or required for the offense under division (C) of this section 1720

and sections 2929.13 and 2929.14 of the Revised Code, if the 1721  
violation of division (A) of this section involves the sale, 1722  
offer to sell, or possession of a schedule I or II controlled 1723  
substance, with the exception of marihuana, one of the following 1724  
applies: 1725

(1) If the drug involved in the violation is a fentanyl- 1726  
related compound, the offense is a felony of the first degree, 1727  
the offender is a major drug offender, and the court shall 1728  
impose as a mandatory prison term the maximum prison term 1729  
prescribed for a felony of the first degree. 1730

(2) If division (E)(1) of this section does not apply and 1731  
the court imposing sentence upon the offender finds that the 1732  
offender as a result of the violation is a major drug offender 1733  
and is guilty of a specification of the type described in 1734  
division (A) of section 2941.1410 of the Revised Code, the 1735  
court, in lieu of the prison term otherwise authorized or 1736  
required, shall impose upon the offender the mandatory prison 1737  
term specified in division (B)(3) of section 2929.14 of the 1738  
Revised Code. 1739

(F)(1) If the sentencing court suspends the offender's 1740  
driver's or commercial driver's license or permit under this 1741  
section in accordance with division (G) of section 2925.03 of 1742  
the Revised Code, the offender may request termination of, and 1743  
the court may terminate, the suspension in accordance with that 1744  
division. 1745

(2) Any offender who received a mandatory suspension of 1746  
the offender's driver's or commercial driver's license or permit 1747  
under this section prior to September 13, 2016, may file a 1748  
motion with the sentencing court requesting the termination of 1749  
the suspension. However, an offender who pleaded guilty to or 1750

was convicted of a violation of section 4511.19 of the Revised 1751  
Code or a substantially similar municipal ordinance or law of 1752  
another state or the United States that arose out of the same 1753  
set of circumstances as the violation for which the offender's 1754  
license or permit was suspended under this section shall not 1755  
file such a motion. 1756

Upon the filing of a motion under division (F)(2) of this 1757  
section, the sentencing court, in its discretion, may terminate 1758  
the suspension. 1759

**Sec. 2925.11.** (A) No person shall knowingly obtain, 1760  
possess, or use a controlled substance or a controlled substance 1761  
analog. 1762

(B)(1) This section does not apply to any of the 1763  
following: 1764

(a) Manufacturers, licensed health professionals 1765  
authorized to prescribe drugs, pharmacists, owners of 1766  
pharmacies, and other persons whose conduct was in accordance 1767  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1768  
4741. of the Revised Code; 1769

(b) If the offense involves an anabolic steroid, any 1770  
person who is conducting or participating in a research project 1771  
involving the use of an anabolic steroid if the project has been 1772  
approved by the United States food and drug administration; 1773

(c) Any person who sells, offers for sale, prescribes, 1774  
dispenses, or administers for livestock or other nonhuman 1775  
species an anabolic steroid that is expressly intended for 1776  
administration through implants to livestock or other nonhuman 1777  
species and approved for that purpose under the "Federal Food, 1778  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1779

as amended, and is sold, offered for sale, prescribed, 1780  
dispensed, or administered for that purpose in accordance with 1781  
that act; 1782

(d) Any person who obtained the controlled substance 1783  
pursuant to a prescription issued by a licensed health 1784  
professional authorized to prescribe drugs if the prescription 1785  
was issued for a legitimate medical purpose and not altered, 1786  
forged, or obtained through deception or commission of a theft 1787  
offense. 1788

As used in division (B) (1) (d) of this section, "deception" 1789  
and "theft offense" have the same meanings as in section 2913.01 1790  
of the Revised Code. 1791

(2) (a) As used in division (B) (2) of this section: 1792

(i) "Community addiction services provider" has the same 1793  
meaning as in section 5119.01 of the Revised Code. 1794

(ii) "Community control sanction" and "drug treatment 1795  
program" have the same meanings as in section 2929.01 of the 1796  
Revised Code. 1797

(iii) "Health care facility" has the same meaning as in 1798  
section 2919.16 of the Revised Code. 1799

(iv) "Minor drug possession offense" means a violation of 1800  
this section that is a misdemeanor or a felony of the fifth 1801  
degree. 1802

(v) "Post-release control sanction" has the same meaning 1803  
as in section 2967.28 of the Revised Code. 1804

(vi) "Peace officer" has the same meaning as in section 1805  
2935.01 of the Revised Code. 1806

(vii) "Public agency" has the same meaning as in section 1807  
2930.01 of the Revised Code. 1808

(viii) "Qualified individual" means a person who is not on 1809  
community control or post-release control and is a person acting 1810  
in good faith who seeks or obtains medical assistance for 1811  
another person who is experiencing a drug overdose, a person who 1812  
experiences a drug overdose and who seeks medical assistance for 1813  
that overdose, or a person who is the subject of another person 1814  
seeking or obtaining medical assistance for that overdose as 1815  
described in division (B) (2) (b) of this section. 1816

(ix) "Seek or obtain medical assistance" includes, but is 1817  
not limited to making a 9-1-1 call, contacting in person or by 1818  
telephone call an on-duty peace officer, or transporting or 1819  
presenting a person to a health care facility. 1820

(b) Subject to division (B) (2) (f) of this section, a 1821  
qualified individual shall not be arrested, charged, prosecuted, 1822  
convicted, or penalized pursuant to this chapter for a minor 1823  
drug possession offense if all of the following apply: 1824

(i) The evidence of the obtaining, possession, or use of 1825  
the controlled substance or controlled substance analog that 1826  
would be the basis of the offense was obtained as a result of 1827  
the qualified individual seeking the medical assistance or 1828  
experiencing an overdose and needing medical assistance. 1829

(ii) Subject to division (B) (2) (g) of this section, within 1830  
thirty days after seeking or obtaining the medical assistance, 1831  
the qualified individual seeks and obtains a screening and 1832  
receives a referral for treatment from a community addiction 1833  
services provider or a properly credentialed addiction treatment 1834  
professional. 1835

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

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

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

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

(d) If a person is found to be in violation of any post-  
release control sanction and if the violation is a result of  
either of the following, the court or the parole board shall  
first consider ordering the person's participation or continued  
participation in a drug treatment program or mitigating the  
penalty specified in section 2929.141 or 2967.28 of the Revised

Code, whichever is applicable, after which the court or the 1866  
parole board has the discretion either to order the person's 1867  
participation or continued participation in a drug treatment 1868  
program or to impose the penalty with the mitigating factor 1869  
specified in either of those applicable sections: 1870

(i) Seeking or obtaining medical assistance in good faith 1871  
for another person who is experiencing a drug overdose; 1872

(ii) Experiencing a drug overdose and seeking medical 1873  
assistance for that emergency or being the subject of another 1874  
person seeking or obtaining medical assistance for that overdose 1875  
as described in division (B) (2) (b) of this section. 1876

(e) Nothing in division (B) (2) (b) of this section shall be 1877  
construed to do any of the following: 1878

(i) Limit the admissibility of any evidence in connection 1879  
with the investigation or prosecution of a crime with regards to 1880  
a defendant who does not qualify for the protections of division 1881  
(B) (2) (b) of this section or with regards to any crime other 1882  
than a minor drug possession offense committed by a person who 1883  
qualifies for protection pursuant to division (B) (2) (b) of this 1884  
section for a minor drug possession offense; 1885

(ii) Limit any seizure of evidence or contraband otherwise 1886  
permitted by law; 1887

(iii) Limit or abridge the authority of a peace officer to 1888  
detain or take into custody a person in the course of an 1889  
investigation or to effectuate an arrest for any offense except 1890  
as provided in that division; 1891

(iv) Limit, modify, or remove any immunity from liability 1892  
available pursuant to law in effect prior to September 13, 2016, 1893  
to any public agency or to an employee of any public agency. 1894



(f) Division (B) (2) (b) of this section does not apply to 1895  
any person who twice previously has been granted an immunity 1896  
under division (B) (2) (b) of this section. No person shall be 1897  
granted an immunity under division (B) (2) (b) of this section 1898  
more than two times. 1899

(g) Nothing in this section shall compel any qualified 1900  
individual to disclose protected health information in a way 1901  
that conflicts with the requirements of the "Health Insurance 1902  
Portability and Accountability Act of 1996," 104 Pub. L. No. 1903  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1904  
regulations promulgated by the United States department of 1905  
health and human services to implement the act or the 1906  
requirements of 42 C.F.R. Part 2. 1907

(C) Whoever violates division (A) of this section is 1908  
guilty of one of the following: 1909

(1) If the drug involved in the violation is a compound, 1910  
mixture, preparation, or substance included in schedule I or II, 1911  
with the exception of marihuana, cocaine, L.S.D., heroin, any 1912  
fentanyl-related compound, hashish, and any controlled substance 1913  
analog, whoever violates division (A) of this section is guilty 1914  
of aggravated possession of drugs. The penalty for the offense 1915  
shall be determined as follows: 1916

(a) Except as otherwise provided in division (C) (1) (b), 1917  
(c), (d), or (e) of this section, aggravated possession of drugs 1918  
is a felony of the fifth degree, and division (B) of section 1919  
2929.13 of the Revised Code applies in determining whether to 1920  
impose a prison term on the offender. 1921

(b) If the amount of the drug involved equals or exceeds 1922  
the bulk amount but is less than five times the bulk amount, 1923

aggravated possession of drugs is a felony of the third degree, 1924  
and there is a presumption for a prison term for the offense. 1925

(c) If the amount of the drug involved equals or exceeds 1926  
five times the bulk amount but is less than fifty times the bulk 1927  
amount, aggravated possession of drugs is a felony of the second 1928  
degree, and the court shall impose as a mandatory prison term a 1929  
second degree felony mandatory prison term. 1930

(d) If the amount of the drug involved equals or exceeds 1931  
fifty times the bulk amount but is less than one hundred times 1932  
the bulk amount, aggravated possession of drugs is a felony of 1933  
the first degree, and the court shall impose as a mandatory 1934  
prison term a first degree felony mandatory prison term. 1935

(e) If the amount of the drug involved equals or exceeds 1936  
one hundred times the bulk amount, aggravated possession of 1937  
drugs is a felony of the first degree, the offender is a major 1938  
drug offender, and the court shall impose as a mandatory prison 1939  
term a maximum first degree felony mandatory prison term. 1940

(2) If the drug involved in the violation is a compound, 1941  
mixture, preparation, or substance included in schedule III, IV, 1942  
or V, whoever violates division (A) of this section is guilty of 1943  
possession of drugs. The penalty for the offense shall be 1944  
determined as follows: 1945

(a) Except as otherwise provided in division (C) (2) (b), 1946  
(c), or (d) of this section, possession of drugs is a 1947  
misdemeanor of the first degree or, if the offender previously 1948  
has been convicted of a drug abuse offense, a felony of the 1949  
fifth degree. 1950

(b) If the amount of the drug involved equals or exceeds 1951  
the bulk amount but is less than five times the bulk amount, 1952

possession of drugs is a felony of the fourth degree, and 1953  
division (C) of section 2929.13 of the Revised Code applies in 1954  
determining whether to impose a prison term on the offender. 1955

(c) If the amount of the drug involved equals or exceeds 1956  
five times the bulk amount but is less than fifty times the bulk 1957  
amount, possession of drugs is a felony of the third degree, and 1958  
there is a presumption for a prison term for the offense. 1959

(d) If the amount of the drug involved equals or exceeds 1960  
fifty times the bulk amount, possession of drugs is a felony of 1961  
the second degree, and the court shall impose upon the offender 1962  
as a mandatory prison term a second degree felony mandatory 1963  
prison term. 1964

(3) If the drug involved in the violation is marihuana or 1965  
a compound, mixture, preparation, or substance containing 1966  
marihuana other than hashish, whoever violates division (A) of 1967  
this section is guilty of possession of marihuana. The penalty 1968  
for the offense shall be determined as follows: 1969

(a) Except as otherwise provided in division (C) (3) (b), 1970  
(c), (d), (e), (f), or (g) of this section, possession of 1971  
marihuana is a minor misdemeanor. 1972

(b) If the amount of the drug involved equals or exceeds 1973  
one hundred grams but is less than two hundred grams, possession 1974  
of marihuana is a misdemeanor of the fourth degree. 1975

(c) If the amount of the drug involved equals or exceeds 1976  
two hundred grams but is less than one thousand grams, 1977  
possession of marihuana is a felony of the fifth degree, and 1978  
division (B) of section 2929.13 of the Revised Code applies in 1979  
determining whether to impose a prison term on the offender. 1980

(d) If the amount of the drug involved equals or exceeds 1981

one thousand grams but is less than five thousand grams, 1982  
possession of marihuana is a felony of the third degree, and 1983  
division (C) of section 2929.13 of the Revised Code applies in 1984  
determining whether to impose a prison term on the offender. 1985

(e) If the amount of the drug involved equals or exceeds 1986  
five thousand grams but is less than twenty thousand grams, 1987  
possession of marihuana is a felony of the third degree, and 1988  
there is a presumption that a prison term shall be imposed for 1989  
the offense. 1990

(f) If the amount of the drug involved equals or exceeds 1991  
twenty thousand grams but is less than forty thousand grams, 1992  
possession of marihuana is a felony of the second degree, and 1993  
the court shall impose as a mandatory prison term a second 1994  
degree felony mandatory prison term of five, six, seven, or 1995  
eight years. 1996

(g) If the amount of the drug involved equals or exceeds 1997  
forty thousand grams, possession of marihuana is a felony of the 1998  
second degree, and the court shall impose as a mandatory prison 1999  
term a maximum second degree felony mandatory prison term. 2000

(4) If the drug involved in the violation is cocaine or a 2001  
compound, mixture, preparation, or substance containing cocaine, 2002  
whoever violates division (A) of this section is guilty of 2003  
possession of cocaine. The penalty for the offense shall be 2004  
determined as follows: 2005

(a) Except as otherwise provided in division (C) (4) (b), 2006  
(c), (d), (e), or (f) of this section, possession of cocaine is 2007  
a felony of the fifth degree, and division (B) of section 2008  
2929.13 of the Revised Code applies in determining whether to 2009  
impose a prison term on the offender. 2010

(b) If the amount of the drug involved equals or exceeds 2011  
five grams but is less than ten grams of cocaine, possession of 2012  
cocaine is a felony of the fourth degree, and division (B) of 2013  
section 2929.13 of the Revised Code applies in determining 2014  
whether to impose a prison term on the offender. 2015

(c) If the amount of the drug involved equals or exceeds 2016  
ten grams but is less than twenty grams of cocaine, possession 2017  
of cocaine is a felony of the third degree, and, except as 2018  
otherwise provided in this division, there is a presumption for 2019  
a prison term for the offense. If possession of cocaine is a 2020  
felony of the third degree under this division and if the 2021  
offender two or more times previously has been convicted of or 2022  
pleaded guilty to a felony drug abuse offense, the court shall 2023  
impose as a mandatory prison term one of the prison terms 2024  
prescribed for a felony of the third degree. 2025

(d) If the amount of the drug involved equals or exceeds 2026  
twenty grams but is less than twenty-seven grams of cocaine, 2027  
possession of cocaine is a felony of the second degree, and the 2028  
court shall impose as a mandatory prison term a second degree 2029  
felony mandatory prison term. 2030

(e) If the amount of the drug involved equals or exceeds 2031  
twenty-seven grams but is less than one hundred grams of 2032  
cocaine, possession of cocaine is a felony of the first degree, 2033  
and the court shall impose as a mandatory prison term a first 2034  
degree felony mandatory prison term. 2035

(f) If the amount of the drug involved equals or exceeds 2036  
one hundred grams of cocaine, possession of cocaine is a felony 2037  
of the first degree, the offender is a major drug offender, and 2038  
the court shall impose as a mandatory prison term a maximum 2039  
first degree felony mandatory prison term. 2040

(5) If the drug involved in the violation is L.S.D., 2041  
whoever violates division (A) of this section is guilty of 2042  
possession of L.S.D. The penalty for the offense shall be 2043  
determined as follows: 2044

(a) Except as otherwise provided in division (C) (5) (b), 2045  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2046  
felony of the fifth degree, and division (B) of section 2929.13 2047  
of the Revised Code applies in determining whether to impose a 2048  
prison term on the offender. 2049

(b) If the amount of L.S.D. involved equals or exceeds ten 2050  
unit doses but is less than fifty unit doses of L.S.D. in a 2051  
solid form or equals or exceeds one gram but is less than five 2052  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2053  
liquid distillate form, possession of L.S.D. is a felony of the 2054  
fourth degree, and division (C) of section 2929.13 of the 2055  
Revised Code applies in determining whether to impose a prison 2056  
term on the offender. 2057

(c) If the amount of L.S.D. involved equals or exceeds 2058  
fifty unit doses, but is less than two hundred fifty unit doses 2059  
of L.S.D. in a solid form or equals or exceeds five grams but is 2060  
less than twenty-five grams of L.S.D. in a liquid concentrate, 2061  
liquid extract, or liquid distillate form, possession of L.S.D. 2062  
is a felony of the third degree, and there is a presumption for 2063  
a prison term for the offense. 2064

(d) If the amount of L.S.D. involved equals or exceeds two 2065  
hundred fifty unit doses but is less than one thousand unit 2066  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2067  
grams but is less than one hundred grams of L.S.D. in a liquid 2068  
concentrate, liquid extract, or liquid distillate form, 2069  
possession of L.S.D. is a felony of the second degree, and the 2070

court shall impose as a mandatory prison term a second degree 2071  
felony mandatory prison term. 2072

(e) If the amount of L.S.D. involved equals or exceeds one 2073  
thousand unit doses but is less than five thousand unit doses of 2074  
L.S.D. in a solid form or equals or exceeds one hundred grams 2075  
but is less than five hundred grams of L.S.D. in a liquid 2076  
concentrate, liquid extract, or liquid distillate form, 2077  
possession of L.S.D. is a felony of the first degree, and the 2078  
court shall impose as a mandatory prison term a first degree 2079  
felony mandatory prison term. 2080

(f) If the amount of L.S.D. involved equals or exceeds 2081  
five thousand unit doses of L.S.D. in a solid form or equals or 2082  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2083  
liquid extract, or liquid distillate form, possession of L.S.D. 2084  
is a felony of the first degree, the offender is a major drug 2085  
offender, and the court shall impose as a mandatory prison term 2086  
a maximum first degree felony mandatory prison term. 2087

(6) If the drug involved in the violation is heroin or a 2088  
compound, mixture, preparation, or substance containing heroin, 2089  
whoever violates division (A) of this section is guilty of 2090  
possession of heroin. The penalty for the offense shall be 2091  
determined as follows: 2092

(a) Except as otherwise provided in division (C) (6) (b), 2093  
(c), (d), (e), or (f) of this section, possession of heroin is a 2094  
felony of the fifth degree, and division (B) of section 2929.13 2095  
of the Revised Code applies in determining whether to impose a 2096  
prison term on the offender. 2097

(b) If the amount of the drug involved equals or exceeds 2098  
ten unit doses but is less than fifty unit doses or equals or 2099

exceeds one gram but is less than five grams, possession of 2100  
heroin is a felony of the fourth degree, and division (C) of 2101  
section 2929.13 of the Revised Code applies in determining 2102  
whether to impose a prison term on the offender. 2103

(c) If the amount of the drug involved equals or exceeds 2104  
fifty unit doses but is less than one hundred unit doses or 2105  
equals or exceeds five grams but is less than ten grams, 2106  
possession of heroin is a felony of the third degree, and there 2107  
is a presumption for a prison term for the offense. 2108

(d) If the amount of the drug involved equals or exceeds 2109  
one hundred unit doses but is less than five hundred unit doses 2110  
or equals or exceeds ten grams but is less than fifty grams, 2111  
possession of heroin is a felony of the second degree, and the 2112  
court shall impose as a mandatory prison term a second degree 2113  
felony mandatory prison term. 2114

(e) If the amount of the drug involved equals or exceeds 2115  
five hundred unit doses but is less than one thousand unit doses 2116  
or equals or exceeds fifty grams but is less than one hundred 2117  
grams, possession of heroin is a felony of the first degree, and 2118  
the court shall impose as a mandatory prison term a first degree 2119  
felony mandatory prison term. 2120

(f) If the amount of the drug involved equals or exceeds 2121  
one thousand unit doses or equals or exceeds one hundred grams, 2122  
possession of heroin is a felony of the first degree, the 2123  
offender is a major drug offender, and the court shall impose as 2124  
a mandatory prison term a maximum first degree felony mandatory 2125  
prison term. 2126

(7) If the drug involved in the violation is hashish or a 2127  
compound, mixture, preparation, or substance containing hashish, 2128



whoever violates division (A) of this section is guilty of 2129  
possession of hashish. The penalty for the offense shall be 2130  
determined as follows: 2131

(a) Except as otherwise provided in division (C) (7) (b), 2132  
(c), (d), (e), (f), or (g) of this section, possession of 2133  
hashish is a minor misdemeanor. 2134

(b) If the amount of the drug involved equals or exceeds 2135  
five grams but is less than ten grams of hashish in a solid form 2136  
or equals or exceeds one gram but is less than two grams of 2137  
hashish in a liquid concentrate, liquid extract, or liquid 2138  
distillate form, possession of hashish is a misdemeanor of the 2139  
fourth degree. 2140

(c) If the amount of the drug involved equals or exceeds 2141  
ten grams but is less than fifty grams of hashish in a solid 2142  
form or equals or exceeds two grams but is less than ten grams 2143  
of hashish in a liquid concentrate, liquid extract, or liquid 2144  
distillate form, possession of hashish is a felony of the fifth 2145  
degree, and division (B) of section 2929.13 of the Revised Code 2146  
applies in determining whether to impose a prison term on the 2147  
offender. 2148

(d) If the amount of the drug involved equals or exceeds 2149  
fifty grams but is less than two hundred fifty grams of hashish 2150  
in a solid form or equals or exceeds ten grams but is less than 2151  
fifty grams of hashish in a liquid concentrate, liquid extract, 2152  
or liquid distillate form, possession of hashish is a felony of 2153  
the third degree, and division (C) of section 2929.13 of the 2154  
Revised Code applies in determining whether to impose a prison 2155  
term on the offender. 2156

(e) If the amount of the drug involved equals or exceeds 2157

two hundred fifty grams but is less than one thousand grams of 2158  
hashish in a solid form or equals or exceeds fifty grams but is 2159  
less than two hundred grams of hashish in a liquid concentrate, 2160  
liquid extract, or liquid distillate form, possession of hashish 2161  
is a felony of the third degree, and there is a presumption that 2162  
a prison term shall be imposed for the offense. 2163

(f) If the amount of the drug involved equals or exceeds 2164  
one thousand grams but is less than two thousand grams of 2165  
hashish in a solid form or equals or exceeds two hundred grams 2166  
but is less than four hundred grams of hashish in a liquid 2167  
concentrate, liquid extract, or liquid distillate form, 2168  
possession of hashish is a felony of the second degree, and the 2169  
court shall impose as a mandatory prison term a second degree 2170  
felony mandatory prison term of five, six, seven, or eight 2171  
years. 2172

(g) If the amount of the drug involved equals or exceeds 2173  
two thousand grams of hashish in a solid form or equals or 2174  
exceeds four hundred grams of hashish in a liquid concentrate, 2175  
liquid extract, or liquid distillate form, possession of hashish 2176  
is a felony of the second degree, and the court shall impose as 2177  
a mandatory prison term a maximum second degree felony mandatory 2178  
prison term. 2179

(8) If the drug involved is a controlled substance analog 2180  
or compound, mixture, preparation, or substance that contains a 2181  
controlled substance analog, whoever violates division (A) of 2182  
this section is guilty of possession of a controlled substance 2183  
analog. The penalty for the offense shall be determined as 2184  
follows: 2185

(a) Except as otherwise provided in division (C) (8) (b), 2186  
(c), (d), (e), or (f) of this section, possession of a 2187

controlled substance analog is a felony of the fifth degree, and 2188  
division (B) of section 2929.13 of the Revised Code applies in 2189  
determining whether to impose a prison term on the offender. 2190

(b) If the amount of the drug involved equals or exceeds 2191  
ten grams but is less than twenty grams, possession of a 2192  
controlled substance analog is a felony of the fourth degree, 2193  
and there is a presumption for a prison term for the offense. 2194

(c) If the amount of the drug involved equals or exceeds 2195  
twenty grams but is less than thirty grams, possession of a 2196  
controlled substance analog is a felony of the third degree, and 2197  
there is a presumption for a prison term for the offense. 2198

(d) If the amount of the drug involved equals or exceeds 2199  
thirty grams but is less than forty grams, possession of a 2200  
controlled substance analog is a felony of the second degree, 2201  
and the court shall impose as a mandatory prison term a second 2202  
degree felony mandatory prison term. 2203

(e) If the amount of the drug involved equals or exceeds 2204  
forty grams but is less than fifty grams, possession of a 2205  
controlled substance analog is a felony of the first degree, and 2206  
the court shall impose as a mandatory prison term a first degree 2207  
felony mandatory prison term. 2208

(f) If the amount of the drug involved equals or exceeds 2209  
fifty grams, possession of a controlled substance analog is a 2210  
felony of the first degree, the offender is a major drug 2211  
offender, and the court shall impose as a mandatory prison term 2212  
a maximum first degree felony mandatory prison term. 2213

(9) If the drug involved in the violation is a compound, 2214  
mixture, preparation, or substance that is a combination of a 2215  
fentanyl-related compound and marihuana, one of the following 2216

applies: 2217

(a) Except as otherwise provided in division (C) (9) (b) of 2218  
this section, the offender is guilty of possession of marihuana 2219  
and shall be punished as provided in division (C) (3) of this 2220  
section. Except as otherwise provided in division (C) (9) (b) of 2221  
this section, the offender is not guilty of possession of a 2222  
fentanyl-related compound under division (C) (11) of this section 2223  
and shall not be charged with, convicted of, or punished under 2224  
division (C) (11) of this section for possession of a fentanyl- 2225  
related compound. 2226

(b) If the offender knows or has reason to know that the 2227  
compound, mixture, preparation, or substance that is the drug 2228  
involved contains a fentanyl-related compound, the offender is 2229  
guilty of possession of a fentanyl-related compound and shall be 2230  
punished under division (C) (11) of this section. 2231

(10) If the drug involved in the violation is a compound, 2232  
mixture, preparation, or substance that is a combination of a 2233  
fentanyl-related compound and any schedule III, schedule IV, or 2234  
schedule V controlled substance that is not a fentanyl-related 2235  
compound, one of the following applies: 2236

(a) Except as otherwise provided in division (C) (10) (b) of 2237  
this section, the offender is guilty of possession of drugs and 2238  
shall be punished as provided in division (C) (2) of this 2239  
section. Except as otherwise provided in division (C) (10) (b) of 2240  
this section, the offender is not guilty of possession of a 2241  
fentanyl-related compound under division (C) (11) of this section 2242  
and shall not be charged with, convicted of, or punished under 2243  
division (C) (11) of this section for possession of a fentanyl- 2244  
related compound. 2245

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

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

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

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

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

possession of a fentanyl-related compound is a felony of the 2276  
third degree, and there is a presumption for a prison term for 2277  
the offense. 2278

(d) If the amount of the drug involved equals or exceeds 2279  
one hundred unit doses but is less than two hundred unit doses 2280  
or equals or exceeds ten grams but is less than twenty grams, 2281  
possession of a fentanyl-related compound is a felony of the 2282  
second degree, and the court shall impose as a mandatory prison 2283  
term one of the prison terms prescribed for a felony of the 2284  
second degree. 2285

(e) If the amount of the drug involved equals or exceeds 2286  
two hundred unit doses but is less than five hundred unit doses 2287  
or equals or exceeds twenty grams but is less than fifty grams, 2288  
possession of a fentanyl-related compound is a felony of the 2289  
first degree, and the court shall impose as a mandatory prison 2290  
term one of the prison terms prescribed for a felony of the 2291  
first degree. 2292

(f) If the amount of the drug involved equals or exceeds 2293  
five hundred unit doses but is less than one thousand unit doses 2294  
or equals or exceeds fifty grams but is less than one hundred 2295  
grams, possession of a fentanyl-related compound is a felony of 2296  
the first degree, and the court shall impose as a mandatory 2297  
prison term the maximum prison term prescribed for a felony of 2298  
the first degree. 2299

(g) If the amount of the drug involved equals or exceeds 2300  
one thousand unit doses or equals or exceeds one hundred grams, 2301  
possession of a fentanyl-related compound is a felony of the 2302  
first degree, the offender is a major drug offender, and the 2303  
court shall impose as a mandatory prison term the maximum prison 2304  
term prescribed for a felony of the first degree. 2305

(D) Arrest or conviction for a minor misdemeanor violation 2306  
of this section does not constitute a criminal record and need 2307  
not be reported by the person so arrested or convicted in 2308  
response to any inquiries about the person's criminal record, 2309  
including any inquiries contained in any application for 2310  
employment, license, or other right or privilege, or made in 2311  
connection with the person's appearance as a witness. 2312

(E) In addition to any prison term or jail term authorized 2313  
or required by division (C) of this section and sections 2314  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2315  
Code and in addition to any other sanction that is imposed for 2316  
the offense under this section, sections 2929.11 to 2929.18, or 2317  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2318  
sentences an offender who is convicted of or pleads guilty to a 2319  
violation of division (A) of this section, if the violation is a 2320  
felony of the first degree, may suspend the offender's driver's 2321  
or commercial driver's license or permit for not more than five 2322  
years. However, if the offender pleaded guilty to or was 2323  
convicted of a violation of section 4511.19 of the Revised Code 2324  
or a substantially similar municipal ordinance or the law of 2325  
another state or the United States arising out of the same set 2326  
of circumstances as the first degree felony violation, the court 2327  
shall suspend the offender's driver's or commercial driver's 2328  
license or permit for not more than five years. If applicable, 2329  
the court also shall do the following: 2330

(1) (a) If the violation is a felony of the first, second, 2331  
or third degree, the court shall impose upon the offender the 2332  
mandatory fine specified for the offense under division (B) (1) 2333  
of section 2929.18 of the Revised Code unless, as specified in 2334  
that division, the court determines that the offender is 2335  
indigent. 2336

(b) Notwithstanding any contrary provision of section 2337  
3719.21 of the Revised Code, the clerk of the court shall pay a 2338  
mandatory fine or other fine imposed for a violation of this 2339  
section pursuant to division (A) of section 2929.18 of the 2340  
Revised Code in accordance with and subject to the requirements 2341  
of division (F) of section 2925.03 of the Revised Code. The 2342  
agency that receives the fine shall use the fine as specified in 2343  
division (F) of section 2925.03 of the Revised Code. 2344

(c) If a person is charged with a violation of this 2345  
section that is a felony of the first, second, or third degree, 2346  
posts bail, and forfeits the bail, the clerk shall pay the 2347  
forfeited bail pursuant to division (E)(1)(b) of this section as 2348  
if it were a mandatory fine imposed under division (E)(1)(a) of 2349  
this section. 2350

(2) If the offender is a professionally licensed person, 2351  
in addition to any other sanction imposed for a violation of 2352  
this section, the court immediately shall comply with section 2353  
2925.38 of the Revised Code. 2354

(F) It is an affirmative defense, as provided in section 2355  
2901.05 of the Revised Code, to a charge of a fourth degree 2356  
felony violation under this section that the controlled 2357  
substance that gave rise to the charge is in an amount, is in a 2358  
form, is prepared, compounded, or mixed with substances that are 2359  
not controlled substances in a manner, or is possessed under any 2360  
other circumstances, that indicate that the substance was 2361  
possessed solely for personal use. Notwithstanding any contrary 2362  
provision of this section, if, in accordance with section 2363  
2901.05 of the Revised Code, an accused who is charged with a 2364  
fourth degree felony violation of division (C)(2), (4), (5), or 2365  
(6) of this section sustains the burden of going forward with 2366



evidence of and establishes by a preponderance of the evidence 2367  
the affirmative defense described in this division, the accused 2368  
may be prosecuted for and may plead guilty to or be convicted of 2369  
a misdemeanor violation of division (C) (2) of this section or a 2370  
fifth degree felony violation of division (C) (4), (5), or (6) of 2371  
this section respectively. 2372

(G) When a person is charged with possessing a bulk amount 2373  
or multiple of a bulk amount, division (E) of section 2925.03 of 2374  
the Revised Code applies regarding the determination of the 2375  
amount of the controlled substance involved at the time of the 2376  
offense. 2377

(H) It is an affirmative defense to a charge of possession 2378  
of a controlled substance analog under division (C) (8) of this 2379  
section that the person charged with violating that offense 2380  
obtained, possessed, or used one of the following items that are 2381  
excluded from the meaning of "controlled substance analog" under 2382  
section 3719.01 of the Revised Code: 2383

(1) A controlled substance; 2384

(2) Any substance for which there is an approved new drug 2385  
application; 2386

(3) With respect to a particular person, any substance if 2387  
an exemption is in effect for investigational use for that 2388  
person pursuant to federal law to the extent that conduct with 2389  
respect to that substance is pursuant to that exemption. 2390

(I) Any offender who received a mandatory suspension of 2391  
the offender's driver's or commercial driver's license or permit 2392  
under this section prior to September 13, 2016, may file a 2393  
motion with the sentencing court requesting the termination of 2394  
the suspension. However, an offender who pleaded guilty to or 2395

was convicted of a violation of section 4511.19 of the Revised 2396  
Code or a substantially similar municipal ordinance or law of 2397  
another state or the United States that arose out of the same 2398  
set of circumstances as the violation for which the offender's 2399  
license or permit was suspended under this section shall not 2400  
file such a motion. 2401

Upon the filing of a motion under division (I) of this 2402  
section, the sentencing court, in its discretion, may terminate 2403  
the suspension. 2404

**Sec. 2925.12.** (A) No person shall knowingly make, obtain, 2405  
possess, or use any instrument, article, or thing the customary 2406  
and primary purpose of which is for the administration or use of 2407  
a dangerous drug, other than marihuana, when the instrument 2408  
involved is a hypodermic or syringe, whether or not of crude or 2409  
extemporized manufacture or assembly, and the instrument, 2410  
article, or thing involved has been used by the offender to 2411  
unlawfully administer or use a dangerous drug, other than 2412  
marihuana, or to prepare a dangerous drug, other than marihuana, 2413  
for unlawful administration or use. 2414

(B) This section does not apply to manufacturers, licensed 2415  
health professionals authorized to prescribe drugs, pharmacists, 2416  
owners of pharmacies, and other persons whose conduct was in 2417  
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 2418  
4731., and 4741. of the Revised Code. 2419

(C) Whoever violates this section is guilty of possessing 2420  
drug abuse instruments, a misdemeanor of the second degree. If 2421  
the offender previously has been convicted of a drug abuse 2422  
offense, a violation of this section is a misdemeanor of the 2423  
first degree. 2424

(D) (1) ~~In addition to any other sanction imposed upon an~~ 2425  
~~offender for a violation of this section, the court may suspend~~ 2426  
~~for not more than five years the offender's driver's or~~ 2427  
~~commercial driver's license or permit. However, if the offender~~ 2428  
~~pleaded guilty to or was convicted of a violation of section~~ 2429  
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2430  
~~ordinance or the law of another state or the United States~~ 2431  
~~arising out of the same set of circumstances as the violation,~~ 2432  
~~the court shall suspend the offender's driver's or commercial~~ 2433  
~~driver's license or permit for not more than five years. If the~~ 2434  
offender is a professionally licensed person, in addition to any 2435  
other sanction imposed for a violation of this section, the 2436  
court immediately shall comply with section 2925.38 of the 2437  
Revised Code. 2438

(2) Any offender who received a ~~mandatory~~ suspension of 2439  
the offender's driver's or commercial driver's license or permit 2440  
under this section prior to the ~~effective date of this amendment~~ 2441  
effective date of this amendment may file a motion with the 2442  
sentencing court requesting the termination of the suspension. 2443  
However, an offender who pleaded guilty to or was convicted of a 2444  
violation of section 4511.19 of the Revised Code or a 2445  
substantially similar municipal ordinance or law of another 2446  
state or the United States that arose out of the same set of 2447  
circumstances as the violation for which the offender's license 2448  
or permit was suspended under this section shall not file such a 2449  
motion. 2450

Upon the filing of a motion under division (D) (2) of this 2451  
section, the sentencing court, in its discretion, may terminate 2452  
the suspension. 2453

**Sec. 2925.13.** (A) No person who is the owner, operator, or 2454

person in charge of a locomotive, watercraft, aircraft, or other 2455  
vehicle, as defined in division (A) of section 4501.01 of the 2456  
Revised Code, shall knowingly permit the vehicle to be used for 2457  
the commission of a felony drug abuse offense. 2458

(B) No person who is the owner, lessee, or occupant, or 2459  
who has custody, control, or supervision, of premises or real 2460  
estate, including vacant land, shall knowingly permit the 2461  
premises or real estate, including vacant land, to be used for 2462  
the commission of a felony drug abuse offense by another person. 2463

(C) (1) Whoever violates this section is guilty of 2464  
permitting drug abuse. 2465

(2) Except as provided in division (C) (3) of this section, 2466  
permitting drug abuse is a misdemeanor of the first degree. 2467

(3) Permitting drug abuse is a felony of the fifth degree, 2468  
and division (C) of section 2929.13 of the Revised Code applies 2469  
in determining whether to impose a prison term on the offender, 2470  
if either of the following applies: 2471

(a) The felony drug abuse offense in question is a 2472  
violation of section 2925.02, 2925.03, or 2925.04 of the Revised 2473  
Code. 2474

(b) The felony drug abuse offense in question is a 2475  
violation of section 2925.041 of the Revised Code and the 2476  
offender had actual knowledge, at the time the offender 2477  
permitted the vehicle, premises, or real estate to be used as 2478  
described in division (A) or (B) of this section, that the 2479  
person who assembled or possessed the chemicals in question in 2480  
violation of section 2925.041 of the Revised Code had assembled 2481  
or possessed them with the intent to manufacture a controlled 2482  
substance in schedule I or II in violation of section 2925.04 of 2483

the Revised Code. 2484

(D) (1) In addition to any prison term authorized or 2485  
required by division (C) of this section and sections 2929.13 2486  
and 2929.14 of the Revised Code and in addition to any other 2487  
sanction imposed for the offense under this section or sections 2488  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2489  
a person who is convicted of or pleads guilty to a violation of 2490  
division (A) of this section, when the violation is a felony of 2491  
the fifth degree, may suspend for not more than five years the 2492  
offender's driver's or commercial driver's license or permit. 2493  
However, if the offender pleaded guilty to or was convicted of a 2494  
violation of section 4511.19 of the Revised Code or a 2495  
substantially similar municipal ordinance or the law of another 2496  
state or the United States arising out of the same set of 2497  
circumstances as the fifth degree felony violation, the court 2498  
shall suspend the offender's driver's or commercial driver's 2499  
license or permit for not more than five years. 2500

If the offender is a professionally licensed person, in 2501  
addition to any other sanction imposed for a violation of this 2502  
section, the court immediately shall comply with section 2925.38 2503  
of the Revised Code. 2504

(2) Any offender who received a mandatory suspension of 2505  
the offender's driver's or commercial driver's license or permit 2506  
under this section prior to September 13, 2016, may file a 2507  
motion with the sentencing court requesting the termination of 2508  
the suspension. However, an offender who pleaded guilty to or 2509  
was convicted of a violation of section 4511.19 of the Revised 2510  
Code or a substantially similar municipal ordinance or law of 2511  
another state or the United States that arose out of the same 2512  
set of circumstances as the violation for which the offender's 2513

license or permit was suspended under this section shall not 2514  
file such a motion. 2515

Upon the filing of a motion under division (D) (2) of this 2516  
section, the sentencing court, in its discretion, may terminate 2517  
the suspension. 2518

(E) Notwithstanding any contrary provision of section 2519  
3719.21 of the Revised Code, the clerk of the court shall pay a 2520  
fine imposed for a violation of this section pursuant to 2521  
division (A) of section 2929.18 of the Revised Code in 2522  
accordance with and subject to the requirements of division (F) 2523  
of section 2925.03 of the Revised Code. The agency that receives 2524  
the fine shall use the fine as specified in division (F) of 2525  
section 2925.03 of the Revised Code. 2526

(F) Any premises or real estate that is permitted to be 2527  
used in violation of division (B) of this section constitutes a 2528  
nuisance subject to abatement pursuant to Chapter 3767. of the 2529  
Revised Code. 2530

**Sec. 2925.14.** (A) As used in this section, "drug 2531  
paraphernalia" means any equipment, product, or material of any 2532  
kind that is used by the offender, intended by the offender for 2533  
use, or designed for use, in propagating, cultivating, growing, 2534  
harvesting, manufacturing, compounding, converting, producing, 2535  
processing, preparing, testing, analyzing, packaging, 2536  
repackaging, storing, containing, concealing, injecting, 2537  
ingesting, inhaling, or otherwise introducing into the human 2538  
body, a controlled substance in violation of this chapter. "Drug 2539  
paraphernalia" includes, but is not limited to, any of the 2540  
following equipment, products, or materials that are used by the 2541  
offender, intended by the offender for use, or designed by the 2542  
offender for use, in any of the following manners: 2543

(1) A kit for propagating, cultivating, growing, or	2544
harvesting any species of a plant that is a controlled substance	2545
or from which a controlled substance can be derived;	2546
(2) A kit for manufacturing, compounding, converting,	2547
producing, processing, or preparing a controlled substance;	2548
(3) Any object, instrument, or device for manufacturing,	2549
compounding, converting, producing, processing, or preparing	2550
methamphetamine;	2551
(4) An isomerization device for increasing the potency of	2552
any species of a plant that is a controlled substance;	2553
(5) Testing equipment for identifying, or analyzing the	2554
strength, effectiveness, or purity of, a controlled substance;	2555
(6) A scale or balance for weighing or measuring a	2556
controlled substance;	2557
(7) A diluent or adulterant, such as quinine	2558
hydrochloride, mannitol, mannite, dextrose, or lactose, for	2559
cutting a controlled substance;	2560
(8) A separation gin or sifter for removing twigs and	2561
seeds from, or otherwise cleaning or refining, marihuana;	2562
(9) A blender, bowl, container, spoon, or mixing device	2563
for compounding a controlled substance;	2564
(10) A capsule, balloon, envelope, or container for	2565
packaging small quantities of a controlled substance;	2566
(11) A container or device for storing or concealing a	2567
controlled substance;	2568
(12) A hypodermic syringe, needle, or instrument for	2569
parenterally injecting a controlled substance into the human	2570

body; 2571

(13) An object, instrument, or device for ingesting, 2572  
inhaling, or otherwise introducing into the human body, 2573  
marihuana, cocaine, hashish, or hashish oil, such as a metal, 2574  
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 2575  
without a screen, permanent screen, hashish head, or punctured 2576  
metal bowl; water pipe; carburetion tube or device; smoking or 2577  
carburetion mask; roach clip or similar object used to hold 2578  
burning material, such as a marihuana cigarette, that has become 2579  
too small or too short to be held in the hand; miniature cocaine 2580  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2581  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2582

(B) In determining if any equipment, product, or material 2583  
is drug paraphernalia, a court or law enforcement officer shall 2584  
consider, in addition to other relevant factors, the following: 2585

(1) Any statement by the owner, or by anyone in control, 2586  
of the equipment, product, or material, concerning its use; 2587

(2) The proximity in time or space of the equipment, 2588  
product, or material, or of the act relating to the equipment, 2589  
product, or material, to a violation of any provision of this 2590  
chapter; 2591

(3) The proximity of the equipment, product, or material 2592  
to any controlled substance; 2593

(4) The existence of any residue of a controlled substance 2594  
on the equipment, product, or material; 2595

(5) Direct or circumstantial evidence of the intent of the 2596  
owner, or of anyone in control, of the equipment, product, or 2597  
material, to deliver it to any person whom the owner or person 2598  
in control of the equipment, product, or material knows intends 2599



to use the object to facilitate a violation of any provision of 2600  
this chapter. A finding that the owner, or anyone in control, of 2601  
the equipment, product, or material, is not guilty of a 2602  
violation of any other provision of this chapter does not 2603  
prevent a finding that the equipment, product, or material was 2604  
intended or designed by the offender for use as drug 2605  
paraphernalia. 2606

(6) Any oral or written instruction provided with the 2607  
equipment, product, or material concerning its use; 2608

(7) Any descriptive material accompanying the equipment, 2609  
product, or material and explaining or depicting its use; 2610

(8) National or local advertising concerning the use of 2611  
the equipment, product, or material; 2612

(9) The manner and circumstances in which the equipment, 2613  
product, or material is displayed for sale; 2614

(10) Direct or circumstantial evidence of the ratio of the 2615  
sales of the equipment, product, or material to the total sales 2616  
of the business enterprise; 2617

(11) The existence and scope of legitimate uses of the 2618  
equipment, product, or material in the community; 2619

(12) Expert testimony concerning the use of the equipment, 2620  
product, or material. 2621

(C) (1) Subject to division (D) (2) of this section, no 2622  
person shall knowingly use, or possess with purpose to use, drug 2623  
paraphernalia. 2624

(2) No person shall knowingly sell, or possess or 2625  
manufacture with purpose to sell, drug paraphernalia, if the 2626  
person knows or reasonably should know that the equipment, 2627

product, or material will be used as drug paraphernalia. 2628

(3) No person shall place an advertisement in any 2629  
newspaper, magazine, handbill, or other publication that is 2630  
published and printed and circulates primarily within this 2631  
state, if the person knows that the purpose of the advertisement 2632  
is to promote the illegal sale in this state of the equipment, 2633  
product, or material that the offender intended or designed for 2634  
use as drug paraphernalia. 2635

(D) (1) This section does not apply to manufacturers, 2636  
licensed health professionals authorized to prescribe drugs, 2637  
pharmacists, owners of pharmacies, and other persons whose 2638  
conduct is in accordance with Chapters 3719., 4715., 4723., 2639  
4729., 4730., 4731., and 4741. of the Revised Code. This section 2640  
shall not be construed to prohibit the possession or use of a 2641  
hypodermic as authorized by section 3719.172 of the Revised 2642  
Code. 2643

(2) Division (C) (1) of this section does not apply to a 2644  
person's use, or possession with purpose to use, any drug 2645  
paraphernalia that is equipment, a product, or material of any 2646  
kind that is used by the person, intended by the person for use, 2647  
or designed for use in storing, containing, concealing, 2648  
injecting, ingesting, inhaling, or otherwise introducing into 2649  
the human body marihuana. 2650

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2651  
drug paraphernalia that was used, possessed, sold, or 2652  
manufactured in a violation of this section shall be seized, 2653  
after a conviction for that violation shall be forfeited, and 2654  
upon forfeiture shall be disposed of pursuant to division (B) of 2655  
section 2981.12 of the Revised Code. 2656

(F) (1) Whoever violates division (C) (1) of this section is 2657  
guilty of illegal use or possession of drug paraphernalia, a 2658  
misdemeanor of the fourth degree. 2659

(2) Except as provided in division (F) (3) of this section, 2660  
whoever violates division (C) (2) of this section is guilty of 2661  
dealing in drug paraphernalia, a misdemeanor of the second 2662  
degree. 2663

(3) Whoever violates division (C) (2) of this section by 2664  
selling drug paraphernalia to a juvenile is guilty of selling 2665  
drug paraphernalia to juveniles, a misdemeanor of the first 2666  
degree. 2667

(4) Whoever violates division (C) (3) of this section is 2668  
guilty of illegal advertising of drug paraphernalia, a 2669  
misdemeanor of the second degree. 2670

~~(G) (1) In addition to any other sanction imposed upon an 2671  
offender for a violation of this section, the court may suspend 2672  
for not more than five years the offender's driver's or 2673  
commercial driver's license or permit. However, if the offender 2674  
pleaded guilty to or was convicted of a violation of section 2675  
4511.19 of the Revised Code or a substantially similar municipal 2676  
ordinance or the law of another state or the United States 2677  
arising out of the same set of circumstances as the violation, 2678  
the court shall suspend the offender's driver's or commercial 2679  
driver's license or permit for not more than five years. If the 2680  
offender is a professionally licensed person, in addition to any 2681  
other sanction imposed for a violation of this section, the 2682  
court immediately shall comply with section 2925.38 of the 2683  
Revised Code. 2684~~

(2) Any offender who received a ~~mandatory~~ suspension of 2685

the offender's driver's or commercial driver's license or permit 2686  
under this section prior to the ~~effective date of this~~ 2687  
~~amendment~~ effective date of this amendment may file a motion with 2688  
the sentencing court requesting the termination of the 2689  
suspension. However, an offender who pleaded guilty to or was 2690  
convicted of a violation of section 4511.19 of the Revised Code 2691  
or a substantially similar municipal ordinance or law of another 2692  
state or the United States that arose out of the same set of 2693  
circumstances as the violation for which the offender's license 2694  
or permit was suspended under this section shall not file such a 2695  
motion. 2696

Upon the filing of a motion under division (G) (2) of this 2697  
section, the sentencing court, in its discretion, may terminate 2698  
the suspension. 2699

**Sec. 2925.141.** (A) As used in this section, "drug 2700  
paraphernalia" has the same meaning as in section 2925.14 of the 2701  
Revised Code. 2702

(B) In determining if any equipment, product, or material 2703  
is drug paraphernalia, a court or law enforcement officer shall 2704  
consider, in addition to other relevant factors, all factors 2705  
identified in division (B) of section 2925.14 of the Revised 2706  
Code. 2707

(C) No person shall knowingly use, or possess with purpose 2708  
to use, any drug paraphernalia that is equipment, a product, or 2709  
material of any kind that is used by the person, intended by the 2710  
person for use, or designed for use in storing, containing, 2711  
concealing, injecting, ingesting, inhaling, or otherwise 2712  
introducing into the human body marihuana. 2713

(D) This section does not apply to any person identified 2714

in division (D) (1) of section 2925.14 of the Revised Code, and 2715  
it shall not be construed to prohibit the possession or use of a 2716  
hypodermic as authorized by section 3719.172 of the Revised 2717  
Code. 2718

(E) Division (E) of section 2925.14 of the Revised Code 2719  
applies with respect to any drug paraphernalia that was used or 2720  
possessed in violation of this section. 2721

(F) Whoever violates division (C) of this section is 2722  
guilty of illegal use or possession of marihuana drug 2723  
paraphernalia, a minor misdemeanor. 2724

(G) (1) ~~In addition to any other sanction imposed upon an~~ 2725  
~~offender for a violation of this section, the court may suspend~~ 2726  
~~for not more than five years the offender's driver's or~~ 2727  
~~commercial driver's license or permit. However, if the offender~~ 2728  
~~pleaded guilty to or was convicted of a violation of section~~ 2729  
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2730  
~~ordinance or the law of another state or the United States~~ 2731  
~~arising out of the same set of circumstances as the violation,~~ 2732  
~~the court shall suspend the offender's driver's or commercial~~ 2733  
~~driver's license or permit for not more than five years. If the~~ 2734  
offender is a professionally licensed person, in addition to any 2735  
other sanction imposed for a violation of this section, the 2736  
court immediately shall comply with section 2925.38 of the 2737  
Revised Code. 2738

(2) Any offender who received a ~~mandatory~~ suspension of 2739  
the offender's driver's or commercial driver's license or permit 2740  
under this section prior to the ~~effective date of this~~ 2741  
~~amendment~~ effective date of this amendment may file a motion with 2742  
the sentencing court requesting the termination of the 2743  
suspension. However, an offender who pleaded guilty to or was 2744

convicted of a violation of section 4511.19 of the Revised Code 2745  
or a substantially similar municipal ordinance or law of another 2746  
state or the United States that arose out of the same set of 2747  
circumstances as the violation for which the offender's license 2748  
or permit was suspended under this section shall not file such a 2749  
motion. 2750

Upon the filing of a motion under division (G) (2) of this 2751  
section, the sentencing court, in its discretion, may terminate 2752  
the suspension. 2753

**Sec. 2925.22.** (A) No person, by deception, shall procure 2754  
the administration of, a prescription for, or the dispensing of, 2755  
a dangerous drug or shall possess an uncompleted preprinted 2756  
prescription blank used for writing a prescription for a 2757  
dangerous drug. 2758

(B) Whoever violates this section is guilty of deception 2759  
to obtain a dangerous drug. The penalty for the offense shall be 2760  
determined as follows: 2761

(1) If the person possesses an uncompleted preprinted 2762  
prescription blank used for writing a prescription for a 2763  
dangerous drug or if the drug involved is a dangerous drug, 2764  
except as otherwise provided in division (B) (2) or (3) of this 2765  
section, deception to obtain a dangerous drug is a felony of the 2766  
fifth degree or, if the offender previously has been convicted 2767  
of or pleaded guilty to a drug abuse offense, a felony of the 2768  
fourth degree. Division (C) of section 2929.13 of the Revised 2769  
Code applies in determining whether to impose a prison term on 2770  
the offender pursuant to this division. 2771

(2) If the drug involved is a compound, mixture, 2772  
preparation, or substance included in schedule I or II, with the 2773

exception of marihuana, the penalty for deception to obtain 2774  
drugs is one of the following: 2775

(a) Except as otherwise provided in division (B) (2) (b), 2776  
(c), or (d) of this section, it is a felony of the fourth 2777  
degree, and division (C) of section 2929.13 of the Revised Code 2778  
applies in determining whether to impose a prison term on the 2779  
offender. 2780

(b) If the amount of the drug involved equals or exceeds 2781  
the bulk amount but is less than five times the bulk amount, or 2782  
if the amount of the drug involved that could be obtained 2783  
pursuant to the prescription would equal or exceed the bulk 2784  
amount but would be less than five times the bulk amount, it is 2785  
a felony of the third degree, and there is a presumption for a 2786  
prison term for the offense. 2787

(c) If the amount of the drug involved equals or exceeds 2788  
five times the bulk amount but is less than fifty times the bulk 2789  
amount, or if the amount of the drug involved that could be 2790  
obtained pursuant to the prescription would equal or exceed five 2791  
times the bulk amount but would be less than fifty times the 2792  
bulk amount, it is a felony of the second degree, and there is a 2793  
presumption for a prison term for the offense. 2794

(d) If the amount of the drug involved equals or exceeds 2795  
fifty times the bulk amount, or if the amount of the drug 2796  
involved that could be obtained pursuant to the prescription 2797  
would equal or exceed fifty times the bulk amount, it is a 2798  
felony of the first degree, and there is a presumption for a 2799  
prison term for the offense. 2800

(3) If the drug involved is a compound, mixture, 2801  
preparation, or substance included in schedule III, IV, or V or 2802

is marihuana, the penalty for deception to obtain a dangerous 2803  
drug is one of the following: 2804

(a) Except as otherwise provided in division (B) (3) (b), 2805  
(c), or (d) of this section, it is a felony of the fifth degree, 2806  
and division (C) of section 2929.13 of the Revised Code applies 2807  
in determining whether to impose a prison term on the offender. 2808

(b) If the amount of the drug involved equals or exceeds 2809  
the bulk amount but is less than five times the bulk amount, or 2810  
if the amount of the drug involved that could be obtained 2811  
pursuant to the prescription would equal or exceed the bulk 2812  
amount but would be less than five times the bulk amount, it is 2813  
a felony of the fourth degree, and division (C) of section 2814  
2929.13 of the Revised Code applies in determining whether to 2815  
impose a prison term on the offender. 2816

(c) If the amount of the drug involved equals or exceeds 2817  
five times the bulk amount but is less than fifty times the bulk 2818  
amount, or if the amount of the drug involved that could be 2819  
obtained pursuant to the prescription would equal or exceed five 2820  
times the bulk amount but would be less than fifty times the 2821  
bulk amount, it is a felony of the third degree, and there is a 2822  
presumption for a prison term for the offense. 2823

(d) If the amount of the drug involved equals or exceeds 2824  
fifty times the bulk amount, or if the amount of the drug 2825  
involved that could be obtained pursuant to the prescription 2826  
would equal or exceed fifty times the bulk amount, it is a 2827  
felony of the second degree, and there is a presumption for a 2828  
prison term for the offense. 2829

(C) (1) In addition to any prison term authorized or 2830  
required by division (B) of this section and sections 2929.13 2831



and 2929.14 of the Revised Code and in addition to any other 2832  
sanction imposed for the offense under this section or sections 2833  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2834  
an offender who is convicted of or pleads guilty to a violation 2835  
of division (A) of this section, when the violation is a felony 2836  
of the first degree, may suspend for not more than five years 2837  
the offender's driver's or commercial driver's license or 2838  
permit. However, if the offender pleaded guilty to or was 2839  
convicted of a violation of section 4511.19 of the Revised Code 2840  
or a substantially similar municipal ordinance or the law of 2841  
another state or the United States arising out of the same set 2842  
of circumstances as the first degree felony violation, the court 2843  
shall suspend the offender's driver's or commercial driver's 2844  
license or permit for not more than five years. 2845

If the offender is a professionally licensed person, in 2846  
addition to any other sanction imposed for a violation of this 2847  
section, the court immediately shall comply with section 2925.38 2848  
of the Revised Code. 2849

(2) Any offender who received a mandatory suspension of 2850  
the offender's driver's or commercial driver's license or permit 2851  
under this section prior to ~~the effective date of this amendment~~ 2852  
September 13, 2016, may file a motion with the sentencing court 2853  
requesting the termination of the suspension. However, an 2854  
offender who pleaded guilty to or was convicted of a violation 2855  
of section 4511.19 of the Revised Code or a substantially 2856  
similar municipal ordinance or law of another state or the 2857  
United States that arose out of the same set of circumstances as 2858  
the violation for which the offender's license or permit was 2859  
suspended under this section shall not file such a motion. 2860

Upon the filing of a motion under division (C) (2) of this 2861

section, the sentencing court, in its discretion, may terminate 2862  
the suspension. 2863

(D) Notwithstanding any contrary provision of section 2864  
3719.21 of the Revised Code, the clerk of the court shall pay a 2865  
fine imposed for a violation of this section pursuant to 2866  
division (A) of section 2929.18 of the Revised Code in 2867  
accordance with and subject to the requirements of division (F) 2868  
of section 2925.03 of the Revised Code. The agency that receives 2869  
the fine shall use the fine as specified in division (F) of 2870  
section 2925.03 of the Revised Code. 2871

**Sec. 2925.23.** (A) No person shall knowingly make a false 2872  
statement in any prescription, order, report, or record required 2873  
by Chapter 3719. or 4729. of the Revised Code. 2874

(B) No person shall intentionally make, utter, or sell, or 2875  
knowingly possess any of the following that is a false or 2876  
forged: 2877

(1) Prescription; 2878

(2) Uncompleted preprinted prescription blank used for 2879  
writing a prescription; 2880

(3) Official written order; 2881

(4) License for a terminal distributor of dangerous drugs, 2882  
as defined in section 4729.01 of the Revised Code; 2883

(5) License for a manufacturer of dangerous drugs, 2884  
outsourcing facility, third-party logistics provider, repackager 2885  
of dangerous drugs, or wholesale distributor of dangerous drugs, 2886  
as defined in section 4729.01 of the Revised Code. 2887

(C) No person, by theft as defined in section 2913.02 of 2888  
the Revised Code, shall acquire any of the following: 2889

(1) A prescription;	2890
(2) An uncompleted preprinted prescription blank used for writing a prescription;	2891 2892
(3) An official written order;	2893
(4) A blank official written order;	2894
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	2895 2896 2897
(6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	2898 2899 2900 2901 2902
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	2903 2904 2905
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	2906 2907 2908 2909 2910
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents	2911 2912 2913 2914 2915 2916 2917

shall be determined as follows: 2918

(1) If the drug involved is a compound, mixture, 2919  
preparation, or substance included in schedule I or II, with the 2920  
exception of marihuana, illegal processing of drug documents is 2921  
a felony of the fourth degree, and division (C) of section 2922  
2929.13 of the Revised Code applies in determining whether to 2923  
impose a prison term on the offender. 2924

(2) If the drug involved is a dangerous drug or a 2925  
compound, mixture, preparation, or substance included in 2926  
schedule III, IV, or V or is marihuana, illegal processing of 2927  
drug documents is a felony of the fifth degree, and division (C) 2928  
of section 2929.13 of the Revised Code applies in determining 2929  
whether to impose a prison term on the offender. 2930

(G) (1) In addition to any prison term authorized or 2931  
required by division (F) of this section and sections 2929.13 2932  
and 2929.14 of the Revised Code and in addition to any other 2933  
sanction imposed for the offense under this section or sections 2934  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2935  
an offender who is convicted of or pleads guilty to any 2936  
violation of divisions (A) to (D) of this section, when the 2937  
violation is a felony of the fourth degree, may suspend for not 2938  
more than five years the offender's driver's or commercial 2939  
driver's license or permit. However, if the offender pleaded 2940  
guilty to or was convicted of a violation of section 4511.19 of 2941  
the Revised Code or a substantially similar municipal ordinance 2942  
or the law of another state or the United States arising out of 2943  
the same set of circumstances as the fourth degree felony 2944  
violation, the court shall suspend the offender's driver's or 2945  
commercial driver's license or permit for not more than five 2946  
years. 2947

If the offender is a professionally licensed person, in 2948  
addition to any other sanction imposed for a violation of this 2949  
section, the court immediately shall comply with section 2925.38 2950  
of the Revised Code. 2951

(2) Any offender who received a mandatory suspension of 2952  
the offender's driver's or commercial driver's license or permit 2953  
under this section prior to September 13, 2016, may file a 2954  
motion with the sentencing court requesting the termination of 2955  
the suspension. However, an offender who pleaded guilty to or 2956  
was convicted of a violation of section 4511.19 of the Revised 2957  
Code or a substantially similar municipal ordinance or law of 2958  
another state or the United States that arose out of the same 2959  
set of circumstances as the violation for which the offender's 2960  
license or permit was suspended under this section shall not 2961  
file such a motion. 2962

Upon the filing of a motion under division (G)(2) of this 2963  
section, the sentencing court, in its discretion, may terminate 2964  
the suspension. 2965

(H) Notwithstanding any contrary provision of section 2966  
3719.21 of the Revised Code, the clerk of court shall pay a fine 2967  
imposed for a violation of this section pursuant to division (A) 2968  
of section 2929.18 of the Revised Code in accordance with and 2969  
subject to the requirements of division (F) of section 2925.03 2970  
of the Revised Code. The agency that receives the fine shall use 2971  
the fine as specified in division (F) of section 2925.03 of the 2972  
Revised Code. 2973

**Sec. 2925.31.** (A) Except for lawful research, clinical, 2974  
medical, dental, or veterinary purposes, no person, with purpose 2975  
to induce intoxication or similar physiological effects, shall 2976  
obtain, possess, or use a harmful intoxicant. 2977

(B) Whoever violates this section is guilty of abusing 2978  
harmful intoxicants, a misdemeanor of the first degree. If the 2979  
offender previously has been convicted of a drug abuse offense, 2980  
abusing harmful intoxicants is a felony of the fifth degree. 2981

(C) (1) In addition to any other sanction imposed upon an 2982  
offender for a violation of this section, if the violation of 2983  
this section is a felony of the fifth degree, the court may 2984  
suspend for not more than five years the offender's driver's or 2985  
commercial driver's license or permit. However, if the offender 2986  
pleaded guilty to or was convicted of a violation of section 2987  
4511.19 of the Revised Code or a substantially similar municipal 2988  
ordinance or the law of another state or the United States 2989  
arising out of the same set of circumstances as the fifth degree 2990  
felony violation, the court shall suspend the offender's 2991  
driver's or commercial driver's license or permit for not more 2992  
than five years. ~~If-~~ 2993

If the offender is a professionally licensed person, in 2994  
addition to any other sanction imposed for a violation of this 2995  
section, the court immediately shall comply with section 2925.38 2996  
of the Revised Code. 2997

(2) Any offender who received a mandatory suspension of 2998  
the offender's driver's or commercial driver's license or permit 2999  
under this section prior to ~~the effective date of this amendment~~ 3000  
September 13, 2016, may file a motion with the sentencing court 3001  
requesting the termination of the suspension. However, an 3002  
offender who pleaded guilty to or was convicted of a violation 3003  
of section 4511.19 of the Revised Code or a substantially 3004  
similar municipal ordinance or law of another state or the 3005  
United States that arose out of the same set of circumstances as 3006  
the violation for which the offender's license or permit was 3007

suspended under this section shall not file such a motion. 3008

Upon the filing of a motion under division (C) (2) of this 3009  
section, the sentencing court, in its discretion, may terminate 3010  
the suspension. 3011

**Sec. 2925.32.** (A) Divisions (A) (1) and (2) of this section 3012  
do not apply to the dispensing or distributing of nitrous oxide. 3013

(1) No person shall knowingly dispense or distribute a 3014  
harmful intoxicant to a person age eighteen or older if the 3015  
person who dispenses or distributes it knows or has reason to 3016  
believe that the harmful intoxicant will be used in violation of 3017  
section 2925.31 of the Revised Code. 3018

(2) No person shall knowingly dispense or distribute a 3019  
harmful intoxicant to a person under age eighteen if the person 3020  
who dispenses or distributes it knows or has reason to believe 3021  
that the harmful intoxicant will be used in violation of section 3022  
2925.31 of the Revised Code. Division (A) (2) of this section 3023  
does not prohibit either of the following: 3024

(a) Dispensing or distributing a harmful intoxicant to a 3025  
person under age eighteen if a written order from the juvenile's 3026  
parent or guardian is provided to the dispenser or distributor; 3027

(b) Dispensing or distributing gasoline or diesel fuel to 3028  
a person under age eighteen if the dispenser or distributor does 3029  
not know or have reason to believe the product will be used in 3030  
violation of section 2925.31 of the Revised Code. Division (A) 3031  
(2) (a) of this section does not require a person to obtain a 3032  
written order from the parent or guardian of a person under age 3033  
eighteen in order to distribute or dispense gasoline or diesel 3034  
fuel to the person. 3035

(B) (1) No person shall knowingly dispense or distribute 3036

nitrous oxide to a person age twenty-one or older if the person 3037  
who dispenses or distributes it knows or has reason to believe 3038  
the nitrous oxide will be used in violation of section 2925.31 3039  
of the Revised Code. 3040

(2) Except for lawful medical, dental, or clinical 3041  
purposes, no person shall knowingly dispense or distribute 3042  
nitrous oxide to a person under age twenty-one. 3043

(3) No person, at the time a cartridge of nitrous oxide is 3044  
sold to another person, shall sell a device that allows the 3045  
purchaser to inhale nitrous oxide from cartridges or to hold 3046  
nitrous oxide released from cartridges for purposes of 3047  
inhalation. The sale of any such device constitutes a rebuttable 3048  
presumption that the person knew or had reason to believe that 3049  
the purchaser intended to abuse the nitrous oxide. 3050

(4) No person who dispenses or distributes nitrous oxide 3051  
in cartridges shall fail to comply with either of the following: 3052

(a) The record-keeping requirements established under 3053  
division (F) of this section; 3054

(b) The labeling and transaction identification 3055  
requirements established under division (G) of this section. 3056

(C) This section does not apply to products used in 3057  
making, fabricating, assembling, transporting, or constructing a 3058  
product or structure by manual labor or machinery for sale or 3059  
lease to another person, or to the mining, refining, or 3060  
processing of natural deposits. 3061

(D) (1) (a) Whoever violates division (A) (1) or (2) or 3062  
division (B) (1), (2), or (3) of this section is guilty of 3063  
trafficking in harmful intoxicants, a felony of the fifth 3064  
degree. If the offender previously has been convicted of a drug 3065



abuse offense, trafficking in harmful intoxicants is a felony of 3066  
the fourth degree. ~~In~~ 3067

In addition to any other sanction imposed upon an offender 3068  
for trafficking in harmful intoxicants, when the violation is a 3069  
felony of the fourth degree, the court may suspend for not more 3070  
than five years the offender's driver's or commercial driver's 3071  
license or permit. However, if the offender pleaded guilty to or 3072  
was convicted of a violation of section 4511.19 of the Revised 3073  
Code or a substantially similar municipal ordinance or the law 3074  
of another state or the United States arising out of the same 3075  
set of circumstances as the fourth degree felony violation, the 3076  
court shall suspend the offender's driver's or commercial 3077  
driver's license or permit for not more than five years. ~~If~~ 3078

If the offender is a professionally licensed person, in 3079  
addition to any other sanction imposed for trafficking in 3080  
harmful intoxicants, the court immediately shall comply with 3081  
section 2925.38 of the Revised Code. 3082

(b) Any offender who received a mandatory suspension of 3083  
the offender's driver's or commercial driver's license or permit 3084  
under this section prior to ~~the effective date of this amendment~~ 3085  
September 13, 2016, may file a motion with the sentencing court 3086  
requesting the termination of the suspension. However, an 3087  
offender who pleaded guilty to or was convicted of a violation 3088  
of section 4511.19 of the Revised Code or a substantially 3089  
similar municipal ordinance or law of another state or the 3090  
United States that arose out of the same set of circumstances as 3091  
the violation for which the offender's license or permit was 3092  
suspended under this section shall not file such a motion. 3093

Upon the filing of a motion under division (D) (1) (b) of 3094  
this section, the sentencing court, in its discretion, may 3095

terminate the suspension. 3096

(2) Whoever violates division (B) (4) (a) or (b) of this 3097  
section is guilty of improperly dispensing or distributing 3098  
nitrous oxide, a misdemeanor of the fourth degree. 3099

(E) It is an affirmative defense to a charge of a 3100  
violation of division (A) (2) or (B) (2) of this section that: 3101

(1) An individual exhibited to the defendant or an officer 3102  
or employee of the defendant, for purposes of establishing the 3103  
individual's age, a driver's license or permit issued by this 3104  
state, a commercial driver's license or permit issued by this 3105  
state, an identification card issued pursuant to section 4507.50 3106  
of the Revised Code, for another document that purports to be a 3107  
license, permit, or identification card described in this 3108  
division; 3109

(2) The document exhibited appeared to be a genuine, 3110  
unaltered document, to pertain to the individual, and to 3111  
establish the individual's age; 3112

(3) The defendant or the officer or employee of the 3113  
defendant otherwise did not have reasonable cause to believe 3114  
that the individual was under the age represented. 3115

(F) Beginning July 1, 2001, a person who dispenses or 3116  
distributes nitrous oxide shall record each transaction 3117  
involving the dispensing or distributing of the nitrous oxide on 3118  
a separate card. The person shall require the purchaser to sign 3119  
the card and provide a complete residence address. The person 3120  
dispensing or distributing the nitrous oxide shall sign and date 3121  
the card. The person shall retain the card recording a 3122  
transaction for one year from the date of the transaction. The 3123  
person shall maintain the cards at the person's business address 3124

and make them available during normal business hours for 3125  
inspection and copying by officers or employees of the state 3126  
board of pharmacy or of other law enforcement agencies of this 3127  
state or the United States that are authorized to investigate 3128  
violations of Chapter 2925., 3719., or 4729. of the Revised Code 3129  
or the federal drug abuse control laws. 3130

The cards used to record each transaction shall inform the 3131  
purchaser of the following: 3132

(1) That nitrous oxide cartridges are to be used only for 3133  
purposes of preparing food; 3134

(2) That inhalation of nitrous oxide can have dangerous 3135  
health effects; 3136

(3) That it is a violation of state law to distribute or 3137  
dispense cartridges of nitrous oxide to any person under age 3138  
twenty-one, punishable as a felony of the fifth degree. 3139

(G) (1) Each cartridge of nitrous oxide dispensed or 3140  
distributed in this state shall bear the following printed 3141  
warning: 3142

"Nitrous oxide cartridges are to be used only for purposes 3143  
of preparing food. Nitrous oxide cartridges may not be sold to 3144  
persons under age twenty-one. Do not inhale contents. Misuse can 3145  
be dangerous to your health." 3146

(2) Each time a person dispenses or distributes one or 3147  
more cartridges of nitrous oxide, the person shall mark the 3148  
packaging containing the cartridges with a label or other device 3149  
that identifies the person who dispensed or distributed the 3150  
nitrous oxide and the person's business address. 3151

**Sec. 2925.36.** (A) No person shall knowingly furnish 3152

another a sample drug. 3153

(B) Division (A) of this section does not apply to 3154  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3155  
licensed health professionals authorized to prescribe drugs, and 3156  
other persons whose conduct is in accordance with Chapters 3157  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 3158  
the Revised Code. 3159

(C) (1) Whoever violates this section is guilty of illegal 3160  
dispensing of drug samples. 3161

(2) If the drug involved in the offense is a compound, 3162  
mixture, preparation, or substance included in schedule I or II, 3163  
with the exception of marihuana, the penalty for the offense 3164  
shall be determined as follows: 3165

(a) Except as otherwise provided in division (C) (2) (b) of 3166  
this section, illegal dispensing of drug samples is a felony of 3167  
the fifth degree, and, subject to division (E) of this section, 3168  
division (C) of section 2929.13 of the Revised Code applies in 3169  
determining whether to impose a prison term on the offender. 3170

(b) If the offense was committed in the vicinity of a 3171  
school or in the vicinity of a juvenile, illegal dispensing of 3172  
drug samples is a felony of the fourth degree, and, subject to 3173  
division (E) of this section, division (C) of section 2929.13 of 3174  
the Revised Code applies in determining whether to impose a 3175  
prison term on the offender. 3176

(3) If the drug involved in the offense is a dangerous 3177  
drug or a compound, mixture, preparation, or substance included 3178  
in schedule III, IV, or V, or is marihuana, the penalty for the 3179  
offense shall be determined as follows: 3180

(a) Except as otherwise provided in division (C) (3) (b) of 3181

this section, illegal dispensing of drug samples is a 3182  
misdemeanor of the second degree. 3183

(b) If the offense was committed in the vicinity of a 3184  
school or in the vicinity of a juvenile, illegal dispensing of 3185  
drug samples is a misdemeanor of the first degree. 3186

(D) (1) In addition to any prison term authorized or 3187  
required by division (C) or (E) of this section and sections 3188  
2929.13 and 2929.14 of the Revised Code and in addition to any 3189  
other sanction imposed for the offense under this section or 3190  
sections 2929.11 to 2929.18 of the Revised Code, the court that 3191  
sentences an offender who is convicted of or pleads guilty to a 3192  
violation of division (A) of this section, when the violation is 3193  
a felony of the fourth degree, may suspend for not more than 3194  
five years the offender's driver's or commercial driver's 3195  
license or permit. However, if the offender pleaded guilty to or 3196  
was convicted of a violation of section 4511.19 of the Revised 3197  
Code or a substantially similar municipal ordinance or the law 3198  
of another state or the United States arising out of the same 3199  
set of circumstances as the fourth degree felony violation, the 3200  
court shall suspend the offender's driver's or commercial 3201  
driver's license or permit for not more than five years. 3202

If the offender is a professionally licensed person, in 3203  
addition to any other sanction imposed for a violation of this 3204  
section, the court immediately shall comply with section 2925.38 3205  
of the Revised Code. 3206

(2) Any offender who received a mandatory suspension of 3207  
the offender's driver's or commercial driver's license or permit 3208  
under this section prior to September 13, 2016, may file a 3209  
motion with the sentencing court requesting the termination of 3210  
the suspension. However, an offender who pleaded guilty to or 3211

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

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

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

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

**Sec. 2925.37.** (A) No person shall knowingly possess any 3242  
counterfeit controlled substance. 3243

(B) No person shall knowingly make, sell, offer to sell, 3244  
or deliver any substance that the person knows is a counterfeit 3245  
controlled substance. 3246

(C) No person shall make, possess, sell, offer to sell, or 3247  
deliver any punch, die, plate, stone, or other device knowing or 3248  
having reason to know that it will be used to print or reproduce 3249  
a trademark, trade name, or other identifying mark upon a 3250  
counterfeit controlled substance. 3251

(D) No person shall sell, offer to sell, give, or deliver 3252  
any counterfeit controlled substance to a juvenile. 3253

(E) No person shall directly or indirectly represent a 3254  
counterfeit controlled substance as a controlled substance by 3255  
describing its effects as the physical or psychological effects 3256  
associated with use of a controlled substance. 3257

(F) No person shall directly or indirectly falsely 3258  
represent or advertise a counterfeit controlled substance as a 3259  
controlled substance. As used in this division, "advertise" 3260  
means engaging in "advertisement," as defined in section 3715.01 3261  
of the Revised Code. 3262

(G) Whoever violates division (A) of this section is 3263  
guilty of possession of counterfeit controlled substances, a 3264  
misdemeanor of the first degree. 3265

(H) Whoever violates division (B) or (C) of this section 3266  
is guilty of trafficking in counterfeit controlled substances. 3267  
Except as otherwise provided in this division, trafficking in 3268  
counterfeit controlled substances is a felony of the fifth 3269  
degree, and division (C) of section 2929.13 of the Revised Code 3270

applies in determining whether to impose a prison term on the 3271  
offender. If the offense was committed in the vicinity of a 3272  
school or in the vicinity of a juvenile, trafficking in 3273  
counterfeit controlled substances is a felony of the fourth 3274  
degree, and division (C) of section 2929.13 of the Revised Code 3275  
applies in determining whether to impose a prison term on the 3276  
offender. 3277

(I) Whoever violates division (D) of this section is 3278  
guilty of aggravated trafficking in counterfeit controlled 3279  
substances. Except as otherwise provided in this division, 3280  
aggravated trafficking in counterfeit controlled substances is a 3281  
felony of the fourth degree, and division (C) of section 2929.13 3282  
of the Revised Code applies in determining whether to impose a 3283  
prison term on the offender. 3284

(J) Whoever violates division (E) of this section is 3285  
guilty of promoting and encouraging drug abuse. Except as 3286  
otherwise provided in this division, promoting and encouraging 3287  
drug abuse is a felony of the fifth degree, and division (C) of 3288  
section 2929.13 of the Revised Code applies in determining 3289  
whether to impose a prison term on the offender. If the offense 3290  
was committed in the vicinity of a school or in the vicinity of 3291  
a juvenile, promoting and encouraging drug abuse is a felony of 3292  
the fourth degree, and division (C) of section 2929.13 of the 3293  
Revised Code applies in determining whether to impose a prison 3294  
term on the offender. 3295

(K) Whoever violates division (F) of this section is 3296  
guilty of fraudulent drug advertising. Except as otherwise 3297  
provided in this division, fraudulent drug advertising is a 3298  
felony of the fifth degree, and division (C) of section 2929.13 3299  
of the Revised Code applies in determining whether to impose a 3300



prison term on the offender. If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, fraudulent drug advertising is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(L) (1) In addition to any prison term authorized or required by divisions (H) to (K) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (B), (C), (D), (E), or (F) of this section, when the violation is a felony of the fourth degree, may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the fourth degree felony violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

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

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

requesting the termination of the suspension. However, an 3331  
offender who pleaded guilty to or was convicted of a violation 3332  
of section 4511.19 of the Revised Code or a substantially 3333  
similar municipal ordinance or law of another state or the 3334  
United States that arose out of the same set of circumstances as 3335  
the violation for which the offender's license or permit was 3336  
suspended under this section shall not file such a motion. 3337

Upon the filing of a motion under division (L) (2) of this 3338  
section, the sentencing court, in its discretion, may terminate 3339  
the suspension. 3340

(M) Notwithstanding any contrary provision of section 3341  
3719.21 of the Revised Code, the clerk of the court shall pay a 3342  
fine imposed for a violation of this section pursuant to 3343  
division (A) of section 2929.18 of the Revised Code in 3344  
accordance with and subject to the requirements of division (F) 3345  
of section 2925.03 of the Revised Code. The agency that receives 3346  
the fine shall use the fine as specified in division (F) of 3347  
section 2925.03 of the Revised Code. 3348

**Sec. 3123.56.** A child support enforcement agency that sent 3349  
a notice under section 3123.54 of the Revised Code of an 3350  
individual's default under a child support order shall send to 3351  
the registrar of motor vehicles a notice that the individual is 3352  
not in default if it determines that the individual is not in 3353  
default or any of the following occurs: 3354

(A) The individual makes full payment to the office of 3355  
child support or, pursuant to sections 3125.27 to 3125.30 of the 3356  
Revised Code, to the child support enforcement agency of the 3357  
arrearage as of the date the payment is made. 3358

(B) If division (A) of this section is not possible, the 3359

individual has presented to the agency sufficient evidence of 3360  
current employment or of an account in a financial institution, 3361  
the agency has confirmed the individual's employment or the 3362  
existence of the account, and an appropriate withholding or 3363  
deduction notice described in section 3121.03 of the Revised 3364  
Code has been issued to collect current support and any 3365  
arrearage due under the child support order that was in default. 3366

(C) If divisions (A) and (B) of this section are not 3367  
possible, the individual presents evidence to the agency 3368  
sufficient to establish ~~that the~~ either one of the following: 3369

(1) The individual is unable to work due to circumstances 3370  
beyond the individual's control. 3371

(2) The imposition of a suspension on the individual's 3372  
driver's license or commercial driver's license, motorcycle 3373  
operator's license or endorsement, or temporary instruction 3374  
permit or commercial driver's temporary instruction permit would 3375  
effectively prevent the individual from paying child support or 3376  
any arrearage due under the child support order that was in 3377  
default. 3378

(D) If divisions (A), (B), and (C) of this section are not 3379  
possible, the individual enters into and complies with a written 3380  
agreement with the agency that requires the obligor to comply 3381  
with either of the following: 3382

(1) A family support program administered or approved by 3383  
the agency; 3384

(2) A program to establish compliance with a seek work 3385  
order issued pursuant to section ~~3123.03~~ 3121.03 of the Revised 3386  
Code. 3387

(E) If divisions (A), (B), (C), and (D) of this section 3388

are not possible, the individual pays the balance of the total 3389  
monthly obligation due for the ninety-day period preceding the 3390  
date the agency sent the notice described in section 3123.55 of 3391  
the Revised Code. 3392

The agency shall send the notice under this section not 3393  
later than seven days after it determines the individual is not 3394  
in default or that any of the circumstances specified in this 3395  
section has occurred. 3396

**Sec. 3123.58.** (A) On receipt of a notice pursuant to 3397  
section 3123.54 of the Revised Code, the registrar of motor 3398  
vehicles shall determine whether the individual named in the 3399  
notice holds or has applied for a driver's license or commercial 3400  
driver's license, motorcycle operator's license or endorsement, 3401  
or temporary instruction permit or commercial driver's temporary 3402  
instruction permit. If the registrar determines that the 3403  
individual holds or has applied for a license, permit, or 3404  
endorsement and the individual is the individual named in the 3405  
notice and does not receive a notice pursuant to section 3123.56 3406  
or 3123.57 of the Revised Code, the registrar immediately shall 3407  
provide notice of the determination to each deputy registrar. 3408  
The registrar or a deputy registrar may not issue to the 3409  
individual a driver's or commercial driver's license, motorcycle 3410  
operator's license or endorsement, or temporary instruction 3411  
permit or commercial driver's temporary instruction permit and 3412  
may not renew for the individual a driver's or commercial 3413  
driver's license, motorcycle operator's license or endorsement, 3414  
or commercial driver's temporary instruction permit. The 3415  
registrar or a deputy registrar also shall impose a class F 3416  
suspension of the license, permit, or endorsement held by the 3417  
individual under division (B) (6) of section 4510.02 of the 3418  
Revised Code. 3419

(B) (1) A court may grant an individual whose license, 3420  
permit, or endorsement is suspended under this section limited 3421  
driving privileges in accordance with division (B) of section 3422  
4510.021 of the Revised Code pursuant to a ~~request made during~~ 3423  
~~an action for contempt initiated under section 2705.031 of the~~ 3424  
~~Revised Code~~ petition by that individual for limited driving 3425  
privileges. Prior to granting privileges under this division, 3426  
the court shall request the ~~accused~~ individual to provide the 3427  
court with a recent noncertified copy of a driver's abstract 3428  
from the registrar of motor vehicles ~~and shall request the child-~~ 3429  
~~support enforcement agency that issued the notice pursuant to~~ 3430  
~~section 3123.54 of the Revised Code relative to the individual~~ 3431  
~~to advise the court, either in person through a representative~~ 3432  
~~testifying at a hearing or through a written document, the~~ 3433  
~~position of the agency relative to the issue of the granting of~~ 3434  
~~privileges to the individual. The court, in determining whether~~ 3435  
~~to grant the individual privileges under this division, shall~~ 3436  
~~take into consideration the position of the agency, but the~~ 3437  
~~court is not bound by the position of the agency.~~ 3438

(2) A court that grants limited driving privileges to a 3439  
person under division (B) (1) of this section shall deliver to 3440  
the person a permit card, in a form to be prescribed by the 3441  
court, setting forth the date on which the limited privileges 3442  
will become effective, the purposes for which the person may 3443  
drive, the times and places at which the person may drive, and 3444  
any other conditions imposed upon the person's use of a motor 3445  
vehicle. 3446

(3) The court immediately shall notify the registrar, in 3447  
writing, of a grant of limited driving privileges under division 3448  
(B) (1) of this section. The notification shall specify the date 3449  
on which the limited driving privileges will become effective, 3450

the purposes for which the person may drive, and any other 3451  
conditions imposed upon the person's use of a motor vehicle. 3452

(C) If a person who has been granted limited driving 3453  
privileges under division (B)(1) of this section is convicted 3454  
of, pleads guilty to, or is adjudicated in juvenile court of 3455  
having committed a violation of Chapter 4510. of the Revised 3456  
Code or any similar municipal ordinance during the period of 3457  
which the person was granted limited driving privileges, the 3458  
person's limited driving privileges shall be suspended 3459  
immediately pending a reinstatement hearing. 3460

**Sec. 3321.13.** (A) Whenever any child of compulsory school 3461  
age withdraws from school the teacher of that child shall 3462  
ascertain the reason for withdrawal. The fact of the withdrawal 3463  
and the reason for it shall be immediately transmitted by the 3464  
teacher to the superintendent of the city, local, or exempted 3465  
village school district. If the child who has withdrawn from 3466  
school has done so because of change of residence, the next 3467  
residence shall be ascertained and shall be included in the 3468  
notice thus transmitted. The superintendent shall thereupon 3469  
forward a card showing the essential facts regarding the child 3470  
and stating the place of the child's new residence to the 3471  
superintendent of schools of the district to which the child has 3472  
moved. 3473

The superintendent of public instruction may prescribe the 3474  
forms to be used in the operation of this division. 3475

(B) (1) Upon receipt of information that a child of 3476  
compulsory school age has withdrawn from school for a reason 3477  
other than because of change of residence and is not enrolled in 3478  
and attending in accordance with school policy an approved 3479  
program to obtain a diploma or its equivalent, the 3480

superintendent shall notify ~~the registrar of motor vehicles and~~ 3481  
the juvenile judge of the county in which the district is 3482  
located of the withdrawal and failure to enroll in and attend an 3483  
approved program to obtain a diploma or its equivalent. A 3484  
notification to ~~the registrar required by this division shall be~~ 3485  
~~given in the manner the registrar by rule requires and a~~ 3486  
~~notification to the juvenile judge required by this division~~ 3487  
shall be given in writing. Each notification shall be given 3488  
within two weeks after the withdrawal and failure to enroll in 3489  
and attend an approved program or its equivalent. 3490

(2) The board of education of a school district may adopt 3491  
a resolution providing that the provisions of division (B) (2) of 3492  
this section apply within the district. The provisions of 3493  
division (B) (2) of this section do not apply within any school 3494  
district, and no superintendent of a school district shall send 3495  
a notification of the type described in division (B) (2) of this 3496  
section to ~~the registrar of motor vehicles or the juvenile judge~~ 3497  
of the county in which the district is located, unless the board 3498  
of education of the district has adopted such a resolution. If 3499  
the board of education of a school district adopts a resolution 3500  
providing that the provisions of division (B) (2) of this section 3501  
apply within the district, and if the superintendent of schools 3502  
of that district receives information that, during any semester 3503  
or term, a child of compulsory school age has been absent 3504  
without legitimate excuse from the school the child is supposed 3505  
to attend for more than sixty consecutive hours in a single 3506  
month or for at least ninety hours in a school year, the 3507  
superintendent shall notify the child and the child's parent, 3508  
guardian, or custodian, in writing, that the information has 3509  
been provided to the superintendent, ~~that as a result of that~~ 3510  
~~information the child's temporary instruction permit or driver's~~ 3511

~~license will be suspended or the opportunity to obtain such a~~ 3512  
~~permit or license will be denied,~~ and that the child and the 3513  
child's parent, guardian, or custodian may appear in person at a 3514  
scheduled date, time, and place before the superintendent or a 3515  
designee to challenge the information provided to the 3516  
superintendent. 3517

The notification to the child and the child's parent, 3518  
guardian, or custodian required by division (B) (2) of this 3519  
section shall set forth the information received by the 3520  
superintendent and shall inform the child and the child's 3521  
parent, guardian, or custodian of the scheduled date, time, and 3522  
place of the appearance that they may have before the 3523  
superintendent or a designee. The date scheduled for the 3524  
appearance shall be no earlier than three and no later than five 3525  
days after the notification is given, provided that an extension 3526  
may be granted upon request of the child or the child's parent, 3527  
guardian, or custodian. If an extension is granted, the 3528  
superintendent shall schedule a new date, time, and place for 3529  
the appearance and shall inform the child and the child's 3530  
parent, guardian, or custodian of the new date, time, and place. 3531

If the child and the child's parent, guardian, or 3532  
custodian do not appear before the superintendent or a designee 3533  
on the scheduled date and at the scheduled time and place, or if 3534  
the child and the child's parent, guardian, or custodian appear 3535  
before the superintendent or a designee on the scheduled date 3536  
and at the scheduled time and place but the superintendent or a 3537  
designee determines that the information the superintendent 3538  
received indicating that, during the semester or term, the child 3539  
had been absent without legitimate excuse from the school the 3540  
child was supposed to attend for more than sixty consecutive 3541  
hours or for at least ninety total hours, the superintendent 3542



shall notify ~~the registrar of motor vehicles and the~~ juvenile 3543  
judge of the county in which the district is located that the 3544  
child has been absent for that period of time and that the child 3545  
does not have any legitimate excuse for the habitual absence. A 3546  
notification to ~~the registrar required by this division shall be~~ 3547  
~~given in the manner the registrar by rule requires and a~~ 3548  
~~notification to the juvenile judge required by this division~~ 3549  
shall be given in writing. Each notification shall be given 3550  
within two weeks after the receipt of the information of the 3551  
habitual absence from school without legitimate excuse, or, if 3552  
the child and the child's parent, guardian, or custodian appear 3553  
before the superintendent or a designee to challenge the 3554  
information, within two weeks after the appearance. 3555

For purposes of division (B) (2) of this section, a 3556  
legitimate excuse for absence from school includes, but is not 3557  
limited to, the fact that the child in question has enrolled in 3558  
another school or school district in this or another state, the 3559  
fact that the child in question was excused from attendance for 3560  
any of the reasons specified in section 3321.04 of the Revised 3561  
Code, or the fact that the child in question has received an age 3562  
and schooling certificate in accordance with section 3331.01 of 3563  
the Revised Code. 3564

(3) Whenever a pupil is suspended or expelled from school 3565  
pursuant to section 3313.66 of the Revised Code and the reason 3566  
for the suspension or expulsion is the use or possession of 3567  
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 3568  
superintendent of schools of that district may notify ~~the~~ 3569  
~~registrar and the juvenile judge of the county in which the~~ 3570  
district is located of such suspension or expulsion. Any such 3571  
notification of suspension or expulsion shall be given to ~~the~~ 3572  
~~registrar, in the manner the registrar by rule requires and~~ 3573

~~shall be given to~~ the juvenile judge in writing. The 3574  
notifications shall be given within two weeks after the 3575  
suspension or expulsion. 3576

(4) Whenever a pupil is suspended, expelled, removed, or 3577  
permanently excluded from a school for misconduct included in a 3578  
policy that the board of education of a city, exempted village, 3579  
or local school district has adopted under division (A) of 3580  
section 3313.661 of the Revised Code, and the misconduct 3581  
involves a firearm or a knife or other weapon as defined in that 3582  
policy, the superintendent of schools of that district shall 3583  
notify ~~the registrar and~~ the juvenile judge of the county in 3584  
which the district is located of the suspension, expulsion, 3585  
removal, or permanent exclusion. The notification shall be given 3586  
to ~~the registrar in the manner the registrar, by rule, requires~~ 3587  
~~and shall be given to~~ the juvenile judge in writing. The 3588  
notifications shall be given within two weeks after the 3589  
suspension, expulsion, removal, or permanent exclusion. 3590

(C) A notification of withdrawal, habitual absence without 3591  
legitimate excuse, suspension, or expulsion given to ~~the~~ 3592  
~~registrar or~~ a juvenile judge under division (B) (1), (2), (3), 3593  
or (4) of this section shall contain the name, address, date of 3594  
birth, school, and school district of the child. If the 3595  
superintendent finds, after giving a notification of withdrawal, 3596  
habitual absence without legitimate excuse, suspension, or 3597  
expulsion ~~to the registrar and~~ the juvenile judge under division 3598  
(B) (1), (2), (3), or (4) of this section, that the notification 3599  
was given in error, the superintendent immediately shall notify 3600  
~~the registrar and~~ the juvenile judge of that fact. 3601

**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 3602  
school year, the board of education of each city, exempted 3603

village, local, joint vocational, and cooperative education 3604  
school district and the governing board of each educational 3605  
service center shall adopt a new or amended policy to guide 3606  
employees of the school district or service center in addressing 3607  
and ameliorating student absences. In developing the policy, the 3608  
appropriate board shall consult with the judge of the juvenile 3609  
court of the county or counties in which the district or service 3610  
center is located, with the parents, guardians, or other persons 3611  
having care of the pupils attending school in the district, and 3612  
with appropriate state and local agencies. 3613

(B) The policy developed under division (A) of this 3614  
section shall include as an intervention strategy all of the 3615  
following actions, if applicable: 3616

(1) Providing a truancy intervention plan for any student 3617  
who is excessively absent from school, as described in the first 3618  
paragraph of division (C) of this section; 3619

(2) Providing counseling for an habitual truant; 3620

(3) Requesting or requiring a parent, guardian, or other 3621  
person having care of an habitual truant to attend parental 3622  
involvement programs, including programs adopted under section 3623  
3313.472 or 3313.663 of the Revised Code; 3624

(4) Requesting or requiring a parent, guardian, or other 3625  
person having care of an habitual truant to attend truancy 3626  
prevention mediation programs; 3627

~~(5) Notification of the registrar of motor vehicles under 3628  
section 3321.13 of the Revised Code;~~ 3629

~~(6) Taking legal action under section 2919.222, 3321.20, 3630  
or 3321.38 of the Revised Code. 3631~~

(C) (1) In the event that a child of compulsory school age 3632  
is absent with a nonmedical excuse or without legitimate excuse 3633  
from the public school the child is supposed to attend for 3634  
thirty-eight or more hours in one school month, or sixty-five or 3635  
more hours in a school year, the attendance officer of that 3636  
school shall notify the child's parent, guardian, or custodian 3637  
of the child's absences, in writing, within seven days after the 3638  
date after the absence that triggered the notice requirement. At 3639  
the time notice is given, the school also may take any 3640  
appropriate action as an intervention strategy contained in the 3641  
policy developed by the board pursuant to division (A) of this 3642  
section. 3643

(2) (a) If the absences of a student surpass the threshold 3644  
for an habitual truant as set forth in section 2151.011 of the 3645  
Revised Code, the principal or chief administrator of the school 3646  
or the superintendent of the school district shall assign the 3647  
student to an absence intervention team. Within fourteen school 3648  
days after the assignment of a student to an absence 3649  
intervention team, the team shall develop an intervention plan 3650  
for that student in an effort to reduce or eliminate further 3651  
absences. Each intervention plan shall vary based on the 3652  
individual needs of the student, but the plan shall state that 3653  
the attendance officer shall file a complaint not later than 3654  
sixty-one days after the date the plan was implemented, if the 3655  
child has refused to participate in, or failed to make 3656  
satisfactory progress on, the intervention plan or an 3657  
alternative to adjudication under division (C) (2) (b) of section 3658  
3321.191 of the Revised Code. Within seven days after the 3659  
development of the plan, the school district or school shall 3660  
make reasonable efforts to provide the student's parent, 3661  
guardian, custodian, guardian ad litem, or temporary custodian 3662

with written notice of the plan. 3663

(b) As part of the absence intervention plan described in 3664  
division (C)(2) of this section, the school district or school, 3665  
in its discretion, may contact the appropriate juvenile court 3666  
and ask to have a student informally enrolled in any alternative 3667  
to adjudication described in division (G) of section 2151.27 of 3668  
the Revised Code. If the school district or school chooses to 3669  
have students informally enrolled in an alternative to 3670  
adjudication, the school district or school shall develop a 3671  
written policy regarding the use of, and selection process for, 3672  
offering alternatives to adjudication to ensure fairness. 3673

(c) The superintendent of each school district, or the 3674  
superintendent's designee, shall establish an absence 3675  
intervention team for the district to be used by any schools of 3676  
the district that do not establish their own absence 3677  
intervention team as permitted under division (C)(2)(d) of this 3678  
section. Membership of each absence intervention team may vary 3679  
based on the needs of each individual student but shall include 3680  
a representative from the child's school district or school, 3681  
another representative from the child's school district or 3682  
school who knows the child, and the child's parent or parent's 3683  
designee, or the child's guardian, custodian, guardian ad litem, 3684  
or temporary custodian. The team also may include a school 3685  
psychologist, counselor, social worker, or representative of a 3686  
public or nonprofit agency designed to assist students and their 3687  
families in reducing absences. 3688

(d) The principal or chief administrator of each school 3689  
may establish an absence intervention team or series of teams to 3690  
be used in lieu of the district team established pursuant to 3691  
division (C)(2)(c) of this section. Membership of each absence 3692

intervention team may vary based on the needs of each individual 3693  
student but shall include a representative from the child's 3694  
school district or school, another representative from the 3695  
child's school district or school who knows the child, and the 3696  
child's parent or parent's designee, or the child's guardian, 3697  
custodian, guardian ad litem, or temporary custodian. The team 3698  
also may include a school psychologist, counselor, social 3699  
worker, or representative of a public or nonprofit agency 3700  
designed to assist students and their families in reducing 3701  
absences. 3702

(e) A superintendent, as described in division (C) (2) (c) 3703  
of this section, or principal or chief administrator, as 3704  
described in division (C) (2) (d) of this section, shall select 3705  
the members of an absence intervention team within seven school 3706  
days of the triggering event described in division (C) (2) (a) of 3707  
this section. The superintendent, principal, or chief 3708  
administrator, within the same period of seven school days, 3709  
shall make at least three meaningful, good faith attempts to 3710  
secure the participation of the student's parent, guardian, 3711  
custodian, guardian ad litem, or temporary custodian on that 3712  
team. If the student's parent responds to any of those attempts, 3713  
but is unable to participate for any reason, the representative 3714  
of the school district shall inform the parent of the parent's 3715  
right to appear by designee. If seven school days elapse and the 3716  
student's parent, guardian, custodian, guardian ad litem, or 3717  
temporary custodian fails to respond to the attempts to secure 3718  
participation, the school district or school shall do both of 3719  
the following: 3720

(i) Investigate whether the failure to respond triggers 3721  
mandatory reporting to the public children services agency for 3722  
the county in which the child resides in the manner described in 3723

section 2151.421 of the Revised Code; 3724

(ii) Instruct the absence intervention team to develop an 3725  
intervention plan for the child notwithstanding the absence of 3726  
the child's parent, guardian, custodian, guardian ad litem, or 3727  
temporary custodian. 3728

(f) In the event that a student becomes habitually truant 3729  
within twenty-one school days prior to the last day of 3730  
instruction of a school year, the school district or school may, 3731  
in its discretion, assign one school official to work with the 3732  
child's parent, guardian, custodian, guardian ad litem, or 3733  
temporary custodian to develop an absence intervention plan 3734  
during the summer. If the school district or school selects this 3735  
method, the plan shall be implemented not later than seven days 3736  
prior to the first day of instruction of the next school year. 3737  
In the alternative, the school district or school may toll the 3738  
time periods to accommodate for the summer months and reconvene 3739  
the absence intervention process upon the first day of 3740  
instruction of the next school year. 3741

(3) For purposes of divisions (C) (2) (c) and (d) of this 3742  
section, the state board of education shall develop a format for 3743  
parental permission to ensure compliance with the "Family 3744  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 3745  
U.S.C. 1232g, as amended, and any regulations promulgated under 3746  
that act, and section 3319.321 of the Revised Code. 3747

(D) Each school district or school may consult or partner 3748  
with public and nonprofit agencies to provide assistance as 3749  
appropriate to students and their families in reducing absences. 3750

(E) Beginning with the 2017-2018 school year, each school 3751  
district shall report to the department of education, as soon as 3752

practicable, and in a format and manner determined by the 3753  
department, any of the following occurrences: 3754

(1) When a notice required by division (C)(1) of this 3755  
section is submitted to a parent, guardian, or custodian; 3756

(2) When a child of compulsory school age has been absent 3757  
without legitimate excuse from the public school the child is 3758  
supposed to attend for thirty or more consecutive hours, forty- 3759  
two or more hours in one school month, or seventy-two or more 3760  
hours in a school year; 3761

(3) When a child of compulsory school age who has been 3762  
adjudicated an unruly child for being an habitual truant 3763  
violates the court order regarding that adjudication; 3764

(4) When an absence intervention plan has been implemented 3765  
for a child under this section. 3766

(F) Nothing in this section shall be construed to limit 3767  
the duty or authority of a district board of education or 3768  
governing body of an educational service center to develop other 3769  
policies related to truancy or to limit the duty or authority of 3770  
any employee of the school district or service center to respond 3771  
to pupil truancy. However, a board shall be subject to the 3772  
prohibition against suspending, expelling, or otherwise 3773  
preventing a student from attending school for excessive 3774  
absences as prescribed by section 3313.668 of the Revised Code. 3775

**Sec. 4503.20.** (A) As used in this section: 3776

(1) "Dealer engaged in the business of leasing motor 3777  
vehicles" means any person engaged in the business of regularly 3778  
making available, offering to make available, or arranging for 3779  
another person to use a motor vehicle pursuant to a bailment, 3780  
lease, or other contractual arrangement. 3781



(2) "Motor vehicle" has the meaning set forth in section 3782  
4509.01 of the Revised Code. 3783

(B) An application for the registration of a motor vehicle 3784  
shall contain a statement, to be signed by the applicant either 3785  
manually or by electronic signature, that does all of the 3786  
following: 3787

(1) States that the applicant maintains, or has maintained 3788  
on the applicant's behalf, proof of financial responsibility at 3789  
the time of application, and will not operate a motor vehicle in 3790  
this state, unless the applicant maintains, with respect to that 3791  
motor vehicle or the operation of such vehicle, proof of 3792  
financial responsibility; 3793

(2) Contains a brief summary of the purposes and operation 3794  
of section 4509.101 of the Revised Code, the rights and duties 3795  
of the applicant under that section, and the penalties for 3796  
violation of that section; 3797

(3) Warns the applicant that the financial responsibility 3798  
law does not prevent the possibility that the applicant may be 3799  
involved in an accident with an owner or operator of a motor 3800  
vehicle who is without proof of financial responsibility. 3801

(C) (1) A person who purchases any motor vehicle from a 3802  
licensed motor vehicle dealer who agrees to make application for 3803  
registration of the motor vehicle on behalf of the purchaser 3804  
shall sign statements that comply with divisions (B) and (F) of 3805  
this section. The dealer shall submit the statements to the 3806  
deputy registrar where the dealer has agreed to make application 3807  
for registration on behalf of the person. 3808

(2) In the case of a person who leases any motor vehicle 3809  
from a dealer engaged in the business of leasing motor vehicles 3810

who agrees to make application for registration of the motor 3811  
vehicle on behalf of the lessee, the person shall sign a 3812  
statement that complies with division (B) of this section, and 3813  
the dealer shall do either of the following: 3814

(a) Submit the statement signed by the person to the 3815  
deputy registrar where the dealer has agreed to make application 3816  
for registration on behalf of the person; 3817

(b) Sign and submit a statement to the deputy registrar 3818  
that certifies that a statement has been signed and filed with 3819  
the dealer or incorporated into the lease. 3820

The dealer shall submit to the registrar or deputy 3821  
registrar to whom the dealer submits the application for 3822  
registration a statement signed by the person that complies with 3823  
division (F) of this section. 3824

(D) The registrar of motor vehicles shall prescribe the 3825  
form of the statements required under divisions (B), (C), and 3826  
(F) of this section, and the manner or manners in which the 3827  
statements required under divisions (B) and (F) of this section 3828  
shall be presented to the applicant. Any statement that is 3829  
required under divisions (B), (C), and (F) of this section shall 3830  
be designed to enable the applicant to retain a copy of it. 3831

(E) Nothing within this section shall be construed to 3832  
excuse a violation of section 4509.101 of the Revised Code. A 3833  
motor vehicle dealer who makes application for the registration 3834  
of a motor vehicle on behalf of the purchaser or lessee of the 3835  
motor vehicle is not liable in damages in any civil action on 3836  
account of the act of making such application for registration 3837  
or the content of any such application for registration. 3838

(F) In addition to the statements required by divisions 3839

(B) and (C) of this section, a person who makes application for registration of a motor vehicle shall be furnished with a form that lists in plain language all the possible penalties to which a person could be subject for a violation of the financial responsibility law, including driver's license suspensions, and all fees, including nonvoluntary compliance and reinstatement fees, ~~and vehicle immobilization or impoundment~~. The person shall read the form and either manually or by electronic signature sign the form, which shall be submitted along with the application for registration as provided in this section. The form shall be retained by the registrar or deputy registrar who issues the motor vehicle registration or the registrar's or deputy registrar's successor for a period of two years from the date of issuance of the registration.

(G) Upon the registration of a motor vehicle, the owner of the motor vehicle is deemed to have agreed to the production of proof of financial responsibility by the owner or the operator of the motor vehicle, upon the request of a peace officer or state highway patrol trooper made in accordance with division (D) (2) of section 4509.101 of the Revised Code.

(H) The registrar shall adopt rules governing the renewal of motor vehicle registrations by electronic means and the completion and submission of statements that comply with divisions (B) and (F) of this section. The registrar shall adopt the rules prescribed by this division in accordance with Chapter 119. of the Revised Code.

**Sec. 4507.212.** (A) As used in this section, "motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.

(B) An application for a driver's, commercial driver's,

restricted, or probationary license, or renewal of such license 3870  
shall contain a statement, to be signed by the applicant, that 3871  
does all of the following: 3872

(1) States that the applicant maintains, or has maintained 3873  
on ~~his~~ the applicant's behalf, proof of financial responsibility 3874  
at the time of application, and will not operate a motor vehicle 3875  
in this state, unless ~~he~~ the applicant maintains, or has 3876  
maintained on ~~his~~ the applicant's behalf, proof of financial 3877  
responsibility; 3878

(2) Contains a brief summary of the purposes and operation 3879  
of section 4509.101 of the Revised Code, the rights and duties 3880  
of the applicant under that section, and the penalties for 3881  
violation of that section; 3882

(3) Warns the applicant that the financial responsibility 3883  
law does not prevent the possibility that the applicant may be 3884  
involved in an accident with an owner or operator of a motor 3885  
vehicle who is without proof of financial responsibility. 3886

(C) The registrar of motor vehicles shall prescribe the 3887  
form of the statement, and the manner in which the statement 3888  
shall be presented to the applicant. The statement shall be 3889  
designed to enable the applicant to retain a copy of it. 3890

(D) Nothing within this section shall be construed to 3891  
excuse a violation of section 4509.101 of the Revised Code. 3892

(E) At the time a person submits an application for a 3893  
driver's, commercial driver's, restricted, or probationary 3894  
license, or renewal of such a license, the applicant also shall 3895  
be furnished with a form that lists in plain language all the 3896  
possible penalties to which the applicant could be subject for a 3897  
violation of the financial responsibility law, including 3898

driver's license suspensions, and all fees, including 3899  
nonvoluntary compliance and reinstatement fees, ~~and vehicle~~ 3900  
~~immobilization or impoundment~~. The applicant shall sign the 3901  
form, which shall be submitted along with the application. The 3902  
form shall be retained by the registrar or deputy registrar who 3903  
issues the license or renewal or ~~his~~ the registrar's or deputy 3904  
registrar's successor for a period of two years from the date of 3905  
issuance of the license or renewal. The registrar shall 3906  
prescribe the manner in which the form shall be presented to the 3907  
applicant, and the format of the form, which shall be such that 3908  
the applicant can retain a copy of it. 3909

**Sec. 4509.101.** (A) (1) No person shall operate, or permit 3910  
the operation of, a motor vehicle in this state, unless proof of 3911  
financial responsibility is maintained continuously throughout 3912  
the registration period with respect to that vehicle, or, in the 3913  
case of a driver who is not the owner, with respect to that 3914  
driver's operation of that vehicle. 3915

(2) Whoever violates division (A) (1) of this section shall 3916  
be subject to the following civil penalties: 3917

(a) Subject to divisions (A) (2) (b) and (c) of this 3918  
section, a class (F) suspension of the person's driver's 3919  
license, commercial driver's license, temporary instruction 3920  
permit, probationary license, or nonresident operating privilege 3921  
for the period of time specified in division (B) (6) of section 3922  
4510.02 of the Revised Code and impoundment of the person's 3923  
license. The court may grant limited driving privileges to the 3924  
person, but only if the person presents proof of financial 3925  
responsibility and is enrolled in a reinstatement fee payment 3926  
plan pursuant to section 4510.10 of the Revised Code. 3927

(b) If, within ~~five years~~ one year of the violation, the 3928

person's operating privileges are again suspended and the 3929  
person's license again is impounded for a violation of division 3930  
(A) (1) of this section, a class C suspension of the person's 3931  
driver's license, commercial driver's license, temporary 3932  
instruction permit, probationary license, or nonresident 3933  
operating privilege for the period of time specified in division 3934  
(B) (3) of section 4510.02 of the Revised Code. The court may 3935  
grant limited driving privileges to the person only if the 3936  
person presents proof of financial responsibility and has 3937  
complied with division (A) (5) of this section, and no court may 3938  
grant limited driving privileges for the first fifteen days of 3939  
the suspension. 3940

(c) If, within ~~five years~~one year of the violation, the 3941  
person's operating privileges are suspended and the person's 3942  
license is impounded two or more times for a violation of 3943  
division (A) (1) of this section, a class B suspension of the 3944  
person's driver's license, commercial driver's license, 3945  
temporary instruction permit, probationary license, or 3946  
nonresident operating privilege for the period of time specified 3947  
in division (B) (2) of section 4510.02 of the Revised Code. The 3948  
court may grant limited driving privileges to the person only if 3949  
the person presents proof of financial responsibility and has 3950  
complied with division (A) (5) of this section, except that no 3951  
court may grant limited driving privileges for the first thirty 3952  
days of the suspension. 3953

~~(d) In addition to the suspension of an owner's license~~ 3954  
~~under division (A) (2) (a), (b), or (c) of this section, the~~ 3955  
~~suspension of the rights of the owner to register the motor-~~ 3956  
~~vehicle and the impoundment of the owner's certificate of~~ 3957  
~~registration and license plates until the owner complies with~~ 3958  
~~division (A) (5) of this section.~~ 3959

The clerk of court shall waive the cost of filing a petition for limited driving privileges if, pursuant to section 2323.311 of the Revised Code, the petitioner applies to be qualified as an indigent litigant and the court approves the application.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(4) An order of the registrar that suspends ~~and impounds a license or registration, or both,~~ shall state the date on or before which the person is required to surrender the person's ~~license or certificate of registration and license plates.~~ The person is deemed to have surrendered the ~~license or certificate of registration and license plates,~~ in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order,

personally delivers the license ~~or certificate of registration~~ 3989  
~~and license plates~~, or causes the delivery of the ~~items~~ license, 3990  
to the registrar; 3991

(b) Mails the license ~~or certificate of registration and~~ 3992  
~~license plates~~ to the registrar in an envelope or container 3993  
bearing a postmark showing a date no later than the date 3994  
specified in the order. 3995

(5) Except as provided in division (L) of this section, 3996  
the registrar shall not restore any operating privileges ~~or~~ 3997  
~~registration rights~~ suspended under this section, return any 3998  
license, ~~certificate of registration, or license plates~~ 3999  
~~impounded surrendered~~ under this section, ~~or reissue license~~ 4000  
~~plates under section 4503.232 of the Revised Code, if the~~ 4001  
~~registrar destroyed the impounded license plates under that~~ 4002  
~~section, or reissue a license under section 4510.52 of the~~ 4003  
Revised Code, if the registrar destroyed the suspended license 4004  
under that section, unless the rights are not subject to 4005  
suspension or revocation under any other law and unless the 4006  
person, in addition to complying with all other conditions 4007  
required by law for reinstatement of the operating privileges ~~or~~ 4008  
~~registration rights~~, complies with all of the following: 4009

(a) Pays to the registrar or an eligible deputy registrar 4010  
a financial responsibility reinstatement fee of one hundred 4011  
dollars for the first violation of division (A)(1) of this 4012  
section, three hundred dollars for a second violation of that 4013  
division, and six hundred dollars for a third or subsequent 4014  
violation of that division; 4015

(b) If the person has not voluntarily surrendered the 4016  
license, ~~certificate, or license plates~~ in compliance with the 4017  
order, pays to the registrar or an eligible deputy registrar a 4018



financial responsibility nonvoluntary compliance fee in an 4019  
amount, not to exceed fifty dollars, determined by the 4020  
registrar; 4021

(c) Files and continuously maintains proof of financial 4022  
responsibility under sections 4509.44 to 4509.65 of the Revised 4023  
Code; 4024

(d) Pays a deputy registrar a service fee of ten dollars 4025  
to compensate the deputy registrar for services performed under 4026  
this section. The deputy registrar shall retain eight dollars of 4027  
the service fee and shall transmit the reinstatement fee, any 4028  
nonvoluntary compliance fee, and two dollars of the service fee 4029  
to the registrar in the manner the registrar shall determine. 4030

(B) (1) Every party required to file an accident report 4031  
under section 4509.06 of the Revised Code also shall include 4032  
with the report a document described in division (G) (1) (a) of 4033  
this section or shall present proof of financial responsibility 4034  
through use of an electronic wireless communications device as 4035  
permitted by division (G) (1) (b) of this section. 4036

If the registrar determines, within forty-five days after 4037  
the report is filed, that an operator or owner has violated 4038  
division (A) (1) of this section, the registrar shall do all of 4039  
the following: 4040

~~(a) Order the impoundment, with respect to the motor 4041  
vehicle involved, required under division (A) (2) (d) of this 4042  
section, of the certificate of registration and license plates 4043  
of any owner who has violated division (A) (1) of this section;~~ 4044

~~(b) Order the suspension required under division (A) (2) 4045  
(a), (b), or (c) of this section of the license of any operator 4046  
or owner who has violated division (A) (1) of this section;~~ 4047

~~(e)-(b)~~ Record the name and address of the person whose 4048  
~~certificate of registration and license plates have been~~ 4049  
~~impounded or are under an order of impoundment, or whose license~~ 4050  
has been suspended or is under an order of suspension, ~~the~~ 4051  
serial number of the person's license, ~~the serial numbers of the~~ 4052  
~~person's certificate of registration and license plates,~~ and 4053  
the person's social security account number, if assigned, or, 4054  
where the motor vehicle that is the subject of the violation is 4055  
used for hire or principally in connection with any established 4056  
business, the person's federal taxpayer identification number. 4057  
The information shall be recorded in such a manner that it 4058  
becomes a part of the person's permanent record, and assists the 4059  
registrar in monitoring compliance with the orders of suspension 4060  
~~or impoundment.~~ 4061

~~(d)-(c)~~ Send written notification to every person to whom 4062  
the order pertains, at the person's last known address as shown 4063  
on the records of the bureau. The person, within ten days after 4064  
the date of the mailing of the notification, shall surrender to 4065  
the registrar, in a manner set forth in division (A) (4) of this 4066  
section, ~~any certificate of registration and registration plates~~ 4067  
~~under an order of impoundment, or any license under an order of~~ 4068  
suspension. 4069

(2) The registrar shall issue any order under division (B) 4070  
(1) of this section without a hearing. Any person adversely 4071  
affected by the order, within ten days after the issuance of the 4072  
order, may request an administrative hearing before the 4073  
registrar, who shall provide the person with an opportunity for 4074  
a hearing in accordance with this paragraph. A request for a 4075  
hearing does not operate as a suspension of the order. The scope 4076  
of the hearing shall be limited to whether the person in fact 4077  
demonstrated to the registrar proof of financial responsibility 4078

in accordance with this section. The registrar shall determine 4079  
the date, time, and place of any hearing, provided that the 4080  
hearing shall be held, and an order issued or findings made, 4081  
within thirty days after the registrar receives a request for a 4082  
hearing. If requested by the person in writing, the registrar 4083  
may designate as the place of hearing the county seat of the 4084  
county in which the person resides or a place within fifty miles 4085  
of the person's residence. The person shall pay the cost of the 4086  
hearing before the registrar, if the registrar's order of 4087  
suspension ~~or impoundment~~ is upheld. 4088

(C) Any order of suspension ~~or impoundment~~ issued under 4089  
this section or division (B) of section 4509.37 of the Revised 4090  
Code may be terminated at any time if the registrar determines 4091  
upon a showing of proof of financial responsibility that the 4092  
operator or owner of the motor vehicle was in compliance with 4093  
division (A)(1) of this section at the time of the traffic 4094  
offense, motor vehicle inspection, or accident that resulted in 4095  
the order against the person. A determination may be made 4096  
without a hearing. This division does not apply unless the 4097  
person shows good cause for the person's failure to present 4098  
satisfactory proof of financial responsibility to the registrar 4099  
prior to the issuance of the order. 4100

(D) (1) (a) For the purpose of enforcing this section, every 4101  
peace officer is deemed an agent of the registrar. 4102

(b) Any peace officer who, in the performance of the peace 4103  
officer's duties as authorized by law, becomes aware of a person 4104  
whose license is under an order of suspension, ~~or whose~~ 4105  
~~certificate of registration and license plates are under an~~ 4106  
~~order of impoundment,~~ pursuant to this section, may confiscate 4107  
the license, ~~certificate of registration, and license plates,~~ 4108

and return ~~them~~it to the registrar. 4109

(2) A peace officer shall request the owner or operator of 4110  
a motor vehicle to produce proof of financial responsibility in 4111  
a manner described in division (G) of this section at the time 4112  
the peace officer acts to enforce the traffic laws of this state 4113  
and during motor vehicle inspections conducted pursuant to 4114  
section 4513.02 of the Revised Code. 4115

(3) A peace officer shall indicate on every traffic ticket 4116  
whether the person receiving the traffic ticket produced proof 4117  
of the maintenance of financial responsibility in response to 4118  
the officer's request under division (D) (2) of this section. The 4119  
peace officer shall inform every person who receives a traffic 4120  
ticket and who has failed to produce proof of the maintenance of 4121  
financial responsibility that the person must submit proof to 4122  
the traffic violations bureau with any payment of a fine and 4123  
costs for the ticketed violation or, if the person is to appear 4124  
in court for the violation, the person must submit proof to the 4125  
court. 4126

(4) (a) If a person who has failed to produce proof of the 4127  
maintenance of financial responsibility appears in court for a 4128  
ticketed violation, the court may permit the defendant to 4129  
present evidence of proof of financial responsibility to the 4130  
court at such time and in such manner as the court determines to 4131  
be necessary or appropriate. In a manner prescribed by the 4132  
registrar, the clerk of courts shall provide the registrar with 4133  
the identity of any person who fails to submit proof of the 4134  
maintenance of financial responsibility pursuant to division (D) 4135  
(3) of this section. 4136

(b) If a person who has failed to produce proof of the 4137  
maintenance of financial responsibility also fails to submit 4138

that proof to the traffic violations bureau with payment of a 4139  
fine and costs for the ticketed violation, the traffic 4140  
violations bureau, in a manner prescribed by the registrar, 4141  
shall notify the registrar of the identity of that person. 4142

(5) (a) Upon receiving notice from a clerk of courts or 4143  
traffic violations bureau pursuant to division (D) (4) of this 4144  
section, the registrar shall order the suspension of the license 4145  
of the person required under division (A) (2) (a), (b), or (c) of 4146  
this section ~~and the impoundment of the person's certificate of~~ 4147  
~~registration and license plates required under division (A) (2)~~ 4148  
~~(d) of this section~~, effective thirty days after the date of the 4149  
mailing of notification. The registrar also shall notify the 4150  
person that the person must present the registrar with proof of 4151  
financial responsibility in accordance with this section, 4152  
surrender to the registrar the person's ~~certificate of~~ 4153  
~~registration, license plates, and license~~, or submit a statement 4154  
subject to section 2921.13 of the Revised Code that the person 4155  
did not operate or permit the operation of the motor vehicle at 4156  
the time of the offense. Notification shall be in writing and 4157  
shall be sent to the person at the person's last known address 4158  
as shown on the records of the bureau of motor vehicles. The 4159  
person, within fifteen days after the date of the mailing of 4160  
notification, shall present proof of financial responsibility, 4161  
surrender the ~~certificate of registration, license plates, and~~ 4162  
license to the registrar in a manner set forth in division (A) 4163  
(4) of this section, or submit the statement required under this 4164  
section together with other information the person considers 4165  
appropriate. 4166

If the registrar does not receive proof or the person does 4167  
not surrender the ~~certificate of registration, license plates,~~ 4168  
~~and license~~, in accordance with this division, the registrar 4169

shall permit the order for the suspension of the license of the 4170  
person ~~and the impoundment of the person's certificate of~~ 4171  
~~registration and license plates~~ to take effect. 4172

(b) In the case of a person who presents, within the 4173  
fifteen-day period, proof of financial responsibility, the 4174  
registrar shall terminate the order of suspension ~~and the~~ 4175  
~~impoundment of the registration and license plates required~~ 4176  
~~under division (A) (2) (d) of this section~~ and shall send written 4177  
notification to the person, at the person's last known address 4178  
as shown on the records of the bureau. 4179

(c) Any person adversely affected by the order of the 4180  
registrar under division (D) (5) (a) or (b) of this section, 4181  
within ten days after the issuance of the order, may request an 4182  
administrative hearing before the registrar, who shall provide 4183  
the person with an opportunity for a hearing in accordance with 4184  
this paragraph. A request for a hearing does not operate as a 4185  
suspension of the order. The scope of the hearing shall be 4186  
limited to whether, at the time of the hearing, the person 4187  
presents proof of financial responsibility covering the vehicle 4188  
and whether the person is eligible for an exemption in 4189  
accordance with this section or any rule adopted under it. The 4190  
registrar shall determine the date, time, and place of any 4191  
hearing; provided, that the hearing shall be held, and an order 4192  
issued or findings made, within thirty days after the registrar 4193  
receives a request for a hearing. If requested by the person in 4194  
writing, the registrar may designate as the place of hearing the 4195  
county seat of the county in which the person resides or a place 4196  
within fifty miles of the person's residence. Such person shall 4197  
pay the cost of the hearing before the registrar, if the 4198  
registrar's order of suspension ~~or impoundment~~ under division 4199  
(D) (5) (a) or (b) of this section is upheld. 4200

(6) A peace officer may charge an owner or operator of a motor vehicle with a violation of section 4510.16 of the Revised Code when the owner or operator fails to show proof of the maintenance of financial responsibility pursuant to a peace officer's request under division (D) (2) of this section, if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial responsibility under section 4509.45 of the Revised Code for a previous violation of this chapter.

(7) Any forms used by law enforcement agencies in administering this section shall be prescribed, supplied, and paid for by the registrar.

(8) No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency that employs a peace officer shall be liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section.

(9) As used in this section, "peace officer" has the meaning set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the public safety - highway purposes fund established in section 4501.06 of the Revised Code and used to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, ~~certificate of~~

~~registration, and license plates~~ to the registrar pursuant to 4231  
division (C) of this section. 4232

Of each financial responsibility reinstatement fee the 4233  
registrar collects pursuant to division (A) (5) (a) of this 4234  
section or receives from a deputy registrar under division (A) 4235  
(5) (d) of this section, the registrar shall deposit twenty-five 4236  
dollars of each one-hundred-dollar reinstatement fee, fifty 4237  
dollars of each three-hundred-dollar reinstatement fee, and one 4238  
hundred dollars of each six-hundred-dollar reinstatement fee 4239  
into the state treasury to the credit of the indigent defense 4240  
support fund created by section 120.08 of the Revised Code. 4241

(F) Chapter 119. of the Revised Code applies to this 4242  
section only to the extent that any provision in that chapter is 4243  
not clearly inconsistent with this section. 4244

(G) (1) (a) The registrar, court, traffic violations bureau, 4245  
or peace officer may require proof of financial responsibility 4246  
to be demonstrated by use of a standard form prescribed by the 4247  
registrar. If the use of a standard form is not required, a 4248  
person may demonstrate proof of financial responsibility under 4249  
this section by presenting to the traffic violations bureau, 4250  
court, registrar, or peace officer any of the following 4251  
documents or a copy of the documents: 4252

(i) A financial responsibility identification card as 4253  
provided in section 4509.103 of the Revised Code; 4254

(ii) A certificate of proof of financial responsibility on 4255  
a form provided and approved by the registrar for the filing of 4256  
an accident report required to be filed under section 4509.06 of 4257  
the Revised Code; 4258

(iii) A policy of liability insurance, a declaration page 4259



of a policy of liability insurance, or liability bond, if the 4260  
policy or bond complies with section 4509.20 or sections 4509.49 4261  
to 4509.61 of the Revised Code; 4262

(iv) A bond or certification of the issuance of a bond as 4263  
provided in section 4509.59 of the Revised Code; 4264

(v) A certificate of deposit of money or securities as 4265  
provided in section 4509.62 of the Revised Code; 4266

(vi) A certificate of self-insurance as provided in 4267  
section 4509.72 of the Revised Code. 4268

(b) A person also may present proof of financial 4269  
responsibility under this section to the traffic violations 4270  
bureau, court, registrar, or peace officer through use of an 4271  
electronic wireless communications device as specified under 4272  
section 4509.103 of the Revised Code. 4273

(2) If a person fails to demonstrate proof of financial 4274  
responsibility in a manner described in division (G)(1) of this 4275  
section, the person may demonstrate proof of financial 4276  
responsibility under this section by any other method that the 4277  
court or the bureau, by reason of circumstances in a particular 4278  
case, may consider appropriate. 4279

(3) A motor carrier certificated by the interstate 4280  
commerce commission or by the public utilities commission may 4281  
demonstrate proof of financial responsibility by providing a 4282  
statement designating the motor carrier's operating authority 4283  
and averring that the insurance coverage required by the 4284  
certificating authority is in full force and effect. 4285

(4) (a) A finding by the registrar or court that a person 4286  
is covered by proof of financial responsibility in the form of 4287  
an insurance policy or surety bond is not binding upon the named 4288

insurer or surety or any of its officers, employees, agents, or 4289  
representatives and has no legal effect except for the purpose 4290  
of administering this section. 4291

(b) The preparation and delivery of a financial 4292  
responsibility identification card or any other document 4293  
authorized to be used as proof of financial responsibility and 4294  
the generation and delivery of proof of financial responsibility 4295  
to an electronic wireless communications device that is 4296  
displayed on the device as text or images does not do any of the 4297  
following: 4298

(i) Create any liability or estoppel against an insurer or 4299  
surety, or any of its officers, employees, agents, or 4300  
representatives; 4301

(ii) Constitute an admission of the existence of, or of 4302  
any liability or coverage under, any policy or bond; 4303

(iii) Waive any defenses or counterclaims available to an 4304  
insurer, surety, agent, employee, or representative in an action 4305  
commenced by an insured or third-party claimant upon a cause of 4306  
action alleged to have arisen under an insurance policy or 4307  
surety bond or by reason of the preparation and delivery of a 4308  
document for use as proof of financial responsibility or the 4309  
generation and delivery of proof of financial responsibility to 4310  
an electronic wireless communications device. 4311

(c) Whenever it is determined by a final judgment in a 4312  
judicial proceeding that an insurer or surety, which has been 4313  
named on a document or displayed on an electronic wireless 4314  
communications device accepted by a court or the registrar as 4315  
proof of financial responsibility covering the operation of a 4316  
motor vehicle at the time of an accident or offense, is not 4317

liable to pay a judgment for injuries or damages resulting from 4318  
such operation, the registrar, notwithstanding any previous 4319  
contrary finding, shall forthwith suspend the operating 4320  
privileges and registration rights of the person against whom 4321  
the judgment was rendered as provided in division (A) (2) of this 4322  
section. 4323

(H) In order for any document or display of text or images 4324  
on an electronic wireless communications device described in 4325  
division (G) (1) of this section to be used for the demonstration 4326  
of proof of financial responsibility under this section, the 4327  
document or words or images shall state the name of the insured 4328  
or obligor, the name of the insurer or surety company, and the 4329  
effective and expiration dates of the financial responsibility, 4330  
and designate by explicit description or by appropriate 4331  
reference all motor vehicles covered which may include a 4332  
reference to fleet insurance coverage. 4333

(I) For purposes of this section, "owner" does not include 4334  
a licensed motor vehicle leasing dealer as defined in section 4335  
4517.01 of the Revised Code, but does include a motor vehicle 4336  
renting dealer as defined in section 4549.65 of the Revised 4337  
Code. Nothing in this section or in section 4509.51 of the 4338  
Revised Code shall be construed to prohibit a motor vehicle 4339  
renting dealer from entering into a contractual agreement with a 4340  
person whereby the person renting the motor vehicle agrees to be 4341  
solely responsible for maintaining proof of financial 4342  
responsibility, in accordance with this section, with respect to 4343  
the operation, maintenance, or use of the motor vehicle during 4344  
the period of the motor vehicle's rental. 4345

(J) The purpose of this section is to require the 4346  
maintenance of proof of financial responsibility with respect to 4347

the operation of motor vehicles on the highways of this state, 4348  
so as to minimize those situations in which persons are not 4349  
compensated for injuries and damages sustained in motor vehicle 4350  
accidents. The general assembly finds that this section contains 4351  
reasonable civil penalties and procedures for achieving this 4352  
purpose. 4353

(K) Nothing in this section shall be construed to be 4354  
subject to section 4509.78 of the Revised Code. 4355

(L) (1) The registrar may terminate any suspension imposed 4356  
under this section and not require the owner to comply with 4357  
divisions (A) (5) (a), (b), and (c) of this section if the 4358  
registrar with or without a hearing determines that the owner of 4359  
the vehicle has established by clear and convincing evidence 4360  
that all of the following apply: 4361

(a) The owner customarily maintains proof of financial 4362  
responsibility. 4363

(b) Proof of financial responsibility was not in effect 4364  
for the vehicle on the date in question for one of the following 4365  
reasons: 4366

(i) The vehicle was inoperable. 4367

(ii) The vehicle is operated only seasonally, and the date 4368  
in question was outside the season of operation. 4369

(iii) A person other than the vehicle owner or driver was 4370  
at fault for the lapse of proof of financial responsibility 4371  
through no fault of the owner or driver. 4372

(iv) The lapse of proof of financial responsibility was 4373  
caused by excusable neglect under circumstances that are not 4374  
likely to recur and do not suggest a purpose to evade the 4375

requirements of this chapter. 4376

(2) The registrar may grant an owner or driver relief for 4377  
a reason specified in division (L) (1) (b) (iii) or (iv) of this 4378  
section only if the owner or driver has not previously been 4379  
granted relief under division (L) (1) (b) (iii) or (iv) of this 4380  
section. 4381

(M) The registrar shall adopt rules in accordance with 4382  
Chapter 119. of the Revised Code that are necessary to 4383  
administer and enforce this section. The rules shall include 4384  
~~procedures for the surrender of license plates upon failure to~~ 4385  
~~maintain proof of financial responsibility and provisions~~ 4386  
relating to ~~reinstatement of registration rights,~~ acceptable 4387  
forms of proof of financial responsibility, the use of an 4388  
electronic wireless communications device to present proof of 4389  
financial responsibility, and verification of the existence of 4390  
financial responsibility during the period of registration. 4391

(N) (1) When a person utilizes an electronic wireless 4392  
communications device to present proof of financial 4393  
responsibility, only the evidence of financial responsibility 4394  
displayed on the device shall be viewed by the registrar, peace 4395  
officer, employee or official of the traffic violations bureau, 4396  
or the court. No other content of the device shall be viewed for 4397  
purposes of obtaining proof of financial responsibility. 4398

(2) When a person provides an electronic wireless 4399  
communications device to the registrar, a peace officer, an 4400  
employee or official of a traffic violations bureau, or the 4401  
court, the person assumes the risk of any resulting damage to 4402  
the device unless the registrar, peace officer, employee, or 4403  
official, or court personnel purposely, knowingly, or recklessly 4404  
commits an action that results in damage to the device. 4405

**Sec. 4509.37.** (A) The registrar of motor vehicles upon 4406  
receipt of a certified copy of a judgment, shall impose a class 4407  
F suspension for the period of time specified in division (B) (6) 4408  
of section 4510.02 of the Revised Code of the license ~~and~~ 4409  
~~registration~~ and any nonresident's operating privilege of any 4410  
person against whom such judgment was rendered, except as 4411  
provided in sections 4509.01 to 4509.78 of the Revised Code. 4412

Such certified copy of a judgment shall include the last 4413  
known address, the social security number, if known, and the 4414  
operator's license number, of the judgment debtor. 4415

(B) The registrar shall also impose the civil penalties 4416  
specified in division (A) (2) of section 4509.101 of the Revised 4417  
Code unless either of the following applies: 4418

(1) The judgment debtor presents proof of financial 4419  
responsibility to the registrar proving that the judgment debtor 4420  
was covered, at the time of the motor vehicle accident out of 4421  
which the cause of action arose, by proof of financial 4422  
responsibility in compliance with section 4509.101 of the 4423  
Revised Code. 4424

(2) The judgment debtor proves to the registrar that the 4425  
judgment debtor's ~~registration and~~ license ~~have~~ has been 4426  
previously suspended under section 4509.101 of the Revised Code 4427  
by reason of the judgment debtor's failure to prove that the 4428  
judgment debtor was covered, at the time of the motor vehicle 4429  
accident out of which the cause of action arose, by proof of 4430  
financial responsibility. 4431

**Sec. 4509.67.** (A) The registrar of motor vehicles shall, 4432  
upon request, consent to the immediate cancellation of any bond 4433  
or certificate of insurance, or shall direct and the treasurer 4434

of state shall return to the person entitled any money or 4435  
securities deposited under sections 4509.01 to 4509.78 of the 4436  
Revised Code, as proof of financial responsibility, or the 4437  
registrar shall waive the requirement of filing proof, in any of 4438  
the following events: 4439

(1) At any time after three years from the date such proof 4440  
was required when, during the three years preceding the request, 4441  
the registrar has not received record of a conviction or bail 4442  
forfeiture which would require or permit the suspension or 4443  
revocation of the license, ~~registration~~ or nonresident's 4444  
operating privilege of the person by or for whom such proof was 4445  
furnished ~~and the person's motor vehicle registration has not~~ 4446  
~~been suspended for a violation of section 4509.101 of the~~ 4447  
~~Revised Code;~~ 4448

(2) In the event of the death of the person on whose 4449  
behalf such proof was filed or the permanent incapacity of such 4450  
person to operate a motor vehicle; 4451

(3) In the event the person who has given proof surrenders 4452  
his the person's license ~~and registration~~ to the registrar. 4453

(B) The registrar shall not consent to the cancellation of 4454  
any bond or the return of any money or securities if any action 4455  
for damages upon a liability covered by such proof is pending, 4456  
or any judgment upon any such liability is unsatisfied, or in 4457  
the event the person who has filed such bond or deposited such 4458  
money or securities has within two years immediately preceding 4459  
such request been involved as a driver or owner in any ~~motor-~~ 4460  
~~vehicle~~ motor vehicle accident resulting in injury to the person 4461  
or property of others. An affidavit of the applicant as to the 4462  
nonexistence of such facts, or that he the applicant has been 4463  
released from all liability, or has been finally adjudicated not 4464

liable, for such injury may be accepted as evidence thereof in 4465  
the absence of evidence to the contrary in the records of the 4466  
registrar. 4467

(C) Whenever any person whose proof has been canceled or 4468  
returned under division (A) (3) of this section applies for a 4469  
license ~~or registration~~ within a period of three years from the 4470  
date proof was originally required, any such application shall 4471  
be refused unless the applicant re-establishes proof of 4472  
financial responsibility for the remainder of the three-year 4473  
period. 4474

**Sec. 4510.101.** As used in sections 4510.101 to ~~4510.107~~ 4475  
4510.108 of the Revised Code: 4476

(A) "Eligible offense" means an offense under any of the 4477  
following Revised Code sections if the offense, an essential 4478  
element of the offense, the basis of the charge, or any 4479  
underlying offense did not involve alcohol, a drug of abuse, 4480  
combination thereof, or a deadly weapon: 2151.354, 2152.19, 4481  
2152.21, 2913.02, 4507.20, 4509.101, 4509.17, 4509.24, 4509.40, 4482  
4510.037, 4510.05, 4510.06, 4510.15, 4510.22, 4510.23, 4510.31, 4483  
~~4510.32~~, 4511.203, 4511.205, 4511.251, 4511.75, 4549.02, 4484  
4549.021, and 5743.99. 4485

(B) "Deadly weapon" has the same meaning as in section 4486  
2923.11 of the Revised Code. 4487

(C) "Drug of abuse" has the same meaning as in section 4488  
4511.181 of the Revised Code. 4489

(D) "Complete amnesty" means a waiver of reinstatement 4490  
fees. 4491

(E) "Driver's license or permit" does not include a 4492  
commercial driver's license or permit. 4493



(F) "Indigent" means a person who is a participant in any	4494
of the following programs:	4495
(1) The supplemental nutrition assistance program	4496
administered by the department of job and family services	4497
pursuant to section 5101.54 of the Revised Code;	4498
(2) The medicaid program pursuant to Chapter 5163. of the	4499
Revised Code;	4500
(3) The Ohio works first program administered by the	4501
department of job and family services pursuant to section	4502
5107.10 of the Revised Code;	4503
(4) The supplemental security income program pursuant to	4504
20 C.F.R. 416.1100;	4505
(5) The United States department of veterans affairs	4506
pension benefit program pursuant to 38 U.S.C. 1521.	4507
(G) "Permanent driver's license reinstatement fee debt	4508
reduction and amnesty program" or "program" means the program	4509
established in section 4510.102 of the Revised Code and	4510
administered by the director of public safety.	4511
<b>Sec. 4510.111.</b> (A) No person shall operate any motor	4512
vehicle upon a highway or any public or private property used by	4513
the public for purposes of vehicular travel or parking in this	4514
state whose driver's or commercial driver's license has been	4515
suspended pursuant to section 2151.354, <del>2151.87</del> , 2935.27,	4516
3123.58, 4301.99, 4510.032, 4510.22, or 4510.33 of the Revised	4517
Code.	4518
(B) Upon the request or motion of the prosecuting	4519
authority, a noncertified copy of the law enforcement automated	4520
data system report or a noncertified copy of a record of the	4521

registrar of motor vehicles that shows the name, date of birth, 4522  
and social security number of a person charged with a violation 4523  
of division (A) of this section may be admitted into evidence as 4524  
prima-facie evidence that the license of the person was under 4525  
suspension at the time of the alleged violation of division (A) 4526  
of this section. The person charged with a violation of division 4527  
(A) of this section may offer evidence to rebut this prima-facie 4528  
evidence. 4529

(C) Whoever violates division (A) of this section is 4530  
guilty of driving under suspension, and shall be punished as 4531  
provided in division (C) (1) or (2) of this section. 4532

(1) Except as otherwise provided in division (C) (2) of 4533  
this section, the offense is an unclassified misdemeanor. The 4534  
offender shall be sentenced pursuant to sections 2929.21 to 4535  
2929.28 of the Revised Code, except that the offender shall not 4536  
be sentenced to a jail term; the offender shall not be sentenced 4537  
to a community residential sanction pursuant to section 2929.26 4538  
of the Revised Code; notwithstanding division (A) (2) (a) of 4539  
section 2929.28 of the Revised Code, the offender may be fined 4540  
up to one thousand dollars; and, notwithstanding division (A) (3) 4541  
of section 2929.27 of the Revised Code, the offender may be 4542  
ordered pursuant to division (C) of that section to serve a term 4543  
of community service of up to five hundred hours. The failure of 4544  
an offender to complete a term of community service imposed by 4545  
the court may be punished as indirect criminal contempt under 4546  
division (A) of section 2705.02 of the Revised Code that may be 4547  
filed in the underlying case. 4548

(2) If, within three years of the offense, the offender 4549  
previously was convicted of or pleaded guilty to two or more 4550  
violations of division (A) of this section, or any combination 4551

of two or more violations of division (A) of this section or 4552  
section 4510.11 or 4510.16 of the Revised Code, or a 4553  
substantially equivalent municipal ordinance, the offense is a 4554  
misdemeanor of the fourth degree, and the offender shall provide 4555  
the court with proof of financial responsibility as defined in 4556  
section 4509.01 of the Revised Code. If the offender fails to 4557  
provide that proof of financial responsibility, then in addition 4558  
to any other penalties provided by law, the court may order 4559  
restitution pursuant to section 2929.28 of the Revised Code in 4560  
an amount not exceeding five thousand dollars for any economic 4561  
loss arising from an accident or collision that was the direct 4562  
and proximate result of the offender's operation of the vehicle 4563  
before, during, or after committing the offense for which the 4564  
offender is sentenced under this section. 4565

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 4566  
impose a class D suspension of the person's driver's license, 4567  
commercial driver's license, temporary instruction permit, 4568  
probationary license, or nonresident operating privilege for the 4569  
period of time specified in division (B)(4) of section 4510.02 4570  
of the Revised Code on any person who is a resident of this 4571  
state and is convicted of or pleads guilty to a violation of a 4572  
statute of any other state or any federal statute that is 4573  
substantially similar to section 2925.02, 2925.03, 2925.04, 4574  
2925.041, 2925.05, 2925.06, 2925.11, ~~2925.12,~~ 2925.13, ~~2925.14,~~ 4575  
~~2925.141,~~ 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 4576  
2925.37 of the Revised Code and the person's license, permit, or 4577  
privilege is authorized or is required to be suspended had the 4578  
offense occurred in this state. Upon receipt of a report from a 4579  
court, court clerk, or other official of any other state or from 4580  
any federal authority that a resident of this state was 4581  
convicted of or pleaded guilty to an offense described in this 4582

division, the registrar shall send a notice by regular first 4583  
class mail to the person, at the person's last known address as 4584  
shown in the records of the bureau of motor vehicles, informing 4585  
the person of the suspension, that the suspension will take 4586  
effect twenty-one days from the date of the notice, and that, if 4587  
the person wishes to appeal the suspension or denial, the person 4588  
must file a notice of appeal within twenty-one days of the date 4589  
of the notice requesting a hearing on the matter. If the person 4590  
requests a hearing, the registrar shall hold the hearing not 4591  
more than forty days after receipt by the registrar of the 4592  
notice of appeal. The filing of a notice of appeal does not stay 4593  
the operation of the suspension that must be imposed pursuant to 4594  
this division. The scope of the hearing shall be limited to 4595  
whether the person actually was convicted of or pleaded guilty 4596  
to the offense for which the suspension is to be imposed. 4597

The suspension the registrar is required to impose under 4598  
this division shall end either on the last day of the class D 4599  
suspension period or of the suspension of the person's 4600  
nonresident operating privilege imposed by the state or federal 4601  
court, whichever is earlier. 4602

The registrar shall subscribe to or otherwise participate 4603  
in any information system or register, or enter into reciprocal 4604  
and mutual agreements with other states and federal authorities, 4605  
in order to facilitate the exchange of information with other 4606  
states and the United States government regarding persons who 4607  
plead guilty to or are convicted of offenses described in this 4608  
division and therefore are subject to the suspension or denial 4609  
described in this division. 4610

(B) The registrar shall impose a class D suspension of the 4611  
person's driver's license, commercial driver's license, 4612

temporary instruction permit, probationary license, or 4613  
nonresident operating privilege for the period of time specified 4614  
in division (B) (4) of section 4510.02 of the Revised Code on any 4615  
person who is a resident of this state and is convicted of or 4616  
pleads guilty to a violation of a statute of any other state or 4617  
a municipal ordinance of a municipal corporation located in any 4618  
other state that is substantially similar to section 4511.19 of 4619  
the Revised Code. Upon receipt of a report from another state 4620  
made pursuant to section 4510.61 of the Revised Code indicating 4621  
that a resident of this state was convicted of or pleaded guilty 4622  
to an offense described in this division, the registrar shall 4623  
send a notice by regular first class mail to the person, at the 4624  
person's last known address as shown in the records of the 4625  
bureau of motor vehicles, informing the person of the 4626  
suspension, that the suspension or denial will take effect 4627  
twenty-one days from the date of the notice, and that, if the 4628  
person wishes to appeal the suspension, the person must file a 4629  
notice of appeal within twenty-one days of the date of the 4630  
notice requesting a hearing on the matter. If the person 4631  
requests a hearing, the registrar shall hold the hearing not 4632  
more than forty days after receipt by the registrar of the 4633  
notice of appeal. The filing of a notice of appeal does not stay 4634  
the operation of the suspension that must be imposed pursuant to 4635  
this division. The scope of the hearing shall be limited to 4636  
whether the person actually was convicted of or pleaded guilty 4637  
to the offense for which the suspension is to be imposed. 4638

The suspension the registrar is required to impose under 4639  
this division shall end either on the last day of the class D 4640  
suspension period or of the suspension of the person's 4641  
nonresident operating privilege imposed by the state or federal 4642  
court, whichever is earlier. 4643

(C) The registrar shall impose a class D suspension of the 4644  
child's driver's license, commercial driver's license, temporary 4645  
instruction permit, or nonresident operating privilege for the 4646  
period of time specified in division (B) (4) of section 4510.02 4647  
of the Revised Code on any child who is a resident of this state 4648  
and is convicted of or pleads guilty to a violation of a statute 4649  
of any other state or any federal statute that is substantially 4650  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 4651  
2925.06, 2925.11, ~~2925.12~~, 2925.13, ~~2925.14~~, ~~2925.141~~, 2925.22, 4652  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 4653  
Code and the person's license, permit, or privilege is 4654  
authorized or is required to be suspended had the offense 4655  
occurred in this state. Upon receipt of a report from a court, 4656  
court clerk, or other official of any other state or from any 4657  
federal authority that a child who is a resident of this state 4658  
was convicted of or pleaded guilty to an offense described in 4659  
this division, the registrar shall send a notice by regular 4660  
first class mail to the child, at the child's last known address 4661  
as shown in the records of the bureau of motor vehicles, 4662  
informing the child of the suspension, that the suspension or 4663  
denial will take effect twenty-one days from the date of the 4664  
notice, and that, if the child wishes to appeal the suspension, 4665  
the child must file a notice of appeal within twenty-one days of 4666  
the date of the notice requesting a hearing on the matter. If 4667  
the child requests a hearing, the registrar shall hold the 4668  
hearing not more than forty days after receipt by the registrar 4669  
of the notice of appeal. The filing of a notice of appeal does 4670  
not stay the operation of the suspension that must be imposed 4671  
pursuant to this division. The scope of the hearing shall be 4672  
limited to whether the child actually was convicted of or 4673  
pleaded guilty to the offense for which the suspension is to be 4674  
imposed. 4675

The suspension the registrar is required to impose under 4676  
this division shall end either on the last day of the class D 4677  
suspension period or of the suspension of the child's 4678  
nonresident operating privilege imposed by the state or federal 4679  
court, whichever is earlier. If the child is a resident of this 4680  
state who is sixteen years of age or older and does not have a 4681  
current, valid Ohio driver's or commercial driver's license or 4682  
permit, the notice shall inform the child that the child will be 4683  
denied issuance of a driver's or commercial driver's license or 4684  
permit for six months beginning on the date of the notice. If 4685  
the child has not attained the age of sixteen years on the date 4686  
of the notice, the notice shall inform the child that the period 4687  
of denial of six months shall commence on the date the child 4688  
attains the age of sixteen years. 4689

The registrar shall subscribe to or otherwise participate 4690  
in any information system or register, or enter into reciprocal 4691  
and mutual agreements with other states and federal authorities, 4692  
in order to facilitate the exchange of information with other 4693  
states and the United States government regarding children who 4694  
are residents of this state and plead guilty to or are convicted 4695  
of offenses described in this division and therefore are subject 4696  
to the suspension or denial described in this division. 4697

(D) The registrar shall impose a class D suspension of the 4698  
child's driver's license, commercial driver's license, temporary 4699  
instruction permit, probationary license, or nonresident 4700  
operating privilege for the period of time specified in division 4701  
(B) (4) of section 4510.02 of the Revised Code on any child who 4702  
is a resident of this state and is convicted of or pleads guilty 4703  
to a violation of a statute of any other state or a municipal 4704  
ordinance of a municipal corporation located in any other state 4705  
that is substantially similar to section 4511.19 of the Revised 4706

Code. Upon receipt of a report from another state made pursuant 4707  
to section 4510.61 of the Revised Code indicating that a child 4708  
who is a resident of this state was convicted of or pleaded 4709  
guilty to an offense described in this division, the registrar 4710  
shall send a notice by regular first class mail to the child, at 4711  
the child's last known address as shown in the records of the 4712  
bureau of motor vehicles, informing the child of the suspension, 4713  
that the suspension will take effect twenty-one days from the 4714  
date of the notice, and that, if the child wishes to appeal the 4715  
suspension, the child must file a notice of appeal within 4716  
twenty-one days of the date of the notice requesting a hearing 4717  
on the matter. If the child requests a hearing, the registrar 4718  
shall hold the hearing not more than forty days after receipt by 4719  
the registrar of the notice of appeal. The filing of a notice of 4720  
appeal does not stay the operation of the suspension that must 4721  
be imposed pursuant to this division. The scope of the hearing 4722  
shall be limited to whether the child actually was convicted of 4723  
or pleaded guilty to the offense for which the suspension is to 4724  
be imposed. 4725

The suspension the registrar is required to impose under 4726  
this division shall end either on the last day of the class D 4727  
suspension period or of the suspension of the child's 4728  
nonresident operating privilege imposed by the state or federal 4729  
court, whichever is earlier. If the child is a resident of this 4730  
state who is sixteen years of age or older and does not have a 4731  
current, valid Ohio driver's or commercial driver's license or 4732  
permit, the notice shall inform the child that the child will be 4733  
denied issuance of a driver's or commercial driver's license or 4734  
permit for six months beginning on the date of the notice. If 4735  
the child has not attained the age of sixteen years on the date 4736  
of the notice, the notice shall inform the child that the period 4737



of denial of six months shall commence on the date the child 4738  
attains the age of sixteen years. 4739

(E) (1) Any person whose license or permit has been 4740  
suspended pursuant to this section may file a petition in the 4741  
municipal or county court, or in case the person is under 4742  
eighteen years of age, the juvenile court, in whose jurisdiction 4743  
the person resides, requesting limited driving privileges and 4744  
agreeing to pay the cost of the proceedings. Except as provided 4745  
in division (E) (2) or (3) of this section, the judge may grant 4746  
the person limited driving privileges during the period during 4747  
which the suspension otherwise would be imposed for any of the 4748  
purposes set forth in division (A) of section 4510.021 of the 4749  
Revised Code. 4750

(2) No judge shall grant limited driving privileges for 4751  
employment as a driver of a commercial motor vehicle to any 4752  
person who would be disqualified from operating a commercial 4753  
motor vehicle under section 4506.16 of the Revised Code if the 4754  
violation had occurred in this state. Further, no judge shall 4755  
grant limited driving privileges during any of the following 4756  
periods of time: 4757

(a) The first fifteen days of a suspension under division 4758  
(B) or (D) of this section, if the person has not been convicted 4759  
within ten years of the date of the offense giving rise to the 4760  
suspension under this section of a violation of any of the 4761  
following: 4762

(i) Section 4511.19 of the Revised Code, or a municipal 4763  
ordinance relating to operating a vehicle while under the 4764  
influence of alcohol, a drug of abuse, or alcohol and a drug of 4765  
abuse; 4766

(ii) A municipal ordinance relating to operating a motor vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(iii) Section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section;

(iv) Division (A) (1) of section 2903.06 or division (A) (1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;

(v) Division (A) (2), (3), or (4) of section 2903.06, division (A) (2) of section 2903.08, or as it existed prior to March 23, 2000, section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse.

(b) The first thirty days of a suspension under division (B) or (D) of this section, if the person has been convicted one time within ten years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E) (1) (a) of this section.

(c) The first one hundred eighty days of a suspension under division (B) or (D) of this section, if the person has been convicted two times within ten years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E) (1) (a) of this section.

(3) No limited driving privileges may be granted if the person has been convicted three or more times within five years

of the date of the offense giving rise to a suspension under 4796  
division (B) or (D) of this section of any violation identified 4797  
in division (E) (1) (a) of this section. 4798

(4) In accordance with section 4510.022 of the Revised 4799  
Code, a person may petition for, and a judge may grant, 4800  
unlimited driving privileges with a certified ignition interlock 4801  
device during the period of suspension imposed under division 4802  
(B) or (D) of this section to a person described in division (E) 4803  
(2) (a) of this section. 4804

(5) If a person petitions for limited driving privileges 4805  
under division (E) (1) of this section or unlimited driving 4806  
privileges with a certified ignition interlock device as 4807  
provided in division (E) (4) of this section, the registrar shall 4808  
be represented by the county prosecutor of the county in which 4809  
the person resides if the petition is filed in a juvenile court 4810  
or county court, except that if the person resides within a city 4811  
or village that is located within the jurisdiction of the county 4812  
in which the petition is filed, the city director of law or 4813  
village solicitor of that city or village shall represent the 4814  
registrar. If the petition is filed in a municipal court, the 4815  
registrar shall be represented as provided in section 1901.34 of 4816  
the Revised Code. 4817

(6) (a) In issuing an order granting limited driving 4818  
privileges under division (E) (1) of this section, the court may 4819  
impose any condition it considers reasonable and necessary to 4820  
limit the use of a vehicle by the person. The court shall 4821  
deliver to the person a copy of the order setting forth the 4822  
time, place, and other conditions limiting the person's use of a 4823  
motor vehicle. Unless division (E) (6) (b) of this section 4824  
applies, the grant of limited driving privileges shall be 4825

conditioned upon the person's having the order in the person's possession at all times during which the person is operating a vehicle. 4826  
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(b) If, under the order, the court requires the use of an immobilizing or disabling device as a condition of the grant of limited or unlimited driving privileges, the person shall present to the registrar or to a deputy registrar the copy of the order granting limited driving privileges and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and is signed by the person who installed the device. Upon presentation of the order and the certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue to the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order. 4829  
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(7) (a) Unless division (E) (7) (b) applies, a person granted limited driving privileges who operates a vehicle for other than limited purposes, in violation of any condition imposed by the court or without having the order in the person's possession, is guilty of a violation of section 4510.11 of the Revised Code. 4849  
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(b) No person who has been granted limited or unlimited driving privileges under division (E) of this section subject to 4854  
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an immobilizing or disabling device order shall operate a motor vehicle prior to obtaining a restricted license. Any person who violates this prohibition is subject to the penalties prescribed in section 4510.14 of the Revised Code.

(c) The offenses established under division (E) (7) of this section are strict liability offenses and section 2901.20 of the Revised Code does not apply.

(F) The provisions of division (A) (8) of section 4510.13 of the Revised Code apply to a person who has been granted limited or unlimited driving privileges with a certified ignition interlock device under this section and who either commits an ignition interlock device violation as defined under section 4510.46 of the Revised Code or operates a motor vehicle that is not equipped with a certified ignition interlock device.

(G) Any person whose license or permit has been suspended under division (A) or (C) of this section may file a petition in the municipal or county court, or in case the person is under eighteen years of age, the juvenile court, in whose jurisdiction the person resides, requesting the termination of the suspension and agreeing to pay the cost of the proceedings. If the court, in its discretion, determines that a termination of the suspension is appropriate, the court shall issue an order to the registrar to terminate the suspension. Upon receiving such an order, the registrar shall reinstate the license.

(H) As used in divisions (C) and (D) of this section:

(1) "Child" means a person who is under the age of eighteen years, except that any person who violates a statute or ordinance described in division (C) or (D) of this section prior to attaining eighteen years of age shall be deemed a "child"

irrespective of the person's age at the time the complaint or 4885  
other equivalent document is filed in the other state or a 4886  
hearing, trial, or other proceeding is held in the other state 4887  
on the complaint or other equivalent document, and irrespective 4888  
of the person's age when the period of license suspension or 4889  
denial prescribed in division (C) or (D) of this section is 4890  
imposed. 4891

(2) "Is convicted of or pleads guilty to" means, as it 4892  
relates to a child who is a resident of this state, that in a 4893  
proceeding conducted in a state or federal court located in 4894  
another state for a violation of a statute or ordinance 4895  
described in division (C) or (D) of this section, the result of 4896  
the proceeding is any of the following: 4897

(a) Under the laws that govern the proceedings of the 4898  
court, the child is adjudicated to be or admits to being a 4899  
delinquent child or a juvenile traffic offender for a violation 4900  
described in division (C) or (D) of this section that would be a 4901  
crime if committed by an adult; 4902

(b) Under the laws that govern the proceedings of the 4903  
court, the child is convicted of or pleads guilty to a violation 4904  
described in division (C) or (D) of this section; 4905

(c) Under the laws that govern the proceedings of the 4906  
court, irrespective of the terminology utilized in those laws, 4907  
the result of the court's proceedings is the functional 4908  
equivalent of division (H) (2) (a) or (b) of this section. 4909

**Section 2.** That existing sections 2923.01, 2925.02, 4910  
2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2925.13, 4911  
2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 4912  
2925.37, 3123.56, 3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 4913

4509.101, 4509.37, 4509.67, 4510.101, 4510.111, and 4510.17 of 4914  
the Revised Code are hereby repealed. 4915

**Section 3.** That section 4510.32 of the Revised Code is 4916  
hereby repealed. 4917

**Section 4.** (A) An offender who received a suspension of 4918  
the offender's temporary instruction permit or driver's license 4919  
or a denial of the opportunity to obtain a permit or license 4920  
under section 4510.32 of the Revised Code, as it existed prior 4921  
to the effective date of this section, may file a motion with 4922  
the juvenile court in whose jurisdiction the offender resides 4923  
requesting the termination of the suspension or denial. 4924

(B) Upon the filing of a motion under this section, the 4925  
juvenile court, in its discretion, may order the registrar of 4926  
motor vehicles to terminate the suspension or terminate the 4927  
denial of the opportunity to obtain a permit or license. If so 4928  
ordered, the registrar shall do all of the following: 4929

(1) Cancel the record created for the offender regarding 4930  
the suspension or denial of the offender's opportunity to obtain 4931  
a permit or license; 4932

(2) Terminate the suspension of the offender's permit or 4933  
license or the denial of the offender's opportunity to obtain a 4934  
permit or license; 4935

(3) Return the driver's license or permit to the offender 4936  
or reissue the offender's license or permit under section 4937  
4510.52 of the Revised Code, if the registrar destroyed the 4938  
suspended license or permit under that section. 4939

**Section 5.** The General Assembly, applying the principle 4940  
stated in division (B) of section 1.52 of the Revised Code that 4941  
amendments are to be harmonized if reasonably capable of 4942

simultaneous operation, finds that the following sections, 4943  
presented in this act as composites of the sections as amended 4944  
by the acts indicated, are the resulting versions of the 4945  
sections in effect prior to the effective date of the sections 4946  
as presented in this act: 4947

Section 2925.02 of the Revised Code as amended by both 4948  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 4949

Section 2925.03 of the Revised Code as amended by H.B. 4950  
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General 4951  
Assembly. 4952

Section 2925.04 of the Revised Code as amended by both 4953  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 4954

Section 2925.05 of the Revised Code as amended by both 4955  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 4956

Section 2925.11 of the Revised Code as amended by S.B. 1, 4957  
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 4958

Section 4509.101 of the Revised Code as amended by both 4959  
H.B. 62 and H.B. 158 of the 133rd General Assembly. 4960

Section 4510.17 of the Revised Code as amended by both 4961  
H.B. 388 and S.B. 204 of the 131st General Assembly. 4962