

**As Introduced**

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

**S. B. No. 364**

**Senator Gavarone**



**A BILL**

To amend sections 2305.234, 2305.51, 2925.01, 1  
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2  
2925.23, 2925.36, 2925.55, 2925.56, 2925.61, 3  
2929.42, 3701.048, 3701.74, 3709.161, 3715.872, 4  
3719.06, 3719.064, 3719.121, 3719.13, 3719.81, 5  
4729.01, 4729.29, 4729.51, 4729.514, 4729.553, 6  
4731.051, 4731.07, 4731.22, 4731.224, 4731.24, 7  
4731.25, 4731.251, 4734.99, 4743.09, 4755.48, 8  
4755.623, 4765.51, 4769.01, 4776.01, 5123.47, 9  
5164.95, and 5903.12 and to enact sections 10  
4772.01, 4772.02, 4772.03, 4772.04, 4772.041, 11  
4772.05, 4772.06, 4772.07, 4772.08, 4772.081, 12  
4772.082, 4772.09, 4772.091, 4772.092, 4772.10, 13  
4772.11, 4772.12, 4772.13, 4772.14, 4772.15, 14  
4772.16, 4772.17, 4772.18, 4772.19, 4772.20, 15  
4772.201, 4772.202, 4772.203, 4772.21, 4772.22, 16  
4772.23, 4772.24, 4772.25, 4772.26, 4772.27, 17  
4772.28, and 4772.99 of the Revised Code to 18  
license certified mental health assistants. 19

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

**Section 1.** That sections 2305.234, 2305.51, 2925.01, 20

2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 21  
2925.55, 2925.56, 2925.61, 2929.42, 3701.048, 3701.74, 3709.161, 22  
3715.872, 3719.06, 3719.064, 3719.121, 3719.13, 3719.81, 23  
4729.01, 4729.29, 4729.51, 4729.514, 4729.553, 4731.051, 24  
4731.07, 4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 4734.99, 25  
4743.09, 4755.48, 4755.623, 4765.51, 4769.01, 4776.01, 5123.47, 26  
5164.95, and 5903.12 be amended and sections 4772.01, 4772.02, 27  
4772.03, 4772.04, 4772.041, 4772.05, 4772.06, 4772.07, 4772.08, 28  
4772.081, 4772.082, 4772.09, 4772.091, 4772.092, 4772.10, 29  
4772.11, 4772.12, 4772.13, 4772.14, 4772.15, 4772.16, 4772.17, 30  
4772.18, 4772.19, 4772.20, 4772.201, 4772.202, 4772.203, 31  
4772.21, 4772.22, 4772.23, 4772.24, 4772.25, 4772.26, 4772.27, 32  
4772.28, and 4772.99 of the Revised Code be enacted to read as 33  
follows: 34

**Sec. 2305.234.** (A) As used in this section: 35

(1) "Chiropractic claim," "medical claim," and "optometric 36  
claim" have the same meanings as in section 2305.113 of the 37  
Revised Code. 38

(2) "Dental claim" has the same meaning as in section 39  
2305.113 of the Revised Code, except that it does not include 40  
any claim arising out of a dental operation or any derivative 41  
claim for relief that arises out of a dental operation. 42

(3) "Governmental health care program" has the same 43  
meaning as in section 4731.65 of the Revised Code. 44

(4) "Health care facility or location" means a hospital, 45  
clinic, ambulatory surgical facility, office of a health care 46  
professional or associated group of health care professionals, 47  
training institution for health care professionals, a free 48  
clinic or other nonprofit shelter or health care facility as 49

those terms are defined in section 3701.071 of the Revised Code, 50  
or any other place where medical, dental, or other health- 51  
related diagnosis, care, or treatment is provided to a person. 52

(5) "Health care professional" means any of the following 53  
who provide medical, dental, or other health-related diagnosis, 54  
care, or treatment: 55

(a) Physicians authorized under Chapter 4731. of the 56  
Revised Code to practice medicine and surgery or osteopathic 57  
medicine and surgery; 58

(b) Advanced practice registered nurses, registered 59  
nurses, and licensed practical nurses licensed under Chapter 60  
4723. of the Revised Code; 61

(c) Physician assistants authorized to practice under 62  
Chapter 4730. of the Revised Code; 63

(d) Dentists and dental hygienists licensed under Chapter 64  
4715. of the Revised Code; 65

(e) Physical therapists, physical therapist assistants, 66  
occupational therapists, occupational therapy assistants, and 67  
athletic trainers licensed under Chapter 4755. of the Revised 68  
Code; 69

(f) Chiropractors licensed under Chapter 4734. of the 70  
Revised Code; 71

(g) Optometrists licensed under Chapter 4725. of the 72  
Revised Code; 73

(h) Podiatrists authorized under Chapter 4731. of the 74  
Revised Code to practice podiatry; 75

(i) Dietitians licensed under Chapter 4759. of the Revised 76

Code;	77
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	78 79
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	80 81 82
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	83 84
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	85 86
(n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	87 88 89 90 91
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	92 93
(p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants, certified under that chapter;	94 95 96 97 98 99 100 101
<u>(q) Certified mental health assistants licensed under Chapter 4772. of the Revised Code.</u>	102 103
(6) "Health care worker" means a person other than a	104

health care professional who provides medical, dental, or other 105  
health-related care or treatment under the direction of a health 106  
care professional with the authority to direct that individual's 107  
activities, including medical technicians, medical assistants, 108  
dental assistants, orderlies, aides, and individuals acting in 109  
similar capacities. 110

(7) "Indigent and uninsured person" means a person who 111  
meets both of the following requirements: 112

(a) Relative to being indigent, the person's income is not 113  
greater than two hundred per cent of the federal poverty line, 114  
as defined by the United States office of management and budget 115  
and revised in accordance with section 673(2) of the "Omnibus 116  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 117  
9902, as amended, except in any case in which division (A) (7) (b) 118  
(iii) of this section includes a person whose income is greater 119  
than two hundred per cent of the federal poverty line. 120

(b) Relative to being uninsured, one of the following 121  
applies: 122

(i) The person is not a policyholder, certificate holder, 123  
insured, contract holder, subscriber, enrollee, member, 124  
beneficiary, or other covered individual under a health 125  
insurance or health care policy, contract, or plan. 126

(ii) The person is a policyholder, certificate holder, 127  
insured, contract holder, subscriber, enrollee, member, 128  
beneficiary, or other covered individual under a health 129  
insurance or health care policy, contract, or plan, but the 130  
insurer, policy, contract, or plan denies coverage or is the 131  
subject of insolvency or bankruptcy proceedings in any 132  
jurisdiction. 133

(iii) Until June 30, 2019, the person is eligible for the medicaid program or is a medicaid recipient.	134 135
(iv) Except as provided in division (A) (7) (b) (iii) of this section, the person is not eligible for or a recipient, enrollee, or beneficiary of any governmental health care program.	136 137 138 139
(8) "Nonprofit health care referral organization" means an entity that is not operated for profit and refers patients to, or arranges for the provision of, health-related diagnosis, care, or treatment by a health care professional or health care worker.	140 141 142 143 144
(9) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection. "Operation" does not include routine dental restorative procedures, the scaling of teeth, or extractions of teeth that are not impacted.	145 146 147 148 149 150 151 152 153 154 155
(10) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons or government entities.	156 157 158 159
(11) "Volunteer" means an individual who provides any medical, dental, or other health-care related diagnosis, care, or treatment without the expectation of receiving and without	160 161 162

receipt of any compensation or other form of remuneration from 163  
an indigent and uninsured person, another person on behalf of an 164  
indigent and uninsured person, any health care facility or 165  
location, any nonprofit health care referral organization, or 166  
any other person or government entity. 167

(12) "Community control sanction" has the same meaning as 168  
in section 2929.01 of the Revised Code. 169

(13) "Deep sedation" means a drug-induced depression of 170  
consciousness during which a patient cannot be easily aroused 171  
but responds purposefully following repeated or painful 172  
stimulation, a patient's ability to independently maintain 173  
ventilatory function may be impaired, a patient may require 174  
assistance in maintaining a patent airway and spontaneous 175  
ventilation may be inadequate, and cardiovascular function is 176  
usually maintained. 177

(14) "General anesthesia" means a drug-induced loss of 178  
consciousness during which a patient is not arousable, even by 179  
painful stimulation, the ability to independently maintain 180  
ventilatory function is often impaired, a patient often requires 181  
assistance in maintaining a patent airway, positive pressure 182  
ventilation may be required because of depressed spontaneous 183  
ventilation or drug-induced depression of neuromuscular 184  
function, and cardiovascular function may be impaired. 185

(B) (1) Subject to divisions (F) and (G) (3) of this 186  
section, a health care professional who is a volunteer and 187  
complies with division (B) (2) of this section is not liable in 188  
damages to any person or government entity in a tort or other 189  
civil action, including an action on a medical, dental, 190  
chiropractic, optometric, or other health-related claim, for 191  
injury, death, or loss to person or property that allegedly 192

arises from an action or omission of the volunteer in the 193  
provision to an indigent and uninsured person of medical, 194  
dental, or other health-related diagnosis, care, or treatment, 195  
including the provision of samples of medicine and other medical 196  
products, unless the action or omission constitutes willful or 197  
wanton misconduct. 198

(2) To qualify for the immunity described in division (B) 199  
(1) of this section, a health care professional shall do all of 200  
the following prior to providing diagnosis, care, or treatment: 201

(a) Determine, in good faith, that the indigent and 202  
uninsured person is mentally capable of giving informed consent 203  
to the provision of the diagnosis, care, or treatment and is not 204  
subject to duress or under undue influence; 205

(b) Inform the person of the provisions of this section, 206  
including notifying the person that, by giving informed consent 207  
to the provision of the diagnosis, care, or treatment, the 208  
person cannot hold the health care professional liable for 209  
damages in a tort or other civil action, including an action on 210  
a medical, dental, chiropractic, optometric, or other health- 211  
related claim, unless the action or omission of the health care 212  
professional constitutes willful or wanton misconduct; 213

(c) Obtain the informed consent of the person and a 214  
written waiver, signed by the person or by another individual on 215  
behalf of and in the presence of the person, that states that 216  
the person is mentally competent to give informed consent and, 217  
without being subject to duress or under undue influence, gives 218  
informed consent to the provision of the diagnosis, care, or 219  
treatment subject to the provisions of this section. A written 220  
waiver under division (B) (2) (c) of this section shall state 221  
clearly and in conspicuous type that the person or other 222



individual who signs the waiver is signing it with full 223  
knowledge that, by giving informed consent to the provision of 224  
the diagnosis, care, or treatment, the person cannot bring a 225  
tort or other civil action, including an action on a medical, 226  
dental, chiropractic, optometric, or other health-related claim, 227  
against the health care professional unless the action or 228  
omission of the health care professional constitutes willful or 229  
wanton misconduct. 230

(3) A physician or podiatrist who is not covered by 231  
medical malpractice insurance, but complies with division (B) (2) 232  
of this section, is not required to comply with division (A) of 233  
section 4731.143 of the Revised Code. 234

(C) Subject to divisions (F) and (G) (3) of this section, 235  
health care workers who are volunteers are not liable in damages 236  
to any person or government entity in a tort or other civil 237  
action, including an action upon a medical, dental, 238  
chiropractic, optometric, or other health-related claim, for 239  
injury, death, or loss to person or property that allegedly 240  
arises from an action or omission of the health care worker in 241  
the provision to an indigent and uninsured person of medical, 242  
dental, or other health-related diagnosis, care, or treatment, 243  
unless the action or omission constitutes willful or wanton 244  
misconduct. 245

(D) Subject to divisions (F) and (G) (3) of this section, a 246  
nonprofit health care referral organization is not liable in 247  
damages to any person or government entity in a tort or other 248  
civil action, including an action on a medical, dental, 249  
chiropractic, optometric, or other health-related claim, for 250  
injury, death, or loss to person or property that allegedly 251  
arises from an action or omission of the nonprofit health care 252

referral organization in referring indigent and uninsured 253  
persons to, or arranging for the provision of, medical, dental, 254  
or other health-related diagnosis, care, or treatment by a 255  
health care professional described in division (B) (1) of this 256  
section or a health care worker described in division (C) of 257  
this section, unless the action or omission constitutes willful 258  
or wanton misconduct. 259

(E) Subject to divisions (F) and (G) (3) of this section 260  
and to the extent that the registration requirements of section 261  
3701.071 of the Revised Code apply, a health care facility or 262  
location associated with a health care professional described in 263  
division (B) (1) of this section, a health care worker described 264  
in division (C) of this section, or a nonprofit health care 265  
referral organization described in division (D) of this section 266  
is not liable in damages to any person or government entity in a 267  
tort or other civil action, including an action on a medical, 268  
dental, chiropractic, optometric, or other health-related claim, 269  
for injury, death, or loss to person or property that allegedly 270  
arises from an action or omission of the health care 271  
professional or worker or nonprofit health care referral 272  
organization relative to the medical, dental, or other health- 273  
related diagnosis, care, or treatment provided to an indigent 274  
and uninsured person on behalf of or at the health care facility 275  
or location, unless the action or omission constitutes willful 276  
or wanton misconduct. 277

(F) (1) Except as provided in division (F) (2) of this 278  
section, the immunities provided by divisions (B), (C), (D), and 279  
(E) of this section are not available to a health care 280  
professional, health care worker, nonprofit health care referral 281  
organization, or health care facility or location if, at the 282  
time of an alleged injury, death, or loss to person or property, 283

the health care professionals or health care workers involved	284
are providing one of the following:	285
(a) Any medical, dental, or other health-related	286
diagnosis, care, or treatment pursuant to a community service	287
work order entered by a court under division (B) of section	288
2951.02 of the Revised Code or imposed by a court as a community	289
control sanction;	290
(b) Performance of an operation to which any one of the	291
following applies:	292
(i) The operation requires the administration of deep	293
sedation or general anesthesia.	294
(ii) The operation is a procedure that is not typically	295
performed in an office.	296
(iii) The individual involved is a health care	297
professional, and the operation is beyond the scope of practice	298
or the education, training, and competence, as applicable, of	299
the health care professional.	300
(c) Delivery of a baby or any other purposeful termination	301
of a human pregnancy.	302
(2) Division (F) (1) of this section does not apply when a	303
health care professional or health care worker provides medical,	304
dental, or other health-related diagnosis, care, or treatment	305
that is necessary to preserve the life of a person in a medical	306
emergency.	307
(G) (1) This section does not create a new cause of action	308
or substantive legal right against a health care professional,	309
health care worker, nonprofit health care referral organization,	310
or health care facility or location.	311

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment.

(3) This section does not grant an immunity from tort or other civil liability to a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location for actions that are outside the scope of authority of health care professionals or health care workers.

In the case of the diagnosis, care, or treatment of an indigent and uninsured person who is eligible for the medicaid program or is a medicaid recipient, this section grants an immunity from tort or other civil liability only if the person's diagnosis, care, or treatment is provided in a free clinic, as defined in section 3701.071 of the Revised Code.

(4) This section does not affect any legal responsibility of a health care professional, health care worker, or nonprofit health care referral organization to comply with any applicable law of this state or rule of an agency of this state.

(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

<b>Sec. 2305.51.</b> (A) (1) As used in this section:	342
(a) "Civil Rights" has the same meaning as in section 5122.301 of the Revised Code.	343 344
(b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization.	345 346 347
(c) "Mental health organization" means an organization that engages one or more mental health professionals to provide mental health services to one or more mental health clients or patients.	348 349 350 351
(d) "Mental health professional" means an individual who is licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, to provide mental health services for compensation, remuneration, or other personal gain.	352 353 354 355
(e) "Mental health service" means a service provided to an individual or group of individuals involving the application of medical, psychiatric, psychological, professional counseling, social work, marriage and family therapy, or nursing principles or procedures to either of the following:	356 357 358 359 360
(i) The assessment, diagnosis, prevention, treatment, or amelioration of mental, emotional, psychiatric, psychological, or psychosocial disorders or diseases, as described in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association;	361 362 363 364 365 366
(ii) The assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease.	367 368 369 370

(f) "Knowledgeable person" means an individual who has 371  
reason to believe that a mental health client or patient has the 372  
intent and ability to carry out an explicit threat of inflicting 373  
imminent and serious physical harm to or causing the death of a 374  
clearly identifiable potential victim or victims and who is 375  
either an immediate family member of the client or patient or an 376  
individual who otherwise personally knows the client or patient. 377

(g) "Advanced practice registered nurse" has the same 378  
meaning as in section 4723.01 of the Revised Code. 379

(h) "Hospital" has the same meaning as in section 2305.25 380  
of the Revised Code. 381

(i) "Physician" means an individual authorized under 382  
Chapter 4731. of the Revised Code to practice medicine and 383  
surgery or osteopathic medicine and surgery. 384

(j) "Physician assistant" has the same meaning as in 385  
section 4730.01 of the Revised Code. 386

(k) "Certified mental health assistant" has the same 387  
meaning as in section 4772.01 of the Revised Code. 388

(2) For the purpose of this section, in the case of a 389  
threat to a readily identifiable structure, "clearly 390  
identifiable potential victim" includes any potential occupant 391  
of the structure. 392

(B) A mental health professional or mental health 393  
organization may be held liable in damages in a civil action, or 394  
may be made subject to disciplinary action by an entity with 395  
licensing or other regulatory authority over the professional or 396  
organization, for serious physical harm or death resulting from 397  
failing to predict, warn of, or take precautions to provide 398  
protection from the violent behavior of a mental health client 399

or patient, only if the client or patient or a knowledgeable 400  
person has communicated to the professional or organization an 401  
explicit threat of inflicting imminent and serious physical harm 402  
to or causing the death of one or more clearly identifiable 403  
potential victims, the professional or organization has reason 404  
to believe that the client or patient has the intent and ability 405  
to carry out the threat, and the professional or organization 406  
fails to take one or more of the following actions in a timely 407  
manner: 408

(1) Exercise any authority the professional or 409  
organization possesses to hospitalize the client or patient on 410  
an emergency basis pursuant to section 5122.10 of the Revised 411  
Code; 412

(2) Exercise any authority the professional or 413  
organization possesses to have the client or patient 414  
involuntarily or voluntarily hospitalized under Chapter 5122. of 415  
the Revised Code; 416

(3) Establish and undertake a documented treatment plan 417  
that is reasonably calculated, according to appropriate 418  
standards of professional practice, to eliminate the possibility 419  
that the client or patient will carry out the threat, and, 420  
concurrent with establishing and undertaking the treatment plan, 421  
initiate arrangements for a second opinion risk assessment 422  
through a management consultation about the treatment plan with, 423  
in the case of a mental health organization, the clinical 424  
director of the organization, or, in the case of a mental health 425  
professional who is not acting as part of a mental health 426  
organization, any mental health professional who is licensed to 427  
engage in independent practice; 428

(4) Communicate to a law enforcement agency with 429

jurisdiction in the area where each potential victim resides, 430  
where a structure threatened by a mental health client or 431  
patient is located, or where the mental health client or patient 432  
resides, and if feasible, communicate to each potential victim 433  
or a potential victim's parent or guardian if the potential 434  
victim is a minor or has been adjudicated incompetent, all of 435  
the following information: 436

(a) The nature of the threat; 437

(b) The identity of the mental health client or patient 438  
making the threat; 439

(c) The identity of each potential victim of the threat. 440

(C) All of the following apply when a mental health 441  
professional or organization takes one or more of the actions 442  
set forth in divisions (B) (1) to (4) of this section: 443

(1) The mental health professional or organization shall 444  
consider each of the alternatives set forth and shall document 445  
the reasons for choosing or rejecting each alternative. 446

(2) The mental health professional or organization may 447  
give special consideration to those alternatives which, 448  
consistent with public safety, would least abridge the rights of 449  
the mental health client or patient established under the 450  
Revised Code, including the rights specified in sections 5122.27 451  
to 5122.31 of the Revised Code. 452

(3) The mental health professional or organization is not 453  
required to take an action that, in the exercise of reasonable 454  
professional judgment, would physically endanger the 455  
professional or organization, increase the danger to a potential 456  
victim, or increase the danger to the mental health client or 457  
patient. 458



(4) The mental health professional or organization is not 459  
liable in damages in a civil action, and shall not be made 460  
subject to disciplinary action by any entity with licensing or 461  
other regulatory authority over the professional or 462  
organization, for disclosing any confidential information about 463  
a mental health client or patient that is disclosed for the 464  
purpose of taking any of the actions. 465

(D) Notwithstanding any other provision of the Revised 466  
Code, a physician, physician assistant, advanced practice 467  
registered nurse, certified mental health assistant, or hospital 468  
is not liable in damages in a civil action, and shall not be 469  
made subject to disciplinary action by any entity with licensing 470  
or other regulatory authority, for doing either of the 471  
following: 472

(1) Failing to discharge or to allow a patient to leave 473  
the facility if the physician, physician assistant, advanced 474  
practice registered nurse, certified mental health assistant, or 475  
hospital believes in the good faith exercise of professional 476  
medical, advanced practice registered nursing, ~~or~~ physician 477  
assistant, or certified mental health assistant judgment 478  
according to appropriate standards of professional practice that 479  
the patient has a mental health condition that threatens the 480  
safety of the patient or others; 481

(2) Discharging a patient whom the physician, physician 482  
assistant, advanced practice registered nurse, certified mental 483  
health assistant, or hospital believes in the good faith 484  
exercise of professional medical, advanced practice registered 485  
nursing, ~~or~~ physician assistant, or certified mental health 486  
assistant judgment according to appropriate standards of 487  
professional practice not to have a mental health condition that 488

threatens the safety of the patient or others.	489
(E) The immunities from civil liability and disciplinary action conferred by this section are in addition to and not in limitation of any immunity conferred on a mental health professional or organization or on a physician, physician assistant, advanced practice registered nurse, <u>certified mental health assistant</u> , or hospital by any other section of the Revised Code or by judicial precedent.	490 491 492 493 494 495 496
(F) This section does not affect the civil rights of a mental health client or patient under Ohio or federal law.	497 498
<b>Sec. 2925.01.</b> As used in this chapter:	499
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	500 501 502 503 504 505 506
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	507 508
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	509 510 511 512
(D) "Bulk amount" of a controlled substance means any of the following:	513 514
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the	515 516

exception of any controlled substance analog, marihuana, 517  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 518  
hashish and except as provided in division (D) (2), (5), or (6) 519  
of this section, whichever of the following is applicable: 520

(a) An amount equal to or exceeding ten grams or twenty- 521  
five unit doses of a compound, mixture, preparation, or 522  
substance that is or contains any amount of a schedule I opiate 523  
or opium derivative; 524

(b) An amount equal to or exceeding ten grams of a 525  
compound, mixture, preparation, or substance that is or contains 526  
any amount of raw or gum opium; 527

(c) An amount equal to or exceeding thirty grams or ten 528  
unit doses of a compound, mixture, preparation, or substance 529  
that is or contains any amount of a schedule I hallucinogen 530  
other than tetrahydrocannabinol or lysergic acid amide, or a 531  
schedule I stimulant or depressant; 532

(d) An amount equal to or exceeding twenty grams or five 533  
times the maximum daily dose in the usual dose range specified 534  
in a standard pharmaceutical reference manual of a compound, 535  
mixture, preparation, or substance that is or contains any 536  
amount of a schedule II opiate or opium derivative; 537

(e) An amount equal to or exceeding five grams or ten unit 538  
doses of a compound, mixture, preparation, or substance that is 539  
or contains any amount of phencyclidine; 540

(f) An amount equal to or exceeding one hundred twenty 541  
grams or thirty times the maximum daily dose in the usual dose 542  
range specified in a standard pharmaceutical reference manual of 543  
a compound, mixture, preparation, or substance that is or 544  
contains any amount of a schedule II stimulant that is in a 545

final dosage form manufactured by a person authorized by the 546  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 547  
U.S.C.A. 301, as amended, and the federal drug abuse control 548  
laws, as defined in section 3719.01 of the Revised Code, that is 549  
or contains any amount of a schedule II depressant substance or 550  
a schedule II hallucinogenic substance; 551

(g) An amount equal to or exceeding three grams of a 552  
compound, mixture, preparation, or substance that is or contains 553  
any amount of a schedule II stimulant, or any of its salts or 554  
isomers, that is not in a final dosage form manufactured by a 555  
person authorized by the Federal Food, Drug, and Cosmetic Act 556  
and the federal drug abuse control laws. 557

(2) An amount equal to or exceeding one hundred twenty 558  
grams or thirty times the maximum daily dose in the usual dose 559  
range specified in a standard pharmaceutical reference manual of 560  
a compound, mixture, preparation, or substance that is or 561  
contains any amount of a schedule III or IV substance other than 562  
an anabolic steroid or a schedule III opiate or opium 563  
derivative; 564

(3) An amount equal to or exceeding twenty grams or five 565  
times the maximum daily dose in the usual dose range specified 566  
in a standard pharmaceutical reference manual of a compound, 567  
mixture, preparation, or substance that is or contains any 568  
amount of a schedule III opiate or opium derivative; 569

(4) An amount equal to or exceeding two hundred fifty 570  
milliliters or two hundred fifty grams of a compound, mixture, 571  
preparation, or substance that is or contains any amount of a 572  
schedule V substance; 573

(5) An amount equal to or exceeding two hundred solid 574

dosage units, sixteen grams, or sixteen milliliters of a 575  
compound, mixture, preparation, or substance that is or contains 576  
any amount of a schedule III anabolic steroid; 577

(6) For any compound, mixture, preparation, or substance 578  
that is a combination of a fentanyl-related compound and any 579  
other compound, mixture, preparation, or substance included in 580  
schedule III, schedule IV, or schedule V, if the defendant is 581  
charged with a violation of section 2925.11 of the Revised Code 582  
and the sentencing provisions set forth in divisions (C) (10) (b) 583  
and (C) (11) of that section will not apply regarding the 584  
defendant and the violation, the bulk amount of the controlled 585  
substance for purposes of the violation is the amount specified 586  
in division (D) (1), (2), (3), (4), or (5) of this section for 587  
the other schedule III, IV, or V controlled substance that is 588  
combined with the fentanyl-related compound. 589

(E) "Unit dose" means an amount or unit of a compound, 590  
mixture, or preparation containing a controlled substance that 591  
is separately identifiable and in a form that indicates that it 592  
is the amount or unit by which the controlled substance is 593  
separately administered to or taken by an individual. 594

(F) "Cultivate" includes planting, watering, fertilizing, 595  
or tilling. 596

(G) "Drug abuse offense" means any of the following: 597

(1) A violation of division (A) of section 2913.02 that 598  
constitutes theft of drugs, or a violation of section 2925.02, 599  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 600  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 601  
or 2925.37 of the Revised Code; 602

(2) A violation of an existing or former law of this or 603

any other state or of the United States that is substantially 604  
equivalent to any section listed in division (G) (1) of this 605  
section; 606

(3) An offense under an existing or former law of this or 607  
any other state, or of the United States, of which planting, 608  
cultivating, harvesting, processing, making, manufacturing, 609  
producing, shipping, transporting, delivering, acquiring, 610  
possessing, storing, distributing, dispensing, selling, inducing 611  
another to use, administering to another, using, or otherwise 612  
dealing with a controlled substance is an element; 613

(4) A conspiracy to commit, attempt to commit, or 614  
complicity in committing or attempting to commit any offense 615  
under division (G) (1), (2), or (3) of this section. 616

(H) "Felony drug abuse offense" means any drug abuse 617  
offense that would constitute a felony under the laws of this 618  
state, any other state, or the United States. 619

(I) "Harmful intoxicant" does not include beer or 620  
intoxicating liquor but means any of the following: 621

(1) Any compound, mixture, preparation, or substance the 622  
gas, fumes, or vapor of which when inhaled can induce 623  
intoxication, excitement, giddiness, irrational behavior, 624  
depression, stupefaction, paralysis, unconsciousness, 625  
asphyxiation, or other harmful physiological effects, and 626  
includes, but is not limited to, any of the following: 627

(a) Any volatile organic solvent, plastic cement, model 628  
cement, fingernail polish remover, lacquer thinner, cleaning 629  
fluid, gasoline, or other preparation containing a volatile 630  
organic solvent; 631

(b) Any aerosol propellant; 632

(c) Any fluorocarbon refrigerant;	633
(d) Any anesthetic gas.	634
(2) Gamma Butyrolactone;	635
(3) 1,4 Butanediol.	636
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	637 638 639 640 641 642
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	643 644 645 646
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	647 648 649 650 651 652
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	653 654 655
(N) "Juvenile" means a person under eighteen years of age.	656
(O) "Counterfeit controlled substance" means any of the following:	657 658
(1) Any drug that bears, or whose container or label	659

bears, a trademark, trade name, or other identifying mark used 660  
without authorization of the owner of rights to that trademark, 661  
trade name, or identifying mark; 662

(2) Any unmarked or unlabeled substance that is 663  
represented to be a controlled substance manufactured, 664  
processed, packed, or distributed by a person other than the 665  
person that manufactured, processed, packed, or distributed it; 666

(3) Any substance that is represented to be a controlled 667  
substance but is not a controlled substance or is a different 668  
controlled substance; 669

(4) Any substance other than a controlled substance that a 670  
reasonable person would believe to be a controlled substance 671  
because of its similarity in shape, size, and color, or its 672  
markings, labeling, packaging, distribution, or the price for 673  
which it is sold or offered for sale. 674

(P) An offense is "committed in the vicinity of a school" 675  
if the offender commits the offense on school premises, in a 676  
school building, or within one thousand feet of the boundaries 677  
of any school premises, regardless of whether the offender knows 678  
the offense is being committed on school premises, in a school 679  
building, or within one thousand feet of the boundaries of any 680  
school premises. 681

(Q) "School" means any school operated by a board of 682  
education, any community school established under Chapter 3314. 683  
of the Revised Code, or any nonpublic school for which the state 684  
board of education prescribes minimum standards under section 685  
3301.07 of the Revised Code, whether or not any instruction, 686  
extracurricular activities, or training provided by the school 687  
is being conducted at the time a criminal offense is committed. 688



(R) "School premises" means either of the following:	689
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	690 691 692 693 694
(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.	695 696 697 698 699 700 701 702 703 704 705
(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.	706 707 708 709 710 711
(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.	712 713 714 715
(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar	716 717

association or of one or more local bar associations of the 718  
state of Ohio that complies with the criteria set forth in Rule 719  
V, section 6 of the Rules for the Government of the Bar of Ohio. 720

(V) "Professional license" means any license, permit, 721  
certificate, registration, qualification, admission, temporary 722  
license, temporary permit, temporary certificate, or temporary 723  
registration that is described in divisions (W) (1) to (37) of 724  
this section and that qualifies a person as a professionally 725  
licensed person. 726

(W) "Professionally licensed person" means any of the 727  
following: 728

(1) A person who has received a certificate or temporary 729  
certificate as a certified public accountant or who has 730  
registered as a public accountant under Chapter 4701. of the 731  
Revised Code and who holds an Ohio permit issued under that 732  
chapter; 733

(2) A person who holds a certificate of qualification to 734  
practice architecture issued or renewed and registered under 735  
Chapter 4703. of the Revised Code; 736

(3) A person who is registered as a landscape architect 737  
under Chapter 4703. of the Revised Code or who holds a permit as 738  
a landscape architect issued under that chapter; 739

(4) A person licensed under Chapter 4707. of the Revised 740  
Code; 741

(5) A person who has been issued a certificate of 742  
registration as a registered barber under Chapter 4709. of the 743  
Revised Code; 744

(6) A person licensed and regulated to engage in the 745

business of a debt pooling company by a legislative authority,	746
under authority of Chapter 4710. of the Revised Code;	747
(7) A person who has been issued a cosmetologist's	748
license, hair designer's license, manicurist's license,	749
esthetician's license, natural hair stylist's license, advanced	750
cosmetologist's license, advanced hair designer's license,	751
advanced manicurist's license, advanced esthetician's license,	752
advanced natural hair stylist's license, cosmetology	753
instructor's license, hair design instructor's license,	754
manicurist instructor's license, esthetics instructor's license,	755
natural hair style instructor's license, independent	756
contractor's license, or tanning facility permit under Chapter	757
4713. of the Revised Code;	758
(8) A person who has been issued a license to practice	759
dentistry, a general anesthesia permit, a conscious sedation	760
permit, a limited resident's license, a limited teaching	761
license, a dental hygienist's license, or a dental hygienist's	762
teacher's certificate under Chapter 4715. of the Revised Code;	763
(9) A person who has been issued an embalmer's license, a	764
funeral director's license, a funeral home license, or a	765
crematory license, or who has been registered for an embalmer's	766
or funeral director's apprenticeship under Chapter 4717. of the	767
Revised Code;	768
(10) A person who has been licensed as a registered nurse	769
or practical nurse, or who has been issued a certificate for the	770
practice of nurse-midwifery under Chapter 4723. of the Revised	771
Code;	772
(11) A person who has been licensed to practice optometry	773
or to engage in optical dispensing under Chapter 4725. of the	774

Revised Code;	775
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	776 777
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	778 779
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	780 781 782 783
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	784 785 786 787 788
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	789 790
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	791 792 793 794 795
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	796 797
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	798 799 800
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	801 802

(21) A person licensed to act as a real estate broker or	803
real estate salesperson under Chapter 4735. of the Revised Code;	804
(22) A person registered as a registered environmental	805
health specialist under Chapter 4736. of the Revised Code;	806
(23) A person licensed to operate or maintain a junkyard	807
under Chapter 4737. of the Revised Code;	808
(24) A person who has been issued a motor vehicle salvage	809
dealer's license under Chapter 4738. of the Revised Code;	810
(25) A person who has been licensed to act as a steam	811
engineer under Chapter 4739. of the Revised Code;	812
(26) A person who has been issued a license or temporary	813
permit to practice veterinary medicine or any of its branches,	814
or who is registered as a graduate animal technician under	815
Chapter 4741. of the Revised Code;	816
(27) A person who has been issued a hearing aid dealer's	817
or fitter's license or trainee permit under Chapter 4747. of the	818
Revised Code;	819
(28) A person who has been issued a class A, class B, or	820
class C license or who has been registered as an investigator or	821
security guard employee under Chapter 4749. of the Revised Code;	822
(29) A person licensed to practice as a nursing home	823
administrator under Chapter 4751. of the Revised Code;	824
(30) A person licensed to practice as a speech-language	825
pathologist or audiologist under Chapter 4753. of the Revised	826
Code;	827
(31) A person issued a license as an occupational	828
therapist or physical therapist under Chapter 4755. of the	829

Revised Code;	830
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	831 832 833 834 835 836
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	837 838
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	839 840 841
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	842 843
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	844 845
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules;	846 847 848
<u>(38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772. of the Revised Code.</u>	849 850 851
(X) "Cocaine" means any of the following:	852
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	853 854
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer,	855 856

or derivative of ecgonine, or a salt of an isomer or derivative 857  
of ecgonine; 858

(3) A salt, compound, derivative, or preparation of a 859  
substance identified in division (X)(1) or (2) of this section 860  
that is chemically equivalent to or identical with any of those 861  
substances, except that the substances shall not include 862  
decocainized coca leaves or extraction of coca leaves if the 863  
extractions do not contain cocaine or ecgonine. 864

(Y) "L.S.D." means lysergic acid diethylamide. 865

(Z) "Hashish" means a resin or a preparation of a resin to 866  
which both of the following apply: 867

(1) It is contained in or derived from any part of the 868  
plant of the genus cannabis, whether in solid form or in a 869  
liquid concentrate, liquid extract, or liquid distillate form. 870

(2) It has a delta-9 tetrahydrocannabinol concentration of 871  
more than three-tenths per cent. 872

"Hashish" does not include a hemp byproduct in the 873  
possession of a licensed hemp processor under Chapter 928. of 874  
the Revised Code, provided that the hemp byproduct is being 875  
produced, stored, and disposed of in accordance with rules 876  
adopted under section 928.03 of the Revised Code. 877

(AA) "Marihuana" has the same meaning as in section 878  
3719.01 of the Revised Code, except that it does not include 879  
hashish. 880

(BB) An offense is "committed in the vicinity of a 881  
juvenile" if the offender commits the offense within one hundred 882  
feet of a juvenile or within the view of a juvenile, regardless 883  
of whether the offender knows the age of the juvenile, whether 884

the offender knows the offense is being committed within one 885  
hundred feet of or within view of the juvenile, or whether the 886  
juvenile actually views the commission of the offense. 887

(CC) "Presumption for a prison term" or "presumption that 888  
a prison term shall be imposed" means a presumption, as 889  
described in division (D) of section 2929.13 of the Revised 890  
Code, that a prison term is a necessary sanction for a felony in 891  
order to comply with the purposes and principles of sentencing 892  
under section 2929.11 of the Revised Code. 893

(DD) "Major drug offender" has the same meaning as in 894  
section 2929.01 of the Revised Code. 895

(EE) "Minor drug possession offense" means either of the 896  
following: 897

(1) A violation of section 2925.11 of the Revised Code as 898  
it existed prior to July 1, 1996; 899

(2) A violation of section 2925.11 of the Revised Code as 900  
it exists on and after July 1, 1996, that is a misdemeanor or a 901  
felony of the fifth degree. 902

(FF) "Mandatory prison term" has the same meaning as in 903  
section 2929.01 of the Revised Code. 904

(GG) "Adulterate" means to cause a drug to be adulterated 905  
as described in section 3715.63 of the Revised Code. 906

(HH) "Public premises" means any hotel, restaurant, 907  
tavern, store, arena, hall, or other place of public 908  
accommodation, business, amusement, or resort. 909

(II) "Methamphetamine" means methamphetamine, any salt, 910  
isomer, or salt of an isomer of methamphetamine, or any 911  
compound, mixture, preparation, or substance containing 912



methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	913 914
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	915 916
(KK) "Fentanyl-related compound" means any of the following:	917 918
(1) Fentanyl;	919
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	920 921 922
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	923 924
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	925 926
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	927 928 929
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	930 931
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	932 933
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	934 935
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	936 937
(10) Alfentanil;	938

(11) Carfentanil;	939
(12) Remifentanil;	940
(13) Sufentanil;	941
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	942 943
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	944 945 946 947 948 949 950
(a) A chemical scaffold consisting of both of the following:	951 952
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	953 954
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	955 956 957
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	958 959 960
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	961 962
(d) The compound has not been approved for medical use by the United States food and drug administration.	963 964
(LL) "First degree felony mandatory prison term" means one	965

of the definite prison terms prescribed in division (A) (1) (b) of 966  
section 2929.14 of the Revised Code for a felony of the first 967  
degree, except that if the violation for which sentence is being 968  
imposed is committed on or after March 22, 2019, it means one of 969  
the minimum prison terms prescribed in division (A) (1) (a) of 970  
that section for a felony of the first degree. 971

(MM) "Second degree felony mandatory prison term" means 972  
one of the definite prison terms prescribed in division (A) (2) 973  
(b) of section 2929.14 of the Revised Code for a felony of the 974  
second degree, except that if the violation for which sentence 975  
is being imposed is committed on or after March 22, 2019, it 976  
means one of the minimum prison terms prescribed in division (A) 977  
(2) (a) of that section for a felony of the second degree. 978

(NN) "Maximum first degree felony mandatory prison term" 979  
means the maximum definite prison term prescribed in division 980  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 981  
the first degree, except that if the violation for which 982  
sentence is being imposed is committed on or after March 22, 983  
2019, it means the longest minimum prison term prescribed in 984  
division (A) (1) (a) of that section for a felony of the first 985  
degree. 986

(OO) "Maximum second degree felony mandatory prison term" 987  
means the maximum definite prison term prescribed in division 988  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 989  
the second degree, except that if the violation for which 990  
sentence is being imposed is committed on or after March 22, 991  
2019, it means the longest minimum prison term prescribed in 992  
division (A) (2) (a) of that section for a felony of the second 993  
degree. 994

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 995

as in section 928.01 of the Revised Code. 996

(QQ) An offense is "committed in the vicinity of a 997  
substance addiction services provider or a recovering addict" if 998  
either of the following apply: 999

(1) The offender commits the offense on the premises of a 1000  
substance addiction services provider's facility, including a 1001  
facility licensed prior to June 29, 2019, under section 5119.391 1002  
of the Revised Code to provide methadone treatment or an opioid 1003  
treatment program licensed on or after that date under section 1004  
5119.37 of the Revised Code, or within five hundred feet of the 1005  
premises of a substance addiction services provider's facility 1006  
and the offender knows or should know that the offense is being 1007  
committed within the vicinity of the substance addiction 1008  
services provider's facility. 1009

(2) The offender sells, offers to sell, delivers, or 1010  
distributes the controlled substance or controlled substance 1011  
analog to a person who is receiving treatment at the time of the 1012  
commission of the offense, or received treatment within thirty 1013  
days prior to the commission of the offense, from a substance 1014  
addiction services provider and the offender knows that the 1015  
person is receiving or received that treatment. 1016

(RR) "Substance addiction services provider" means an 1017  
agency, association, corporation or other legal entity, 1018  
individual, or program that provides one or more of the 1019  
following at a facility: 1020

(1) Either alcohol addiction services, or drug addiction 1021  
services, or both such services that are certified by the 1022  
director of mental health and addiction services under section 1023  
5119.36 of the Revised Code; 1024

(2) Recovery supports that are related to either alcohol 1025  
addiction services, or drug addiction services, or both such 1026  
services and paid for with federal, state, or local funds 1027  
administered by the department of mental health and addiction 1028  
services or a board of alcohol, drug addiction, and mental 1029  
health services. 1030

(SS) "Premises of a substance addiction services 1031  
provider's facility" means the parcel of real property on which 1032  
any substance addiction service provider's facility is situated. 1033

(TT) "Alcohol and drug addiction services" has the same 1034  
meaning as in section 5119.01 of the Revised Code. 1035

**Sec. 2925.02.** (A) No person shall knowingly do any of the 1036  
following: 1037

(1) By force, threat, or deception, administer to another 1038  
or induce or cause another to use a controlled substance; 1039

(2) By any means, administer or furnish to another or 1040  
induce or cause another to use a controlled substance with 1041  
purpose to cause serious physical harm to the other person, or 1042  
with purpose to cause the other person to become drug dependent; 1043

(3) By any means, administer or furnish to another or 1044  
induce or cause another to use a controlled substance, and 1045  
thereby cause serious physical harm to the other person, or 1046  
cause the other person to become drug dependent; 1047

(4) By any means, do any of the following: 1048

(a) Furnish or administer a controlled substance to a 1049  
juvenile who is at least two years the offender's junior, when 1050  
the offender knows the age of the juvenile or is reckless in 1051  
that regard; 1052

(b) Induce or cause a juvenile who is at least two years 1053  
the offender's junior to use a controlled substance, when the 1054  
offender knows the age of the juvenile or is reckless in that 1055  
regard; 1056

(c) Induce or cause a juvenile who is at least two years 1057  
the offender's junior to commit a felony drug abuse offense, 1058  
when the offender knows the age of the juvenile or is reckless 1059  
in that regard; 1060

(d) Use a juvenile, whether or not the offender knows the 1061  
age of the juvenile, to perform any surveillance activity that 1062  
is intended to prevent the detection of the offender or any 1063  
other person in the commission of a felony drug abuse offense or 1064  
to prevent the arrest of the offender or any other person for 1065  
the commission of a felony drug abuse offense. 1066

(5) By any means, furnish or administer a controlled 1067  
substance to a pregnant woman or induce or cause a pregnant 1068  
woman to use a controlled substance, when the offender knows 1069  
that the woman is pregnant or is reckless in that regard. 1070

(B) Division (A) (1), (3), (4), or (5) of this section does 1071  
not apply to manufacturers, wholesalers, licensed health 1072  
professionals authorized to prescribe drugs, pharmacists, owners 1073  
of pharmacies, and other persons whose conduct is in accordance 1074  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 1075  
4741., and 4772. of the Revised Code. 1076

(C) Whoever violates this section is guilty of corrupting 1077  
another with drugs. The penalty for the offense shall be 1078  
determined as follows: 1079

(1) If the offense is a violation of division (A) (1), (2), 1080  
(3), or (4) of this section and the drug involved is any 1081

compound, mixture, preparation, or substance included in 1082  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 1083  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1084  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1085  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1086  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1087  
offender shall be punished as follows: 1088

(a) Except as otherwise provided in division (C) (1) (b) of 1089  
this section, corrupting another with drugs committed in those 1090  
circumstances is a felony of the second degree and, subject to 1091  
division (E) of this section, the court shall impose as a 1092  
mandatory prison term a second degree felony mandatory prison 1093  
term. 1094

(b) If the offense was committed in the vicinity of a 1095  
school, corrupting another with drugs committed in those 1096  
circumstances is a felony of the first degree, and, subject to 1097  
division (E) of this section, the court shall impose as a 1098  
mandatory prison term a first degree felony mandatory prison 1099  
term. 1100

(2) If the offense is a violation of division (A) (1), (2), 1101  
(3), or (4) of this section and the drug involved is any 1102  
compound, mixture, preparation, or substance included in 1103  
schedule III, IV, or V, the offender shall be punished as 1104  
follows: 1105

(a) Except as otherwise provided in division (C) (2) (b) of 1106  
this section, corrupting another with drugs committed in those 1107  
circumstances is a felony of the second degree and there is a 1108  
presumption for a prison term for the offense. 1109

(b) If the offense was committed in the vicinity of a 1110

school, corrupting another with drugs committed in those 1111  
circumstances is a felony of the second degree and the court 1112  
shall impose as a mandatory prison term a second degree felony 1113  
mandatory prison term. 1114

(3) If the offense is a violation of division (A) (1), (2), 1115  
(3), or (4) of this section and the drug involved is marihuana, 1116  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1117  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1118  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1119  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1120  
offender shall be punished as follows: 1121

(a) Except as otherwise provided in division (C) (3) (b) of 1122  
this section, corrupting another with drugs committed in those 1123  
circumstances is a felony of the fourth degree and division (C) 1124  
of section 2929.13 of the Revised Code applies in determining 1125  
whether to impose a prison term on the offender. 1126

(b) If the offense was committed in the vicinity of a 1127  
school, corrupting another with drugs committed in those 1128  
circumstances is a felony of the third degree and division (C) 1129  
of section 2929.13 of the Revised Code applies in determining 1130  
whether to impose a prison term on the offender. 1131

(4) If the offense is a violation of division (A) (5) of 1132  
this section and the drug involved is any compound, mixture, 1133  
preparation, or substance included in schedule I or II, with the 1134  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 1135  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 1136  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 1137  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 1138  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 1139  
felony of the first degree and, subject to division (E) of this 1140



section, the court shall impose as a mandatory prison term a 1141  
first degree felony mandatory prison term. 1142

(5) If the offense is a violation of division (A) (5) of 1143  
this section and the drug involved is any compound, mixture, 1144  
preparation, or substance included in schedule III, IV, or V, 1145  
corrupting another with drugs is a felony of the second degree 1146  
and the court shall impose as a mandatory prison term a second 1147  
degree felony mandatory prison term. 1148

(6) If the offense is a violation of division (A) (5) of 1149  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 1150  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1151  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1152  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1153  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1154  
corrupting another with drugs is a felony of the third degree 1155  
and division (C) of section 2929.13 of the Revised Code applies 1156  
in determining whether to impose a prison term on the offender. 1157

(D) In addition to any prison term authorized or required 1158  
by division (C) or (E) of this section and sections 2929.13 and 1159  
2929.14 of the Revised Code and in addition to any other 1160  
sanction imposed for the offense under this section or sections 1161  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1162  
an offender who is convicted of or pleads guilty to a violation 1163  
of division (A) of this section may suspend for not more than 1164  
five years the offender's driver's or commercial driver's 1165  
license or permit. However, if the offender pleaded guilty to or 1166  
was convicted of a violation of section 4511.19 of the Revised 1167  
Code or a substantially similar municipal ordinance or the law 1168  
of another state or the United States arising out of the same 1169  
set of circumstances as the violation, the court shall suspend 1170

the offender's driver's or commercial driver's license or permit 1171  
for not more than five years. The court also shall do all of the 1172  
following that are applicable regarding the offender: 1173

(1) (a) If the violation is a felony of the first, second, 1174  
or third degree, the court shall impose upon the offender the 1175  
mandatory fine specified for the offense under division (B) (1) 1176  
of section 2929.18 of the Revised Code unless, as specified in 1177  
that division, the court determines that the offender is 1178  
indigent. 1179

(b) Notwithstanding any contrary provision of section 1180  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 1181  
to division (D) (1) (a) of this section and any fine imposed for a 1182  
violation of this section pursuant to division (A) of section 1183  
2929.18 of the Revised Code shall be paid by the clerk of the 1184  
court in accordance with and subject to the requirements of, and 1185  
shall be used as specified in, division (F) of section 2925.03 1186  
of the Revised Code. 1187

(c) If a person is charged with any violation of this 1188  
section that is a felony of the first, second, or third degree, 1189  
posts bail, and forfeits the bail, the forfeited bail shall be 1190  
paid by the clerk of the court pursuant to division (D) (1) (b) of 1191  
this section as if it were a fine imposed for a violation of 1192  
this section. 1193

(2) If the offender is a professionally licensed person, 1194  
in addition to any other sanction imposed for a violation of 1195  
this section, the court immediately shall comply with section 1196  
2925.38 of the Revised Code. 1197

(E) Notwithstanding the prison term otherwise authorized 1198  
or required for the offense under division (C) of this section 1199

and sections 2929.13 and 2929.14 of the Revised Code, if the 1200  
violation of division (A) of this section involves the sale, 1201  
offer to sell, or possession of a schedule I or II controlled 1202  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 1203  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1204  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1205  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1206  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1207  
if the court imposing sentence upon the offender finds that the 1208  
offender as a result of the violation is a major drug offender 1209  
and is guilty of a specification of the type described in 1210  
division (A) of section 2941.1410 of the Revised Code, the 1211  
court, in lieu of the prison term that otherwise is authorized 1212  
or required, shall impose upon the offender the mandatory prison 1213  
term specified in division (B) (3) (a) of section 2929.14 of the 1214  
Revised Code. 1215

(F) (1) If the sentencing court suspends the offender's 1216  
driver's or commercial driver's license or permit under division 1217  
(D) of this section, the offender, at any time after the 1218  
expiration of two years from the day on which the offender's 1219  
sentence was imposed or from the day on which the offender 1220  
finally was released from a prison term under the sentence, 1221  
whichever is later, may file a motion with the sentencing court 1222  
requesting termination of the suspension. Upon the filing of the 1223  
motion and the court's finding of good cause for the 1224  
determination, the court may terminate the suspension. 1225

(2) Any offender who received a mandatory suspension of 1226  
the offender's driver's or commercial driver's license or permit 1227  
under this section prior to September 13, 2016, may file a 1228  
motion with the sentencing court requesting the termination of 1229  
the suspension. However, an offender who pleaded guilty to or 1230

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 pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 4741., and 4772. of the Revised Code;

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

(3) Any person who sells, offers for sale, prescribes, 1260  
dispenses, or administers for livestock or other nonhuman 1261  
species an anabolic steroid that is expressly intended for 1262  
administration through implants to livestock or other nonhuman 1263  
species and approved for that purpose under the "Federal Food, 1264  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1265  
as amended, and is sold, offered for sale, prescribed, 1266  
dispensed, or administered for that purpose in accordance with 1267  
that act. 1268

(C) Whoever violates division (A) of this section is 1269  
guilty of one of the following: 1270

(1) If the drug involved in the violation is any compound, 1271  
mixture, preparation, or substance included in schedule I or 1272  
schedule II, with the exception of marihuana, cocaine, L.S.D., 1273  
heroin, any fentanyl-related compound, hashish, and any 1274  
controlled substance analog, whoever violates division (A) of 1275  
this section is guilty of aggravated trafficking in drugs. The 1276  
penalty for the offense shall be determined as follows: 1277

(a) Except as otherwise provided in division (C) (1) (b), 1278  
(c), (d), (e), or (f) of this section, aggravated trafficking in 1279  
drugs is a felony of the fourth degree, and division (C) of 1280  
section 2929.13 of the Revised Code applies in determining 1281  
whether to impose a prison term on the offender. 1282

(b) Except as otherwise provided in division (C) (1) (c), 1283  
(d), (e), or (f) of this section, if the offense was committed 1284  
in the vicinity of a school, in the vicinity of a juvenile, or 1285  
in the vicinity of a substance addiction services provider or a 1286  
recovering addict, aggravated trafficking in drugs is a felony 1287  
of the third degree, and division (C) of section 2929.13 of the 1288  
Revised Code applies in determining whether to impose a prison 1289

term on the offender. 1290

(c) Except as otherwise provided in this division, if the 1291  
amount of the drug involved equals or exceeds the bulk amount 1292  
but is less than five times the bulk amount, aggravated 1293  
trafficking in drugs is a felony of the third degree, and, 1294  
except as otherwise provided in this division, there is a 1295  
presumption for a prison term for the offense. If aggravated 1296  
trafficking in drugs is a felony of the third degree under this 1297  
division and if the offender two or more times previously has 1298  
been convicted of or pleaded guilty to a felony drug abuse 1299  
offense, the court shall impose as a mandatory prison term one 1300  
of the prison terms prescribed for a felony of the third degree. 1301  
If the amount of the drug involved is within that range and if 1302  
the offense was committed in the vicinity of a school, in the 1303  
vicinity of a juvenile, or in the vicinity of a substance 1304  
addiction services provider or a recovering addict, aggravated 1305  
trafficking in drugs is a felony of the second degree, and the 1306  
court shall impose as a mandatory prison term a second degree 1307  
felony mandatory prison term. 1308

(d) Except as otherwise provided in this division, if the 1309  
amount of the drug involved equals or exceeds five times the 1310  
bulk amount but is less than fifty times the bulk amount, 1311  
aggravated trafficking in drugs is a felony of the second 1312  
degree, and the court shall impose as a mandatory prison term a 1313  
second degree felony mandatory prison term. If the amount of the 1314  
drug involved is within that range and if the offense was 1315  
committed in the vicinity of a school, in the vicinity of a 1316  
juvenile, or in the vicinity of a substance addiction services 1317  
provider or a recovering addict, aggravated trafficking in drugs 1318  
is a felony of the first degree, and the court shall impose as a 1319  
mandatory prison term a first degree felony mandatory prison 1320

term. 1321

(e) If the amount of the drug involved equals or exceeds 1322  
fifty times the bulk amount but is less than one hundred times 1323  
the bulk amount and regardless of whether the offense was 1324  
committed in the vicinity of a school, in the vicinity of a 1325  
juvenile, or in the vicinity of a substance addiction services 1326  
provider or a recovering addict, aggravated trafficking in drugs 1327  
is a felony of the first degree, and the court shall impose as a 1328  
mandatory prison term a first degree felony mandatory prison 1329  
term. 1330

(f) If the amount of the drug involved equals or exceeds 1331  
one hundred times the bulk amount and regardless of whether the 1332  
offense was committed in the vicinity of a school, in the 1333  
vicinity of a juvenile, or in the vicinity of a substance 1334  
addiction services provider or a recovering addict, aggravated 1335  
trafficking in drugs is a felony of the first degree, the 1336  
offender is a major drug offender, and the court shall impose as 1337  
a mandatory prison term a maximum first degree felony mandatory 1338  
prison term. 1339

(2) If the drug involved in the violation is any compound, 1340  
mixture, preparation, or substance included in schedule III, IV, 1341  
or V, whoever violates division (A) of this section is guilty of 1342  
trafficking in drugs. The penalty for the offense shall be 1343  
determined as follows: 1344

(a) Except as otherwise provided in division (C) (2) (b), 1345  
(c), (d), or (e) of this section, trafficking in drugs is a 1346  
felony of the fifth degree, and division (B) of section 2929.13 1347  
of the Revised Code applies in determining whether to impose a 1348  
prison term on the offender. 1349

(b) Except as otherwise provided in division (C) (2) (c), 1350  
(d), or (e) of this section, if the offense was committed in the 1351  
vicinity of a school or in the vicinity of a juvenile, 1352  
trafficking in drugs is a felony of the fourth degree, and 1353  
division (C) of section 2929.13 of the Revised Code applies in 1354  
determining whether to impose a prison term on the offender. 1355

(c) Except as otherwise provided in this division, if the 1356  
amount of the drug involved equals or exceeds the bulk amount 1357  
but is less than five times the bulk amount, trafficking in 1358  
drugs is a felony of the fourth degree, and division (B) of 1359  
section 2929.13 of the Revised Code applies in determining 1360  
whether to impose a prison term for the offense. If the amount 1361  
of the drug involved is within that range and if the offense was 1362  
committed in the vicinity of a school or in the vicinity of a 1363  
juvenile, trafficking in drugs is a felony of the third degree, 1364  
and there is a presumption for a prison term for the offense. 1365

(d) Except as otherwise provided in this division, if the 1366  
amount of the drug involved equals or exceeds five times the 1367  
bulk amount but is less than fifty times the bulk amount, 1368  
trafficking in drugs is a felony of the third degree, and there 1369  
is a presumption for a prison term for the offense. If the 1370  
amount of the drug involved is within that range and if the 1371  
offense was committed in the vicinity of a school or in the 1372  
vicinity of a juvenile, trafficking in drugs is a felony of the 1373  
second degree, and there is a presumption for a prison term for 1374  
the offense. 1375

(e) Except as otherwise provided in this division, if the 1376  
amount of the drug involved equals or exceeds fifty times the 1377  
bulk amount, trafficking in drugs is a felony of the second 1378  
degree, and the court shall impose as a mandatory prison term a 1379



second degree felony mandatory prison term. If the amount of the 1380  
drug involved equals or exceeds fifty times the bulk amount and 1381  
if the offense was committed in the vicinity of a school or in 1382  
the vicinity of a juvenile, trafficking in drugs is a felony of 1383  
the first degree, and the court shall impose as a mandatory 1384  
prison term a first degree felony mandatory prison term. 1385

(3) If the drug involved in the violation is marihuana or 1386  
a compound, mixture, preparation, or substance containing 1387  
marihuana other than hashish, whoever violates division (A) of 1388  
this section is guilty of trafficking in marihuana. The penalty 1389  
for the offense shall be determined as follows: 1390

(a) Except as otherwise provided in division (C) (3) (b), 1391  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1392  
marihuana is a felony of the fifth degree, and division (B) of 1393  
section 2929.13 of the Revised Code applies in determining 1394  
whether to impose a prison term on the offender. 1395

(b) Except as otherwise provided in division (C) (3) (c), 1396  
(d), (e), (f), (g), or (h) of this section, if the offense was 1397  
committed in the vicinity of a school or in the vicinity of a 1398  
juvenile, trafficking in marihuana is a felony of the fourth 1399  
degree, and division (B) of section 2929.13 of the Revised Code 1400  
applies in determining whether to impose a prison term on the 1401  
offender. 1402

(c) Except as otherwise provided in this division, if the 1403  
amount of the drug involved equals or exceeds two hundred grams 1404  
but is less than one thousand grams, trafficking in marihuana is 1405  
a felony of the fourth degree, and division (B) of section 1406  
2929.13 of the Revised Code applies in determining whether to 1407  
impose a prison term on the offender. If the amount of the drug 1408  
involved is within that range and if the offense was committed 1409

in the vicinity of a school or in the vicinity of a juvenile, 1410  
trafficking in marihuana is a felony of the third degree, and 1411  
division (C) of section 2929.13 of the Revised Code applies in 1412  
determining whether to impose a prison term on the offender. 1413

(d) Except as otherwise provided in this division, if the 1414  
amount of the drug involved equals or exceeds one thousand grams 1415  
but is less than five thousand grams, trafficking in marihuana 1416  
is a felony of the third degree, and division (C) of section 1417  
2929.13 of the Revised Code applies in determining whether to 1418  
impose a prison term on the offender. If the amount of the drug 1419  
involved is within that range and if the offense was committed 1420  
in the vicinity of a school or in the vicinity of a juvenile, 1421  
trafficking in marihuana is a felony of the second degree, and 1422  
there is a presumption that a prison term shall be imposed for 1423  
the offense. 1424

(e) Except as otherwise provided in this division, if the 1425  
amount of the drug involved equals or exceeds five thousand 1426  
grams but is less than twenty thousand grams, trafficking in 1427  
marihuana is a felony of the third degree, and there is a 1428  
presumption that a prison term shall be imposed for the offense. 1429  
If the amount of the drug involved is within that range and if 1430  
the offense was committed in the vicinity of a school or in the 1431  
vicinity of a juvenile, trafficking in marihuana is a felony of 1432  
the second degree, and there is a presumption that a prison term 1433  
shall be imposed for the offense. 1434

(f) Except as otherwise provided in this division, if the 1435  
amount of the drug involved equals or exceeds twenty thousand 1436  
grams but is less than forty thousand grams, trafficking in 1437  
marihuana is a felony of the second degree, and the court shall 1438  
impose as a mandatory prison term a second degree felony 1439

mandatory prison term of five, six, seven, or eight years. If 1440  
the amount of the drug involved is within that range and if the 1441  
offense was committed in the vicinity of a school or in the 1442  
vicinity of a juvenile, trafficking in marihuana is a felony of 1443  
the first degree, and the court shall impose as a mandatory 1444  
prison term a maximum first degree felony mandatory prison term. 1445

(g) Except as otherwise provided in this division, if the 1446  
amount of the drug involved equals or exceeds forty thousand 1447  
grams, trafficking in marihuana is a felony of the second 1448  
degree, and the court shall impose as a mandatory prison term a 1449  
maximum second degree felony mandatory prison term. If the 1450  
amount of the drug involved equals or exceeds forty thousand 1451  
grams and if the offense was committed in the vicinity of a 1452  
school or in the vicinity of a juvenile, trafficking in 1453  
marihuana is a felony of the first degree, and the court shall 1454  
impose as a mandatory prison term a maximum first degree felony 1455  
mandatory prison term. 1456

(h) Except as otherwise provided in this division, if the 1457  
offense involves a gift of twenty grams or less of marihuana, 1458  
trafficking in marihuana is a minor misdemeanor upon a first 1459  
offense and a misdemeanor of the third degree upon a subsequent 1460  
offense. If the offense involves a gift of twenty grams or less 1461  
of marihuana and if the offense was committed in the vicinity of 1462  
a school or in the vicinity of a juvenile, trafficking in 1463  
marihuana is a misdemeanor of the third degree. 1464

(4) If the drug involved in the violation is cocaine or a 1465  
compound, mixture, preparation, or substance containing cocaine, 1466  
whoever violates division (A) of this section is guilty of 1467  
trafficking in cocaine. The penalty for the offense shall be 1468  
determined as follows: 1469

(a) Except as otherwise provided in division (C) (4) (b), 1470  
(c), (d), (e), (f), or (g) of this section, trafficking in 1471  
cocaine is a felony of the fifth degree, and division (B) of 1472  
section 2929.13 of the Revised Code applies in determining 1473  
whether to impose a prison term on the offender. 1474

(b) Except as otherwise provided in division (C) (4) (c), 1475  
(d), (e), (f), or (g) of this section, if the offense was 1476  
committed in the vicinity of a school, in the vicinity of a 1477  
juvenile, or in the vicinity of a substance addiction services 1478  
provider or a recovering addict, trafficking in cocaine is a 1479  
felony of the fourth degree, and division (C) of section 2929.13 1480  
of the Revised Code applies in determining whether to impose a 1481  
prison term on the offender. 1482

(c) Except as otherwise provided in this division, if the 1483  
amount of the drug involved equals or exceeds five grams but is 1484  
less than ten grams of cocaine, trafficking in cocaine is a 1485  
felony of the fourth degree, and division (B) of section 2929.13 1486  
of the Revised Code applies in determining whether to impose a 1487  
prison term for the offense. If the amount of the drug involved 1488  
is within that range and if the offense was committed in the 1489  
vicinity of a school, in the vicinity of a juvenile, or in the 1490  
vicinity of a substance addiction services provider or a 1491  
recovering addict, trafficking in cocaine is a felony of the 1492  
third degree, and there is a presumption for a prison term for 1493  
the offense. 1494

(d) Except as otherwise provided in this division, if the 1495  
amount of the drug involved equals or exceeds ten grams but is 1496  
less than twenty grams of cocaine, trafficking in cocaine is a 1497  
felony of the third degree, and, except as otherwise provided in 1498  
this division, there is a presumption for a prison term for the 1499

offense. If trafficking in cocaine is a felony of the third 1500  
degree under this division and if the offender two or more times 1501  
previously has been convicted of or pleaded guilty to a felony 1502  
drug abuse offense, the court shall impose as a mandatory prison 1503  
term one of the prison terms prescribed for a felony of the 1504  
third degree. If the amount of the drug involved is within that 1505  
range and if the offense was committed in the vicinity of a 1506  
school, in the vicinity of a juvenile, or in the vicinity of a 1507  
substance addiction services provider or a recovering addict, 1508  
trafficking in cocaine is a felony of the second degree, and the 1509  
court shall impose as a mandatory prison term a second degree 1510  
felony mandatory prison term. 1511

(e) Except as otherwise provided in this division, if the 1512  
amount of the drug involved equals or exceeds twenty grams but 1513  
is less than twenty-seven grams of cocaine, trafficking in 1514  
cocaine is a felony of the second degree, and the court shall 1515  
impose as a mandatory prison term a second degree felony 1516  
mandatory prison term. If the amount of the drug involved is 1517  
within that range and if the offense was committed in the 1518  
vicinity of a school, in the vicinity of a juvenile, or in the 1519  
vicinity of a substance addiction services provider or a 1520  
recovering addict, trafficking in cocaine is a felony of the 1521  
first degree, and the court shall impose as a mandatory prison 1522  
term a first degree felony mandatory prison term. 1523

(f) If the amount of the drug involved equals or exceeds 1524  
twenty-seven grams but is less than one hundred grams of cocaine 1525  
and regardless of whether the offense was committed in the 1526  
vicinity of a school, in the vicinity of a juvenile, or in the 1527  
vicinity of a substance addiction services provider or a 1528  
recovering addict, trafficking in cocaine is a felony of the 1529  
first degree, and the court shall impose as a mandatory prison 1530

term a first degree felony mandatory prison term. 1531

(g) If the amount of the drug involved equals or exceeds 1532  
one hundred grams of cocaine and regardless of whether the 1533  
offense was committed in the vicinity of a school, in the 1534  
vicinity of a juvenile, or in the vicinity of a substance 1535  
addiction services provider or a recovering addict, trafficking 1536  
in cocaine is a felony of the first degree, the offender is a 1537  
major drug offender, and the court shall impose as a mandatory 1538  
prison term a maximum first degree felony mandatory prison term. 1539

(5) If the drug involved in the violation is L.S.D. or a 1540  
compound, mixture, preparation, or substance containing L.S.D., 1541  
whoever violates division (A) of this section is guilty of 1542  
trafficking in L.S.D. The penalty for the offense shall be 1543  
determined as follows: 1544

(a) Except as otherwise provided in division (C) (5) (b), 1545  
(c), (d), (e), (f), or (g) of this section, trafficking in 1546  
L.S.D. is a felony of the fifth degree, and division (B) of 1547  
section 2929.13 of the Revised Code applies in determining 1548  
whether to impose a prison term on the offender. 1549

(b) Except as otherwise provided in division (C) (5) (c), 1550  
(d), (e), (f), or (g) of this section, if the offense was 1551  
committed in the vicinity of a school, in the vicinity of a 1552  
juvenile, or in the vicinity of a substance addiction services 1553  
provider or a recovering addict, trafficking in L.S.D. is a 1554  
felony of the fourth degree, and division (C) of section 2929.13 1555  
of the Revised Code applies in determining whether to impose a 1556  
prison term on the offender. 1557

(c) Except as otherwise provided in this division, if the 1558  
amount of the drug involved equals or exceeds ten unit doses but 1559

is less than fifty unit doses of L.S.D. in a solid form or 1560  
equals or exceeds one gram but is less than five grams of L.S.D. 1561  
in a liquid concentrate, liquid extract, or liquid distillate 1562  
form, trafficking in L.S.D. is a felony of the fourth degree, 1563  
and division (B) of section 2929.13 of the Revised Code applies 1564  
in determining whether to impose a prison term for the offense. 1565  
If the amount of the drug involved is within that range and if 1566  
the offense was committed in the vicinity of a school, in the 1567  
vicinity of a juvenile, or in the vicinity of a substance 1568  
addiction services provider or a recovering addict, trafficking 1569  
in L.S.D. is a felony of the third degree, and there is a 1570  
presumption for a prison term for the offense. 1571

(d) Except as otherwise provided in this division, if the 1572  
amount of the drug involved equals or exceeds fifty unit doses 1573  
but is less than two hundred fifty unit doses of L.S.D. in a 1574  
solid form or equals or exceeds five grams but is less than 1575  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1576  
extract, or liquid distillate form, trafficking in L.S.D. is a 1577  
felony of the third degree, and, except as otherwise provided in 1578  
this division, there is a presumption for a prison term for the 1579  
offense. If trafficking in L.S.D. is a felony of the third 1580  
degree under this division and if the offender two or more times 1581  
previously has been convicted of or pleaded guilty to a felony 1582  
drug abuse offense, the court shall impose as a mandatory prison 1583  
term one of the prison terms prescribed for a felony of the 1584  
third degree. If the amount of the drug involved is within that 1585  
range and if the offense was committed in the vicinity of a 1586  
school, in the vicinity of a juvenile, or in the vicinity of a 1587  
substance addiction services provider or a recovering addict, 1588  
trafficking in L.S.D. is a felony of the second degree, and the 1589  
court shall impose as a mandatory prison term a second degree 1590

felony mandatory prison term. 1591

(e) Except as otherwise provided in this division, if the 1592  
amount of the drug involved equals or exceeds two hundred fifty 1593  
unit doses but is less than one thousand unit doses of L.S.D. in 1594  
a solid form or equals or exceeds twenty-five grams but is less 1595  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1596  
extract, or liquid distillate form, trafficking in L.S.D. is a 1597  
felony of the second degree, and the court shall impose as a 1598  
mandatory prison term a second degree felony mandatory prison 1599  
term. If the amount of the drug involved is within that range 1600  
and if the offense was committed in the vicinity of a school, in 1601  
the vicinity of a juvenile, or in the vicinity of a substance 1602  
addiction services provider or a recovering addict, trafficking 1603  
in L.S.D. is a felony of the first degree, and the court shall 1604  
impose as a mandatory prison term a first degree felony 1605  
mandatory prison term. 1606

(f) If the amount of the drug involved equals or exceeds 1607  
one thousand unit doses but is less than five thousand unit 1608  
doses of L.S.D. in a solid form or equals or exceeds one hundred 1609  
grams but is less than five hundred grams of L.S.D. in a liquid 1610  
concentrate, liquid extract, or liquid distillate form and 1611  
regardless of whether the offense was committed in the vicinity 1612  
of a school, in the vicinity of a juvenile, or in the vicinity 1613  
of a substance addiction services provider or a recovering 1614  
addict, trafficking in L.S.D. is a felony of the first degree, 1615  
and the court shall impose as a mandatory prison term a first 1616  
degree felony mandatory prison term. 1617

(g) If the amount of the drug involved equals or exceeds 1618  
five thousand unit doses of L.S.D. in a solid form or equals or 1619  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1620



liquid extract, or liquid distillate form and regardless of 1621  
whether the offense was committed in the vicinity of a school, 1622  
in the vicinity of a juvenile, or in the vicinity of a substance 1623  
addiction services provider or a recovering addict, trafficking 1624  
in L.S.D. is a felony of the first degree, the offender is a 1625  
major drug offender, and the court shall impose as a mandatory 1626  
prison term a maximum first degree felony mandatory prison term. 1627

(6) If the drug involved in the violation is heroin or a 1628  
compound, mixture, preparation, or substance containing heroin, 1629  
whoever violates division (A) of this section is guilty of 1630  
trafficking in heroin. The penalty for the offense shall be 1631  
determined as follows: 1632

(a) Except as otherwise provided in division (C) (6) (b), 1633  
(c), (d), (e), (f), or (g) of this section, trafficking in 1634  
heroin is a felony of the fifth degree, and division (B) of 1635  
section 2929.13 of the Revised Code applies in determining 1636  
whether to impose a prison term on the offender. 1637

(b) Except as otherwise provided in division (C) (6) (c), 1638  
(d), (e), (f), or (g) of this section, if the offense was 1639  
committed in the vicinity of a school, in the vicinity of a 1640  
juvenile, or in the vicinity of a substance addiction services 1641  
provider or a recovering addict, trafficking in heroin is a 1642  
felony of the fourth degree, and division (C) of section 2929.13 1643  
of the Revised Code applies in determining whether to impose a 1644  
prison term on the offender. 1645

(c) Except as otherwise provided in this division, if the 1646  
amount of the drug involved equals or exceeds ten unit doses but 1647  
is less than fifty unit doses or equals or exceeds one gram but 1648  
is less than five grams, trafficking in heroin is a felony of 1649  
the fourth degree, and division (B) of section 2929.13 of the 1650

Revised Code applies in determining whether to impose a prison 1651  
term for the offense. If the amount of the drug involved is 1652  
within that range and if the offense was committed in the 1653  
vicinity of a school, in the vicinity of a juvenile, or in the 1654  
vicinity of a substance addiction services provider or a 1655  
recovering addict, trafficking in heroin is a felony of the 1656  
third degree, and there is a presumption for a prison term for 1657  
the offense. 1658

(d) Except as otherwise provided in this division, if the 1659  
amount of the drug involved equals or exceeds fifty unit doses 1660  
but is less than one hundred unit doses or equals or exceeds 1661  
five grams but is less than ten grams, trafficking in heroin is 1662  
a felony of the third degree, and there is a presumption for a 1663  
prison term for the offense. If the amount of the drug involved 1664  
is within that range and if the offense was committed in the 1665  
vicinity of a school, in the vicinity of a juvenile, or in the 1666  
vicinity of a substance addiction services provider or a 1667  
recovering addict, trafficking in heroin is a felony of the 1668  
second degree, and there is a presumption for a prison term for 1669  
the offense. 1670

(e) Except as otherwise provided in this division, if the 1671  
amount of the drug involved equals or exceeds one hundred unit 1672  
doses but is less than five hundred unit doses or equals or 1673  
exceeds ten grams but is less than fifty grams, trafficking in 1674  
heroin is a felony of the second degree, and the court shall 1675  
impose as a mandatory prison term a second degree felony 1676  
mandatory prison term. If the amount of the drug involved is 1677  
within that range and if the offense was committed in the 1678  
vicinity of a school, in the vicinity of a juvenile, or in the 1679  
vicinity of a substance addiction services provider or a 1680  
recovering addict, trafficking in heroin is a felony of the 1681

first degree, and the court shall impose as a mandatory prison 1682  
term a first degree felony mandatory prison term. 1683

(f) If the amount of the drug involved equals or exceeds 1684  
five hundred unit doses but is less than one thousand unit doses 1685  
or equals or exceeds fifty grams but is less than one hundred 1686  
grams and regardless of whether the offense was committed in the 1687  
vicinity of a school, in the vicinity of a juvenile, or in the 1688  
vicinity of a substance addiction services provider or a 1689  
recovering addict, trafficking in heroin is a felony of the 1690  
first degree, and the court shall impose as a mandatory prison 1691  
term a first degree felony mandatory prison term. 1692

(g) If the amount of the drug involved equals or exceeds 1693  
one thousand unit doses or equals or exceeds one hundred grams 1694  
and regardless of whether the offense was committed in the 1695  
vicinity of a school, in the vicinity of a juvenile, or in the 1696  
vicinity of a substance addiction services provider or a 1697  
recovering addict, trafficking in heroin is a felony of the 1698  
first degree, the offender is a major drug offender, and the 1699  
court shall impose as a mandatory prison term a maximum first 1700  
degree felony mandatory prison term. 1701

(7) If the drug involved in the violation is hashish or a 1702  
compound, mixture, preparation, or substance containing hashish, 1703  
whoever violates division (A) of this section is guilty of 1704  
trafficking in hashish. The penalty for the offense shall be 1705  
determined as follows: 1706

(a) Except as otherwise provided in division (C) (7) (b), 1707  
(c), (d), (e), (f), or (g) of this section, trafficking in 1708  
hashish is a felony of the fifth degree, and division (B) of 1709  
section 2929.13 of the Revised Code applies in determining 1710  
whether to impose a prison term on the offender. 1711

(b) Except as otherwise provided in division (C) (7) (c), 1712  
(d), (e), (f), or (g) of this section, if the offense was 1713  
committed in the vicinity of a school, in the vicinity of a 1714  
juvenile, or in the vicinity of a substance addiction services 1715  
provider or a recovering addict, trafficking in hashish is a 1716  
felony of the fourth degree, and division (B) of section 2929.13 1717  
of the Revised Code applies in determining whether to impose a 1718  
prison term on the offender. 1719

(c) Except as otherwise provided in this division, if the 1720  
amount of the drug involved equals or exceeds ten grams but is 1721  
less than fifty grams of hashish in a solid form or equals or 1722  
exceeds two grams but is less than ten grams of hashish in a 1723  
liquid concentrate, liquid extract, or liquid distillate form, 1724  
trafficking in hashish is a felony of the fourth degree, and 1725  
division (B) of section 2929.13 of the Revised Code applies in 1726  
determining whether to impose a prison term on the offender. If 1727  
the amount of the drug involved is within that range and if the 1728  
offense was committed in the vicinity of a school, in the 1729  
vicinity of a juvenile, or in the vicinity of a substance 1730  
addiction services provider or a recovering addict, trafficking 1731  
in hashish is a felony of the third degree, and division (C) of 1732  
section 2929.13 of the Revised Code applies in determining 1733  
whether to impose a prison term on the offender. 1734

(d) Except as otherwise provided in this division, if the 1735  
amount of the drug involved equals or exceeds fifty grams but is 1736  
less than two hundred fifty grams of hashish in a solid form or 1737  
equals or exceeds ten grams but is less than fifty grams of 1738  
hashish in a liquid concentrate, liquid extract, or liquid 1739  
distillate form, trafficking in hashish is a felony of the third 1740  
degree, and division (C) of section 2929.13 of the Revised Code 1741  
applies in determining whether to impose a prison term on the 1742

offender. If the amount of the drug involved is within that 1743  
range and if the offense was committed in the vicinity of a 1744  
school, in the vicinity of a juvenile, or in the vicinity of a 1745  
substance addiction services provider or a recovering addict, 1746  
trafficking in hashish is a felony of the second degree, and 1747  
there is a presumption that a prison term shall be imposed for 1748  
the offense. 1749

(e) Except as otherwise provided in this division, if the 1750  
amount of the drug involved equals or exceeds two hundred fifty 1751  
grams but is less than one thousand grams of hashish in a solid 1752  
form or equals or exceeds fifty grams but is less than two 1753  
hundred grams of hashish in a liquid concentrate, liquid 1754  
extract, or liquid distillate form, trafficking in hashish is a 1755  
felony of the third degree, and there is a presumption that a 1756  
prison term shall be imposed for the offense. If the amount of 1757  
the drug involved is within that range and if the offense was 1758  
committed in the vicinity of a school, in the vicinity of a 1759  
juvenile, or in the vicinity of a substance addiction services 1760  
provider or a recovering addict, trafficking in hashish is a 1761  
felony of the second degree, and there is a presumption that a 1762  
prison term shall be imposed for the offense. 1763

(f) Except as otherwise provided in this division, if the 1764  
amount of the drug involved equals or exceeds one thousand grams 1765  
but is less than two thousand grams of hashish in a solid form 1766  
or equals or exceeds two hundred grams but is less than four 1767  
hundred grams of hashish in a liquid concentrate, liquid 1768  
extract, or liquid distillate form, trafficking in hashish is a 1769  
felony of the second degree, and the court shall impose as a 1770  
mandatory prison term a second degree felony mandatory prison 1771  
term of five, six, seven, or eight years. If the amount of the 1772  
drug involved is within that range and if the offense was 1773

committed in the vicinity of a school, in the vicinity of a 1774  
juvenile, or in the vicinity of a substance addiction services 1775  
provider or a recovering addict, trafficking in hashish is a 1776  
felony of the first degree, and the court shall impose as a 1777  
mandatory prison term a maximum first degree felony mandatory 1778  
prison term. 1779

(g) Except as otherwise provided in this division, if the 1780  
amount of the drug involved equals or exceeds two thousand grams 1781  
of hashish in a solid form or equals or exceeds four hundred 1782  
grams of hashish in a liquid concentrate, liquid extract, or 1783  
liquid distillate form, trafficking in hashish is a felony of 1784  
the second degree, and the court shall impose as a mandatory 1785  
prison term a maximum second degree felony mandatory prison 1786  
term. If the amount of the drug involved equals or exceeds two 1787  
thousand grams of hashish in a solid form or equals or exceeds 1788  
four hundred grams of hashish in a liquid concentrate, liquid 1789  
extract, or liquid distillate form and if the offense was 1790  
committed in the vicinity of a school, in the vicinity of a 1791  
juvenile, or in the vicinity of a substance addiction services 1792  
provider or a recovering addict, trafficking in hashish is a 1793  
felony of the first degree, and the court shall impose as a 1794  
mandatory prison term a maximum first degree felony mandatory 1795  
prison term. 1796

(8) If the drug involved in the violation is a controlled 1797  
substance analog or compound, mixture, preparation, or substance 1798  
that contains a controlled substance analog, whoever violates 1799  
division (A) of this section is guilty of trafficking in a 1800  
controlled substance analog. The penalty for the offense shall 1801  
be determined as follows: 1802

(a) Except as otherwise provided in division (C) (8) (b), 1803

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

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

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

committed in the vicinity of a school, in the vicinity of a 1834  
juvenile, or in the vicinity of a substance addiction services 1835  
provider or a recovering addict, trafficking in a controlled 1836  
substance analog is a felony of the second degree, and there is 1837  
a presumption for a prison term for the offense. 1838

(e) Except as otherwise provided in this division, if the 1839  
amount of the drug involved equals or exceeds thirty grams but 1840  
is less than forty grams, trafficking in a controlled substance 1841  
analog is a felony of the second degree, and the court shall 1842  
impose as a mandatory prison term a second degree felony 1843  
mandatory prison term. If the amount of the drug involved is 1844  
within that range and if the offense was committed in the 1845  
vicinity of a school, in the vicinity of a juvenile, or in the 1846  
vicinity of a substance addiction services provider or a 1847  
recovering addict, trafficking in a controlled substance analog 1848  
is a felony of the first degree, and the court shall impose as a 1849  
mandatory prison term a first degree felony mandatory prison 1850  
term. 1851

(f) If the amount of the drug involved equals or exceeds 1852  
forty grams but is less than fifty grams and regardless of 1853  
whether the offense was committed in the vicinity of a school, 1854  
in the vicinity of a juvenile, or in the vicinity of a substance 1855  
addiction services provider or a recovering addict, trafficking 1856  
in a controlled substance analog is a felony of the first 1857  
degree, and the court shall impose as a mandatory prison term a 1858  
first degree felony mandatory prison term. 1859

(g) If the amount of the drug involved equals or exceeds 1860  
fifty grams and regardless of whether the offense was committed 1861  
in the vicinity of a school, in the vicinity of a juvenile, or 1862  
in the vicinity of a substance addiction services provider or a 1863



recovering addict, trafficking in a controlled substance analog 1864  
is a felony of the first degree, the offender is a major drug 1865  
offender, and the court shall impose as a mandatory prison term 1866  
a maximum first degree felony mandatory prison term. 1867

(9) If the drug involved in the violation is a fentanyl- 1868  
related compound or a compound, mixture, preparation, or 1869  
substance containing a fentanyl-related compound and division 1870  
(C) (10) (a) of this section does not apply to the drug involved, 1871  
whoever violates division (A) of this section is guilty of 1872  
trafficking in a fentanyl-related compound. The penalty for the 1873  
offense shall be determined as follows: 1874

(a) Except as otherwise provided in division (C) (9) (b), 1875  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1876  
a fentanyl-related compound is a felony of the fifth degree, and 1877  
division (B) of section 2929.13 of the Revised Code applies in 1878  
determining whether to impose a prison term on the offender. 1879

(b) Except as otherwise provided in division (C) (9) (c), 1880  
(d), (e), (f), (g), or (h) of this section, if the offense was 1881  
committed in the vicinity of a school, in the vicinity of a 1882  
juvenile, or in the vicinity of a substance addiction services 1883  
provider or a recovering addict, trafficking in a fentanyl- 1884  
related compound is a felony of the fourth degree, and division 1885  
(C) of section 2929.13 of the Revised Code applies in 1886  
determining whether to impose a prison term on the offender. 1887

(c) Except as otherwise provided in this division, if the 1888  
amount of the drug involved equals or exceeds ten unit doses but 1889  
is less than fifty unit doses or equals or exceeds one gram but 1890  
is less than five grams, trafficking in a fentanyl-related 1891  
compound is a felony of the fourth degree, and division (B) of 1892  
section 2929.13 of the Revised Code applies in determining 1893

whether to impose a prison term for the offense. If the amount 1894  
of the drug involved is within that range and if the offense was 1895  
committed in the vicinity of a school, in the vicinity of a 1896  
juvenile, or in the vicinity of a substance addiction services 1897  
provider or a recovering addict, trafficking in a fentanyl- 1898  
related compound is a felony of the third degree, and there is a 1899  
presumption for a prison term for the offense. 1900

(d) Except as otherwise provided in this division, if the 1901  
amount of the drug involved equals or exceeds fifty unit doses 1902  
but is less than one hundred unit doses or equals or exceeds 1903  
five grams but is less than ten grams, trafficking in a 1904  
fentanyl-related compound is a felony of the third degree, and 1905  
there is a presumption for a prison term for the offense. If the 1906  
amount of the drug involved is within that range and if the 1907  
offense was committed in the vicinity of a school, in the 1908  
vicinity of a juvenile, or in the vicinity of a substance 1909  
addiction services provider or a recovering addict, trafficking 1910  
in a fentanyl-related compound is a felony of the second degree, 1911  
and there is a presumption for a prison term for the offense. 1912

(e) Except as otherwise provided in this division, if the 1913  
amount of the drug involved equals or exceeds one hundred unit 1914  
doses but is less than two hundred unit doses or equals or 1915  
exceeds ten grams but is less than twenty grams, trafficking in 1916  
a fentanyl-related compound is a felony of the second degree, 1917  
and the court shall impose as a mandatory prison term one of the 1918  
prison terms prescribed for a felony of the second degree. If 1919  
the amount of the drug involved is within that range and if the 1920  
offense was committed in the vicinity of a school, in the 1921  
vicinity of a juvenile, or in the vicinity of a substance 1922  
addiction services provider or a recovering addict, trafficking 1923  
in a fentanyl-related compound is a felony of the first degree, 1924

and the court shall impose as a mandatory prison term one of the 1925  
prison terms prescribed for a felony of the first degree. 1926

(f) If the amount of the drug involved equals or exceeds 1927  
two hundred unit doses but is less than five hundred unit doses 1928  
or equals or exceeds twenty grams but is less than fifty grams 1929  
and regardless of whether the offense was committed in the 1930  
vicinity of a school, in the vicinity of a juvenile, or in the 1931  
vicinity of a substance addiction services provider or a 1932  
recovering addict, trafficking in a fentanyl-related compound is 1933  
a felony of the first degree, and the court shall impose as a 1934  
mandatory prison term one of the prison terms prescribed for a 1935  
felony of the first degree. 1936

(g) If the amount of the drug involved equals or exceeds 1937  
five hundred unit doses but is less than one thousand unit doses 1938  
or equals or exceeds fifty grams but is less than one hundred 1939  
grams and regardless of whether the offense was committed in the 1940  
vicinity of a school, in the vicinity of a juvenile, or in the 1941  
vicinity of a substance addiction services provider or a 1942  
recovering addict, trafficking in a fentanyl-related compound is 1943  
a felony of the first degree, and the court shall impose as a 1944  
mandatory prison term the maximum prison term prescribed for a 1945  
felony of the first degree. 1946

(h) If the amount of the drug involved equals or exceeds 1947  
one thousand unit doses or equals or exceeds one hundred grams 1948  
and regardless of whether the offense was committed in the 1949  
vicinity of a school, in the vicinity of a juvenile, or in the 1950  
vicinity of a substance addiction services provider or a 1951  
recovering addict, trafficking in a fentanyl-related compound is 1952  
a felony of the first degree, the offender is a major drug 1953  
offender, and the court shall impose as a mandatory prison term 1954

the maximum prison term prescribed for a felony of the first 1955  
degree. 1956

(10) If the drug involved in the violation is a compound, 1957  
mixture, preparation, or substance that is a combination of a 1958  
fentanyl-related compound and marihuana, one of the following 1959  
applies: 1960

(a) Except as otherwise provided in division (C) (10) (b) of 1961  
this section, the offender is guilty of trafficking in marihuana 1962  
and shall be punished under division (C) (3) of this section. The 1963  
offender is not guilty of trafficking in a fentanyl-related 1964  
compound and shall not be charged with, convicted of, or 1965  
punished under division (C) (9) of this section for trafficking 1966  
in a fentanyl-related compound. 1967

(b) If the offender knows or has reason to know that the 1968  
compound, mixture, preparation, or substance that is the drug 1969  
involved contains a fentanyl-related compound, the offender is 1970  
guilty of trafficking in a fentanyl-related compound and shall 1971  
be punished under division (C) (9) of this section. 1972

(D) In addition to any prison term authorized or required 1973  
by division (C) of this section and sections 2929.13 and 2929.14 1974  
of the Revised Code, and in addition to any other sanction 1975  
imposed for the offense under this section or sections 2929.11 1976  
to 2929.18 of the Revised Code, the court that sentences an 1977  
offender who is convicted of or pleads guilty to a violation of 1978  
division (A) of this section may suspend the driver's or 1979  
commercial driver's license or permit of the offender in 1980  
accordance with division (G) of this section. However, if the 1981  
offender pleaded guilty to or was convicted of a violation of 1982  
section 4511.19 of the Revised Code or a substantially similar 1983  
municipal ordinance or the law of another state or the United 1984

States arising out of the same set of circumstances as the 1985  
violation, the court shall suspend the offender's driver's or 1986  
commercial driver's license or permit in accordance with 1987  
division (G) of this section. If applicable, the court also 1988  
shall do the following: 1989

(1) If the violation of division (A) of this section is a 1990  
felony of the first, second, or third degree, the court shall 1991  
impose upon the offender the mandatory fine specified for the 1992  
offense under division (B) (1) of section 2929.18 of the Revised 1993  
Code unless, as specified in that division, the court determines 1994  
that the offender is indigent. Except as otherwise provided in 1995  
division (H) (1) of this section, a mandatory fine or any other 1996  
fine imposed for a violation of this section is subject to 1997  
division (F) of this section. If a person is charged with a 1998  
violation of this section that is a felony of the first, second, 1999  
or third degree, posts bail, and forfeits the bail, the clerk of 2000  
the court shall pay the forfeited bail pursuant to divisions (D) 2001  
(1) and (F) of this section, as if the forfeited bail was a fine 2002  
imposed for a violation of this section. If any amount of the 2003  
forfeited bail remains after that payment and if a fine is 2004  
imposed under division (H) (1) of this section, the clerk of the 2005  
court shall pay the remaining amount of the forfeited bail 2006  
pursuant to divisions (H) (2) and (3) of this section, as if that 2007  
remaining amount was a fine imposed under division (H) (1) of 2008  
this section. 2009

(2) If the offender is a professionally licensed person, 2010  
the court immediately shall comply with section 2925.38 of the 2011  
Revised Code. 2012

(E) When a person is charged with the sale of or offer to 2013  
sell a bulk amount or a multiple of a bulk amount of a 2014

controlled substance, the jury, or the court trying the accused, 2015  
shall determine the amount of the controlled substance involved 2016  
at the time of the offense and, if a guilty verdict is returned, 2017  
shall return the findings as part of the verdict. In any such 2018  
case, it is unnecessary to find and return the exact amount of 2019  
the controlled substance involved, and it is sufficient if the 2020  
finding and return is to the effect that the amount of the 2021  
controlled substance involved is the requisite amount, or that 2022  
the amount of the controlled substance involved is less than the 2023  
requisite amount. 2024

(F) (1) Notwithstanding any contrary provision of section 2025  
3719.21 of the Revised Code and except as provided in division 2026  
(H) of this section, the clerk of the court shall pay any 2027  
mandatory fine imposed pursuant to division (D) (1) of this 2028  
section and any fine other than a mandatory fine that is imposed 2029  
for a violation of this section pursuant to division (A) or (B) 2030  
(5) of section 2929.18 of the Revised Code to the county, 2031  
township, municipal corporation, park district, as created 2032  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2033  
state law enforcement agencies in this state that primarily were 2034  
responsible for or involved in making the arrest of, and in 2035  
prosecuting, the offender. However, the clerk shall not pay a 2036  
mandatory fine so imposed to a law enforcement agency unless the 2037  
agency has adopted a written internal control policy under 2038  
division (F) (2) of this section that addresses the use of the 2039  
fine moneys that it receives. Each agency shall use the 2040  
mandatory fines so paid to subsidize the agency's law 2041  
enforcement efforts that pertain to drug offenses, in accordance 2042  
with the written internal control policy adopted by the 2043  
recipient agency under division (F) (2) of this section. 2044

(2) Prior to receiving any fine moneys under division (F) 2045

(1) of this section or division (B) of section 2925.42 of the Revised Code, a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is such a public record, and the agency that adopted it shall comply with it.

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

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

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

(G) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section or any other provision of this chapter, the court shall suspend the license, by order, for not more than five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the

day on which the offender's sentence was imposed or from the day 2076  
on which the offender finally was released from a prison term 2077  
under the sentence, whichever is later, may file a motion with 2078  
the sentencing court requesting termination of the suspension; 2079  
upon the filing of such a motion and the court's finding of good 2080  
cause for the termination, the court may terminate the 2081  
suspension. 2082

(2) Any offender who received a mandatory suspension of 2083  
the offender's driver's or commercial driver's license or permit 2084  
under this section prior to September 13, 2016, may file a 2085  
motion with the sentencing court requesting the termination of 2086  
the suspension. However, an offender who pleaded guilty to or 2087  
was convicted of a violation of section 4511.19 of the Revised 2088  
Code or a substantially similar municipal ordinance or law of 2089  
another state or the United States that arose out of the same 2090  
set of circumstances as the violation for which the offender's 2091  
license or permit was suspended under this section shall not 2092  
file such a motion. 2093

Upon the filing of a motion under division (G)(2) of this 2094  
section, the sentencing court, in its discretion, may terminate 2095  
the suspension. 2096

(H)(1) In addition to any prison term authorized or 2097  
required by division (C) of this section and sections 2929.13 2098  
and 2929.14 of the Revised Code, in addition to any other 2099  
penalty or sanction imposed for the offense under this section 2100  
or sections 2929.11 to 2929.18 of the Revised Code, and in 2101  
addition to the forfeiture of property in connection with the 2102  
offense as prescribed in Chapter 2981. of the Revised Code, the 2103  
court that sentences an offender who is convicted of or pleads 2104  
guilty to a violation of division (A) of this section may impose 2105



upon the offender an additional fine specified for the offense 2106  
in division (B) (4) of section 2929.18 of the Revised Code. A 2107  
fine imposed under division (H) (1) of this section is not 2108  
subject to division (F) of this section and shall be used solely 2109  
for the support of one or more eligible community addiction 2110  
services providers in accordance with divisions (H) (2) and (3) 2111  
of this section. 2112

(2) The court that imposes a fine under division (H) (1) of 2113  
this section shall specify in the judgment that imposes the fine 2114  
one or more eligible community addiction services providers for 2115  
the support of which the fine money is to be used. No community 2116  
addiction services provider shall receive or use money paid or 2117  
collected in satisfaction of a fine imposed under division (H) 2118  
(1) of this section unless the services provider is specified in 2119  
the judgment that imposes the fine. No community addiction 2120  
services provider shall be specified in the judgment unless the 2121  
services provider is an eligible community addiction services 2122  
provider and, except as otherwise provided in division (H) (2) of 2123  
this section, unless the services provider is located in the 2124  
county in which the court that imposes the fine is located or in 2125  
a county that is immediately contiguous to the county in which 2126  
that court is located. If no eligible community addiction 2127  
services provider is located in any of those counties, the 2128  
judgment may specify an eligible community addiction services 2129  
provider that is located anywhere within this state. 2130

(3) Notwithstanding any contrary provision of section 2131  
3719.21 of the Revised Code, the clerk of the court shall pay 2132  
any fine imposed under division (H) (1) of this section to the 2133  
eligible community addiction services provider specified 2134  
pursuant to division (H) (2) of this section in the judgment. The 2135  
eligible community addiction services provider that receives the 2136

fine moneys shall use the moneys only for the alcohol and drug 2137  
addiction services identified in the application for 2138  
certification of services under section 5119.36 of the Revised 2139  
Code or in the application for a license under section 5119.37 2140  
of the Revised Code filed with the department of mental health 2141  
and addiction services by the community addiction services 2142  
provider specified in the judgment. 2143

(4) Each community addiction services provider that 2144  
receives in a calendar year any fine moneys under division (H) 2145  
(3) of this section shall file an annual report covering that 2146  
calendar year with the court of common pleas and the board of 2147  
county commissioners of the county in which the services 2148  
provider is located, with the court of common pleas and the 2149  
board of county commissioners of each county from which the 2150  
services provider received the moneys if that county is 2151  
different from the county in which the services provider is 2152  
located, and with the attorney general. The community addiction 2153  
services provider shall file the report no later than the first 2154  
day of March in the calendar year following the calendar year in 2155  
which the services provider received the fine moneys. The report 2156  
shall include statistics on the number of persons served by the 2157  
community addiction services provider, identify the types of 2158  
alcohol and drug addiction services provided to those persons, 2159  
and include a specific accounting of the purposes for which the 2160  
fine moneys received were used. No information contained in the 2161  
report shall identify, or enable a person to determine the 2162  
identity of, any person served by the community addiction 2163  
services provider. Each report received by a court of common 2164  
pleas, a board of county commissioners, or the attorney general 2165  
is a public record open for inspection under section 149.43 of 2166  
the Revised Code. 2167

(5) As used in divisions (H) (1) to (5) of this section:	2168
(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.	2169 2170 2171
(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.	2172 2173 2174 2175
(I) As used in this section, "drug" includes any substance that is represented to be a drug.	2176 2177
(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:	2178 2179 2180 2181 2182 2183 2184 2185
(1) A controlled substance;	2186
(2) Any substance for which there is an approved new drug application;	2187 2188
(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.	2189 2190 2191 2192
<b>Sec. 2925.11.</b> (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.	2193 2194 2195

(B) (1) This section does not apply to any of the following:	2196 2197
(a) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., <del>and</del> 4741., <u>and 4772.</u> of the Revised Code;	2198 2199 2200 2201 2202
(b) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;	2203 2204 2205 2206
(c) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act;	2207 2208 2209 2210 2211 2212 2213 2214 2215
(d) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged, or obtained through deception or commission of a theft offense.	2216 2217 2218 2219 2220 2221
As used in division (B) (1) (d) of this section, "deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	2222 2223 2224

(2) (a) As used in division (B) (2) of this section:	2225
(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	2226 2227
(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code.	2228 2229 2230
(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.	2231 2232
(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.	2233 2234 2235
(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.	2236 2237
(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2238 2239
(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	2240 2241
(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	2242 2243 2244 2245 2246 2247 2248 2249
(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or	2250 2251 2252

presenting a person to a health care facility. 2253

(b) Subject to division (B) (2) (f) of this section, a 2254  
qualified individual shall not be arrested, charged, prosecuted, 2255  
convicted, or penalized pursuant to this chapter for a minor 2256  
drug possession offense if all of the following apply: 2257

(i) The evidence of the obtaining, possession, or use of 2258  
the controlled substance or controlled substance analog that 2259  
would be the basis of the offense was obtained as a result of 2260  
the qualified individual seeking the medical assistance or 2261  
experiencing an overdose and needing medical assistance. 2262

(ii) Subject to division (B) (2) (g) of this section, within 2263  
thirty days after seeking or obtaining the medical assistance, 2264  
the qualified individual seeks and obtains a screening and 2265  
receives a referral for treatment from a community addiction 2266  
services provider or a properly credentialed addiction treatment 2267  
professional. 2268

(iii) Subject to division (B) (2) (g) of this section, the 2269  
qualified individual who obtains a screening and receives a 2270  
referral for treatment under division (B) (2) (b) (ii) of this 2271  
section, upon the request of any prosecuting attorney, submits 2272  
documentation to the prosecuting attorney that verifies that the 2273  
qualified individual satisfied the requirements of that 2274  
division. The documentation shall be limited to the date and 2275  
time of the screening obtained and referral received. 2276

(c) If a person is found to be in violation of any 2277  
community control sanction and if the violation is a result of 2278  
either of the following, the court shall first consider ordering 2279  
the person's participation or continued participation in a drug 2280  
treatment program or mitigating the penalty specified in section 2281

2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2282  
applicable, after which the court has the discretion either to 2283  
order the person's participation or continued participation in a 2284  
drug treatment program or to impose the penalty with the 2285  
mitigating factor specified in any of those applicable sections: 2286

(i) Seeking or obtaining medical assistance in good faith 2287  
for another person who is experiencing a drug overdose; 2288

(ii) Experiencing a drug overdose and seeking medical 2289  
assistance for that overdose or being the subject of another 2290  
person seeking or obtaining medical assistance for that overdose 2291  
as described in division (B) (2) (b) of this section. 2292

(d) If a person is found to be in violation of any post- 2293  
release control sanction and if the violation is a result of 2294  
either of the following, the court or the parole board shall 2295  
first consider ordering the person's participation or continued 2296  
participation in a drug treatment program or mitigating the 2297  
penalty specified in section 2929.141 or 2967.28 of the Revised 2298  
Code, whichever is applicable, after which the court or the 2299  
parole board has the discretion either to order the person's 2300  
participation or continued participation in a drug treatment 2301  
program or to impose the penalty with the mitigating factor 2302  
specified in either of those applicable sections: 2303

(i) Seeking or obtaining medical assistance in good faith 2304  
for another person who is experiencing a drug overdose; 2305

(ii) Experiencing a drug overdose and seeking medical 2306  
assistance for that emergency or being the subject of another 2307  
person seeking or obtaining medical assistance for that overdose 2308  
as described in division (B) (2) (b) of this section. 2309

(e) Nothing in division (B) (2) (b) of this section shall be 2310

construed to do any of the following: 2311

(i) Limit the admissibility of any evidence in connection 2312  
with the investigation or prosecution of a crime with regards to 2313  
a defendant who does not qualify for the protections of division 2314  
(B) (2) (b) of this section or with regards to any crime other 2315  
than a minor drug possession offense committed by a person who 2316  
qualifies for protection pursuant to division (B) (2) (b) of this 2317  
section for a minor drug possession offense; 2318

(ii) Limit any seizure of evidence or contraband otherwise 2319  
permitted by law; 2320

(iii) Limit or abridge the authority of a peace officer to 2321  
detain or take into custody a person in the course of an 2322  
investigation or to effectuate an arrest for any offense except 2323  
as provided in that division; 2324

(iv) Limit, modify, or remove any immunity from liability 2325  
available pursuant to law in effect prior to September 13, 2016, 2326  
to any public agency or to an employee of any public agency. 2327

(f) Division (B) (2) (b) of this section does not apply to 2328  
any person who twice previously has been granted an immunity 2329  
under division (B) (2) (b) of this section. No person shall be 2330  
granted an immunity under division (B) (2) (b) of this section 2331  
more than two times. 2332

(g) Nothing in this section shall compel any qualified 2333  
individual to disclose protected health information in a way 2334  
that conflicts with the requirements of the "Health Insurance 2335  
Portability and Accountability Act of 1996," 104 Pub. L. No. 2336  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2337  
regulations promulgated by the United States department of 2338  
health and human services to implement the act or the 2339



requirements of 42 C.F.R. Part 2. 2340

(C) Whoever violates division (A) of this section is 2341  
guilty of one of the following: 2342

(1) If the drug involved in the violation is a compound, 2343  
mixture, preparation, or substance included in schedule I or II, 2344  
with the exception of marihuana, cocaine, L.S.D., heroin, any 2345  
fentanyl-related compound, hashish, and any controlled substance 2346  
analog, whoever violates division (A) of this section is guilty 2347  
of aggravated possession of drugs. The penalty for the offense 2348  
shall be determined as follows: 2349

(a) Except as otherwise provided in division (C) (1) (b), 2350  
(c), (d), or (e) of this section, aggravated possession of drugs 2351  
is a felony of the fifth degree, and division (B) of section 2352  
2929.13 of the Revised Code applies in determining whether to 2353  
impose a prison term on the offender. 2354

(b) If the amount of the drug involved equals or exceeds 2355  
the bulk amount but is less than five times the bulk amount, 2356  
aggravated possession of drugs is a felony of the third degree, 2357  
and there is a presumption for a prison term for the offense. 2358

(c) If the amount of the drug involved equals or exceeds 2359  
five times the bulk amount but is less than fifty times the bulk 2360  
amount, aggravated possession of drugs is a felony of the second 2361  
degree, and the court shall impose as a mandatory prison term a 2362  
second degree felony mandatory prison term. 2363

(d) If the amount of the drug involved equals or exceeds 2364  
fifty times the bulk amount but is less than one hundred times 2365  
the bulk amount, aggravated possession of drugs is a felony of 2366  
the first degree, and the court shall impose as a mandatory 2367  
prison term a first degree felony mandatory prison term. 2368

(e) If the amount of the drug involved equals or exceeds 2369  
one hundred times the bulk amount, aggravated possession of 2370  
drugs is a felony of the first degree, the offender is a major 2371  
drug offender, and the court shall impose as a mandatory prison 2372  
term a maximum first degree felony mandatory prison term. 2373

(2) If the drug involved in the violation is a compound, 2374  
mixture, preparation, or substance included in schedule III, IV, 2375  
or V, whoever violates division (A) of this section is guilty of 2376  
possession of drugs. The penalty for the offense shall be 2377  
determined as follows: 2378

(a) Except as otherwise provided in division (C) (2) (b), 2379  
(c), or (d) of this section, possession of drugs is a 2380  
misdemeanor of the first degree or, if the offender previously 2381  
has been convicted of a drug abuse offense, a felony of the 2382  
fifth degree. 2383

(b) If the amount of the drug involved equals or exceeds 2384  
the bulk amount but is less than five times the bulk amount, 2385  
possession of drugs is a felony of the fourth degree, and 2386  
division (C) of section 2929.13 of the Revised Code applies in 2387  
determining whether to impose a prison term on the offender. 2388

(c) If the amount of the drug involved equals or exceeds 2389  
five times the bulk amount but is less than fifty times the bulk 2390  
amount, possession of drugs is a felony of the third degree, and 2391  
there is a presumption for a prison term for the offense. 2392

(d) If the amount of the drug involved equals or exceeds 2393  
fifty times the bulk amount, possession of drugs is a felony of 2394  
the second degree, and the court shall impose upon the offender 2395  
as a mandatory prison term a second degree felony mandatory 2396  
prison term. 2397

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

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

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

(c) If the amount of the drug involved equals or exceeds  
two hundred grams but is less than one thousand grams,  
possession of marihuana 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.

(d) If the amount of the drug involved equals or exceeds  
one thousand grams but is less than five thousand grams,  
possession of marihuana 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.

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

(f) If the amount of the drug involved equals or exceeds  
twenty thousand grams but is less than forty thousand grams,  
possession of marihuana is a felony of the second degree, and

the court shall impose as a mandatory prison term a second 2427  
degree felony mandatory prison term of five, six, seven, or 2428  
eight years. 2429

(g) If the amount of the drug involved equals or exceeds 2430  
forty thousand grams, possession of marihuana is a felony of the 2431  
second degree, and the court shall impose as a mandatory prison 2432  
term a maximum second degree felony mandatory prison term. 2433

(4) If the drug involved in the violation is cocaine or a 2434  
compound, mixture, preparation, or substance containing cocaine, 2435  
whoever violates division (A) of this section is guilty of 2436  
possession of cocaine. The penalty for the offense shall be 2437  
determined as follows: 2438

(a) Except as otherwise provided in division (C) (4) (b), 2439  
(c), (d), (e), or (f) of this section, possession of cocaine is 2440  
a felony of the fifth degree, and division (B) of section 2441  
2929.13 of the Revised Code applies in determining whether to 2442  
impose a prison term on the offender. 2443

(b) If the amount of the drug involved equals or exceeds 2444  
five grams but is less than ten grams of cocaine, possession of 2445  
cocaine is a felony of the fourth degree, and division (B) of 2446  
section 2929.13 of the Revised Code applies in determining 2447  
whether to impose a prison term on the offender. 2448

(c) If the amount of the drug involved equals or exceeds 2449  
ten grams but is less than twenty grams of cocaine, possession 2450  
of cocaine is a felony of the third degree, and, except as 2451  
otherwise provided in this division, there is a presumption for 2452  
a prison term for the offense. If possession of cocaine is a 2453  
felony of the third degree under this division and if the 2454  
offender two or more times previously has been convicted of or 2455

pleaded guilty to a felony drug abuse offense, the court shall 2456  
impose as a mandatory prison term one of the prison terms 2457  
prescribed for a felony of the third degree. 2458

(d) If the amount of the drug involved equals or exceeds 2459  
twenty grams but is less than twenty-seven grams of cocaine, 2460  
possession of cocaine is a felony of the second degree, and the 2461  
court shall impose as a mandatory prison term a second degree 2462  
felony mandatory prison term. 2463

(e) If the amount of the drug involved equals or exceeds 2464  
twenty-seven grams but is less than one hundred grams of 2465  
cocaine, possession of cocaine is a felony of the first degree, 2466  
and the court shall impose as a mandatory prison term a first 2467  
degree felony mandatory prison term. 2468

(f) If the amount of the drug involved equals or exceeds 2469  
one hundred grams of cocaine, possession of cocaine is a felony 2470  
of the first degree, the offender is a major drug offender, and 2471  
the court shall impose as a mandatory prison term a maximum 2472  
first degree felony mandatory prison term. 2473

(5) If the drug involved in the violation is L.S.D., 2474  
whoever violates division (A) of this section is guilty of 2475  
possession of L.S.D. The penalty for the offense shall be 2476  
determined as follows: 2477

(a) Except as otherwise provided in division (C) (5) (b), 2478  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2479  
felony of the fifth degree, and division (B) of section 2929.13 2480  
of the Revised Code applies in determining whether to impose a 2481  
prison term on the offender. 2482

(b) If the amount of L.S.D. involved equals or exceeds ten 2483  
unit doses but is less than fifty unit doses of L.S.D. in a 2484

solid form or equals or exceeds one gram but is less than five 2485  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2486  
liquid distillate form, possession of L.S.D. is a felony of the 2487  
fourth degree, and division (C) of section 2929.13 of the 2488  
Revised Code applies in determining whether to impose a prison 2489  
term on the offender. 2490

(c) If the amount of L.S.D. involved equals or exceeds 2491  
fifty unit doses, but is less than two hundred fifty unit doses 2492  
of L.S.D. in a solid form or equals or exceeds five grams but is 2493  
less than twenty-five grams of L.S.D. in a liquid concentrate, 2494  
liquid extract, or liquid distillate form, possession of L.S.D. 2495  
is a felony of the third degree, and there is a presumption for 2496  
a prison term for the offense. 2497

(d) If the amount of L.S.D. involved equals or exceeds two 2498  
hundred fifty unit doses but is less than one thousand unit 2499  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2500  
grams but is less than one hundred grams of L.S.D. in a liquid 2501  
concentrate, liquid extract, or liquid distillate form, 2502  
possession of L.S.D. is a felony of the second degree, and the 2503  
court shall impose as a mandatory prison term a second degree 2504  
felony mandatory prison term. 2505

(e) If the amount of L.S.D. involved equals or exceeds one 2506  
thousand unit doses but is less than five thousand unit doses of 2507  
L.S.D. in a solid form or equals or exceeds one hundred grams 2508  
but is less than five hundred grams of L.S.D. in a liquid 2509  
concentrate, liquid extract, or liquid distillate form, 2510  
possession of L.S.D. is a felony of the first degree, and the 2511  
court shall impose as a mandatory prison term a first degree 2512  
felony mandatory prison term. 2513

(f) If the amount of L.S.D. involved equals or exceeds 2514

five thousand unit doses of L.S.D. in a solid form or equals or 2515  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2516  
liquid extract, or liquid distillate form, possession of L.S.D. 2517  
is a felony of the first degree, the offender is a major drug 2518  
offender, and the court shall impose as a mandatory prison term 2519  
a maximum first degree felony mandatory prison term. 2520

(6) If the drug involved in the violation is heroin or a 2521  
compound, mixture, preparation, or substance containing heroin, 2522  
whoever violates division (A) of this section is guilty of 2523  
possession of heroin. The penalty for the offense shall be 2524  
determined as follows: 2525

(a) Except as otherwise provided in division (C) (6) (b), 2526  
(c), (d), (e), or (f) of this section, possession of heroin is a 2527  
felony of the fifth degree, and division (B) of section 2929.13 2528  
of the Revised Code applies in determining whether to impose a 2529  
prison term on the offender. 2530

(b) If the amount of the drug involved equals or exceeds 2531  
ten unit doses but is less than fifty unit doses or equals or 2532  
exceeds one gram but is less than five grams, possession of 2533  
heroin is a felony of the fourth degree, and division (C) of 2534  
section 2929.13 of the Revised Code applies in determining 2535  
whether to impose a prison term on the offender. 2536

(c) If the amount of the drug involved equals or exceeds 2537  
fifty unit doses but is less than one hundred unit doses or 2538  
equals or exceeds five grams but is less than ten grams, 2539  
possession of heroin is a felony of the third degree, and there 2540  
is a presumption for a prison term for the offense. 2541

(d) If the amount of the drug involved equals or exceeds 2542  
one hundred unit doses but is less than five hundred unit doses 2543

or equals or exceeds ten grams but is less than fifty grams, 2544  
possession of heroin is a felony of the second degree, and the 2545  
court shall impose as a mandatory prison term a second degree 2546  
felony mandatory prison term. 2547

(e) If the amount of the drug involved equals or exceeds 2548  
five hundred unit doses but is less than one thousand unit doses 2549  
or equals or exceeds fifty grams but is less than one hundred 2550  
grams, possession of heroin is a felony of the first degree, and 2551  
the court shall impose as a mandatory prison term a first degree 2552  
felony mandatory prison term. 2553

(f) If the amount of the drug involved equals or exceeds 2554  
one thousand unit doses or equals or exceeds one hundred grams, 2555  
possession of heroin is a felony of the first degree, the 2556  
offender is a major drug offender, and the court shall impose as 2557  
a mandatory prison term a maximum first degree felony mandatory 2558  
prison term. 2559

(7) If the drug involved in the violation is hashish or a 2560  
compound, mixture, preparation, or substance containing hashish, 2561  
whoever violates division (A) of this section is guilty of 2562  
possession of hashish. The penalty for the offense shall be 2563  
determined as follows: 2564

(a) Except as otherwise provided in division (C) (7) (b), 2565  
(c), (d), (e), (f), or (g) of this section, possession of 2566  
hashish is a minor misdemeanor. 2567

(b) If the amount of the drug involved equals or exceeds 2568  
five grams but is less than ten grams of hashish in a solid form 2569  
or equals or exceeds one gram but is less than two grams of 2570  
hashish in a liquid concentrate, liquid extract, or liquid 2571  
distillate form, possession of hashish is a misdemeanor of the 2572



fourth degree. 2573

(c) If the amount of the drug involved equals or exceeds 2574  
ten grams but is less than fifty grams of hashish in a solid 2575  
form or equals or exceeds two grams but is less than ten grams 2576  
of hashish in a liquid concentrate, liquid extract, or liquid 2577  
distillate form, possession of hashish is a felony of the fifth 2578  
degree, and division (B) of section 2929.13 of the Revised Code 2579  
applies in determining whether to impose a prison term on the 2580  
offender. 2581

(d) If the amount of the drug involved equals or exceeds 2582  
fifty grams but is less than two hundred fifty grams of hashish 2583  
in a solid form or equals or exceeds ten grams but is less than 2584  
fifty grams of hashish in a liquid concentrate, liquid extract, 2585  
or liquid distillate form, possession of hashish is a felony of 2586  
the third degree, and division (C) of section 2929.13 of the 2587  
Revised Code applies in determining whether to impose a prison 2588  
term on the offender. 2589

(e) If the amount of the drug involved equals or exceeds 2590  
two hundred fifty grams but is less than one thousand grams of 2591  
hashish in a solid form or equals or exceeds fifty grams but is 2592  
less than two hundred grams of hashish in a liquid concentrate, 2593  
liquid extract, or liquid distillate form, possession of hashish 2594  
is a felony of the third degree, and there is a presumption that 2595  
a prison term shall be imposed for the offense. 2596

(f) If the amount of the drug involved equals or exceeds 2597  
one thousand grams but is less than two thousand grams of 2598  
hashish in a solid form or equals or exceeds two hundred grams 2599  
but is less than four hundred grams of hashish in a liquid 2600  
concentrate, liquid extract, or liquid distillate form, 2601  
possession of hashish is a felony of the second degree, and the 2602

court shall impose as a mandatory prison term a second degree 2603  
felony mandatory prison term of five, six, seven, or eight 2604  
years. 2605

(g) If the amount of the drug involved equals or exceeds 2606  
two thousand grams of hashish in a solid form or equals or 2607  
exceeds four hundred grams of hashish in a liquid concentrate, 2608  
liquid extract, or liquid distillate form, possession of hashish 2609  
is a felony of the second degree, and the court shall impose as 2610  
a mandatory prison term a maximum second degree felony mandatory 2611  
prison term. 2612

(8) If the drug involved is a controlled substance analog 2613  
or compound, mixture, preparation, or substance that contains a 2614  
controlled substance analog, whoever violates division (A) of 2615  
this section is guilty of possession of a controlled substance 2616  
analog. The penalty for the offense shall be determined as 2617  
follows: 2618

(a) Except as otherwise provided in division (C) (8) (b), 2619  
(c), (d), (e), or (f) of this section, possession of a 2620  
controlled substance analog is a felony of the fifth degree, and 2621  
division (B) of section 2929.13 of the Revised Code applies in 2622  
determining whether to impose a prison term on the offender. 2623

(b) If the amount of the drug involved equals or exceeds 2624  
ten grams but is less than twenty grams, possession of a 2625  
controlled substance analog is a felony of the fourth degree, 2626  
and there is a presumption for a prison term for the offense. 2627

(c) If the amount of the drug involved equals or exceeds 2628  
twenty grams but is less than thirty grams, possession of a 2629  
controlled substance analog is a felony of the third degree, and 2630  
there is a presumption for a prison term for the offense. 2631

(d) If the amount of the drug involved equals or exceeds 2632  
thirty grams but is less than forty grams, possession of a 2633  
controlled substance analog is a felony of the second degree, 2634  
and the court shall impose as a mandatory prison term a second 2635  
degree felony mandatory prison term. 2636

(e) If the amount of the drug involved equals or exceeds 2637  
forty grams but is less than fifty grams, possession of a 2638  
controlled substance analog is a felony of the first degree, and 2639  
the court shall impose as a mandatory prison term a first degree 2640  
felony mandatory prison term. 2641

(f) If the amount of the drug involved equals or exceeds 2642  
fifty grams, possession of a controlled substance analog is a 2643  
felony of the first degree, the offender is a major drug 2644  
offender, and the court shall impose as a mandatory prison term 2645  
a maximum first degree felony mandatory prison term. 2646

(9) If the drug involved in the violation is a compound, 2647  
mixture, preparation, or substance that is a combination of a 2648  
fentanyl-related compound and marihuana, one of the following 2649  
applies: 2650

(a) Except as otherwise provided in division (C)(9)(b) of 2651  
this section, the offender is guilty of possession of marihuana 2652  
and shall be punished as provided in division (C)(3) of this 2653  
section. Except as otherwise provided in division (C)(9)(b) of 2654  
this section, the offender is not guilty of possession of a 2655  
fentanyl-related compound under division (C)(11) of this section 2656  
and shall not be charged with, convicted of, or punished under 2657  
division (C)(11) of this section for possession of a fentanyl- 2658  
related compound. 2659

(b) If the offender knows or has reason to know that the 2660

compound, mixture, preparation, or substance that is the drug 2661  
involved contains a fentanyl-related compound, the offender is 2662  
guilty of possession of a fentanyl-related compound and shall be 2663  
punished under division (C) (11) of this section. 2664

(10) If the drug involved in the violation is a compound, 2665  
mixture, preparation, or substance that is a combination of a 2666  
fentanyl-related compound and any schedule III, schedule IV, or 2667  
schedule V controlled substance that is not a fentanyl-related 2668  
compound, one of the following applies: 2669

(a) Except as otherwise provided in division (C) (10) (b) of 2670  
this section, the offender is guilty of possession of drugs and 2671  
shall be punished as provided in division (C) (2) of this 2672  
section. Except as otherwise provided in division (C) (10) (b) of 2673  
this section, the offender is not guilty of possession of a 2674  
fentanyl-related compound under division (C) (11) of this section 2675  
and shall not be charged with, convicted of, or punished under 2676  
division (C) (11) of this section for possession of a fentanyl- 2677  
related compound. 2678

(b) If the offender knows or has reason to know that the 2679  
compound, mixture, preparation, or substance that is the drug 2680  
involved contains a fentanyl-related compound, the offender is 2681  
guilty of possession of a fentanyl-related compound and shall be 2682  
punished under division (C) (11) of this section. 2683

(11) If the drug involved in the violation is a fentanyl- 2684  
related compound and neither division (C) (9) (a) nor division (C) 2685  
(10) (a) of this section applies to the drug involved, or is a 2686  
compound, mixture, preparation, or substance that contains a 2687  
fentanyl-related compound or is a combination of a fentanyl- 2688  
related compound and any other controlled substance and neither 2689  
division (C) (9) (a) nor division (C) (10) (a) of this section 2690

applies to the drug involved, whoever violates division (A) of 2691  
this section is guilty of possession of a fentanyl-related 2692  
compound. The penalty for the offense shall be determined as 2693  
follows: 2694

(a) Except as otherwise provided in division (C) (11) (b), 2695  
(c), (d), (e), (f), or (g) of this section, possession of a 2696  
fentanyl-related compound is a felony of the fifth degree, and 2697  
division (B) of section 2929.13 of the Revised Code applies in 2698  
determining whether to impose a prison term on the offender. 2699

(b) If the amount of the drug involved equals or exceeds 2700  
ten unit doses but is less than fifty unit doses or equals or 2701  
exceeds one gram but is less than five grams, possession of a 2702  
fentanyl-related compound is a felony of the fourth degree, and 2703  
division (C) of section 2929.13 of the Revised Code applies in 2704  
determining whether to impose a prison term on the offender. 2705

(c) If the amount of the drug involved equals or exceeds 2706  
fifty unit doses but is less than one hundred unit doses or 2707  
equals or exceeds five grams but is less than ten grams, 2708  
possession of a fentanyl-related compound is a felony of the 2709  
third degree, and there is a presumption for a prison term for 2710  
the offense. 2711

(d) If the amount of the drug involved equals or exceeds 2712  
one hundred unit doses but is less than two hundred unit doses 2713  
or equals or exceeds ten grams but is less than twenty grams, 2714  
possession of a fentanyl-related compound is a felony of the 2715  
second degree, and the court shall impose as a mandatory prison 2716  
term one of the prison terms prescribed for a felony of the 2717  
second degree. 2718

(e) If the amount of the drug involved equals or exceeds 2719

two hundred unit doses but is less than five hundred unit doses 2720  
or equals or exceeds twenty grams but is less than fifty grams, 2721  
possession of a fentanyl-related compound is a felony of the 2722  
first degree, and the court shall impose as a mandatory prison 2723  
term one of the prison terms prescribed for a felony of the 2724  
first degree. 2725

(f) If the amount of the drug involved equals or exceeds 2726  
five hundred unit doses but is less than one thousand unit doses 2727  
or equals or exceeds fifty grams but is less than one hundred 2728  
grams, possession of a fentanyl-related compound is a felony of 2729  
the first degree, and the court shall impose as a mandatory 2730  
prison term the maximum prison term prescribed for a felony of 2731  
the first degree. 2732

(g) If the amount of the drug involved equals or exceeds 2733  
one thousand unit doses or equals or exceeds one hundred grams, 2734  
possession of a fentanyl-related compound is a felony of the 2735  
first degree, the offender is a major drug offender, and the 2736  
court shall impose as a mandatory prison term the maximum prison 2737  
term prescribed for a felony of the first degree. 2738

(D) Arrest or conviction for a minor misdemeanor violation 2739  
of this section does not constitute a criminal record and need 2740  
not be reported by the person so arrested or convicted in 2741  
response to any inquiries about the person's criminal record, 2742  
including any inquiries contained in any application for 2743  
employment, license, or other right or privilege, or made in 2744  
connection with the person's appearance as a witness. 2745

(E) In addition to any prison term or jail term authorized 2746  
or required by division (C) of this section and sections 2747  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2748  
Code and in addition to any other sanction that is imposed for 2749

the offense under this section, sections 2929.11 to 2929.18, or 2750  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2751  
sentences an offender who is convicted of or pleads guilty to a 2752  
violation of division (A) of this section may suspend the 2753  
offender's driver's or commercial driver's license or permit for 2754  
not more than five years. However, if the offender pleaded 2755  
guilty to or was convicted of a violation of section 4511.19 of 2756  
the Revised Code or a substantially similar municipal ordinance 2757  
or the law of another state or the United States arising out of 2758  
the same set of circumstances as the violation, the court shall 2759  
suspend the offender's driver's or commercial driver's license 2760  
or permit for not more than five years. If applicable, the court 2761  
also shall do the following: 2762

(1) (a) If the violation is a felony of the first, second, 2763  
or third degree, the court shall impose upon the offender the 2764  
mandatory fine specified for the offense under division (B) (1) 2765  
of section 2929.18 of the Revised Code unless, as specified in 2766  
that division, the court determines that the offender is 2767  
indigent. 2768

(b) Notwithstanding any contrary provision of section 2769  
3719.21 of the Revised Code, the clerk of the court shall pay a 2770  
mandatory fine or other fine imposed for a violation of this 2771  
section pursuant to division (A) of section 2929.18 of the 2772  
Revised Code in accordance with and subject to the requirements 2773  
of division (F) of section 2925.03 of the Revised Code. The 2774  
agency that receives the fine shall use the fine as specified in 2775  
division (F) of section 2925.03 of the Revised Code. 2776

(c) If a person is charged with a violation of this 2777  
section that is a felony of the first, second, or third degree, 2778  
posts bail, and forfeits the bail, the clerk shall pay the 2779

forfeited bail pursuant to division (E) (1) (b) of this section as 2780  
if it were a mandatory fine imposed under division (E) (1) (a) of 2781  
this section. 2782

(2) If the offender is a professionally licensed person, 2783  
in addition to any other sanction imposed for a violation of 2784  
this section, the court immediately shall comply with section 2785  
2925.38 of the Revised Code. 2786

(F) It is an affirmative defense, as provided in section 2787  
2901.05 of the Revised Code, to a charge of a fourth degree 2788  
felony violation under this section that the controlled 2789  
substance that gave rise to the charge is in an amount, is in a 2790  
form, is prepared, compounded, or mixed with substances that are 2791  
not controlled substances in a manner, or is possessed under any 2792  
other circumstances, that indicate that the substance was 2793  
possessed solely for personal use. Notwithstanding any contrary 2794  
provision of this section, if, in accordance with section 2795  
2901.05 of the Revised Code, an accused who is charged with a 2796  
fourth degree felony violation of division (C) (2), (4), (5), or 2797  
(6) of this section sustains the burden of going forward with 2798  
evidence of and establishes by a preponderance of the evidence 2799  
the affirmative defense described in this division, the accused 2800  
may be prosecuted for and may plead guilty to or be convicted of 2801  
a misdemeanor violation of division (C) (2) of this section or a 2802  
fifth degree felony violation of division (C) (4), (5), or (6) of 2803  
this section respectively. 2804

(G) When a person is charged with possessing a bulk amount 2805  
or multiple of a bulk amount, division (E) of section 2925.03 of 2806  
the Revised Code applies regarding the determination of the 2807  
amount of the controlled substance involved at the time of the 2808  
offense. 2809



(H) It is an affirmative defense to a charge of possession 2810  
of a controlled substance analog under division (C) (8) of this 2811  
section that the person charged with violating that offense 2812  
obtained, possessed, or used one of the following items that are 2813  
excluded from the meaning of "controlled substance analog" under 2814  
section 3719.01 of the Revised Code: 2815

(1) A controlled substance; 2816

(2) Any substance for which there is an approved new drug 2817  
application; 2818

(3) With respect to a particular person, any substance if 2819  
an exemption is in effect for investigational use for that 2820  
person pursuant to federal law to the extent that conduct with 2821  
respect to that substance is pursuant to that exemption. 2822

(I) Any offender who received a mandatory suspension of 2823  
the offender's driver's or commercial driver's license or permit 2824  
under this section prior to September 13, 2016, may file a 2825  
motion with the sentencing court requesting the termination of 2826  
the suspension. However, an offender who pleaded guilty to or 2827  
was convicted of a violation of section 4511.19 of the Revised 2828  
Code or a substantially similar municipal ordinance or law of 2829  
another state or the United States that arose out of the same 2830  
set of circumstances as the violation for which the offender's 2831  
license or permit was suspended under this section shall not 2832  
file such a motion. 2833

Upon the filing of a motion under division (I) of this 2834  
section, the sentencing court, in its discretion, may terminate 2835  
the suspension. 2836

**Sec. 2925.12.** (A) No person shall knowingly make, obtain, 2837  
possess, or use any instrument, article, or thing the customary 2838

and primary purpose of which is for the administration or use of 2839  
a dangerous drug, other than marihuana, when the instrument 2840  
involved is a hypodermic or syringe, whether or not of crude or 2841  
extemporized manufacture or assembly, and the instrument, 2842  
article, or thing involved has been used by the offender to 2843  
unlawfully administer or use a dangerous drug, other than 2844  
marihuana, or to prepare a dangerous drug, other than marihuana, 2845  
for unlawful administration or use. 2846

(B) This section does not apply to manufacturers, licensed 2847  
health professionals authorized to prescribe drugs, pharmacists, 2848  
owners of pharmacies, and other persons whose conduct was in 2849  
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 2850  
4731., ~~and~~4741., and 4772. of the Revised Code. 2851

(C) Whoever violates this section is guilty of possessing 2852  
drug abuse instruments, a misdemeanor of the second degree. If 2853  
the offender previously has been convicted of a drug abuse 2854  
offense, a violation of this section is a misdemeanor of the 2855  
first degree. 2856

(D) (1) In addition to any other sanction imposed upon an 2857  
offender for a violation of this section, the court may suspend 2858  
for not more than five years the offender's driver's or 2859  
commercial driver's license or permit. However, if the offender 2860  
pleaded guilty to or was convicted of a violation of section 2861  
4511.19 of the Revised Code or a substantially similar municipal 2862  
ordinance or the law of another state or the United States 2863  
arising out of the same set of circumstances as the violation, 2864  
the court shall suspend the offender's driver's or commercial 2865  
driver's license or permit for not more than five years. If the 2866  
offender is a professionally licensed person, in addition to any 2867  
other sanction imposed for a violation of this section, the 2868

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 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 (D)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

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

(1) A kit for propagating, cultivating, growing, or

harvesting any species of a plant that is a controlled substance	2899
or from which a controlled substance can be derived;	2900
(2) A kit for manufacturing, compounding, converting,	2901
producing, processing, or preparing a controlled substance;	2902
(3) Any object, instrument, or device for manufacturing,	2903
compounding, converting, producing, processing, or preparing	2904
methamphetamine;	2905
(4) An isomerization device for increasing the potency of	2906
any species of a plant that is a controlled substance;	2907
(5) Testing equipment for identifying, or analyzing the	2908
strength, effectiveness, or purity of, a controlled substance;	2909
(6) A scale or balance for weighing or measuring a	2910
controlled substance;	2911
(7) A diluent or adulterant, such as quinine	2912
hydrochloride, mannitol, mannite, dextrose, or lactose, for	2913
cutting a controlled substance;	2914
(8) A separation gin or sifter for removing twigs and	2915
seeds from, or otherwise cleaning or refining, marihuana;	2916
(9) A blender, bowl, container, spoon, or mixing device	2917
for compounding a controlled substance;	2918
(10) A capsule, balloon, envelope, or container for	2919
packaging small quantities of a controlled substance;	2920
(11) A container or device for storing or concealing a	2921
controlled substance;	2922
(12) A hypodermic syringe, needle, or instrument for	2923
parenterally injecting a controlled substance into the human	2924
body;	2925

(13) An object, instrument, or device for ingesting, 2926  
inhaling, or otherwise introducing into the human body, 2927  
marihuana, cocaine, hashish, or hashish oil, such as a metal, 2928  
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 2929  
without a screen, permanent screen, hashish head, or punctured 2930  
metal bowl; water pipe; carburetion tube or device; smoking or 2931  
carburetion mask; roach clip or similar object used to hold 2932  
burning material, such as a marihuana cigarette, that has become 2933  
too small or too short to be held in the hand; miniature cocaine 2934  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2935  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2936

(B) In determining if any equipment, product, or material 2937  
is drug paraphernalia, a court or law enforcement officer shall 2938  
consider, in addition to other relevant factors, the following: 2939

(1) Any statement by the owner, or by anyone in control, 2940  
of the equipment, product, or material, concerning its use; 2941

(2) The proximity in time or space of the equipment, 2942  
product, or material, or of the act relating to the equipment, 2943  
product, or material, to a violation of any provision of this 2944  
chapter; 2945

(3) The proximity of the equipment, product, or material 2946  
to any controlled substance; 2947

(4) The existence of any residue of a controlled substance 2948  
on the equipment, product, or material; 2949

(5) Direct or circumstantial evidence of the intent of the 2950  
owner, or of anyone in control, of the equipment, product, or 2951  
material, to deliver it to any person whom the owner or person 2952  
in control of the equipment, product, or material knows intends 2953  
to use the object to facilitate a violation of any provision of 2954

this chapter. A finding that the owner, or anyone in control, of 2955  
the equipment, product, or material, is not guilty of a 2956  
violation of any other provision of this chapter does not 2957  
prevent a finding that the equipment, product, or material was 2958  
intended or designed by the offender for use as drug 2959  
paraphernalia. 2960

(6) Any oral or written instruction provided with the 2961  
equipment, product, or material concerning its use; 2962

(7) Any descriptive material accompanying the equipment, 2963  
product, or material and explaining or depicting its use; 2964

(8) National or local advertising concerning the use of 2965  
the equipment, product, or material; 2966

(9) The manner and circumstances in which the equipment, 2967  
product, or material is displayed for sale; 2968

(10) Direct or circumstantial evidence of the ratio of the 2969  
sales of the equipment, product, or material to the total sales 2970  
of the business enterprise; 2971

(11) The existence and scope of legitimate uses of the 2972  
equipment, product, or material in the community; 2973

(12) Expert testimony concerning the use of the equipment, 2974  
product, or material. 2975

(C) (1) Subject to division (D) (2) of this section, no 2976  
person shall knowingly use, or possess with purpose to use, drug 2977  
paraphernalia. 2978

(2) No person shall knowingly sell, or possess or 2979  
manufacture with purpose to sell, drug paraphernalia, if the 2980  
person knows or reasonably should know that the equipment, 2981  
product, or material will be used as drug paraphernalia. 2982

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

(D) (1) This section does not apply to manufacturers, 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.~~ and 4772. of the Revised Code. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by section 3719.172 of the Revised Code.

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

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

(F) (1) Whoever violates division (C) (1) of this section is guilty of illegal use or possession of drug paraphernalia, a

misdemeanor of the fourth degree. 3013

(2) Except as provided in division (F) (3) of this section, 3014  
whoever violates division (C) (2) of this section is guilty of 3015  
dealing in drug paraphernalia, a misdemeanor of the second 3016  
degree. 3017

(3) Whoever violates division (C) (2) of this section by 3018  
selling drug paraphernalia to a juvenile is guilty of selling 3019  
drug paraphernalia to juveniles, a misdemeanor of the first 3020  
degree. 3021

(4) Whoever violates division (C) (3) of this section is 3022  
guilty of illegal advertising of drug paraphernalia, a 3023  
misdemeanor of the second degree. 3024

(G) (1) In addition to any other sanction imposed upon an 3025  
offender for a violation of this section, the court may suspend 3026  
for not more than five years the offender's driver's or 3027  
commercial driver's license or permit. However, if the offender 3028  
pleaded guilty to or was convicted of a violation of section 3029  
4511.19 of the Revised Code or a substantially similar municipal 3030  
ordinance or the law of another state or the United States 3031  
arising out of the same set of circumstances as the violation, 3032  
the court shall suspend the offender's driver's or commercial 3033  
driver's license or permit for not more than five years. If the 3034  
offender is a professionally licensed person, in addition to any 3035  
other sanction imposed for a violation of this section, the 3036  
court immediately shall comply with section 2925.38 of the 3037  
Revised Code. 3038

(2) Any offender who received a mandatory suspension of 3039  
the offender's driver's or commercial driver's license or permit 3040  
under this section prior to ~~the effective date of this amendment~~ 3041



September 13, 2016, may file a motion with the sentencing court 3042  
requesting the termination of the suspension. However, an 3043  
offender who pleaded guilty to or was convicted of a violation 3044  
of section 4511.19 of the Revised Code or a substantially 3045  
similar municipal ordinance or law of another state or the 3046  
United States that arose out of the same set of circumstances as 3047  
the violation for which the offender's license or permit was 3048  
suspended under this section shall not file such a motion. 3049

Upon the filing of a motion under division (G) (2) of this 3050  
section, the sentencing court, in its discretion, may terminate 3051  
the suspension. 3052

**Sec. 2925.23.** (A) No person shall knowingly make a false 3053  
statement in any prescription, order, report, or record required 3054  
by Chapter 3719. or 4729. of the Revised Code. 3055

(B) No person shall intentionally make, utter, or sell, or 3056  
knowingly possess any of the following that is a false or 3057  
forged: 3058

(1) Prescription; 3059

(2) Uncompleted preprinted prescription blank used for 3060  
writing a prescription; 3061

(3) Official written order; 3062

(4) License for a terminal distributor of dangerous drugs, 3063  
as defined in section 4729.01 of the Revised Code; 3064

(5) License for a manufacturer of dangerous drugs, 3065  
outsourcing facility, third-party logistics provider, repackager 3066  
of dangerous drugs, or wholesale distributor of dangerous drugs, 3067  
as defined in section 4729.01 of the Revised Code. 3068

(C) No person, by theft as defined in section 2913.02 of 3069

the Revised Code, shall acquire any of the following: 3070

(1) A prescription; 3071

(2) An uncompleted preprinted prescription blank used for 3072  
writing a prescription; 3073

(3) An official written order; 3074

(4) A blank official written order; 3075

(5) A license or blank license for a terminal distributor 3076  
of dangerous drugs, as defined in section 4729.01 of the Revised 3077  
Code; 3078

(6) A license or blank license for a manufacturer of 3079  
dangerous drugs, outsourcing facility, third-party logistics 3080  
provider, repackager of dangerous drugs, or wholesale 3081  
distributor of dangerous drugs, as defined in section 4729.01 of 3082  
the Revised Code. 3083

(D) No person shall knowingly make or affix any false or 3084  
forged label to a package or receptacle containing any dangerous 3085  
drugs. 3086

(E) Divisions (A) and (D) of this section do not apply to 3087  
licensed health professionals authorized to prescribe drugs, 3088  
pharmacists, owners of pharmacies, and other persons whose 3089  
conduct is in accordance with Chapters 3719., 4715., 4723., 3090  
4725., 4729., 4730., 4731., ~~and 4741., 4772.~~ of the Revised 3091  
Code. 3092

(F) Whoever violates this section is guilty of illegal 3093  
processing of drug documents. If the offender violates division 3094  
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3095  
section, illegal processing of drug documents is a felony of the 3096  
fifth degree. If the offender violates division (A), division 3097

(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3098  
section, the penalty for illegal processing of drug documents 3099  
shall be determined as follows: 3100

(1) If the drug involved is a compound, mixture, 3101  
preparation, or substance included in schedule I or II, with the 3102  
exception of marihuana, illegal processing of drug documents is 3103  
a felony of the fourth degree, and division (C) of section 3104  
2929.13 of the Revised Code applies in determining whether to 3105  
impose a prison term on the offender. 3106

(2) If the drug involved is a dangerous drug or a 3107  
compound, mixture, preparation, or substance included in 3108  
schedule III, IV, or V or is marihuana, illegal processing of 3109  
drug documents is a felony of the fifth degree, and division (C) 3110  
of section 2929.13 of the Revised Code applies in determining 3111  
whether to impose a prison term on the offender. 3112

(G) (1) In addition to any prison term authorized or 3113  
required by division (F) of this section and sections 2929.13 3114  
and 2929.14 of the Revised Code and in addition to any other 3115  
sanction imposed for the offense under this section or sections 3116  
2929.11 to 2929.18 of the Revised Code, the court that sentences 3117  
an offender who is convicted of or pleads guilty to any 3118  
violation of divisions (A) to (D) of this section may suspend 3119  
for not more than five years the offender's driver's or 3120  
commercial driver's license or permit. However, if the offender 3121  
pleaded guilty to or was convicted of a violation of section 3122  
4511.19 of the Revised Code or a substantially similar municipal 3123  
ordinance or the law of another state or the United States 3124  
arising out of the same set of circumstances as the violation, 3125  
the court shall suspend the offender's driver's or commercial 3126  
driver's license or permit for not more than five years. 3127

If the offender is a professionally licensed person, in 3128  
addition to any other sanction imposed for a violation of this 3129  
section, the court immediately shall comply with section 2925.38 3130  
of the Revised Code. 3131

(2) Any offender who received a mandatory suspension of 3132  
the offender's driver's or commercial driver's license or permit 3133  
under this section prior to September 13, 2016, may file a 3134  
motion with the sentencing court requesting the termination of 3135  
the suspension. However, an offender who pleaded guilty to or 3136  
was convicted of a violation of section 4511.19 of the Revised 3137  
Code or a substantially similar municipal ordinance or law of 3138  
another state or the United States that arose out of the same 3139  
set of circumstances as the violation for which the offender's 3140  
license or permit was suspended under this section shall not 3141  
file such a motion. 3142

Upon the filing of a motion under division (G)(2) of this 3143  
section, the sentencing court, in its discretion, may terminate 3144  
the suspension. 3145

(H) Notwithstanding any contrary provision of section 3146  
3719.21 of the Revised Code, the clerk of court shall pay a fine 3147  
imposed for a violation of this section pursuant to division (A) 3148  
of section 2929.18 of the Revised Code in accordance with and 3149  
subject to the requirements of division (F) of section 2925.03 3150  
of the Revised Code. The agency that receives the fine shall use 3151  
the fine as specified in division (F) of section 2925.03 of the 3152  
Revised Code. 3153

**Sec. 2925.36.** (A) No person shall knowingly furnish 3154  
another a sample drug. 3155

(B) Division (A) of this section does not apply to 3156

manufacturers, wholesalers, pharmacists, owners of pharmacies, 3157  
licensed health professionals authorized to prescribe drugs, and 3158  
other persons whose conduct is in accordance with Chapters 3159  
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and  
4772. of the Revised Code. 3160  
3161

(C) (1) Whoever violates this section is guilty of illegal 3162  
dispensing of drug samples. 3163

(2) If the drug involved in the offense is a compound, 3164  
mixture, preparation, or substance included in schedule I or II, 3165  
with the exception of marihuana, the penalty for the offense 3166  
shall be determined as follows: 3167

(a) Except as otherwise provided in division (C) (2) (b) of 3168  
this section, illegal dispensing of drug samples is a felony of 3169  
the fifth degree, and, subject to division (E) of this section, 3170  
division (C) of section 2929.13 of the Revised Code applies in 3171  
determining whether to impose a prison term on the offender. 3172

(b) If the offense was committed in the vicinity of a 3173  
school or in the vicinity of a juvenile, illegal dispensing of 3174  
drug samples is a felony of the fourth degree, and, subject to 3175  
division (E) of this section, division (C) of section 2929.13 of 3176  
the Revised Code applies in determining whether to impose a 3177  
prison term on the offender. 3178

(3) If the drug involved in the offense is a dangerous 3179  
drug or a compound, mixture, preparation, or substance included 3180  
in schedule III, IV, or V, or is marihuana, the penalty for the 3181  
offense shall be determined as follows: 3182

(a) Except as otherwise provided in division (C) (3) (b) of 3183  
this section, illegal dispensing of drug samples is a 3184  
misdemeanor of the second degree. 3185

(b) If the offense was committed in the vicinity of a 3186  
school or in the vicinity of a juvenile, illegal dispensing of 3187  
drug samples is a misdemeanor of the first degree. 3188

(D) (1) In addition to any prison term authorized or 3189  
required by division (C) or (E) of this section and sections 3190  
2929.13 and 2929.14 of the Revised Code and in addition to any 3191  
other sanction imposed for the offense under this section or 3192  
sections 2929.11 to 2929.18 of the Revised Code, the court that 3193  
sentences an offender who is convicted of or pleads guilty to a 3194  
violation of division (A) of this section may suspend for not 3195  
more than five years the offender's driver's or commercial 3196  
driver's license or permit. However, if the offender pleaded 3197  
guilty to or was convicted of a violation of section 4511.19 of 3198  
the Revised Code or a substantially similar municipal ordinance 3199  
or the law of another state or the United States arising out of 3200  
the same set of circumstances as the violation, the court shall 3201  
suspend the offender's driver's or commercial driver's license 3202  
or permit for not more than five years. 3203

If the offender is a professionally licensed person, in 3204  
addition to any other sanction imposed for a violation of this 3205  
section, the court immediately shall comply with section 2925.38 3206  
of the Revised Code. 3207

(2) Any offender who received a mandatory suspension of 3208  
the offender's driver's or commercial driver's license or permit 3209  
under this section prior to September 13, 2016, may file a 3210  
motion with the sentencing court requesting the termination of 3211  
the suspension. However, an offender who pleaded guilty to or 3212  
was convicted of a violation of section 4511.19 of the Revised 3213  
Code or a substantially similar municipal ordinance or law of 3214  
another state or the United States that arose out of the same 3215

set of circumstances as the violation for which the offender's 3216  
license or permit was suspended under this section shall not 3217  
file such a motion. 3218

Upon the filing of a motion under division (D) (2) of this 3219  
section, the sentencing court, in its discretion, may terminate 3220  
the suspension. 3221

(E) Notwithstanding the prison term authorized or required 3222  
by division (C) of this section and sections 2929.13 and 2929.14 3223  
of the Revised Code, if the violation of division (A) of this 3224  
section involves the sale, offer to sell, or possession of a 3225  
schedule I or II controlled substance, with the exception of 3226  
marihuana, and if the court imposing sentence upon the offender 3227  
finds that the offender as a result of the violation is a major 3228  
drug offender and is guilty of a specification of the type 3229  
described in division (A) of section 2941.1410 of the Revised 3230  
Code, the court, in lieu of the prison term otherwise authorized 3231  
or required, shall impose upon the offender the mandatory prison 3232  
term specified in division (B) (3) (a) of section 2929.14 of the 3233  
Revised Code. 3234

(F) Notwithstanding any contrary provision of section 3235  
3719.21 of the Revised Code, the clerk of the court shall pay a 3236  
fine imposed for a violation of this section pursuant to 3237  
division (A) of section 2929.18 of the Revised Code in 3238  
accordance with and subject to the requirements of division (F) 3239  
of section 2925.03 of the Revised Code. The agency that receives 3240  
the fine shall use the fine as specified in division (F) of 3241  
section 2925.03 of the Revised Code. 3242

**Sec. 2925.55.** (A) As used in sections 2925.55 to 2925.58 3243  
of the Revised Code: 3244

- (1) "Consumer product" means any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.
- (2) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.
- (3) "Pseudoephedrine" means any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.
- (4) "Pseudoephedrine product" means a consumer product that contains pseudoephedrine.
- (5) "Retailer" means a place of business that offers consumer products for sale to the general public.
- (6) "Single-ingredient preparation" means a compound, mixture, preparation, or substance that contains a single active ingredient.
- (7) "Ephedrine" means any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.
- (8) "Ephedrine product" means a consumer product that contains ephedrine.
- (B) (1) No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe



drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 4772. of the Revised Code:

(a) Three and six tenths grams within a period of a single day;

(b) Nine grams within a period of thirty consecutive days.

The limits specified in divisions (B)(1)(a) and (b) of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight.

(2) It is not a violation of division (B)(1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in division (B)(1)(a) or (b) of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(C)(1) No individual under eighteen years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product or ephedrine product unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the

conduct of the pharmacist and the licensed health professional 3302  
authorized to prescribe drugs is in accordance with Chapter 3303  
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3304  
the Revised Code. 3305

(2) Division (C)(1) of this section does not apply to an 3306  
individual under eighteen years of age who purchases, receives, 3307  
or otherwise acquires a pseudoephedrine product or ephedrine 3308  
product from any of the following: 3309

(a) A licensed health professional authorized to prescribe 3310  
drugs or pharmacist who dispenses, sells, or otherwise provides 3311  
the pseudoephedrine product or ephedrine product to that 3312  
individual and whose conduct is in accordance with Chapter 3313  
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, 4772. of the 3314  
Revised Code; 3315

(b) A parent or guardian of that individual who provides 3316  
the pseudoephedrine product or ephedrine product to the 3317  
individual; 3318

(c) A person, as authorized by that individual's parent or 3319  
guardian, who dispenses, sells, or otherwise provides the 3320  
pseudoephedrine product or ephedrine product to the individual; 3321

(d) A retailer or terminal distributor of dangerous drugs 3322  
who provides the pseudoephedrine product or ephedrine product to 3323  
that individual if the individual is an employee of the retailer 3324  
or terminal distributor of dangerous drugs and the individual 3325  
receives or accepts from the retailer or terminal distributor of 3326  
dangerous drugs the pseudoephedrine product or ephedrine product 3327  
in a sealed container in connection with manufacturing, 3328  
warehousing, placement, stocking, bagging, loading, or unloading 3329  
of the product. 3330

(D) No individual under eighteen years of age shall 3331  
knowingly show or give false information concerning the 3332  
individual's name, age, or other identification for the purpose 3333  
of purchasing, receiving, or otherwise acquiring a 3334  
pseudoephedrine product or ephedrine product. 3335

(E) No individual shall knowingly fail to comply with the 3336  
requirements of division (B) of section 3715.051 of the Revised 3337  
Code. 3338

(F) Whoever violates division (B) (1) of this section is 3339  
guilty of unlawful purchase of a pseudoephedrine product or 3340  
ephedrine product, a misdemeanor of the first degree. 3341

(G) Whoever violates division (C) (1) of this section is 3342  
guilty of underage purchase of a pseudoephedrine product or 3343  
ephedrine product, a delinquent act that would be a misdemeanor 3344  
of the fourth degree if it could be committed by an adult. 3345

(H) Whoever violates division (D) of this section is 3346  
guilty of using false information to purchase a pseudoephedrine 3347  
product or ephedrine product, a delinquent act that would be a 3348  
misdemeanor of the first degree if it could be committed by an 3349  
adult. 3350

(I) Whoever violates division (E) of this section is 3351  
guilty of improper purchase of a pseudoephedrine product or 3352  
ephedrine product, a misdemeanor of the fourth degree. 3353

**Sec. 2925.56.** (A) (1) Except as provided in division (A) (2) 3354  
of this section, no retailer or terminal distributor of 3355  
dangerous drugs or an employee of a retailer or terminal 3356  
distributor of dangerous drugs shall knowingly sell, offer to 3357  
sell, hold for sale, deliver, or otherwise provide to any 3358  
individual an amount of pseudoephedrine product or ephedrine 3359

product that is greater than either of the following: 3360

(a) Three and ~~sixtenths~~ six-tenths grams within a period 3361  
of a single day; 3362

(b) Nine grams within a period of thirty consecutive days. 3363

The maximum amounts specified in divisions (A) (1) (a) and 3364  
(b) of this section apply to the total amount of base 3365  
pseudoephedrine or base ephedrine in the pseudoephedrine product 3366  
or ephedrine product, respectively. The maximum amounts do not 3367  
apply to the product's overall weight. 3368

(2) (a) Division (A) (1) of this section does not apply to 3369  
any quantity of pseudoephedrine product or ephedrine product 3370  
dispensed by a pharmacist pursuant to a valid prescription 3371  
issued by a licensed health professional authorized to prescribe 3372  
drugs if the conduct of the pharmacist and the licensed health 3373  
professional authorized to prescribe drugs is in accordance with 3374  
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3375  
4772. of the Revised Code. 3376

(b) It is not a violation of division (A) (1) of this 3377  
section for a retailer, terminal distributor of dangerous drugs, 3378  
or employee of either to provide to an individual more than an 3379  
amount of pseudoephedrine product or ephedrine product specified 3380  
in division (A) (1) (a) or (b) of this section under either of the 3381  
following circumstances: 3382

(i) The individual is an employee of the retailer or 3383  
terminal distributor of dangerous drugs, and the employee 3384  
receives or accepts from the retailer, terminal distributor of 3385  
dangerous drugs, or employee the pseudoephedrine product or 3386  
ephedrine product in a sealed container in connection with 3387  
manufacturing, warehousing, placement, stocking, bagging, 3388

loading, or unloading of the product; 3389

(ii) A stop-sale alert is generated after the submission 3390  
of information to the national precursor log exchange under the 3391  
conditions described in division (A) (2) of section 3715.052 of 3392  
the Revised Code. 3393

(B) (1) Except as provided in division (B) (2) of this 3394  
section, no retailer or terminal distributor of dangerous drugs 3395  
or an employee of a retailer or terminal distributor of 3396  
dangerous drugs shall sell, offer to sell, hold for sale, 3397  
deliver, or otherwise provide a pseudoephedrine product or 3398  
ephedrine product to an individual who is under eighteen years 3399  
of age. 3400

(2) Division (B) (1) of this section does not apply to any 3401  
of the following: 3402

(a) A licensed health professional authorized to prescribe 3403  
drugs or pharmacist who dispenses, sells, or otherwise provides 3404  
a pseudoephedrine product or ephedrine product to an individual 3405  
under eighteen years of age and whose conduct is in accordance 3406  
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.,~~ 3407  
or 4772. of the Revised Code; 3408

(b) A parent or guardian of an individual under eighteen 3409  
years of age who provides a pseudoephedrine product or ephedrine 3410  
product to the individual; 3411

(c) A person who, as authorized by the individual's parent 3412  
or guardian, dispenses, sells, or otherwise provides a 3413  
pseudoephedrine product or ephedrine product to an individual 3414  
under eighteen years of age; 3415

(d) The provision by a retailer, terminal distributor of 3416  
dangerous drugs, or employee of either of a pseudoephedrine 3417

product or ephedrine product in a sealed container to an 3418  
employee of the retailer or terminal distributor of dangerous 3419  
drugs who is under eighteen years of age in connection with 3420  
manufacturing, warehousing, placement, stocking, bagging, 3421  
loading, or unloading of the product. 3422

(C) No retailer or terminal distributor of dangerous drugs 3423  
shall fail to comply with the requirements of division (A) of 3424  
section 3715.051 or division (A) (2) of section 3715.052 of the 3425  
Revised Code. 3426

(D) No retailer or terminal distributor of dangerous drugs 3427  
shall fail to comply with the requirements of division (A) (1) of 3428  
section 3715.052 of the Revised Code. 3429

(E) Whoever violates division (A) (1) of this section is 3430  
guilty of unlawfully selling a pseudoephedrine product or 3431  
ephedrine product, a misdemeanor of the first degree. 3432

(F) Whoever violates division (B) (1) of this section is 3433  
guilty of unlawfully selling a pseudoephedrine product or 3434  
ephedrine product to a minor, a misdemeanor of the fourth 3435  
degree. 3436

(G) Whoever violates division (C) of this section is 3437  
guilty of improper sale of a pseudoephedrine product or 3438  
ephedrine product, a misdemeanor of the second degree. 3439

(H) Whoever violates division (D) of this section is 3440  
guilty of failing to submit information to the national 3441  
precursor log exchange, a misdemeanor for which the offender 3442  
shall be fined not more than one thousand dollars per violation. 3443

**Sec. 2925.61.** (A) As used in this section: 3444

(1) "Law enforcement agency" means a government entity 3445

that employs peace officers to perform law enforcement duties. 3446

(2) "Licensed health professional" means all of the 3447  
following: 3448

(a) A physician; 3449

(b) A physician assistant who is licensed under Chapter 3450  
4730. of the Revised Code, holds a valid prescriber number 3451  
issued by the state medical board, and has been granted 3452  
physician-delegated prescriptive authority; 3453

(c) An advanced practice registered nurse who holds a 3454  
current, valid license issued under Chapter 4723. of the Revised 3455  
Code and is designated as a clinical nurse specialist, certified 3456  
nurse-midwife, or certified nurse practitioner; 3457

(d) A certified mental health assistant who is licensed 3458  
under Chapter 4772. of the Revised Code and has been granted 3459  
physician-delegated prescriptive authority by the physician 3460  
supervising the certified mental health assistant. 3461

(3) "Overdose reversal drug" has the same meaning as in 3462  
section 4729.01 of the Revised Code. 3463

(4) "Peace officer" has the same meaning as in section 3464  
2921.51 of the Revised Code. 3465

(5) "Physician" means an individual who is authorized 3466  
under Chapter 4731. of the Revised Code to practice medicine and 3467  
surgery, osteopathic medicine and surgery, or podiatric medicine 3468  
and surgery. 3469

(B) A family member, friend, or other individual who is in 3470  
a position to assist an individual who is apparently 3471  
experiencing or at risk of experiencing an opioid-related 3472  
overdose is not subject to criminal prosecution for a violation 3473

of section 4731.41 of the Revised Code, is not subject to 3474  
criminal prosecution under this chapter, and is not liable for 3475  
damages in a civil action for injury, death, or loss to person 3476  
or property for an act or omission that allegedly arises from 3477  
obtaining, maintaining, accessing, or administering overdose 3478  
reversal drugs, if the individual, acting in good faith, does 3479  
all of the following: 3480

(1) Obtains overdose reversal drugs pursuant to a 3481  
prescription issued by a licensed health professional, or 3482  
obtains overdose reversal drugs from one of the following: 3483

(a) A licensed health professional; 3484

(b) An individual who is authorized to personally furnish 3485  
overdose reversal drugs by any of the following: 3486

(i) A physician under section 4731.941 of the Revised 3487  
Code; 3488

(ii) An advanced practice registered nurse under section 3489  
4723.485 of the Revised Code; 3490

(iii) A physician assistant under section 4730.435 of the 3491  
Revised Code; 3492

(iv) A board of health under section 3707.561 of the 3493  
Revised Code; 3494

(v) A certified mental health assistant under section 3495  
4772.17 of the Revised Code. 3496

(c) A pharmacist or pharmacy intern who is authorized by a 3497  
physician or board of health under section 4729.44 of the 3498  
Revised Code to dispense overdose reversal drugs without a 3499  
prescription. 3500



(2) Administers an overdose reversal drug obtained as 3501  
described in division (B)(1) of this section to an individual 3502  
who is apparently experiencing an opioid-related overdose; 3503

(3) Attempts to summon emergency services as soon as 3504  
practicable either before or after administering the overdose 3505  
reversal drug. 3506

(C) An individual who is an employee, volunteer, or 3507  
contractor of a service entity, as defined in section 4729.514 3508  
of the Revised Code, and has been authorized under section 3509  
3707.562, 4723.486, 4730.436, ~~or~~4731.943, or 4772.18 of the 3510  
Revised Code to administer overdose reversal drugs is not 3511  
subject to criminal prosecution for a violation of section 3512  
4731.41 of the Revised Code or criminal prosecution under this 3513  
chapter, if the individual, acting in good faith, does all of 3514  
the following: 3515

(1) Obtains overdose reversal drugs from the service 3516  
entity of which the individual is an employee, volunteer, or 3517  
contractor; 3518

(2) Administers an overdose reversal drug obtained to an 3519  
individual who is apparently experiencing an opioid-related 3520  
overdose; 3521

(3) Attempts to summon emergency services as soon as 3522  
practicable either before or after administering the overdose 3523  
reversal drug. 3524

(D) Divisions (B) and (C) of this section do not apply to 3525  
a peace officer or to an emergency medical technician-basic, 3526  
emergency medical technician-intermediate, or emergency medical 3527  
technician-paramedic, as defined in section 4765.01 of the 3528  
Revised Code. 3529

(E) (1) If a peace officer, acting in good faith, 3530  
administers an overdose reversal drug to an individual who is 3531  
apparently experiencing an opioid-related overdose, both of the 3532  
following apply: 3533

(a) The peace officer is not subject to administrative 3534  
action, criminal prosecution for a violation of section 4731.41 3535  
of the Revised Code, or criminal prosecution under this chapter. 3536

(b) The peace officer is not liable for damages in a civil 3537  
action for injury, death, or loss to person or property for an 3538  
act or omission that allegedly arises from obtaining, 3539  
maintaining, accessing, or administering the overdose reversal 3540  
drug. 3541

(2) Division (E) (1) (b) of this section does not eliminate, 3542  
limit, or reduce any other immunity or defense that an entity or 3543  
person may be entitled to under section 9.86 or Chapter 2744. of 3544  
the Revised Code, any other provision of the Revised Code, or 3545  
the common law of this state. 3546

**Sec. 2929.42.** (A) The prosecutor in any case against any 3547  
person licensed, certified, registered, or otherwise authorized 3548  
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 3549  
4731., 4734., ~~or 4741.~~ or 4772. of the Revised Code shall 3550  
notify the appropriate licensing board, on forms provided by the 3551  
board, of any of the following regarding the person: 3552

(1) A plea of guilty to, or a conviction of, a felony, or 3553  
a court order dismissing a felony charge on technical or 3554  
procedural grounds; 3555

(2) A plea of guilty to, or a conviction of, a misdemeanor 3556  
committed in the course of practice or in the course of 3557  
business, or a court order dismissing such a misdemeanor charge 3558

on technical or procedural grounds; 3559

(3) A plea of guilty to, or a conviction of, a misdemeanor 3560  
involving moral turpitude, or a court order dismissing such a 3561  
charge on technical or procedural grounds. 3562

(B) The report required by division (A) of this section 3563  
shall include the name and address of the person, the nature of 3564  
the offense, and certified copies of court entries in the 3565  
action. 3566

**Sec. 3701.048.** (A) As used in this section: 3567

(1) "Board of health" means the board of health of a city 3568  
or general health district or the authority having the duties of 3569  
a board of health under section 3709.05 of the Revised Code. 3570

(2) "Controlled substance" has the same meaning as in 3571  
section 3719.01 of the Revised Code. 3572

(3) "Drug," "dangerous drug," and "licensed health 3573  
professional authorized to prescribe drugs" have the same 3574  
meanings as in section 4729.01 of the Revised Code. 3575

(4) "Registered volunteer" has the same meaning as in 3576  
section 5502.281 of the Revised Code. 3577

(B) In consultation with the appropriate professional 3578  
regulatory boards of this state, the director of health shall 3579  
develop one or more protocols that authorize the following 3580  
individuals to administer, deliver, or distribute drugs, other 3581  
than schedule II and III controlled substances, during a period 3582  
of time described in division (E) of this section, 3583  
notwithstanding any statute or rule that otherwise prohibits or 3584  
restricts the administration, delivery, or distribution of drugs 3585  
by those individuals: 3586

(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	3587 3588 3589
(2) A physician assistant licensed under Chapter 4730. of the Revised Code;	3590 3591
(3) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	3592 3593
(4) A registered nurse licensed under Chapter 4723. of the Revised Code, including an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code;	3594 3595 3596
(5) A licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3597 3598
(6) An optometrist licensed under Chapter 4725. of the Revised Code;	3599 3600
(7) A pharmacist or pharmacy intern licensed under Chapter 4729. of the Revised Code;	3601 3602
(8) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	3603 3604
(9) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic who holds a certificate to practice issued under Chapter 4765. of the Revised Code;	3605 3606 3607 3608
(10) A veterinarian licensed under Chapter 4741. of the Revised Code;	3609 3610
<u>(11) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3611 3612
(C) In consultation with the executive director of the	3613

emergency management agency, the director of health shall 3614  
develop one or more protocols that authorize employees of boards 3615  
of health and registered volunteers to deliver or distribute 3616  
drugs, other than schedule II and III controlled substances, 3617  
during a period of time described in division (E) of this 3618  
section, notwithstanding any statute or rule that otherwise 3619  
prohibits or restricts the delivery or distribution of drugs by 3620  
those individuals. 3621

(D) In consultation with the state board of pharmacy, the 3622  
director of health shall develop one or more protocols that 3623  
authorize pharmacists and pharmacy interns to dispense, during a 3624  
period of time described in division (E) of this section, 3625  
limited quantities of dangerous drugs, other than schedule II 3626  
and III controlled substances, without a written, oral, or 3627  
electronic prescription from a licensed health professional 3628  
authorized to prescribe drugs or without a record of a 3629  
prescription, notwithstanding any statute or rule that otherwise 3630  
prohibits or restricts the dispensing of drugs without a 3631  
prescription or record of a prescription. 3632

(E) On the governor's declaration of an emergency that 3633  
affects the public health, the director of health may issue an 3634  
order to implement one or more of the protocols developed 3635  
pursuant to division (B), (C), or (D) of this section. At a 3636  
minimum, the director's order shall identify the one or more 3637  
protocols to be implemented and the period of time during which 3638  
the one or more protocols are to be effective. 3639

(F) (1) An individual who administers, delivers, 3640  
distributes, or dispenses a drug or dangerous drug in accordance 3641  
with one or more of the protocols implemented under division (E) 3642  
of this section is not liable for damages in any civil action 3643

unless the individual's acts or omissions in performing those 3644  
activities constitute willful or wanton misconduct. 3645

(2) An individual who administers, delivers, distributes, 3646  
or dispenses a drug or dangerous drug in accordance with one or 3647  
more of the protocols implemented under division (E) of this 3648  
section is not subject to criminal prosecution or professional 3649  
disciplinary action under any chapter in Title XLVII of the 3650  
Revised Code. 3651

**Sec. 3701.74.** (A) As used in this section and section 3652  
3701.741 of the Revised Code: 3653

(1) "Ambulatory care facility" means a facility that 3654  
provides medical, diagnostic, or surgical treatment to patients 3655  
who do not require hospitalization, including a dialysis center, 3656  
ambulatory surgical facility, cardiac catheterization facility, 3657  
diagnostic imaging center, extracorporeal shock wave lithotripsy 3658  
center, home health agency, inpatient hospice, birthing center, 3659  
radiation therapy center, emergency facility, and an urgent care 3660  
center. "Ambulatory care facility" does not include the private 3661  
office of a physician or dentist, whether the office is for an 3662  
individual or group practice. 3663

(2) "Chiropractor" means an individual licensed under 3664  
Chapter 4734. of the Revised Code to practice chiropractic. 3665

(3) "Emergency facility" means a hospital emergency 3666  
department or any other facility that provides emergency medical 3667  
services. 3668

(4) "Health care practitioner" means all of the following: 3669

(a) A dentist or dental hygienist licensed under Chapter 3670  
4715. of the Revised Code; 3671

(b) A registered or licensed practical nurse licensed	3672
under Chapter 4723. of the Revised Code;	3673
(c) An optometrist licensed under Chapter 4725. of the	3674
Revised Code;	3675
(d) A dispensing optician, spectacle dispensing optician,	3676
contact lens dispensing optician, or spectacle-contact lens	3677
dispensing optician licensed under Chapter 4725. of the Revised	3678
Code;	3679
(e) A pharmacist licensed under Chapter 4729. of the	3680
Revised Code;	3681
(f) A physician;	3682
(g) A physician assistant authorized under Chapter 4730.	3683
of the Revised Code to practice as a physician assistant;	3684
(h) A practitioner of a limited branch of medicine issued	3685
a certificate under Chapter 4731. of the Revised Code;	3686
(i) A psychologist licensed under Chapter 4732. of the	3687
Revised Code;	3688
(j) A chiropractor;	3689
(k) A hearing aid dealer or fitter licensed under Chapter	3690
4747. of the Revised Code;	3691
(l) A speech-language pathologist or audiologist licensed	3692
under Chapter 4753. of the Revised Code;	3693
(m) An occupational therapist or occupational therapy	3694
assistant licensed under Chapter 4755. of the Revised Code;	3695
(n) A physical therapist or physical therapy assistant	3696
licensed under Chapter 4755. of the Revised Code;	3697

(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	3698 3699 3700 3701 3702
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	3703 3704
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	3705 3706
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	3707 3708 3709 3710
<u>(s) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3711 3712
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	3713 3714 3715
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	3716 3717
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for	3718 3719 3720 3721 3722 3723 3724 3725 3726



individuals with intellectual disabilities, as defined in 3727  
section 5124.01 of the Revised Code. 3728

(8) "Medical record" means data in any form that pertains 3729  
to a patient's medical history, diagnosis, prognosis, or medical 3730  
condition and that is generated and maintained by a health care 3731  
provider in the process of the patient's health care treatment. 3732

(9) "Medical records company" means a person who stores, 3733  
locates, or copies medical records for a health care provider, 3734  
or is compensated for doing so by a health care provider, and 3735  
charges a fee for providing medical records to a patient or 3736  
patient's representative. 3737

(10) "Patient" means either of the following: 3738

(a) An individual who received health care treatment from 3739  
a health care provider; 3740

(b) A guardian, as defined in section 1337.11 of the 3741  
Revised Code, of an individual described in division (A) (10) (a) 3742  
of this section. 3743

(11) "Patient's personal representative" means a minor 3744  
patient's parent or other person acting in loco parentis, a 3745  
court-appointed guardian, or a person with durable power of 3746  
attorney for health care for a patient, the executor or 3747  
administrator of the patient's estate, or the person responsible 3748  
for the patient's estate if it is not to be probated. "Patient's 3749  
personal representative" does not include an insurer authorized 3750  
under Title XXXIX of the Revised Code to do the business of 3751  
sickness and accident insurance in this state, a health insuring 3752  
corporation holding a certificate of authority under Chapter 3753  
1751. of the Revised Code, or any other person not named in this 3754  
division. 3755

(12) "Pharmacy" has the same meaning as in section 4729.01 3756  
of the Revised Code. 3757

(13) "Physician" means a person authorized under Chapter 3758  
4731. of the Revised Code to practice medicine and surgery, 3759  
osteopathic medicine and surgery, or podiatric medicine and 3760  
surgery. 3761

(14) "Authorized person" means a person to whom a patient 3762  
has given written authorization to act on the patient's behalf 3763  
regarding the patient's medical record. 3764

(B) A patient, a patient's personal representative, or an 3765  
authorized person who wishes to examine or obtain a copy of part 3766  
or all of a medical record shall submit to the health care 3767  
provider a written request signed by the patient, personal 3768  
representative, or authorized person dated not more than one 3769  
year before the date on which it is submitted. The request shall 3770  
indicate whether the copy is to be sent to the requestor, 3771  
physician or chiropractor, or held for the requestor at the 3772  
office of the health care provider. Within a reasonable time 3773  
after receiving a request that meets the requirements of this 3774  
division and includes sufficient information to identify the 3775  
record requested, a health care provider that has the patient's 3776  
medical records shall permit the patient to examine the record 3777  
during regular business hours without charge or, on request, 3778  
shall provide a copy of the record in accordance with section 3779  
3701.741 of the Revised Code, except that if a physician, 3780  
psychologist, licensed professional clinical counselor, licensed 3781  
professional counselor, independent social worker, social 3782  
worker, independent marriage and family therapist, marriage and 3783  
family therapist, or chiropractor who has treated the patient 3784  
determines for clearly stated treatment reasons that disclosure 3785

of the requested record is likely to have an adverse effect on 3786  
the patient, the health care provider shall provide the record 3787  
to a physician, psychologist, licensed professional clinical 3788  
counselor, licensed professional counselor, independent social 3789  
worker, social worker, independent marriage and family 3790  
therapist, marriage and family therapist, or chiropractor 3791  
designated by the patient. The health care provider shall take 3792  
reasonable steps to establish the identity of the person making 3793  
the request to examine or obtain a copy of the patient's record. 3794

(C) If a health care provider fails to furnish a medical 3795  
record as required by division (B) of this section, the patient, 3796  
personal representative, or authorized person who requested the 3797  
record may bring a civil action to enforce the patient's right 3798  
of access to the record. 3799

(D) (1) This section does not apply to medical records 3800  
whose release is covered by section 173.20 or 3721.13 of the 3801  
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 3802  
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 3803  
Abuse Patient Records," or by 42 C.F.R. 483.10. 3804

(2) Nothing in this section is intended to supersede the 3805  
confidentiality provisions of sections 2305.24, 2305.25, 3806  
2305.251, and 2305.252 of the Revised Code. 3807

**Sec. 3709.161.** (A) The board of health of a city or 3808  
general health district may procure a policy or policies of 3809  
insurance insuring the members of the board, the health 3810  
commissioner, and the employees of the board against liability 3811  
on account of damage or injury to persons and property resulting 3812  
from any act or omission that occurs in the individual's 3813  
official capacity as a member or employee of the board or 3814  
resulting solely out of such membership or employment. 3815

(B) (1) As used in this division, "health care professional" means all of the following:	3816 3817
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	3818 3819
(b) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3820 3821
(c) A person licensed under Chapter 4729. of the Revised Code to practice as a pharmacist;	3822 3823
(d) A person authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	3824 3825
(e) A person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	3826 3827 3828
(f) A psychologist licensed under Chapter 4732. of the Revised Code;	3829 3830
(g) A veterinarian licensed under Chapter 4741. of the Revised Code;	3831 3832
(h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3833 3834
(i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;	3835 3836 3837
(j) A licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code;	3838 3839 3840
(k) A dietitian licensed under Chapter 4759. of the Revised Code;	3841 3842

<u>(1) A certified mental health assistant licensed under</u>	3843
<u>Chapter 4772. of the Revised Code.</u>	3844
(2) The board of health of a city or general health	3845
district may purchase liability insurance for a health care	3846
professional with whom the board contracts for the provision of	3847
health care services against liability on account of damage or	3848
injury to persons and property arising from the health care	3849
professional's performance of services under the contract. The	3850
policy shall be purchased from an insurance company licensed to	3851
do business in this state, if such a policy is available from	3852
such a company. The board of health of a city or general health	3853
district shall report the cost of the liability insurance policy	3854
and subsequent increases in the cost to the director of health	3855
on a form prescribed by the director.	3856
<b>Sec. 3715.872.</b> (A) As used in this section, "health care	3857
professional" means any of the following who provide medical,	3858
dental, or other health-related diagnosis, care, or treatment:	3859
(1) Individuals authorized under Chapter 4731. of the	3860
Revised Code to practice medicine and surgery, osteopathic	3861
medicine and surgery, or podiatric medicine and surgery;	3862
(2) Registered nurses and licensed practical nurses	3863
licensed under Chapter 4723. of the Revised Code;	3864
(3) Physician assistants authorized to practice under	3865
Chapter 4730. of the Revised Code;	3866
(4) Dentists and dental hygienists licensed under Chapter	3867
4715. of the Revised Code;	3868
(5) Optometrists licensed under Chapter 4725. of the	3869
Revised Code;	3870

(6) Pharmacists licensed under Chapter 4729. of the	3871
Revised Code;	3872
<u>(7) Certified mental health assistants licensed under</u>	3873
<u>Chapter 4772. of the Revised Code.</u>	3874
(B) For matters related to donating, giving, accepting, or	3875
dispensing drugs under the drug repository program, all of the	3876
following apply:	3877
(1) Any person, including a pharmacy, drug manufacturer,	3878
or health care facility, or any government entity that donates	3879
or gives drugs to the drug repository program shall not be	3880
subject to liability in tort or other civil action for injury,	3881
death, or loss to person or property.	3882
(2) A pharmacy, hospital, or nonprofit clinic that accepts	3883
or dispenses drugs under the program shall not be subject to	3884
liability in tort or other civil action for injury, death, or	3885
loss to person or property, unless an action or omission of the	3886
pharmacy, hospital, or nonprofit clinic constitutes willful and	3887
wanton misconduct.	3888
(3) A health care professional who accepts or dispenses	3889
drugs under the program on behalf of a pharmacy, hospital, or	3890
nonprofit clinic, and the pharmacy, hospital, or nonprofit	3891
clinic that employs or otherwise uses the services of the health	3892
care professional, shall not be subject to liability in tort or	3893
other civil action for injury, death, or loss to person or	3894
property, unless an action or omission of the health care	3895
professional, pharmacy, hospital, or nonprofit clinic	3896
constitutes willful and wanton misconduct.	3897
(4) The state board of pharmacy and the director of health	3898
shall not be subject to liability in tort or other civil action	3899

for injury, death, or loss to person or property, unless an 3900  
action or omission of the board or director constitutes willful 3901  
and wanton misconduct. 3902

(C) In addition to the immunity granted under division (B) 3903  
(1) of this section, any person, including a pharmacy, drug 3904  
manufacturer, or health care facility, and any government entity 3905  
that donates or gives drugs to the program shall not be subject 3906  
to criminal prosecution for the donation, giving, acceptance, or 3907  
dispensing of drugs under the program, unless an action or 3908  
omission of the person or government entity does not comply with 3909  
the provisions of this chapter or the rules adopted under it. 3910

(D) In the case of a drug manufacturer, the immunities 3911  
granted under divisions (B) (1) and (C) of this section apply 3912  
with respect to any drug manufactured by the drug manufacturer 3913  
that is donated or given by any person or government entity 3914  
under the program, including but not limited to liability for 3915  
failure to transfer or communicate product or consumer 3916  
information or the expiration date of the drug donated or given. 3917

**Sec. 3719.06.** (A) (1) A licensed health professional 3918  
authorized to prescribe drugs, if acting in the course of 3919  
professional practice, in accordance with the laws regulating 3920  
the professional's practice, and in accordance with rules 3921  
adopted by the state board of pharmacy, may, except as provided 3922  
in division (A) (2) ~~or~~, (3), or (4) of this section, do the 3923  
following: 3924

(a) Prescribe schedule II, III, IV, and V controlled 3925  
substances; 3926

(b) Administer or personally furnish to patients schedule 3927  
II, III, IV, and V controlled substances; 3928

(c) Cause schedule II, III, IV, and V controlled substances to be administered under the prescriber's direction and supervision.

(2) A licensed health professional authorized to prescribe drugs who is a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is subject to both of the following:

(a) A schedule II controlled substance may be prescribed only in accordance with division (C) of section 4723.481 of the Revised Code.

(b) No schedule II controlled substance shall be personally furnished to any patient.

(3) A licensed health professional authorized to prescribe drugs who is a physician assistant is subject to all of the following:

(a) A controlled substance may be prescribed or personally furnished only if it is included in the physician-delegated prescriptive authority granted to the physician assistant in accordance with Chapter 4730. of the Revised Code.

(b) A schedule II controlled substance may be prescribed only in accordance with division (B)(4) of section 4730.41 and section 4730.411 of the Revised Code.

(c) No schedule II controlled substance shall be personally furnished to any patient.

(4) A licensed health professional authorized to prescribe drugs who is a certified mental health assistant is subject to both of the following:

(a) A controlled substance may be prescribed or personally



furnished only in accordance with sections 4772.12 and 4772.13 3957  
of the Revised Code. 3958

(b) No schedule II controlled substance shall be 3959  
personally furnished to any patient. 3960

(B) No licensed health professional authorized to 3961  
prescribe drugs shall prescribe, administer, or personally 3962  
furnish a schedule III anabolic steroid for the purpose of human 3963  
muscle building or enhancing human athletic performance and no 3964  
pharmacist shall dispense a schedule III anabolic steroid for 3965  
either purpose, unless it has been approved for that purpose 3966  
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 3967  
(1938), 21 U.S.C.A. 301, as amended. 3968

(C) When issuing a prescription for a schedule II 3969  
controlled substance, a licensed health professional authorized 3970  
to prescribe drugs shall do so only upon an electronic 3971  
prescription, except that the prescriber may issue a written 3972  
prescription if any of the following apply: 3973

(1) A temporary technical, electrical, or broadband 3974  
failure occurs preventing the prescriber from issuing an 3975  
electronic prescription. 3976

(2) The prescription is issued for a nursing home resident 3977  
or hospice care patient. 3978

(3) The prescriber is employed by or under contract with 3979  
the same entity that operates the pharmacy. 3980

(4) The prescriber determines that an electronic 3981  
prescription cannot be issued in a timely manner and the 3982  
patient's medical condition is at risk. 3983

(5) The prescriber issues the prescription from a health 3984

care facility, which may include an emergency department, and 3985  
reasonably determines that an electronic prescription would be 3986  
impractical for the patient or would cause a delay that may 3987  
adversely impact the patient's medical condition. 3988

(6) The prescriber issues per year not more than fifty 3989  
prescriptions for schedule II controlled substances. 3990

(7) The prescriber is a veterinarian licensed under 3991  
Chapter 4741. of the Revised Code. 3992

(D) Each written or electronic prescription for a 3993  
controlled substance shall be properly executed, dated, and 3994  
signed by the prescriber on the day when issued and shall bear 3995  
the full name and address of the person for whom, or the owner 3996  
of the animal for which, the controlled substance is prescribed 3997  
and the full name, address, and registry number under the 3998  
federal drug abuse control laws of the prescriber. If the 3999  
prescription is for an animal, it shall state the species of the 4000  
animal for which the controlled substance is prescribed. 4001

**Sec. 3719.064.** (A) As used in this section: 4002

(1) "Medication-assisted treatment" has the same meaning 4003  
as in section 340.01 of the Revised Code. 4004

(2) "Prescriber" means any of the following: 4005

(a) An advanced practice registered nurse who holds a 4006  
current, valid license issued under Chapter 4723. of the Revised 4007  
Code and is designated as a clinical nurse specialist, certified 4008  
nurse-midwife, or certified nurse practitioner; 4009

(b) A physician authorized under Chapter 4731. of the 4010  
Revised Code to practice medicine and surgery or osteopathic 4011  
medicine and surgery; 4012

(c) A physician assistant who is licensed under Chapter 4013  
4730. of the Revised Code, holds a valid prescriber number 4014  
issued by the state medical board, and has been granted 4015  
physician-delegated prescriptive authority; 4016

(d) A certified mental health assistant who is licensed 4017  
under Chapter 4772. of the Revised Code and has been granted 4018  
physician-delegated prescriptive authority by the physician 4019  
supervising the certified mental health assistant. 4020

(3) "Qualifying practitioner" has the same meaning as in 4021  
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 4022  
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 4023

(B) Before initiating medication-assisted treatment, a 4024  
prescriber shall give the patient or the patient's 4025  
representative information about all drugs approved by the 4026  
United States food and drug administration for use in 4027  
medication-assisted treatment. The information must be provided 4028  
both orally and in writing. The prescriber or the prescriber's 4029  
delegate shall note in the patient's medical record when this 4030  
information was provided and make the record available to 4031  
employees of the board of nursing or state medical board on 4032  
their request. 4033

If the prescriber is not a qualifying practitioner and the 4034  
patient's choice is opioid treatment and the prescriber 4035  
determines that such treatment is clinically appropriate and 4036  
meets generally accepted standards of medicine, the prescriber 4037  
shall refer the patient to an opioid treatment program licensed 4038  
under section 5119.37 of the Revised Code or a qualifying 4039  
practitioner. The prescriber or the prescriber's delegate shall 4040  
make a notation in the patient's medical record naming the 4041  
program or practitioner to whom the patient was referred and 4042

specifying when the referral was made. 4043

**Sec. 3719.121.** (A) Except as otherwise provided in section 4044  
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or~~4734.41, or 4045  
4772.20 of the Revised Code, the license, certificate, or 4046  
registration of any dentist, chiropractor, physician, 4047  
podiatrist, registered nurse, advanced practice registered 4048  
nurse, licensed practical nurse, physician assistant, 4049  
pharmacist, pharmacy intern, pharmacy technician trainee, 4050  
registered pharmacy technician, certified pharmacy technician, 4051  
optometrist, ~~or~~veterinarian, or certified mental health 4052  
assistant who is or becomes addicted to the use of controlled 4053  
substances shall be suspended by the board that authorized the 4054  
person's license, certificate, or registration until the person 4055  
offers satisfactory proof to the board that the person no longer 4056  
is addicted to the use of controlled substances. 4057

(B) If the board under which a person has been issued a 4058  
license, certificate, or evidence of registration determines 4059  
that there is clear and convincing evidence that continuation of 4060  
the person's professional practice or method of administering, 4061  
prescribing, preparing, distributing, dispensing, or personally 4062  
furnishing controlled substances or other dangerous drugs 4063  
presents a danger of immediate and serious harm to others, the 4064  
board may suspend the person's license, certificate, or 4065  
registration without a hearing. Except as otherwise provided in 4066  
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 4067  
4734.36, and 4772.20 of the Revised Code, the board shall follow 4068  
the procedure for suspension without a prior hearing in section 4069  
119.07 of the Revised Code. The suspension shall remain in 4070  
effect, unless removed by the board, until the board's final 4071  
adjudication order becomes effective, except that if the board 4072  
does not issue its final adjudication order within ninety days 4073

after the hearing, the suspension shall be void on the ninety- 4074  
first day after the hearing. 4075

(C) On receiving notification pursuant to section 2929.42 4076  
or 3719.12 of the Revised Code, the board under which a person 4077  
has been issued a license, certificate, or evidence of 4078  
registration immediately shall suspend the license, certificate, 4079  
or registration of that person on a plea of guilty to, a finding 4080  
by a jury or court of the person's guilt of, or conviction of a 4081  
felony drug abuse offense; a finding by a court of the person's 4082  
eligibility for intervention in lieu of conviction; a plea of 4083  
guilty to, or a finding by a jury or court of the person's guilt 4084  
of, or the person's conviction of an offense in another 4085  
jurisdiction that is essentially the same as a felony drug abuse 4086  
offense; or a finding by a court of the person's eligibility for 4087  
treatment or intervention in lieu of conviction in another 4088  
jurisdiction. The board shall notify the holder of the license, 4089  
certificate, or registration of the suspension, which shall 4090  
remain in effect until the board holds an adjudicatory hearing 4091  
under Chapter 119. of the Revised Code. 4092

**Sec. 3719.13.** Prescriptions, orders, and records, required 4093  
by Chapter 3719. of the Revised Code, and stocks of dangerous 4094  
drugs and controlled substances, shall be open for inspection 4095  
only to federal, state, county, and municipal officers, and 4096  
employees of the state board of pharmacy whose duty it is to 4097  
enforce the laws of this state or of the United States relating 4098  
to controlled substances. Such prescriptions, orders, records, 4099  
and stocks shall be open for inspection by employees of the 4100  
state medical board for purposes of enforcing Chapters 4730.~~and~~ 4101  
, 4731., and 4772. of the Revised Code, employees of the board 4102  
of nursing for purposes of enforcing Chapter 4723. of the 4103  
Revised Code, and employees of the department of mental health 4104

and addiction services for purposes of section 5119.37 of the Revised Code. No person having knowledge of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

**Sec. 3719.81.** (A) As used in this section, "sample drug" has the same meaning as in section 2925.01 of the Revised Code.

(B) A person may furnish another a sample drug, if all of the following apply:

(1) The sample drug is furnished free of charge by a manufacturer, manufacturer's representative, or wholesale dealer in pharmaceuticals to a licensed health professional authorized to prescribe drugs, or is furnished free of charge by such a professional to a patient for use as medication;

(2) The sample drug is in the original container in which it was placed by the manufacturer, and the container is plainly marked as a sample;

(3) Prior to its being furnished, the sample drug has been stored under the proper conditions to prevent its deterioration or contamination;

(4) If the sample drug is of a type which deteriorates with time, the sample container is plainly marked with the date beyond which the sample drug is unsafe to use, and the date has not expired on the sample furnished. Compliance with the labeling requirements of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall be deemed compliance with this section.

(5) The sample drug is distributed, stored, or discarded 4134  
in such a way that the sample drug may not be acquired or used 4135  
by any unauthorized person, or by any person, including a child, 4136  
for whom it may present a health or safety hazard. 4137

(C) Division (B) of this section does not do any of the 4138  
following: 4139

(1) Apply to or restrict the furnishing of any sample of a 4140  
nonnarcotic substance if the substance may, under the "Federal 4141  
Food, Drug, and Cosmetic Act" and under the laws of this state, 4142  
otherwise be lawfully sold over the counter without a 4143  
prescription; 4144

(2) Authorize a licensed health professional authorized to 4145  
prescribe drugs who is a clinical nurse specialist, certified 4146  
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 4147  
physician assistant, or certified mental health assistant to 4148  
furnish a sample drug that is not a drug the professional is 4149  
authorized to prescribe. 4150

(3) Prohibit a licensed health professional authorized to 4151  
prescribe drugs, manufacturer of dangerous drugs, wholesale 4152  
distributor of dangerous drugs, or representative of a 4153  
manufacturer of dangerous drugs from furnishing a sample drug to 4154  
a charitable pharmacy in accordance with section 3719.811 of the 4155  
Revised Code. 4156

(4) Prohibit a pharmacist working, whether or not for 4157  
compensation, in a charitable pharmacy from dispensing a sample 4158  
drug to a person in accordance with section 3719.811 of the 4159  
Revised Code. 4160

(D) The state board of pharmacy shall, in accordance with 4161  
Chapter 119. of the Revised Code, adopt rules as necessary to 4162

give effect to this section. 4163

**Sec. 4729.01.** As used in this chapter: 4164

(A) "Pharmacy," except when used in a context that refers 4165  
to the practice of pharmacy, means any area, room, rooms, place 4166  
of business, department, or portion of any of the foregoing 4167  
where the practice of pharmacy is conducted. 4168

(B) "Practice of pharmacy" means providing pharmacist care 4169  
requiring specialized knowledge, judgment, and skill derived 4170  
from the principles of biological, chemical, behavioral, social, 4171  
pharmaceutical, and clinical sciences. As used in this division, 4172  
"pharmacist care" includes the following: 4173

(1) Interpreting prescriptions; 4174

(2) Dispensing drugs and drug therapy related devices; 4175

(3) Compounding drugs; 4176

(4) Counseling individuals with regard to their drug 4177  
therapy, recommending drug therapy related devices, and 4178  
assisting in the selection of drugs and appliances for treatment 4179  
of common diseases and injuries and providing instruction in the 4180  
proper use of the drugs and appliances; 4181

(5) Performing drug regimen reviews with individuals by 4182  
discussing all of the drugs that the individual is taking and 4183  
explaining the interactions of the drugs; 4184

(6) Performing drug utilization reviews with licensed 4185  
health professionals authorized to prescribe drugs when the 4186  
pharmacist determines that an individual with a prescription has 4187  
a drug regimen that warrants additional discussion with the 4188  
prescriber; 4189



(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	4190 4191 4192
(8) Acting pursuant to a consult agreement, if an agreement has been established;	4193 4194
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	4195 4196
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	4197 4198
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	4199 4200 4201
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	4202 4203
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	4204 4205
(3) As an incident to research, teaching activities, or chemical analysis;	4206 4207
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	4208 4209 4210
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	4211 4212 4213 4214 4215
(a) At the time the request is made, the drug is not	4216

commercially available regardless of the reason that the drug is 4217  
not available, including the absence of a manufacturer for the 4218  
drug or the lack of a readily available supply of the drug from 4219  
a manufacturer. 4220

(b) A limited quantity of the drug is compounded and 4221  
provided to the professional. 4222

(c) The drug is compounded and provided to the 4223  
professional as an occasional exception to the normal practice 4224  
of dispensing drugs pursuant to patient-specific prescriptions. 4225

(D) "Consult agreement" means an agreement that has been 4226  
entered into under section 4729.39 of the Revised Code. 4227

(E) "Drug" means: 4228

(1) Any article recognized in the United States 4229  
pharmacopoeia and national formulary, or any supplement to them, 4230  
intended for use in the diagnosis, cure, mitigation, treatment, 4231  
or prevention of disease in humans or animals; 4232

(2) Any other article intended for use in the diagnosis, 4233  
cure, mitigation, treatment, or prevention of disease in humans 4234  
or animals; 4235

(3) Any article, other than food, intended to affect the 4236  
structure or any function of the body of humans or animals; 4237

(4) Any article intended for use as a component of any 4238  
article specified in division (E) (1), (2), or (3) of this 4239  
section; but does not include devices or their components, 4240  
parts, or accessories. 4241

"Drug" does not include "hemp" or a "hemp product" as 4242  
those terms are defined in section 928.01 of the Revised Code. 4243

(F) "Dangerous drug" means any of the following:	4244
(1) Any drug to which either of the following applies:	4245
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	4246 4247 4248 4249 4250 4251 4252
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	4253 4254
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	4255 4256 4257
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	4258 4259 4260
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	4261 4262
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	4263 4264
(H) "Prescription" means all of the following:	4265
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	4266 4267 4268 4269
(2) For purposes of sections 2925.61, 4723.484, 4730.434,	4270

~~and~~ 4731.94, and 4772.16 of the Revised Code, a written, 4271  
electronic, or oral order for an overdose reversal drug issued 4272  
to and in the name of a family member, friend, or other 4273  
individual in a position to assist an individual who there is 4274  
reason to believe is at risk of experiencing an opioid-related 4275  
overdose. 4276

(3) For purposes of section 4729.44 of the Revised Code, a 4277  
written, electronic, or oral order for an overdose reversal drug 4278  
issued to and in the name of either of the following: 4279

(a) An individual who there is reason to believe is at 4280  
risk of experiencing an opioid-related overdose; 4281

(b) A family member, friend, or other individual in a 4282  
position to assist an individual who there is reason to believe 4283  
is at risk of experiencing an opioid-related overdose. 4284

(4) For purposes of sections 4723.4810, 4729.282, 4285  
4730.432, and 4731.93 of the Revised Code, a written, 4286  
electronic, or oral order for a drug to treat chlamydia, 4287  
gonorrhea, or trichomoniasis issued to and in the name of a 4288  
patient who is not the intended user of the drug but is the 4289  
sexual partner of the intended user; 4290

(5) For purposes of sections 3313.7110, 3313.7111, 4291  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4292  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 4293  
or oral order for an epinephrine autoinjector issued to and in 4294  
the name of a school, school district, or camp; 4295

(6) For purposes of Chapter 3728. and sections 4723.483, 4296  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 4297  
electronic, or oral order for an epinephrine autoinjector issued 4298  
to and in the name of a qualified entity, as defined in section 4299

3728.01 of the Revised Code;	4300
(7) For purposes of sections 3313.7115, 3313.7116,	4301
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and	4302
5101.78 of the Revised Code, a written, electronic, or oral	4303
order for injectable or nasally administered glucagon in the	4304
name of a school, school district, or camp.	4305
(I) "Licensed health professional authorized to prescribe	4306
drugs" or "prescriber" means an individual who is authorized by	4307
law to prescribe drugs or dangerous drugs or drug therapy	4308
related devices in the course of the individual's professional	4309
practice, including only the following:	4310
(1) A dentist licensed under Chapter 4715. of the Revised	4311
Code;	4312
(2) A clinical nurse specialist, certified nurse-midwife,	4313
or certified nurse practitioner who holds a current, valid	4314
license issued under Chapter 4723. of the Revised Code to	4315
practice nursing as an advanced practice registered nurse;	4316
(3) A certified registered nurse anesthetist who holds a	4317
current, valid license issued under Chapter 4723. of the Revised	4318
Code to practice nursing as an advanced practice registered	4319
nurse, but only to the extent of the nurse's authority under	4320
sections 4723.43 and 4723.434 of the Revised Code;	4321
(4) An optometrist licensed under Chapter 4725. of the	4322
Revised Code to practice optometry under a therapeutic	4323
pharmaceutical agents certificate;	4324
(5) A physician authorized under Chapter 4731. of the	4325
Revised Code to practice medicine and surgery, osteopathic	4326
medicine and surgery, or podiatric medicine and surgery;	4327

(6) A physician assistant who holds a license to practice 4328  
as a physician assistant issued under Chapter 4730. of the 4329  
Revised Code, holds a valid prescriber number issued by the 4330  
state medical board, and has been granted physician-delegated 4331  
prescriptive authority; 4332

(7) A veterinarian licensed under Chapter 4741. of the 4333  
Revised Code; 4334

(8) A certified mental health assistant licensed under 4335  
Chapter 4772. of the Revised Code that has been granted 4336  
physician-delegated prescriptive authority by the physician 4337  
supervising the certified mental health assistant. 4338

(J) "Sale" or "sell" includes any transaction made by any 4339  
person, whether as principal proprietor, agent, or employee, to 4340  
do or offer to do any of the following: deliver, distribute, 4341  
broker, exchange, gift or otherwise give away, or transfer, 4342  
whether the transfer is by passage of title, physical movement, 4343  
or both. 4344

(K) "Wholesale sale" and "sale at wholesale" mean any sale 4345  
in which the purpose of the purchaser is to resell the article 4346  
purchased or received by the purchaser. 4347

(L) "Retail sale" and "sale at retail" mean any sale other 4348  
than a wholesale sale or sale at wholesale. 4349

(M) "Retail seller" means any person that sells any 4350  
dangerous drug to consumers without assuming control over and 4351  
responsibility for its administration. Mere advice or 4352  
instructions regarding administration do not constitute control 4353  
or establish responsibility. 4354

(N) "Price information" means the price charged for a 4355  
prescription for a particular drug product and, in an easily 4356

understandable manner, all of the following: 4357

(1) The proprietary name of the drug product; 4358

(2) The established (generic) name of the drug product; 4359

(3) The strength of the drug product if the product 4360  
contains a single active ingredient or if the drug product 4361  
contains more than one active ingredient and a relevant strength 4362  
can be associated with the product without indicating each 4363  
active ingredient. The established name and quantity of each 4364  
active ingredient are required if such a relevant strength 4365  
cannot be so associated with a drug product containing more than 4366  
one ingredient. 4367

(4) The dosage form; 4368

(5) The price charged for a specific quantity of the drug 4369  
product. The stated price shall include all charges to the 4370  
consumer, including, but not limited to, the cost of the drug 4371  
product, professional fees, handling fees, if any, and a 4372  
statement identifying professional services routinely furnished 4373  
by the pharmacy. Any mailing fees and delivery fees may be 4374  
stated separately without repetition. The information shall not 4375  
be false or misleading. 4376

(O) "Wholesale distributor of dangerous drugs" or 4377  
"wholesale distributor" means a person engaged in the sale of 4378  
dangerous drugs at wholesale and includes any agent or employee 4379  
of such a person authorized by the person to engage in the sale 4380  
of dangerous drugs at wholesale. 4381

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4382  
means a person, other than a pharmacist or prescriber, who 4383  
manufactures dangerous drugs and who is engaged in the sale of 4384  
those dangerous drugs. 4385

(Q) "Terminal distributor of dangerous drugs" or "terminal distributor" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a manufacturer, repackager, outsourcing facility, third-party logistics provider, wholesale distributor, or pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption. "Terminal distributor" includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist, licensed health professional authorized to prescribe drugs, or other person authorized by the state board of pharmacy.

(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T) (1) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.



(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 4416  
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(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 4418  
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(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. 4420  
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"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 4425  
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 4428  
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 4433  
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(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution. 4440  
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(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is 4443  
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registered as an outsourcing facility with the United States 4445  
food and drug administration. 4446

(BB) "Laboratory" means a laboratory licensed under this 4447  
chapter as a terminal distributor of dangerous drugs and 4448  
entrusted to have custody of any of the following drugs and to 4449  
use the drugs for scientific and clinical purposes and for 4450  
purposes of instruction: dangerous drugs that are not controlled 4451  
substances, as defined in section 3719.01 of the Revised Code; 4452  
dangerous drugs that are controlled substances, as defined in 4453  
that section; and controlled substances in schedule I, as 4454  
defined in that section. 4455

(CC) "Overdose reversal drug" means both of the following: 4456

(1) Naloxone; 4457

(2) Any other drug that the state board of pharmacy, 4458  
through rules adopted in accordance with Chapter 119. of the 4459  
Revised Code, designates as a drug that is approved by the 4460  
federal food and drug administration for the reversal of a known 4461  
or suspected opioid-related overdose. 4462

**Sec. 4729.29.** Divisions (A) and (B) of section 4729.01 and 4463  
section 4729.28 of the Revised Code do not do any of the 4464  
following: 4465

(A) Apply to a licensed health professional authorized to 4466  
prescribe drugs who is acting within the prescriber's scope of 4467  
professional practice; 4468

(B) Prevent a prescriber from personally furnishing the 4469  
prescriber's patients with drugs, within the prescriber's scope 4470  
of professional practice, that seem proper to the prescriber, as 4471  
long as the drugs are furnished in accordance with section 4472  
4729.291 of the Revised Code; 4473

(C) Apply to an individual who personally furnishes a 4474  
supply of overdose reversal drugs under authority conferred 4475  
under section 4723.485, 4730.435, ~~or~~ 4731.941, or 4772.17 of the 4476  
Revised Code or prevent that individual from personally 4477  
furnishing the supply of overdose reversal drugs in accordance 4478  
with a protocol established under section 4723.485, 4730.435, ~~or~~ 4479  
4731.941, or 4772.17 of the Revised Code; 4480

(D) Apply to the sale of oxygen, the sale of peritoneal 4481  
dialysis solutions, or the sale of drugs that are not dangerous 4482  
drugs by a retail dealer, in original packages when labeled as 4483  
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 4484  
1040 (1938), 21 U.S.C.A. 301, as amended. 4485

**Sec. 4729.51.** (A) No person other than a licensed 4486  
manufacturer of dangerous drugs, outsourcing facility, third- 4487  
party logistics provider, repackager of dangerous drugs, or 4488  
wholesale distributor of dangerous drugs shall possess for sale, 4489  
sell, distribute, or deliver, at wholesale, dangerous drugs or 4490  
investigational drugs or products, except as follows: 4491

(1) A licensed terminal distributor of dangerous drugs 4492  
that is a pharmacy may make occasional sales of dangerous drugs 4493  
or investigational drugs or products at wholesale. 4494

(2) A licensed terminal distributor of dangerous drugs 4495  
having more than one licensed location may transfer or deliver 4496  
dangerous drugs from one licensed location to another licensed 4497  
location owned by the terminal distributor if the license issued 4498  
for each location is in effect at the time of the transfer or 4499  
delivery. 4500

(3) A licensed terminal distributor of dangerous drugs 4501  
that is not a pharmacy may make occasional sales of the 4502

following at wholesale:	4503
(a) Overdose reversal drugs;	4504
(b) Dangerous drugs if the drugs being sold are in shortage, as defined in rules adopted under section 4729.26 of the Revised Code;	4505 4506 4507
(c) Dangerous drugs other than those described in divisions (A) (3) (a) and (b) of this section or investigational drugs or products if authorized by rules adopted under section 4729.26 of the Revised Code.	4508 4509 4510 4511
(B) No licensed manufacturer, outsourcing facility, third- party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to any person other than the following:	4512 4513 4514 4515 4516
(1) Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs;	4517 4518
(2) Subject to division (C) of this section, any person exempt from licensure as a terminal distributor of dangerous drugs under section 4729.541 of the Revised Code;	4519 4520 4521
(3) A licensed manufacturer, outsourcing facility, third- party logistics provider, repackager, or wholesale distributor;	4522 4523
(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business.	4524 4525 4526 4527 4528 4529
(C) No licensed manufacturer, outsourcing facility, third-	4530

party logistics provider, repackager, or wholesale distributor 4531  
shall possess for sale, sell, or distribute, at wholesale, 4532  
dangerous drugs or investigational drugs or products to either 4533  
of the following: 4534

(1) A prescriber who is employed by either of the 4535  
following: 4536

(a) A pain management clinic that is not licensed as a 4537  
terminal distributor of dangerous drugs with a pain management 4538  
clinic classification issued under section 4729.552 of the 4539  
Revised Code; 4540

(b) A facility, clinic, or other location that provides 4541  
office-based opioid treatment but is not licensed as a terminal 4542  
distributor of dangerous drugs with an office-based opioid 4543  
treatment classification issued under section 4729.553 of the 4544  
Revised Code if such a license is required by that section. 4545

(2) A business entity described in division (A) (2) or (3) 4546  
of section 4729.541 of the Revised Code that is, or is 4547  
operating, either of the following: 4548

(a) A pain management clinic without a license as a 4549  
terminal distributor of dangerous drugs with a pain management 4550  
clinic classification issued under section 4729.552 of the 4551  
Revised Code; 4552

(b) A facility, clinic, or other location that provides 4553  
office-based opioid treatment without a license as a terminal 4554  
distributor of dangerous drugs with an office-based opioid 4555  
treatment classification issued under section 4729.553 of the 4556  
Revised Code if such a license is required by that section. 4557

(D) No licensed manufacturer, outsourcing facility, third- 4558  
party logistics provider, repackager, or wholesale distributor 4559

shall possess dangerous drugs or investigational drugs or 4560  
products for sale at wholesale, or sell or distribute such drugs 4561  
at wholesale, to a licensed terminal distributor of dangerous 4562  
drugs, except as follows: 4563

(1) In the case of a terminal distributor with a category 4564  
II license, only dangerous drugs in category II, as defined in 4565  
division (A) (1) of section 4729.54 of the Revised Code; 4566

(2) In the case of a terminal distributor with a category 4567  
III license, dangerous drugs in category II and category III, as 4568  
defined in divisions (A) (1) and (2) of section 4729.54 of the 4569  
Revised Code; 4570

(3) In the case of a terminal distributor with a limited 4571  
category II or III license, only the dangerous drugs specified 4572  
in the license. 4573

(E) (1) Except as provided in division (E) (2) of this 4574  
section, no person shall do any of the following: 4575

(a) Sell or distribute, at retail, dangerous drugs; 4576

(b) Possess for sale, at retail, dangerous drugs; 4577

(c) Possess dangerous drugs. 4578

(2) (a) Divisions (E) (1) (a), (b), and (c) of this section 4579  
do not apply to any of the following: 4580

(i) A licensed terminal distributor of dangerous drugs; 4581

(ii) A person who possesses, or possesses for sale or 4582  
sells, at retail, a dangerous drug in accordance with Chapters 4583  
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~ and 4584  
4772. of the Revised Code; 4585

(iii) Any of the persons identified in divisions (A) (1) to 4586

(5) and (13) of section 4729.541 of the Revised Code, but only 4587  
to the extent specified in that section. 4588

(b) Division (E) (1) (c) of this section does not apply to 4589  
any of the following: 4590

(i) A licensed manufacturer, outsourcing facility, third- 4591  
party logistics provider, repackager, or wholesale distributor; 4592

(ii) Any of the persons identified in divisions (A) (6) to 4593  
(12) of section 4729.541 of the Revised Code, but only to the 4594  
extent specified in that section. 4595

(F) No licensed terminal distributor of dangerous drugs or 4596  
person that is exempt from licensure under section 4729.541 of 4597  
the Revised Code shall purchase dangerous drugs or 4598  
investigational drugs or products from any person other than a 4599  
licensed manufacturer, outsourcing facility, third-party 4600  
logistics provider, repackager, or wholesale distributor, except 4601  
as follows: 4602

(1) A licensed terminal distributor of dangerous drugs or 4603  
person that is exempt from licensure under section 4729.541 of 4604  
the Revised Code may make occasional purchases of dangerous 4605  
drugs or investigational drugs or products that are sold in 4606  
accordance with division (A) (1) or (3) of this section. 4607

(2) A licensed terminal distributor of dangerous drugs 4608  
having more than one licensed location may transfer or deliver 4609  
dangerous drugs or investigational drugs or products from one 4610  
licensed location to another licensed location if the license 4611  
issued for each location is in effect at the time of the 4612  
transfer or delivery. 4613

(G) No licensed terminal distributor of dangerous drugs 4614  
shall engage in the retail sale or other distribution of 4615

dangerous drugs or investigational drugs or products or maintain 4616  
possession, custody, or control of dangerous drugs or 4617  
investigational drugs or products for any purpose other than the 4618  
distributor's personal use or consumption, at any establishment 4619  
or place other than that or those described in the license 4620  
issued by the state board of pharmacy to such terminal 4621  
distributor. 4622

(H) Nothing in this section shall be construed to 4623  
interfere with the performance of official duties by any law 4624  
enforcement official authorized by municipal, county, state, or 4625  
federal law to collect samples of any drug, regardless of its 4626  
nature or in whose possession it may be. 4627

(I) Notwithstanding anything to the contrary in this 4628  
section, the board of education of a city, local, exempted 4629  
village, or joint vocational school district may distribute 4630  
epinephrine autoinjectors for use in accordance with section 4631  
3313.7110 of the Revised Code, may distribute inhalers for use 4632  
in accordance with section 3313.7113 of the Revised Code, and 4633  
may distribute injectable or nasally administered glucagon for 4634  
use in accordance with section 3313.7115 of the Revised Code. 4635

**Sec. 4729.514.** (A) As used in this section, "service 4636  
entity" means a public or private entity that may provide 4637  
services to or interact with individuals who there is reason to 4638  
believe may be at risk of experiencing an opioid-related 4639  
overdose. "Service entity" includes a church or other place of 4640  
worship, college or university, school, library, health 4641  
department operated by the board of health of a city or general 4642  
health district, community addiction services provider, court, 4643  
probation department, halfway house, prison, jail, community 4644  
residential center, homeless shelter, or similar entity. 4645



(B) A service entity may procure and maintain overdose reversal drugs for either or both of the following purposes: 4646  
4647

(1) To use in emergency situations; 4648

(2) To permit an employee, volunteer, or contractor of the service entity to personally furnish a supply of overdose reversal drugs pursuant to a protocol established under section 3707.561, 4723.485, 4730.435, ~~or 4731.941~~, or 4772.17 of the Revised Code. 4649  
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(C) A service entity or an employee, volunteer, or contractor of a service entity is not liable for or subject to any of the following for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, using, or personally furnishing overdose reversal drugs under this section, unless the act or omission constitutes willful or wanton misconduct: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 4654  
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This section does not eliminate, limit, or reduce any other immunity or defense that a service entity or an employee, volunteer, or contractor of a service entity may be entitled to under Chapter 2305. or any other provision of the Revised Code or under the common law of this state. 4663  
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**Sec. 4729.553.** (A) As used in this section: 4668

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code. 4669  
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(2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 4671  
4672

(3) "Hospital" means a hospital registered with the 4673

department of health under section 3701.07 of the Revised Code. 4674

(4) "Office-based opioid treatment" means the treatment of 4675  
opioid dependence or addiction using a controlled substance. 4676

(5) "Physician" means an individual who is authorized 4677  
under Chapter 4731. of the Revised Code to practice medicine and 4678  
surgery or osteopathic medicine and surgery. 4679

(6) "Physician assistant" means an individual who is 4680  
licensed under Chapter 4730. of the Revised Code. 4681

(7) "Certified mental health assistant" means an 4682  
individual who is licensed under Chapter 4772. of the Revised 4683  
Code. 4684

(B) (1) Except as provided in divisions (B) (2) and (3) of 4685  
this section, no person shall knowingly operate a facility, 4686  
clinic, or other location where a prescriber provides office- 4687  
based opioid treatment to more than thirty patients or that 4688  
meets any other identifying criteria established in rules 4689  
adopted under this section without holding a category III 4690  
terminal distributor of dangerous drugs license with an office- 4691  
based opioid treatment classification. 4692

(2) Division (B) (1) of this section does not apply to any 4693  
of the following: 4694

(a) A hospital; 4695

(b) A facility for the treatment of opioid dependence or 4696  
addiction that is operated by a hospital; 4697

(c) A physician practice owned or controlled, in whole or 4698  
in part, by a hospital or by an entity that owns or controls, in 4699  
whole or in part, one or more hospitals; 4700

(d) A facility that conducts only clinical research and 4701  
uses controlled substances in studies approved by a hospital- 4702  
based institutional review board or an institutional review 4703  
board that is accredited by the association for the 4704  
accreditation of human research protection programs, inc.; 4705

(e) A facility that holds a category III terminal 4706  
distributor of dangerous drugs license in accordance with 4707  
section 4729.54 of the Revised Code for the purpose of treating 4708  
drug dependence or addiction as part of an opioid treatment 4709  
program and is the subject of a current, valid certification 4710  
from the substance abuse and mental health services 4711  
administration of the United States department of health and 4712  
human services pursuant to 42 C.F.R. 8.11; 4713

(f) A program or facility that holds a license or 4714  
certification issued by the department of mental health and 4715  
addiction services under Chapter 5119. of the Revised Code if 4716  
the license or certification is approved by the state board of 4717  
pharmacy; 4718

(g) A federally qualified health center or federally 4719  
qualified health center look-alike, as defined in section 4720  
3701.047 of the Revised Code; 4721

(h) A state or local correctional facility, as defined in 4722  
section 5163.45 of the Revised Code; 4723

(i) A facility in which patients are treated on-site for 4724  
opioid dependence or addiction exclusively through direct 4725  
administration by a physician, physician assistant, ~~or~~ advanced 4726  
practice registered nurse, or certified mental health assistant 4727  
of drugs that are used for treatment of opioid dependence or 4728  
addiction and are neither dispensed nor personally furnished to 4729

patients for off-site self-administration; 4730

(j) Any other facility specified in rules adopted under 4731  
this section. 4732

(3) A patient who receives treatment on-site for opioid 4733  
dependence or addiction through direct administration of a drug 4734  
by a physician, physician assistant, ~~or~~ advanced practice 4735  
registered nurse, or certified mental health assistant shall not 4736  
be included in determining whether more than thirty patients are 4737  
being provided office-based opioid treatment in a particular 4738  
facility, clinic, or other location that is subject to division 4739  
(B) (1) of this section. 4740

(C) To be eligible to receive a license as a category III 4741  
terminal distributor of dangerous drugs with an office-based 4742  
opioid treatment classification, an applicant shall submit 4743  
evidence satisfactory to the state board of pharmacy that the 4744  
applicant's office-based opioid treatment will be operated in 4745  
accordance with the requirements specified in division (D) of 4746  
this section and that the applicant meets any other applicable 4747  
requirements of this chapter. 4748

If the board determines that an applicant meets all of the 4749  
requirements, the board shall issue to the applicant a license 4750  
as a category III terminal distributor of dangerous drugs with 4751  
an office-based opioid treatment classification. 4752

(D) The holder of a category III terminal distributor 4753  
license with an office-based opioid treatment classification 4754  
shall do all of the following: 4755

(1) Be in control of a facility that is owned and operated 4756  
solely by one or more physicians, unless the state board of 4757  
pharmacy waives this requirement for the holder; 4758

(2) Comply with the requirements for conducting office-based opioid treatment, as established by the state medical board in rules adopted under section 4731.056 of the Revised Code;

(3) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code;

(4) Require each person employed by or seeking employment with the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code;

(5) Ensure that a person is not employed by the facility if the person, within the ten years immediately preceding the date the person applied for employment, was convicted of or pleaded guilty to either of the following, unless the state board of pharmacy permits the person to be employed by waiving this requirement for the facility:

(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States;

(b) A felony drug offense, as defined in section 2925.01 of the Revised Code.

(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list.

(E) No person subject to licensure as a category III terminal distributor of dangerous drugs with an office-based

opioid treatment classification shall knowingly fail to remain 4788  
in compliance with the requirements of division (D) of this 4789  
section and any other applicable requirements of this chapter. 4790

(F) The state board of pharmacy may impose a fine of not 4791  
more than five thousand dollars on a person who violates 4792  
division (B) or (E) of this section. A separate fine may be 4793  
imposed for each day the violation continues. In imposing the 4794  
fine, the board's actions shall be taken in accordance with 4795  
Chapter 119. of the Revised Code. 4796

(G) The state board of pharmacy shall adopt rules as it 4797  
considers necessary to implement and administer this section. 4798  
The rules shall be adopted in accordance with Chapter 119. of 4799  
the Revised Code. 4800

**Sec. 4731.051.** The state medical board shall adopt rules 4801  
in accordance with Chapter 119. of the Revised Code establishing 4802  
universal blood and body fluid precautions that shall be used by 4803  
each person who performs exposure prone invasive procedures and 4804  
is authorized to practice by this chapter or Chapter 4730., 4805  
4759., 4760., 4761., 4762., 4772., or 4774. of the Revised Code. 4806  
The rules shall define and establish requirements for universal 4807  
blood and body fluid precautions that include the following: 4808

(A) Appropriate use of hand washing; 4809

(B) Disinfection and sterilization of equipment; 4810

(C) Handling and disposal of needles and other sharp 4811  
instruments; 4812

(D) Wearing and disposal of gloves and other protective 4813  
garments and devices. 4814

**Sec. 4731.07.** (A) The state medical board shall keep a 4815

record of its proceedings. The minutes of a meeting of the board 4816  
shall, on approval by the board, constitute an official record 4817  
of its proceedings. 4818

(B) The board shall keep a register of applicants for 4819  
licenses and certificates issued under this chapter; licenses 4820  
issued under Chapters 4730., 4760., 4762., 4772., 4774., and 4821  
4778.; and licenses and limited permits issued under Chapters 4822  
4759. and 4761. of the Revised Code. The register shall show the 4823  
name of the applicant and whether the applicant was granted or 4824  
refused the license, certificate, or limited permit being 4825  
sought. 4826

With respect to applicants to practice medicine and 4827  
surgery or osteopathic medicine and surgery, the register shall 4828  
show the name of the institution that granted the applicant the 4829  
degree of doctor of medicine or osteopathic medicine. With 4830  
respect to applicants to practice respiratory care, the register 4831  
shall show the addresses of the person's last known place of 4832  
business and residence, the effective date and identification 4833  
number of the license or limited permit, and, if applicable, the 4834  
name and location of the institution that granted the person's 4835  
degree or certificate of completion of respiratory care 4836  
educational requirements and the date the degree or certificate 4837  
of completion was issued. 4838

(C) The books and records of the board shall be prima- 4839  
facie evidence of matters therein contained. 4840

**Sec. 4731.22.** (A) The state medical board, by an 4841  
affirmative vote of not fewer than six of its members, may 4842  
limit, revoke, or suspend a license or certificate to practice 4843  
or certificate to recommend, refuse to grant a license or 4844  
certificate, refuse to renew a license or certificate, refuse to 4845

reinstate a license or certificate, or reprimand or place on 4846  
probation the holder of a license or certificate if the 4847  
individual applying for or holding the license or certificate is 4848  
found by the board to have committed fraud during the 4849  
administration of the examination for a license or certificate 4850  
to practice or to have committed fraud, misrepresentation, or 4851  
deception in applying for, renewing, or securing any license or 4852  
certificate to practice or certificate to recommend issued by 4853  
the board. 4854

(B) Except as provided in division (P) of this section, 4855  
the board, by an affirmative vote of not fewer than six members, 4856  
shall, to the extent permitted by law, limit, revoke, or suspend 4857  
a license or certificate to practice or certificate to 4858  
recommend, refuse to issue a license or certificate, refuse to 4859  
renew a license or certificate, refuse to reinstate a license or 4860  
certificate, or reprimand or place on probation the holder of a 4861  
license or certificate for one or more of the following reasons: 4862

(1) Permitting one's name or one's license or certificate 4863  
to practice to be used by a person, group, or corporation when 4864  
the individual concerned is not actually directing the treatment 4865  
given; 4866

(2) Failure to maintain minimal standards applicable to 4867  
the selection or administration of drugs, or failure to employ 4868  
acceptable scientific methods in the selection of drugs or other 4869  
modalities for treatment of disease; 4870

(3) Except as provided in section 4731.97 of the Revised 4871  
Code, selling, giving away, personally furnishing, prescribing, 4872  
or administering drugs for other than legal and legitimate 4873  
therapeutic purposes or a plea of guilty to, a judicial finding 4874  
of guilt of, or a judicial finding of eligibility for 4875



intervention in lieu of conviction of, a violation of any 4876  
federal or state law regulating the possession, distribution, or 4877  
use of any drug; 4878

(4) Willfully betraying a professional confidence. 4879

For purposes of this division, "willfully betraying a 4880  
professional confidence" does not include providing any 4881  
information, documents, or reports under sections 307.621 to 4882  
307.629 of the Revised Code to a child fatality review board; 4883  
does not include providing any information, documents, or 4884  
reports under sections 307.631 to 307.6410 of the Revised Code 4885  
to a drug overdose fatality review committee, a suicide fatality 4886  
review committee, or hybrid drug overdose fatality and suicide 4887  
fatality review committee; does not include providing any 4888  
information, documents, or reports to the director of health 4889  
pursuant to guidelines established under section 3701.70 of the 4890  
Revised Code; does not include written notice to a mental health 4891  
professional under section 4731.62 of the Revised Code; and does 4892  
not include the making of a report of an employee's use of a 4893  
drug of abuse, or a report of a condition of an employee other 4894  
than one involving the use of a drug of abuse, to the employer 4895  
of the employee as described in division (B) of section 2305.33 4896  
of the Revised Code. Nothing in this division affects the 4897  
immunity from civil liability conferred by section 2305.33 or 4898  
4731.62 of the Revised Code upon a physician who makes a report 4899  
in accordance with section 2305.33 or notifies a mental health 4900  
professional in accordance with section 4731.62 of the Revised 4901  
Code. As used in this division, "employee," "employer," and 4902  
"physician" have the same meanings as in section 2305.33 of the 4903  
Revised Code. 4904

(5) Making a false, fraudulent, deceptive, or misleading 4905

statement in the solicitation of or advertising for patients; in 4906  
relation to the practice of medicine and surgery, osteopathic 4907  
medicine and surgery, podiatric medicine and surgery, or a 4908  
limited branch of medicine; or in securing or attempting to 4909  
secure any license or certificate to practice issued by the 4910  
board. 4911

As used in this division, "false, fraudulent, deceptive, 4912  
or misleading statement" means a statement that includes a 4913  
misrepresentation of fact, is likely to mislead or deceive 4914  
because of a failure to disclose material facts, is intended or 4915  
is likely to create false or unjustified expectations of 4916  
favorable results, or includes representations or implications 4917  
that in reasonable probability will cause an ordinarily prudent 4918  
person to misunderstand or be deceived. 4919

(6) A departure from, or the failure to conform to, 4920  
minimal standards of care of similar practitioners under the 4921  
same or similar circumstances, whether or not actual injury to a 4922  
patient is established; 4923

(7) Representing, with the purpose of obtaining 4924  
compensation or other advantage as personal gain or for any 4925  
other person, that an incurable disease or injury, or other 4926  
incurable condition, can be permanently cured; 4927

(8) The obtaining of, or attempting to obtain, money or 4928  
anything of value by fraudulent misrepresentations in the course 4929  
of practice; 4930

(9) A plea of guilty to, a judicial finding of guilt of, 4931  
or a judicial finding of eligibility for intervention in lieu of 4932  
conviction for, a felony; 4933

(10) Commission of an act that constitutes a felony in 4934

this state, regardless of the jurisdiction in which the act was 4935  
committed; 4936

(11) A plea of guilty to, a judicial finding of guilt of, 4937  
or a judicial finding of eligibility for intervention in lieu of 4938  
conviction for, a misdemeanor committed in the course of 4939  
practice; 4940

(12) Commission of an act in the course of practice that 4941  
constitutes a misdemeanor in this state, regardless of the 4942  
jurisdiction in which the act was committed; 4943

(13) A plea of guilty to, a judicial finding of guilt of, 4944  
or a judicial finding of eligibility for intervention in lieu of 4945  
conviction for, a misdemeanor involving moral turpitude; 4946

(14) Commission of an act involving moral turpitude that 4947  
constitutes a misdemeanor in this state, regardless of the 4948  
jurisdiction in which the act was committed; 4949

(15) Violation of the conditions of limitation placed by 4950  
the board upon a license or certificate to practice; 4951

(16) Failure to pay license renewal fees specified in this 4952  
chapter; 4953

(17) Except as authorized in section 4731.31 of the 4954  
Revised Code, engaging in the division of fees for referral of 4955  
patients, or the receiving of a thing of value in return for a 4956  
specific referral of a patient to utilize a particular service 4957  
or business; 4958

(18) Subject to section 4731.226 of the Revised Code, 4959  
violation of any provision of a code of ethics of the American 4960  
medical association, the American osteopathic association, the 4961  
American podiatric medical association, or any other national 4962

professional organizations that the board specifies by rule. The 4963  
state medical board shall obtain and keep on file current copies 4964  
of the codes of ethics of the various national professional 4965  
organizations. The individual whose license or certificate is 4966  
being suspended or revoked shall not be found to have violated 4967  
any provision of a code of ethics of an organization not 4968  
appropriate to the individual's profession. 4969

For purposes of this division, a "provision of a code of 4970  
ethics of a national professional organization" does not include 4971  
any provision that would preclude the making of a report by a 4972  
physician of an employee's use of a drug of abuse, or of a 4973  
condition of an employee other than one involving the use of a 4974  
drug of abuse, to the employer of the employee as described in 4975  
division (B) of section 2305.33 of the Revised Code. Nothing in 4976  
this division affects the immunity from civil liability 4977  
conferred by that section upon a physician who makes either type 4978  
of report in accordance with division (B) of that section. As 4979  
used in this division, "employee," "employer," and "physician" 4980  
have the same meanings as in section 2305.33 of the Revised 4981  
Code. 4982

(19) Inability to practice according to acceptable and 4983  
prevailing standards of care by reason of mental illness or 4984  
physical illness, including, but not limited to, physical 4985  
deterioration that adversely affects cognitive, motor, or 4986  
perceptive skills. 4987

In enforcing this division, the board, upon a showing of a 4988  
possible violation, may compel any individual authorized to 4989  
practice by this chapter or who has submitted an application 4990  
pursuant to this chapter to submit to a mental examination, 4991  
physical examination, including an HIV test, or both a mental 4992

and a physical examination. The expense of the examination is 4993  
the responsibility of the individual compelled to be examined. 4994  
Failure to submit to a mental or physical examination or consent 4995  
to an HIV test ordered by the board constitutes an admission of 4996  
the allegations against the individual unless the failure is due 4997  
to circumstances beyond the individual's control, and a default 4998  
and final order may be entered without the taking of testimony 4999  
or presentation of evidence. If the board finds an individual 5000  
unable to practice because of the reasons set forth in this 5001  
division, the board shall require the individual to submit to 5002  
care, counseling, or treatment by physicians approved or 5003  
designated by the board, as a condition for initial, continued, 5004  
reinstated, or renewed authority to practice. An individual 5005  
affected under this division shall be afforded an opportunity to 5006  
demonstrate to the board the ability to resume practice in 5007  
compliance with acceptable and prevailing standards under the 5008  
provisions of the individual's license or certificate. For the 5009  
purpose of this division, any individual who applies for or 5010  
receives a license or certificate to practice under this chapter 5011  
accepts the privilege of practicing in this state and, by so 5012  
doing, shall be deemed to have given consent to submit to a 5013  
mental or physical examination when directed to do so in writing 5014  
by the board, and to have waived all objections to the 5015  
admissibility of testimony or examination reports that 5016  
constitute a privileged communication. 5017

(20) Except as provided in division (F) (1) (b) of section 5018  
4731.282 of the Revised Code or when civil penalties are imposed 5019  
under section 4731.225 of the Revised Code, and subject to 5020  
section 4731.226 of the Revised Code, violating or attempting to 5021  
violate, directly or indirectly, or assisting in or abetting the 5022  
violation of, or conspiring to violate, any provisions of this 5023

chapter or any rule promulgated by the board. 5024

This division does not apply to a violation or attempted 5025  
violation of, assisting in or abetting the violation of, or a 5026  
conspiracy to violate, any provision of this chapter or any rule 5027  
adopted by the board that would preclude the making of a report 5028  
by a physician of an employee's use of a drug of abuse, or of a 5029  
condition of an employee other than one involving the use of a 5030  
drug of abuse, to the employer of the employee as described in 5031  
division (B) of section 2305.33 of the Revised Code. Nothing in 5032  
this division affects the immunity from civil liability 5033  
conferred by that section upon a physician who makes either type 5034  
of report in accordance with division (B) of that section. As 5035  
used in this division, "employee," "employer," and "physician" 5036  
have the same meanings as in section 2305.33 of the Revised 5037  
Code. 5038

(21) The violation of section 3701.79 of the Revised Code 5039  
or of any abortion rule adopted by the director of health 5040  
pursuant to section 3701.341 of the Revised Code; 5041

(22) Any of the following actions taken by an agency 5042  
responsible for authorizing, certifying, or regulating an 5043  
individual to practice a health care occupation or provide 5044  
health care services in this state or another jurisdiction, for 5045  
any reason other than the nonpayment of fees: the limitation, 5046  
revocation, or suspension of an individual's license to 5047  
practice; acceptance of an individual's license surrender; 5048  
denial of a license; refusal to renew or reinstate a license; 5049  
imposition of probation; or issuance of an order of censure or 5050  
other reprimand; 5051

(23) The violation of section 2919.12 of the Revised Code 5052  
or the performance or inducement of an abortion upon a pregnant 5053

woman with actual knowledge that the conditions specified in 5054  
division (B) of section 2317.56 of the Revised Code have not 5055  
been satisfied or with a heedless indifference as to whether 5056  
those conditions have been satisfied, unless an affirmative 5057  
defense as specified in division (H) (2) of that section would 5058  
apply in a civil action authorized by division (H) (1) of that 5059  
section; 5060

(24) The revocation, suspension, restriction, reduction, 5061  
or termination of clinical privileges by the United States 5062  
department of defense or department of veterans affairs or the 5063  
termination or suspension of a certificate of registration to 5064  
prescribe drugs by the drug enforcement administration of the 5065  
United States department of justice; 5066

(25) Termination or suspension from participation in the 5067  
medicare or medicaid programs by the department of health and 5068  
human services or other responsible agency; 5069

(26) Impairment of ability to practice according to 5070  
acceptable and prevailing standards of care because of habitual 5071  
or excessive use or abuse of drugs, alcohol, or other substances 5072  
that impair ability to practice. 5073

For the purposes of this division, any individual 5074  
authorized to practice by this chapter accepts the privilege of 5075  
practicing in this state subject to supervision by the board. By 5076  
filing an application for or holding a license or certificate to 5077  
practice under this chapter, an individual shall be deemed to 5078  
have given consent to submit to a mental or physical examination 5079  
when ordered to do so by the board in writing, and to have 5080  
waived all objections to the admissibility of testimony or 5081  
examination reports that constitute privileged communications. 5082

If it has reason to believe that any individual authorized 5083  
to practice by this chapter or any applicant for licensure or 5084  
certification to practice suffers such impairment, the board may 5085  
compel the individual to submit to a mental or physical 5086  
examination, or both. The expense of the examination is the 5087  
responsibility of the individual compelled to be examined. Any 5088  
mental or physical examination required under this division 5089  
shall be undertaken by a treatment provider or physician who is 5090  
qualified to conduct the examination and who is chosen by the 5091  
board. 5092

Failure to submit to a mental or physical examination 5093  
ordered by the board constitutes an admission of the allegations 5094  
against the individual unless the failure is due to 5095  
circumstances beyond the individual's control, and a default and 5096  
final order may be entered without the taking of testimony or 5097  
presentation of evidence. If the board determines that the 5098  
individual's ability to practice is impaired, the board shall 5099  
suspend the individual's license or certificate or deny the 5100  
individual's application and shall require the individual, as a 5101  
condition for initial, continued, reinstated, or renewed 5102  
licensure or certification to practice, to submit to treatment. 5103

Before being eligible to apply for reinstatement of a 5104  
license or certificate suspended under this division, the 5105  
impaired practitioner shall demonstrate to the board the ability 5106  
to resume practice in compliance with acceptable and prevailing 5107  
standards of care under the provisions of the practitioner's 5108  
license or certificate. The demonstration shall include, but 5109  
shall not be limited to, the following: 5110

(a) Certification from a treatment provider approved under 5111  
section 4731.25 of the Revised Code that the individual has 5112



successfully completed any required inpatient treatment; 5113

(b) Evidence of continuing full compliance with an 5114  
aftercare contract or consent agreement; 5115

(c) Two written reports indicating that the individual's 5116  
ability to practice has been assessed and that the individual 5117  
has been found capable of practicing according to acceptable and 5118  
prevailing standards of care. The reports shall be made by 5119  
individuals or providers approved by the board for making the 5120  
assessments and shall describe the basis for their 5121  
determination. 5122

The board may reinstate a license or certificate suspended 5123  
under this division after that demonstration and after the 5124  
individual has entered into a written consent agreement. 5125

When the impaired practitioner resumes practice, the board 5126  
shall require continued monitoring of the individual. The 5127  
monitoring shall include, but not be limited to, compliance with 5128  
the written consent agreement entered into before reinstatement 5129  
or with conditions imposed by board order after a hearing, and, 5130  
upon termination of the consent agreement, submission to the 5131  
board for at least two years of annual written progress reports 5132  
made under penalty of perjury stating whether the individual has 5133  
maintained sobriety. 5134

(27) A second or subsequent violation of section 4731.66 5135  
or 4731.69 of the Revised Code; 5136

(28) Except as provided in division (N) of this section: 5137

(a) Waiving the payment of all or any part of a deductible 5138  
or copayment that a patient, pursuant to a health insurance or 5139  
health care policy, contract, or plan that covers the 5140  
individual's services, otherwise would be required to pay if the 5141

waiver is used as an enticement to a patient or group of 5142  
patients to receive health care services from that individual; 5143

(b) Advertising that the individual will waive the payment 5144  
of all or any part of a deductible or copayment that a patient, 5145  
pursuant to a health insurance or health care policy, contract, 5146  
or plan that covers the individual's services, otherwise would 5147  
be required to pay. 5148

(29) Failure to use universal blood and body fluid 5149  
precautions established by rules adopted under section 4731.051 5150  
of the Revised Code; 5151

(30) Failure to provide notice to, and receive 5152  
acknowledgment of the notice from, a patient when required by 5153  
section 4731.143 of the Revised Code prior to providing 5154  
nonemergency professional services, or failure to maintain that 5155  
notice in the patient's medical record; 5156

(31) Failure of a physician supervising a physician 5157  
assistant to maintain supervision in accordance with the 5158  
requirements of Chapter 4730. of the Revised Code and the rules 5159  
adopted under that chapter; 5160

(32) Failure of a physician or podiatrist to enter into a 5161  
standard care arrangement with a clinical nurse specialist, 5162  
certified nurse-midwife, or certified nurse practitioner with 5163  
whom the physician or podiatrist is in collaboration pursuant to 5164  
section 4731.27 of the Revised Code or failure to fulfill the 5165  
responsibilities of collaboration after entering into a standard 5166  
care arrangement; 5167

(33) Failure to comply with the terms of a consult 5168  
agreement entered into with a pharmacist pursuant to section 5169  
4729.39 of the Revised Code; 5170

(34) Failure to cooperate in an investigation conducted by	5171
the board under division (F) of this section, including failure	5172
to comply with a subpoena or order issued by the board or	5173
failure to answer truthfully a question presented by the board	5174
in an investigative interview, an investigative office	5175
conference, at a deposition, or in written interrogatories,	5176
except that failure to cooperate with an investigation shall not	5177
constitute grounds for discipline under this section if a court	5178
of competent jurisdiction has issued an order that either	5179
quashes a subpoena or permits the individual to withhold the	5180
testimony or evidence in issue;	5181
(35) Failure to supervise an acupuncturist in accordance	5182
with Chapter 4762. of the Revised Code and the board's rules for	5183
providing that supervision;	5184
(36) Failure to supervise an anesthesiologist assistant in	5185
accordance with Chapter 4760. of the Revised Code and the	5186
board's rules for supervision of an anesthesiologist assistant;	5187
(37) Assisting suicide, as defined in section 3795.01 of	5188
the Revised Code;	5189
(38) Failure to comply with the requirements of section	5190
2317.561 of the Revised Code;	5191
(39) Failure to supervise a radiologist assistant in	5192
accordance with Chapter 4774. of the Revised Code and the	5193
board's rules for supervision of radiologist assistants;	5194
(40) Performing or inducing an abortion at an office or	5195
facility with knowledge that the office or facility fails to	5196
post the notice required under section 3701.791 of the Revised	5197
Code;	5198
(41) Failure to comply with the standards and procedures	5199

established in rules under section 4731.054 of the Revised Code 5200  
for the operation of or the provision of care at a pain 5201  
management clinic; 5202

(42) Failure to comply with the standards and procedures 5203  
established in rules under section 4731.054 of the Revised Code 5204  
for providing supervision, direction, and control of individuals 5205  
at a pain management clinic; 5206

(43) Failure to comply with the requirements of section 5207  
4729.79 or 4731.055 of the Revised Code, unless the state board 5208  
of pharmacy no longer maintains a drug database pursuant to 5209  
section 4729.75 of the Revised Code; 5210

(44) Failure to comply with the requirements of section 5211  
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 5212  
to submit to the department of health in accordance with a court 5213  
order a complete report as described in section 2919.171 or 5214  
2919.202 of the Revised Code; 5215

(45) Practicing at a facility that is subject to licensure 5216  
as a category III terminal distributor of dangerous drugs with a 5217  
pain management clinic classification unless the person 5218  
operating the facility has obtained and maintains the license 5219  
with the classification; 5220

(46) Owning a facility that is subject to licensure as a 5221  
category III terminal distributor of dangerous drugs with a pain 5222  
management clinic classification unless the facility is licensed 5223  
with the classification; 5224

(47) Failure to comply with any of the requirements 5225  
regarding making or maintaining medical records or documents 5226  
described in division (A) of section 2919.192, division (C) of 5227  
section 2919.193, division (B) of section 2919.195, or division 5228

(A) of section 2919.196 of the Revised Code;	5229
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	5230 5231 5232 5233
(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	5234 5235 5236 5237
(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;	5238 5239 5240 5241 5242
(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless that place is licensed with the classification;	5243 5244 5245 5246 5247
(52) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;	5248 5249
(53) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;	5250 5251 5252
(54) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive;_	5253 5254 5255 5256

(55) Failure of a physician supervising a certified mental health assistant to maintain supervision in accordance with the requirements of Chapter 4772. of the Revised Code and the rules adopted under that chapter. 5257  
5258  
5259  
5260

(C) Disciplinary actions taken by the board under 5261  
divisions (A) and (B) of this section shall be taken pursuant to 5262  
an adjudication under Chapter 119. of the Revised Code, except 5263  
that in lieu of an adjudication, the board may enter into a 5264  
consent agreement with an individual to resolve an allegation of 5265  
a violation of this chapter or any rule adopted under it. A 5266  
consent agreement, when ratified by an affirmative vote of not 5267  
fewer than six members of the board, shall constitute the 5268  
findings and order of the board with respect to the matter 5269  
addressed in the agreement. If the board refuses to ratify a 5270  
consent agreement, the admissions and findings contained in the 5271  
consent agreement shall be of no force or effect. 5272

A telephone conference call may be utilized for 5273  
ratification of a consent agreement that revokes or suspends an 5274  
individual's license or certificate to practice or certificate 5275  
to recommend. The telephone conference call shall be considered 5276  
a special meeting under division (F) of section 121.22 of the 5277  
Revised Code. 5278

If the board takes disciplinary action against an 5279  
individual under division (B) of this section for a second or 5280  
subsequent plea of guilty to, or judicial finding of guilt of, a 5281  
violation of section 2919.123 or 2919.124 of the Revised Code, 5282  
the disciplinary action shall consist of a suspension of the 5283  
individual's license or certificate to practice for a period of 5284  
at least one year or, if determined appropriate by the board, a 5285  
more serious sanction involving the individual's license or 5286

certificate to practice. Any consent agreement entered into 5287  
under this division with an individual that pertains to a second 5288  
or subsequent plea of guilty to, or judicial finding of guilt 5289  
of, a violation of that section shall provide for a suspension 5290  
of the individual's license or certificate to practice for a 5291  
period of at least one year or, if determined appropriate by the 5292  
board, a more serious sanction involving the individual's 5293  
license or certificate to practice. 5294

(D) For purposes of divisions (B) (10), (12), and (14) of 5295  
this section, the commission of the act may be established by a 5296  
finding by the board, pursuant to an adjudication under Chapter 5297  
119. of the Revised Code, that the individual committed the act. 5298  
The board does not have jurisdiction under those divisions if 5299  
the trial court renders a final judgment in the individual's 5300  
favor and that judgment is based upon an adjudication on the 5301  
merits. The board has jurisdiction under those divisions if the 5302  
trial court issues an order of dismissal upon technical or 5303  
procedural grounds. 5304

(E) The sealing of conviction records by any court shall 5305  
have no effect upon a prior board order entered under this 5306  
section or upon the board's jurisdiction to take action under 5307  
this section if, based upon a plea of guilty, a judicial finding 5308  
of guilt, or a judicial finding of eligibility for intervention 5309  
in lieu of conviction, the board issued a notice of opportunity 5310  
for a hearing prior to the court's order to seal the records. 5311  
The board shall not be required to seal, destroy, redact, or 5312  
otherwise modify its records to reflect the court's sealing of 5313  
conviction records. 5314

(F) (1) The board shall investigate evidence that appears 5315  
to show that a person has violated any provision of this chapter 5316

or any rule adopted under it. Any person may report to the board 5317  
in a signed writing any information that the person may have 5318  
that appears to show a violation of any provision of this 5319  
chapter or any rule adopted under it. In the absence of bad 5320  
faith, any person who reports information of that nature or who 5321  
testifies before the board in any adjudication conducted under 5322  
Chapter 119. of the Revised Code shall not be liable in damages 5323  
in a civil action as a result of the report or testimony. Each 5324  
complaint or allegation of a violation received by the board 5325  
shall be assigned a case number and shall be recorded by the 5326  
board. 5327

(2) Investigations of alleged violations of this chapter 5328  
or any rule adopted under it shall be supervised by the 5329  
supervising member elected by the board in accordance with 5330  
section 4731.02 of the Revised Code and by the secretary as 5331  
provided in section 4731.39 of the Revised Code. The president 5332  
may designate another member of the board to supervise the 5333  
investigation in place of the supervising member. No member of 5334  
the board who supervises the investigation of a case shall 5335  
participate in further adjudication of the case. 5336

(3) In investigating a possible violation of this chapter 5337  
or any rule adopted under this chapter, or in conducting an 5338  
inspection under division (E) of section 4731.054 of the Revised 5339  
Code, the board may question witnesses, conduct interviews, 5340  
administer oaths, order the taking of depositions, inspect and 5341  
copy any books, accounts, papers, records, or documents, issue 5342  
subpoenas, and compel the attendance of witnesses and production 5343  
of books, accounts, papers, records, documents, and testimony, 5344  
except that a subpoena for patient record information shall not 5345  
be issued without consultation with the attorney general's 5346  
office and approval of the secretary and supervising member of 5347



the board. 5348

(a) Before issuance of a subpoena for patient record 5349  
information, the secretary and supervising member shall 5350  
determine whether there is probable cause to believe that the 5351  
complaint filed alleges a violation of this chapter or any rule 5352  
adopted under it and that the records sought are relevant to the 5353  
alleged violation and material to the investigation. The 5354  
subpoena may apply only to records that cover a reasonable 5355  
period of time surrounding the alleged violation. 5356

(b) On failure to comply with any subpoena issued by the 5357  
board and after reasonable notice to the person being 5358  
subpoenaed, the board may move for an order compelling the 5359  
production of persons or records pursuant to the Rules of Civil 5360  
Procedure. 5361

(c) A subpoena issued by the board may be served by a 5362  
sheriff, the sheriff's deputy, or a board employee or agent 5363  
designated by the board. Service of a subpoena issued by the 5364  
board may be made by delivering a copy of the subpoena to the 5365  
person named therein, reading it to the person, or leaving it at 5366  
the person's usual place of residence, usual place of business, 5367  
or address on file with the board. When serving a subpoena to an 5368  
applicant for or the holder of a license or certificate issued 5369  
under this chapter, service of the subpoena may be made by 5370  
certified mail, return receipt requested, and the subpoena shall 5371  
be deemed served on the date delivery is made or the date the 5372  
person refuses to accept delivery. If the person being served 5373  
refuses to accept the subpoena or is not located, service may be 5374  
made to an attorney who notifies the board that the attorney is 5375  
representing the person. 5376

(d) A sheriff's deputy who serves a subpoena shall receive 5377

the same fees as a sheriff. Each witness who appears before the 5378  
board in obedience to a subpoena shall receive the fees and 5379  
mileage provided for under section 119.094 of the Revised Code. 5380

(4) All hearings, investigations, and inspections of the 5381  
board shall be considered civil actions for the purposes of 5382  
section 2305.252 of the Revised Code. 5383

(5) A report required to be submitted to the board under 5384  
this chapter, a complaint, or information received by the board 5385  
pursuant to an investigation or pursuant to an inspection under 5386  
division (E) of section 4731.054 of the Revised Code is 5387  
confidential and not subject to discovery in any civil action. 5388

The board shall conduct all investigations or inspections 5389  
and proceedings in a manner that protects the confidentiality of 5390  
patients and persons who file complaints with the board. The 5391  
board shall not make public the names or any other identifying 5392  
information about patients or complainants unless proper consent 5393  
is given or, in the case of a patient, a waiver of the patient 5394  
privilege exists under division (B) of section 2317.02 of the 5395  
Revised Code, except that consent or a waiver of that nature is 5396  
not required if the board possesses reliable and substantial 5397  
evidence that no bona fide physician-patient relationship 5398  
exists. 5399

The board may share any information it receives pursuant 5400  
to an investigation or inspection, including patient records and 5401  
patient record information, with law enforcement agencies, other 5402  
licensing boards, and other governmental agencies that are 5403  
prosecuting, adjudicating, or investigating alleged violations 5404  
of statutes or administrative rules. An agency or board that 5405  
receives the information shall comply with the same requirements 5406  
regarding confidentiality as those with which the state medical 5407

board must comply, notwithstanding any conflicting provision of 5408  
the Revised Code or procedure of the agency or board that 5409  
applies when it is dealing with other information in its 5410  
possession. In a judicial proceeding, the information may be 5411  
admitted into evidence only in accordance with the Rules of 5412  
Evidence, but the court shall require that appropriate measures 5413  
are taken to ensure that confidentiality is maintained with 5414  
respect to any part of the information that contains names or 5415  
other identifying information about patients or complainants 5416  
whose confidentiality was protected by the state medical board 5417  
when the information was in the board's possession. Measures to 5418  
ensure confidentiality that may be taken by the court include 5419  
sealing its records or deleting specific information from its 5420  
records. 5421

(6) On a quarterly basis, the board shall prepare a report 5422  
that documents the disposition of all cases during the preceding 5423  
three months. The report shall contain the following information 5424  
for each case with which the board has completed its activities: 5425

(a) The case number assigned to the complaint or alleged 5426  
violation; 5427

(b) The type of license or certificate to practice, if 5428  
any, held by the individual against whom the complaint is 5429  
directed; 5430

(c) A description of the allegations contained in the 5431  
complaint; 5432

(d) The disposition of the case. 5433

The report shall state how many cases are still pending 5434  
and shall be prepared in a manner that protects the identity of 5435  
each person involved in each case. The report shall be a public 5436

record under section 149.43 of the Revised Code. 5437

(G) If the secretary and supervising member determine both 5438  
of the following, they may recommend that the board suspend an 5439  
individual's license or certificate to practice or certificate 5440  
to recommend without a prior hearing: 5441

(1) That there is clear and convincing evidence that an 5442  
individual has violated division (B) of this section; 5443

(2) That the individual's continued practice presents a 5444  
danger of immediate and serious harm to the public. 5445

Written allegations shall be prepared for consideration by 5446  
the board. The board, upon review of those allegations and by an 5447  
affirmative vote of not fewer than six of its members, excluding 5448  
the secretary and supervising member, may suspend a license or 5449  
certificate without a prior hearing. A telephone conference call 5450  
may be utilized for reviewing the allegations and taking the 5451  
vote on the summary suspension. 5452

The board shall issue a written order of suspension by 5453  
certified mail or in person in accordance with section 119.07 of 5454  
the Revised Code. The order shall not be subject to suspension 5455  
by the court during pendency of any appeal filed under section 5456  
119.12 of the Revised Code. If the individual subject to the 5457  
summary suspension requests an adjudicatory hearing by the 5458  
board, the date set for the hearing shall be within fifteen 5459  
days, but not earlier than seven days, after the individual 5460  
requests the hearing, unless otherwise agreed to by both the 5461  
board and the individual. 5462

Any summary suspension imposed under this division shall 5463  
remain in effect, unless reversed on appeal, until a final 5464  
adjudicative order issued by the board pursuant to this section 5465

and Chapter 119. of the Revised Code becomes effective. The 5466  
board shall issue its final adjudicative order within seventy- 5467  
five days after completion of its hearing. A failure to issue 5468  
the order within seventy-five days shall result in dissolution 5469  
of the summary suspension order but shall not invalidate any 5470  
subsequent, final adjudicative order. 5471

(H) If the board takes action under division (B) (9), (11), 5472  
or (13) of this section and the judicial finding of guilt, 5473  
guilty plea, or judicial finding of eligibility for intervention 5474  
in lieu of conviction is overturned on appeal, upon exhaustion 5475  
of the criminal appeal, a petition for reconsideration of the 5476  
order may be filed with the board along with appropriate court 5477  
documents. Upon receipt of a petition of that nature and 5478  
supporting court documents, the board shall reinstate the 5479  
individual's license or certificate to practice. The board may 5480  
then hold an adjudication under Chapter 119. of the Revised Code 5481  
to determine whether the individual committed the act in 5482  
question. Notice of an opportunity for a hearing shall be given 5483  
in accordance with Chapter 119. of the Revised Code. If the 5484  
board finds, pursuant to an adjudication held under this 5485  
division, that the individual committed the act or if no hearing 5486  
is requested, the board may order any of the sanctions 5487  
identified under division (B) of this section. 5488

(I) The license or certificate to practice issued to an 5489  
individual under this chapter and the individual's practice in 5490  
this state are automatically suspended as of the date of the 5491  
individual's second or subsequent plea of guilty to, or judicial 5492  
finding of guilt of, a violation of section 2919.123 or 2919.124 5493  
of the Revised Code. In addition, the license or certificate to 5494  
practice or certificate to recommend issued to an individual 5495  
under this chapter and the individual's practice in this state 5496

are automatically suspended as of the date the individual pleads 5497  
guilty to, is found by a judge or jury to be guilty of, or is 5498  
subject to a judicial finding of eligibility for intervention in 5499  
lieu of conviction in this state or treatment or intervention in 5500  
lieu of conviction in another jurisdiction for any of the 5501  
following criminal offenses in this state or a substantially 5502  
equivalent criminal offense in another jurisdiction: aggravated 5503  
murder, murder, voluntary manslaughter, felonious assault, 5504  
kidnapping, rape, sexual battery, gross sexual imposition, 5505  
aggravated arson, aggravated robbery, or aggravated burglary. 5506  
Continued practice after suspension shall be considered 5507  
practicing without a license or certificate. 5508

The board shall notify the individual subject to the 5509  
suspension by certified mail or in person in accordance with 5510  
section 119.07 of the Revised Code. If an individual whose 5511  
license or certificate is automatically suspended under this 5512  
division fails to make a timely request for an adjudication 5513  
under Chapter 119. of the Revised Code, the board shall do 5514  
whichever of the following is applicable: 5515

(1) If the automatic suspension under this division is for 5516  
a second or subsequent plea of guilty to, or judicial finding of 5517  
guilt of, a violation of section 2919.123 or 2919.124 of the 5518  
Revised Code, the board shall enter an order suspending the 5519  
individual's license or certificate to practice for a period of 5520  
at least one year or, if determined appropriate by the board, 5521  
imposing a more serious sanction involving the individual's 5522  
license or certificate to practice. 5523

(2) In all circumstances in which division (I)(1) of this 5524  
section does not apply, enter a final order permanently revoking 5525  
the individual's license or certificate to practice. 5526

(J) If the board is required by Chapter 119. of the 5527  
Revised Code to give notice of an opportunity for a hearing and 5528  
if the individual subject to the notice does not timely request 5529  
a hearing in accordance with section 119.07 of the Revised Code, 5530  
the board is not required to hold a hearing, but may adopt, by 5531  
an affirmative vote of not fewer than six of its members, a 5532  
final order that contains the board's findings. In that final 5533  
order, the board may order any of the sanctions identified under 5534  
division (A) or (B) of this section. 5535

(K) Any action taken by the board under division (B) of 5536  
this section resulting in a suspension from practice shall be 5537  
accompanied by a written statement of the conditions under which 5538  
the individual's license or certificate to practice may be 5539  
reinstated. The board shall adopt rules governing conditions to 5540  
be imposed for reinstatement. Reinstatement of a license or 5541  
certificate suspended pursuant to division (B) of this section 5542  
requires an affirmative vote of not fewer than six members of 5543  
the board. 5544

(L) When the board refuses to grant or issue a license or 5545  
certificate to practice to an applicant, revokes an individual's 5546  
license or certificate to practice, refuses to renew an 5547  
individual's license or certificate to practice, or refuses to 5548  
reinstatement an individual's license or certificate to practice, 5549  
the board may specify that its action is permanent. An 5550  
individual subject to a permanent action taken by the board is 5551  
forever thereafter ineligible to hold a license or certificate 5552  
to practice and the board shall not accept an application for 5553  
reinstatement of the license or certificate or for issuance of a 5554  
new license or certificate. 5555

(M) Notwithstanding any other provision of the Revised 5556

Code, all of the following apply: 5557

(1) The surrender of a license or certificate issued under 5558  
this chapter shall not be effective unless or until accepted by 5559  
the board. A telephone conference call may be utilized for 5560  
acceptance of the surrender of an individual's license or 5561  
certificate to practice. The telephone conference call shall be 5562  
considered a special meeting under division (F) of section 5563  
121.22 of the Revised Code. Reinstatement of a license or 5564  
certificate surrendered to the board requires an affirmative 5565  
vote of not fewer than six members of the board. 5566

(2) An application for a license or certificate made under 5567  
the provisions of this chapter may not be withdrawn without 5568  
approval of the board. 5569

(3) Failure by an individual to renew a license or 5570  
certificate to practice in accordance with this chapter or a 5571  
certificate to recommend in accordance with rules adopted under 5572  
section 4731.301 of the Revised Code shall not remove or limit 5573  
the board's jurisdiction to take any disciplinary action under 5574  
this section against the individual. 5575

(4) At the request of the board, a license or certificate 5576  
holder shall immediately surrender to the board a license or 5577  
certificate that the board has suspended, revoked, or 5578  
permanently revoked. 5579

(N) Sanctions shall not be imposed under division (B) (28) 5580  
of this section against any person who waives deductibles and 5581  
copayments as follows: 5582

(1) In compliance with the health benefit plan that 5583  
expressly allows such a practice. Waiver of the deductibles or 5584  
copayments shall be made only with the full knowledge and 5585



consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(0) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that

the board determines to be appropriate; 5615

(5) Adopt rules in accordance with Chapter 119. of the 5616  
Revised Code to further implement the quality intervention 5617  
program. 5618

An individual who participates in an individual 5619  
educational program pursuant to this division shall pay the 5620  
financial obligations arising from that educational program. 5621

(P) The board shall not refuse to issue a license to an 5622  
applicant because of a conviction, plea of guilty, judicial 5623  
finding of guilt, judicial finding of eligibility for 5624  
intervention in lieu of conviction, or the commission of an act 5625  
that constitutes a criminal offense, unless the refusal is in 5626  
accordance with section 9.79 of the Revised Code. 5627

**Sec. 4731.224.** (A) Within sixty days after the imposition 5628  
of any formal disciplinary action taken by any health care 5629  
facility, including a hospital, health care facility operated by 5630  
a health insuring corporation, ambulatory surgical center, or 5631  
similar facility, against any individual holding a valid license 5632  
or certificate to practice issued pursuant to this chapter, the 5633  
chief administrator or executive officer of the facility shall 5634  
report to the state medical board the name of the individual, 5635  
the action taken by the facility, and a summary of the 5636  
underlying facts leading to the action taken. Upon request, the 5637  
board shall be provided certified copies of the patient records 5638  
that were the basis for the facility's action. Prior to release 5639  
to the board, the summary shall be approved by the peer review 5640  
committee that reviewed the case or by the governing board of 5641  
the facility. As used in this division, "formal disciplinary 5642  
action" means any action resulting in the revocation, 5643  
restriction, reduction, or termination of clinical privileges 5644

for violations of professional ethics, or for reasons of medical 5645  
incompetence or medical malpractice. "Formal disciplinary 5646  
action" includes a summary action, an action that takes effect 5647  
notwithstanding any appeal rights that may exist, and an action 5648  
that results in an individual surrendering clinical privileges 5649  
while under investigation and during proceedings regarding the 5650  
action being taken or in return for not being investigated or 5651  
having proceedings held. "Formal disciplinary action" does not 5652  
include any action taken for the sole reason of failure to 5653  
maintain records on a timely basis or failure to attend staff or 5654  
section meetings. 5655

The filing or nonfiling of a report with the board, 5656  
investigation by the board, or any disciplinary action taken by 5657  
the board, shall not preclude any action by a health care 5658  
facility to suspend, restrict, or revoke the individual's 5659  
clinical privileges. 5660

In the absence of fraud or bad faith, no individual or 5661  
entity that provides patient records to the board shall be 5662  
liable in damages to any person as a result of providing the 5663  
records. 5664

(B) (1) Except as provided in division (B) (2) of this 5665  
section, if any individual authorized to practice under this 5666  
chapter or any professional association or society of such 5667  
individuals believes that a violation of any provision of this 5668  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4772., 5669  
4774., or 4778. of the Revised Code, or any rule of the board 5670  
has occurred, the individual, association, or society shall 5671  
report to the board the information upon which the belief is 5672  
based. 5673

(2) If any individual authorized to practice under this 5674

chapter or any professional association or society of such 5675  
individuals believes that a violation of division (B) (26) of 5676  
section 4731.22 of the Revised Code has occurred, the 5677  
individual, association, or society shall report the information 5678  
upon which the belief is based to the monitoring organization 5679  
conducting the program established by the board under section 5680  
4731.251 of the Revised Code. If any such report is made to the 5681  
board, it shall be referred to the monitoring organization 5682  
unless the board is aware that the individual who is the subject 5683  
of the report does not meet the program eligibility requirements 5684  
of section 4731.252 of the Revised Code. 5685

(C) Any professional association or society composed 5686  
primarily of doctors of medicine and surgery, doctors of 5687  
osteopathic medicine and surgery, doctors of podiatric medicine 5688  
and surgery, or practitioners of limited branches of medicine 5689  
that suspends or revokes an individual's membership for 5690  
violations of professional ethics, or for reasons of 5691  
professional incompetence or professional malpractice, within 5692  
sixty days after a final decision shall report to the board, on 5693  
forms prescribed and provided by the board, the name of the 5694  
individual, the action taken by the professional organization, 5695  
and a summary of the underlying facts leading to the action 5696  
taken. 5697

The filing of a report with the board or decision not to 5698  
file a report, investigation by the board, or any disciplinary 5699  
action taken by the board, does not preclude a professional 5700  
organization from taking disciplinary action against an 5701  
individual. 5702

(D) Any insurer providing professional liability insurance 5703  
to an individual authorized to practice under this chapter, or 5704

any other entity that seeks to indemnify the professional 5705  
liability of such an individual, shall notify the board within 5706  
thirty days after the final disposition of any written claim for 5707  
damages where such disposition results in a payment exceeding 5708  
twenty-five thousand dollars. The notice shall contain the 5709  
following information: 5710

(1) The name and address of the person submitting the 5711  
notification; 5712

(2) The name and address of the insured who is the subject 5713  
of the claim; 5714

(3) The name of the person filing the written claim; 5715

(4) The date of final disposition; 5716

(5) If applicable, the identity of the court in which the 5717  
final disposition of the claim took place. 5718

(E) The board may investigate possible violations of this 5719  
chapter or the rules adopted under it that are brought to its 5720  
attention as a result of the reporting requirements of this 5721  
section, except that the board shall conduct an investigation if 5722  
a possible violation involves repeated malpractice. As used in 5723  
this division, "repeated malpractice" means three or more claims 5724  
for medical malpractice within the previous five-year period, 5725  
each resulting in a judgment or settlement in excess of twenty- 5726  
five thousand dollars in favor of the claimant, and each 5727  
involving negligent conduct by the practicing individual. 5728

(F) All summaries, reports, and records received and 5729  
maintained by the board pursuant to this section shall be held 5730  
in confidence and shall not be subject to discovery or 5731  
introduction in evidence in any federal or state civil action 5732  
involving a health care professional or facility arising out of 5733

matters that are the subject of the reporting required by this 5734  
section. The board may use the information obtained only as the 5735  
basis for an investigation, as evidence in a disciplinary 5736  
hearing against an individual whose practice is regulated under 5737  
this chapter, or in any subsequent trial or appeal of a board 5738  
action or order. 5739

The board may disclose the summaries and reports it 5740  
receives under this section only to health care facility 5741  
committees within or outside this state that are involved in 5742  
credentialing or recredentialing the individual or in reviewing 5743  
the individual's clinical privileges. The board shall indicate 5744  
whether or not the information has been verified. Information 5745  
transmitted by the board shall be subject to the same 5746  
confidentiality provisions as when maintained by the board. 5747

(G) Except for reports filed by an individual pursuant to 5748  
division (B) of this section, the board shall send a copy of any 5749  
reports or summaries it receives pursuant to this section to the 5750  
individual who is the subject of the reports or summaries. The 5751  
individual shall have the right to file a statement with the 5752  
board concerning the correctness or relevance of the 5753  
information. The statement shall at all times accompany that 5754  
part of the record in contention. 5755

(H) An individual or entity that, pursuant to this 5756  
section, reports to the board, reports to the monitoring 5757  
organization described in section 4731.251 of the Revised Code, 5758  
or refers an impaired practitioner to a treatment provider 5759  
approved by the board under section 4731.25 of the Revised Code 5760  
shall not be subject to suit for civil damages as a result of 5761  
the report, referral, or provision of the information. 5762

(I) In the absence of fraud or bad faith, no professional 5763

association or society of individuals authorized to practice 5764  
under this chapter that sponsors a committee or program to 5765  
provide peer assistance to practitioners with substance abuse 5766  
problems, no representative or agent of such a committee or 5767  
program, no representative or agent of the monitoring 5768  
organization described in section 4731.251 of the Revised Code, 5769  
and no member of the state medical board shall be held liable in 5770  
damages to any person by reason of actions taken to refer a 5771  
practitioner to a treatment provider approved under section 5772  
4731.25 of the Revised Code for examination or treatment. 5773

**Sec. 4731.24.** Except as provided in sections 4731.281 and 5774  
4731.40 of the Revised Code, all receipts of the state medical 5775  
board, from any source, shall be deposited in the state 5776  
treasury. The funds shall be deposited to the credit of the 5777  
state medical board operating fund, which is hereby created. 5778  
Except as provided in sections 4730.252, 4731.225, 4731.24, 5779  
4759.071, 4760.133, 4761.091, 4762.133, 4772.203, 4774.133, and 5780  
4778.141 of the Revised Code, all funds deposited into the state 5781  
treasury under this section shall be used solely for the 5782  
administration and enforcement of this chapter and Chapters 5783  
4730., 4759., 4760., 4761., 4762., 4772., 4774., and 4778. of 5784  
the Revised Code by the board. 5785

**Sec. 4731.25.** The state medical board, in accordance with 5786  
Chapter 119. of the Revised Code, shall adopt and may amend and 5787  
rescind rules establishing standards for approval of physicians 5788  
and facilities as treatment providers for practitioners 5789  
suffering or showing evidence of suffering impairment as 5790  
described in division (B) (5) of section 4730.25, division (B) 5791  
(26) of section 4731.22, division (A) (18) of section 4759.07, 5792  
division (B) (6) of section 4760.13, division (A) (18) of section 5793  
4761.09, division (B) (6) of section 4762.13, division (B) (6) of 5794

section 4772.20, division (B) (6) of section 4774.13, or division 5795  
(B) (6) of section 4778.14 of the Revised Code. The rules shall 5796  
include standards for both inpatient and outpatient treatment 5797  
and for care and monitoring that continues after treatment. The 5798  
rules shall provide that in order to be approved, a treatment 5799  
provider must have the capability of making an initial 5800  
examination to determine what type of treatment an impaired 5801  
practitioner requires. Subject to the rules, the board shall 5802  
review and approve treatment providers on a regular basis. The 5803  
board, at its discretion, may withdraw or deny approval subject 5804  
to the rules. 5805

An approved impaired practitioner treatment provider shall 5806  
do all of the following: 5807

(A) Report to the board the name of any practitioner 5808  
suffering or showing evidence of suffering impairment who fails 5809  
to comply within one week with a referral for examination; 5810

(B) Report to the board the name of any impaired 5811  
practitioner who fails to enter treatment within forty-eight 5812  
hours following the provider's determination that the 5813  
practitioner needs treatment; 5814

(C) Require every practitioner who enters treatment to 5815  
agree to a treatment contract establishing the terms of 5816  
treatment and aftercare, including any required supervision or 5817  
restrictions of practice during treatment or aftercare; 5818

(D) Require a practitioner to suspend practice upon entry 5819  
into any required inpatient treatment; 5820

(E) Report to the board any failure by an impaired 5821  
practitioner to comply with the terms of the treatment contract 5822  
during inpatient or outpatient treatment or aftercare; 5823



(F) Report to the board the resumption of practice of any 5824  
impaired practitioner before the treatment provider has made a 5825  
clear determination that the practitioner is capable of 5826  
practicing according to acceptable and prevailing standards of 5827  
care; 5828

(G) Require a practitioner who resumes practice after 5829  
completion of treatment to comply with an aftercare contract 5830  
that meets the requirements of rules adopted by the board for 5831  
approval of treatment providers; 5832

(H) Report the identity of any practitioner practicing 5833  
under the terms of an aftercare contract to hospital 5834  
administrators, medical chiefs of staff, and chairpersons of 5835  
impaired practitioner committees of all health care institutions 5836  
at which the practitioner holds clinical privileges or otherwise 5837  
practices. If the practitioner does not hold clinical privileges 5838  
at any health care institution, the treatment provider shall 5839  
report the practitioner's identity to the impaired practitioner 5840  
committee of the county medical society, osteopathic academy, or 5841  
podiatric medical association in every county in which the 5842  
practitioner practices. If there are no impaired practitioner 5843  
committees in the county, the treatment provider shall report 5844  
the practitioner's identity to the president or other designated 5845  
member of the county medical society, osteopathic academy, or 5846  
podiatric medical association. 5847

(I) Report to the board the identity of any practitioner 5848  
who suffers a relapse at any time during or following aftercare. 5849

Any individual authorized to practice under this chapter 5850  
who enters into treatment by an approved treatment provider 5851  
shall be deemed to have waived any confidentiality requirements 5852  
that would otherwise prevent the treatment provider from making 5853

reports required under this section. 5854

In the absence of fraud or bad faith, no person or 5855  
organization that conducts an approved impaired practitioner 5856  
treatment program, no member of such an organization, and no 5857  
employee, representative, or agent of the treatment provider 5858  
shall be held liable in damages to any person by reason of 5859  
actions taken or recommendations made by the treatment provider 5860  
or its employees, representatives, or agents. 5861

**Sec. 4731.251.** (A) As used in this section and in sections 5862  
4731.252 to 4731.254 of the Revised Code: 5863

(1) "Applicant" means an individual who has applied under 5864  
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., 5865  
or 4778. of the Revised Code for a license, training or other 5866  
certificate, limited permit, or other authority to practice as 5867  
any one of the following practitioners: a physician assistant, 5868  
physician, podiatrist, limited branch of medicine practitioner, 5869  
dietitian, anesthesiologist assistant, respiratory care 5870  
professional, acupuncturist, certified mental health assistant, 5871  
radiologist assistant, or genetic counselor. "Applicant" may 5872  
include an individual who has been granted authority by the 5873  
state medical board to practice as one type of practitioner, but 5874  
has applied for authority to practice as another type of 5875  
practitioner. 5876

(2) "Impaired" or "impairment" has the same meaning as in 5877  
division (B) (5) of section 4730.25, division (B) (26) of section 5878  
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 5879  
section 4760.13, division (A) (18) of section 4761.09, division 5880  
(B) (6) of section 4762.13, division (B) (6) of section 4772.20, 5881  
division (B) (6) of section 4774.13, or division (B) (6) of 5882  
section 4778.14 of the Revised Code. 5883

(3) "Practitioner" means any of the following:	5884
(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine;	5885 5886 5887
(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;	5888 5889
(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;	5890 5891
(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;	5892 5893
(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care;	5894 5895
(f) An individual authorized under Chapter 4762. of the Revised Code to practice as an acupuncturist;	5896 5897
(g) <u>An individual licensed under Chapter 4772. of the Revised Code to practice as a certified mental health assistant;</u>	5898 5899
<u>(h)</u> An individual authorized under Chapter 4774. of the Revised Code to practice as a radiologist assistant;	5900 5901
<del>(h)</del> <u>(i)</u> An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.	5902 5903
(B) The state medical board shall establish a confidential program for the treatment of impaired practitioners and applicants, which shall be known as the one-bite program. The board shall contract with one organization to conduct the program and perform monitoring services.	5904 5905 5906 5907 5908
To be qualified to contract with the board under this section, an organization must meet all of the following	5909 5910

requirements:	5911
(1) Be sponsored by one or more professional associations	5912
or societies of practitioners;	5913
(2) Be organized as a not-for-profit entity and exempt	5914
from federal income taxation under subsection 501(c)(3) of the	5915
Internal Revenue Code;	5916
(3) Contract with or employ to serve as the organization's	5917
medical director an individual who is authorized under this	5918
chapter to practice medicine and surgery or osteopathic medicine	5919
and surgery and specializes or has training and expertise in	5920
addiction medicine;	5921
(4) Contract with or employ one or more of the following	5922
as necessary for the organization's operation:	5923
(a) An individual licensed under Chapter 4758. of the	5924
Revised Code as an independent chemical dependency counselor-	5925
clinical supervisor, independent chemical dependency counselor,	5926
chemical dependency counselor III, or chemical dependency	5927
counselor II;	5928
(b) An individual licensed under Chapter 4757. of the	5929
Revised Code as an independent social worker, social worker,	5930
licensed professional clinical counselor, or licensed	5931
professional counselor;	5932
(c) An individual licensed under Chapter 4732. of the	5933
Revised Code as a psychologist.	5934
(C) The monitoring organization shall do all of the	5935
following pursuant to the contract:	5936
(1) Receive any report of suspected practitioner	5937
impairment, including a report made under division (B)(2) of	5938

section 4730.32, division (B) (2) of section 4731.224, section 5939  
4759.13, division (B) (2) of section 4760.16, section 4761.19, 5940  
division (B) (2) of section 4762.16, division (B) (2) of section 5941  
4772.23, division (B) (2) of section 4774.16, or section 4778.17 5942  
of the Revised Code; 5943

(2) Notify a practitioner who is the subject of a report 5944  
received under division (C) (1) of this section that the report 5945  
has been made and that the practitioner may be eligible to 5946  
participate in the program conducted under this section; 5947

(3) Receive from the board a referral regarding an 5948  
applicant, as described in section 4731.253 of the Revised Code; 5949

(4) Evaluate the records of an applicant who is the 5950  
subject of a referral received under division (C) (3) of this 5951  
section, in particular records from another jurisdiction 5952  
regarding the applicant's prior treatment for impairment or 5953  
current monitoring; 5954

(5) Determine whether a practitioner reported or applicant 5955  
referred to the monitoring organization is eligible to 5956  
participate in the program and notify the practitioner or 5957  
applicant of the determination; 5958

(6) In the case of a practitioner reported by a treatment 5959  
provider, notify the treatment provider of the eligibility 5960  
determination; 5961

(7) Report to the board any practitioner or applicant who 5962  
is determined ineligible to participate in the program; 5963

(8) Refer an eligible practitioner who chooses to 5964  
participate in the program for evaluation by a treatment 5965  
provider approved by the board under section 4731.25 of the 5966  
Revised Code, unless the report received by the monitoring 5967

organization was made by an approved treatment provider and the 5968  
practitioner has already been evaluated by the treatment 5969  
provider; 5970

(9) Monitor the evaluation of an eligible practitioner; 5971

(10) Refer an eligible practitioner who chooses to 5972  
participate in the program to a treatment provider approved by 5973  
the board under section 4731.25 of the Revised Code; 5974

(11) Establish, in consultation with the treatment 5975  
provider to which a practitioner is referred, the terms and 5976  
conditions with which the practitioner must comply for continued 5977  
participation in and successful completion of the program; 5978

(12) Report to the board any practitioner who does not 5979  
complete evaluation or treatment or does not comply with any of 5980  
the terms and conditions established by the monitoring 5981  
organization and the treatment provider; 5982

(13) Perform any other activities specified in the 5983  
contract with the board or that the monitoring organization 5984  
considers necessary to comply with this section and sections 5985  
4731.252 to 4731.254 of the Revised Code. 5986

(D) The monitoring organization shall not disclose to the 5987  
board the name of a practitioner or applicant or any records 5988  
relating to a practitioner or applicant, unless any of the 5989  
following occurs: 5990

(1) The practitioner or applicant is determined to be 5991  
ineligible to participate in the program. 5992

(2) The practitioner or applicant requests the disclosure. 5993

(3) The practitioner or applicant is unwilling or unable 5994  
to complete or comply with any part of the program, including 5995

evaluation, treatment, or monitoring. 5996

(4) The practitioner or applicant presents an imminent 5997  
danger to the public or to the practitioner, as a result of the 5998  
practitioner's or applicant's impairment. 5999

(5) The practitioner has relapsed or the practitioner's 6000  
impairment has not been substantially alleviated by 6001  
participation in the program. 6002

(E) (1) The monitoring organization shall develop 6003  
procedures governing each of the following: 6004

(a) Receiving reports of practitioner impairment; 6005

(b) Notifying practitioners of reports and eligibility 6006  
determinations; 6007

(c) Receiving applicant referrals as described in section 6008  
4731.253 of the Revised Code; 6009

(d) Evaluating records of referred applicants, in 6010  
particular records from other jurisdictions regarding prior 6011  
treatment for impairment or continued monitoring; 6012

(e) Notifying applicants of eligibility determinations; 6013

(f) Referring eligible practitioners for evaluation or 6014  
treatment; 6015

(g) Establishing individualized treatment plans for 6016  
eligible practitioners, as recommended by treatment providers; 6017

(h) Establishing individualized terms and conditions with 6018  
which eligible practitioners or applicants must comply for 6019  
continued participation in and successful completion of the 6020  
program. 6021

(2) The monitoring organization, in consultation with the 6022

board, shall develop procedures governing each of the following: 6023

(a) Providing reports to the board on a periodic basis on 6024  
the total number of practitioners or applicants participating in 6025  
the program, without disclosing the names or records of any 6026  
program participants other than those about whom reports are 6027  
required by this section; 6028

(b) Reporting to the board any practitioner or applicant 6029  
who due to impairment presents an imminent danger to the public 6030  
or to the practitioner or applicant; 6031

(c) Reporting to the board any practitioner or applicant 6032  
who is unwilling or unable to complete or comply with any part 6033  
of the program, including evaluation, treatment, or monitoring; 6034

(d) Reporting to the board any practitioner or applicant 6035  
whose impairment was not substantially alleviated by 6036  
participation in the program or who has relapsed. 6037

(F) The board may adopt any rules it considers necessary 6038  
to implement this section and sections 4731.252 to 4731.254 of 6039  
the Revised Code, including rules regarding the monitoring 6040  
organization and treatment providers that provide treatment to 6041  
practitioners referred by the monitoring organization. Any such 6042  
rules shall be adopted in accordance with Chapter 119. of the 6043  
Revised Code. 6044

**Sec. 4734.99.** (A) Whoever violates section 4734.14 or 6045  
4734.141 of the Revised Code is guilty of a felony of the fifth 6046  
degree on a first offense, unless the offender previously has 6047  
been convicted of or has pleaded guilty to a violation of 6048  
section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 6049  
2913.40, 2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 6050  
4725.02, 4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 6051



4730.02, 4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 6052  
4741.18, 4741.19, 4755.48, 4757.02, 4759.02, 4761.10, 4772.02, 6053  
or 4773.02 of the Revised Code or an offense under an existing 6054  
or former law of this state, another state, or the United States 6055  
that is or was substantially equivalent to a violation of any of 6056  
those sections, in which case the offender is guilty of a felony 6057  
of the fourth degree. For each subsequent offense, the offender 6058  
is guilty of a felony of the fourth degree. 6059

(B) Whoever violates section 4734.161 of the Revised Code 6060  
is guilty of a misdemeanor of the first degree. 6061

(C) Whoever violates division (A), (B), (C), or (D) of 6062  
section 4734.32 of the Revised Code is guilty of a minor 6063  
misdemeanor on a first offense; on each subsequent offense, the 6064  
person is guilty of a misdemeanor of the fourth degree, except 6065  
that an individual guilty of a subsequent offense shall not be 6066  
subject to imprisonment, but to a fine alone of up to one 6067  
thousand dollars for each offense. 6068

**Sec. 4743.09.** (A) As used in this section: 6069

(1) "Durable medical equipment" means a type of equipment, 6070  
such as a remote monitoring device utilized by a physician, 6071  
physician assistant, or advanced practice registered nurse in 6072  
accordance with this section, that can withstand repeated use, 6073  
is primarily and customarily used to serve a medical purpose, 6074  
and generally is not useful to a person in the absence of 6075  
illness or injury and, in addition, includes repair and 6076  
replacement parts for the equipment. 6077

(2) "Facility fee" means any fee charged or billed for 6078  
telehealth services provided in a facility that is intended to 6079  
compensate the facility for its operational expenses and is 6080

separate and distinct from a professional fee. 6081

(3) "Health care professional" means: 6082

(a) An advanced practice registered nurse, as defined in 6083  
section 4723.01 of the Revised Code; 6084

(b) An optometrist licensed under Chapter 4725. of the 6085  
Revised Code to practice optometry under a therapeutic 6086  
pharmaceutical agents certificate; 6087

(c) A pharmacist licensed under Chapter 4729. of the 6088  
Revised Code; 6089

(d) A physician assistant licensed under Chapter 4730. of 6090  
the Revised Code; 6091

(e) A physician licensed under Chapter 4731. of the 6092  
Revised Code to practice medicine and surgery, osteopathic 6093  
medicine and surgery, or podiatric medicine and surgery; 6094

(f) A psychologist or school psychologist licensed under 6095  
Chapter 4732. of the Revised Code or under rules adopted in 6096  
accordance with sections 3301.07 and 3319.22 of the Revised 6097  
Code; 6098

(g) A chiropractor licensed under Chapter 4734. of the 6099  
Revised Code; 6100

(h) An audiologist or speech-language pathologist licensed 6101  
under Chapter 4753. of the Revised Code; 6102

(i) An occupational therapist or physical therapist 6103  
licensed under Chapter 4755. of the Revised Code; 6104

(j) An occupational therapy assistant or physical 6105  
therapist assistant licensed under Chapter 4755. of the Revised 6106  
Code; 6107

(k) A professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code;	6108 6109 6110
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	6111 6112
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	6113 6114
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	6115 6116
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	6117 6118
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	6119 6120
<u>(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6121 6122
(4) "Health care professional licensing board" means any of the following:	6123 6124
(a) The board of nursing;	6125
(b) The state vision professionals board;	6126
(c) The state board of pharmacy;	6127
(d) The state medical board;	6128
(e) The state board of psychology;	6129
(f) The state board of education with respect to the licensure of school psychologists;	6130 6131
(g) The state chiropractic board;	6132

(h) The state speech and hearing professionals board;	6133
(i) The Ohio occupational therapy, physical therapy, and athletic trainers board;	6134 6135
(j) The counselor, social worker, and marriage and family therapist board;	6136 6137
(k) The chemical dependency professionals board.	6138
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	6139 6140
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:	6141 6142 6143 6144 6145
(a) The patient receiving the services;	6146
(b) Another health care professional with whom the provider of the services is consulting regarding the patient.	6147 6148
(B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the requirements of division (F) of section 121.95 of the Revised Code.	6149 6150 6151 6152 6153 6154 6155 6156 6157 6158
(2) (a) Except as provided in division (B) (2) (b) of this section, the rules adopted by a health care professional	6159 6160

licensing board under this section shall establish a standard of 6161  
care for telehealth services that is equal to the standard of 6162  
care for in-person services. 6163

(b) Subject to division (B)(2)(c) of this section, a board 6164  
may require an initial in-person visit prior to prescribing a 6165  
schedule II controlled substance to a new patient, equivalent to 6166  
applicable state and federal requirements. 6167

(c)(i) A board shall not require an initial in-person 6168  
visit for a new patient whose medical record indicates that the 6169  
patient is receiving hospice or palliative care, who is 6170  
receiving medication-assisted treatment or any other medication 6171  
for opioid-use disorder, who is a patient with a mental health 6172  
condition, or who, as determined by the clinical judgment of a 6173  
health care professional, is in an emergency situation. 6174

(ii) Notwithstanding division (B) of section 3796.01 of 6175  
the Revised Code, medical marijuana shall not be considered a 6176  
schedule II controlled substance. 6177

(C) With respect to the provision of telehealth services, 6178  
all of the following apply: 6179

(1) A health care professional may use synchronous or 6180  
asynchronous technology to provide telehealth services to a 6181  
patient during an initial visit if the appropriate standard of 6182  
care for an initial visit is satisfied. 6183

(2) A health care professional may deny a patient 6184  
telehealth services and, instead, require the patient to undergo 6185  
an in-person visit. 6186

(3) When providing telehealth services in accordance with 6187  
this section, a health care professional shall comply with all 6188  
requirements under state and federal law regarding the 6189

protection of patient information. A health care professional 6190  
shall ensure that any username or password information and any 6191  
electronic communications between the professional and a patient 6192  
are securely transmitted and stored. 6193

(4) A health care professional may use synchronous or 6194  
asynchronous technology to provide telehealth services to a 6195  
patient during an annual visit if the appropriate standard of 6196  
care for an annual visit is satisfied. 6197

(5) In the case of a health care professional who is a 6198  
physician, physician assistant, or advanced practice registered 6199  
nurse, both of the following apply: 6200

(a) The professional may provide telehealth services to a 6201  
patient located outside of this state if permitted by the laws 6202  
of the state in which the patient is located. 6203

(b) The professional may provide telehealth services 6204  
through the use of medical devices that enable remote 6205  
monitoring, including such activities as monitoring a patient's 6206  
blood pressure, heart rate, or glucose level. 6207

(D) When a patient has consented to receiving telehealth 6208  
services, the health care professional who provides those 6209  
services is not liable in damages under any claim made on the 6210  
basis that the services do not meet the same standard of care 6211  
that would apply if the services were provided in-person. 6212

(E) (1) A health care professional providing telehealth 6213  
services shall not charge a patient or a health plan issuer 6214  
covering telehealth services under section 3902.30 of the 6215  
Revised Code any of the following: a facility fee, an 6216  
origination fee, or any fee associated with the cost of the 6217  
equipment used at the provider site to provide telehealth 6218

services. 6219

A health care professional providing telehealth services 6220  
may charge a health plan issuer for durable medical equipment 6221  
used at a patient or client site. 6222

(2) A health care professional may negotiate with a health 6223  
plan issuer to establish a reimbursement rate for fees 6224  
associated with the administrative costs incurred in providing 6225  
telehealth services as long as a patient is not responsible for 6226  
any portion of the fee. 6227

(3) A health care professional providing telehealth 6228  
services shall obtain a patient's consent before billing for the 6229  
cost of providing the services, but the requirement to do so 6230  
applies only once. 6231

(F) Nothing in this section limits or otherwise affects 6232  
any other provision of the Revised Code that requires a health 6233  
care professional who is not a physician to practice under the 6234  
supervision of, in collaboration with, in consultation with, or 6235  
pursuant to the referral of another health care professional. 6236

(G) It is the intent of the general assembly, through the 6237  
amendments to this section, to expand access to and investment 6238  
in telehealth services in this state in congruence with the 6239  
expansion and investment in telehealth services made during the 6240  
COVID-19 pandemic. 6241

**Sec. 4755.48.** (A) No person shall employ fraud or 6242  
deception in applying for or securing a license to practice 6243  
physical therapy or to be a physical therapist assistant. 6244

(B) No person shall practice or in any way imply or claim 6245  
to the public by words, actions, or the use of letters as 6246  
described in division (C) of this section to be able to practice 6247

physical therapy or to provide physical therapy services, 6248  
including practice as a physical therapist assistant, unless the 6249  
person holds a valid license under sections 4755.40 to 4755.56 6250  
of the Revised Code or except for submission of claims as 6251  
provided in section 4755.56 of the Revised Code. 6252

(C) No person shall use the words or letters, physical 6253  
therapist, physical therapy, physical therapy services, 6254  
physiotherapist, physiotherapy, physiotherapy services, licensed 6255  
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 6256  
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 6257  
therapist assistant, physical therapy technician, licensed 6258  
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 6259  
letters, words, abbreviations, or insignia, indicating or 6260  
implying that the person is a physical therapist or physical 6261  
therapist assistant without a valid license under sections 6262  
4755.40 to 4755.56 of the Revised Code. 6263

(D) No person who practices physical therapy or assists in 6264  
the provision of physical therapy treatments under the 6265  
supervision of a physical therapist shall fail to display the 6266  
person's current license granted under sections 4755.40 to 6267  
4755.56 of the Revised Code in a conspicuous location in the 6268  
place where the person spends the major part of the person's 6269  
time so engaged. 6270

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 6271  
Code shall affect or interfere with the performance of the 6272  
duties of any physical therapist or physical therapist assistant 6273  
in active service in the army, navy, coast guard, marine corps, 6274  
air force, public health service, or marine hospital service of 6275  
the United States, while so serving. 6276

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 6277



Code shall prevent or restrict the activities or services of a person pursuing a course of study leading to a degree in physical therapy in an accredited or approved educational program if the activities or services constitute a part of a supervised course of study and the person is designated by a title that clearly indicates the person's status as a student.

(G) (1) Subject to division (G) (2) of this section, nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of any person who holds a current, unrestricted license to practice physical therapy in another state when that person, pursuant to contract or employment with an athletic team located in the state in which the person holds the license, provides physical therapy to any of the following while the team is traveling to or from or participating in a sporting event in this state:

(a) A member of the athletic team;

(b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;

(c) A member of a band or cheerleading squad accompanying the athletic team;

(d) The athletic team's mascot.

(2) In providing physical therapy pursuant to division (G) (1) of this section, the person shall not do either of the following:

(a) Provide physical therapy at a health care facility;

(b) Provide physical therapy for more than sixty days in a calendar year.

(3) The limitations described in divisions (G) (1) and (2)

of this section do not apply to a person who is practicing in 6306  
accordance with the compact privilege granted by this state 6307  
through the "Physical Therapy Licensure Compact" entered into 6308  
under section 4755.57 of the Revised Code. 6309

(H) (1) Except as provided in division (H) (2) of this 6310  
section and subject to division (I) of this section, no person 6311  
shall practice physical therapy other than on the prescription 6312  
of, or the referral of a patient by, a person who is licensed in 6313  
this or another state to do at least one of the following: 6314

(a) Practice medicine and surgery, chiropractic, 6315  
dentistry, osteopathic medicine and surgery, podiatric medicine 6316  
and surgery; 6317

(b) Practice as a physician assistant; 6318

(c) Practice nursing as an advanced practice registered 6319  
nurse; 6320

(d) Practice as a certified mental health assistant. 6321

(2) The prohibition in division (H) (1) of this section on 6322  
practicing physical therapy other than on the prescription of, 6323  
or the referral of a patient by, any of the persons described in 6324  
that division does not apply if either of the following applies 6325  
to the person: 6326

(a) The person holds a master's or doctorate degree from a 6327  
professional physical therapy program that is accredited by a 6328  
national physical therapy accreditation agency approved by the 6329  
physical therapy section of the Ohio occupational therapy, 6330  
physical therapy, and athletic trainers board. 6331

(b) On or before December 31, 2004, the person has 6332  
completed at least two years of practical experience as a 6333

licensed physical therapist. 6334

(I) To be authorized to prescribe physical therapy or 6335  
refer a patient to a physical therapist for physical therapy, a 6336  
person described in division (H) (1) of this section must be in 6337  
good standing with the relevant licensing board in this state or 6338  
the state in which the person is licensed and must act only 6339  
within the person's scope of practice. 6340

(J) In the prosecution of any person for violation of 6341  
division (B) or (C) of this section, it is not necessary to 6342  
allege or prove want of a valid license to practice physical 6343  
therapy or to practice as a physical therapist assistant, but 6344  
such matters shall be a matter of defense to be established by 6345  
the accused. 6346

**Sec. 4755.623.** (A) A person licensed as an athletic 6347  
trainer pursuant to this chapter shall engage in the activities 6348  
described in section 4755.621 or 4755.622 of the Revised Code 6349  
only if the person acts upon the referral of one or more of the 6350  
following: 6351

(1) A physician; 6352

(2) A dentist licensed under Chapter 4715. of the Revised 6353  
Code; 6354

(3) A physical therapist licensed under this chapter; 6355

(4) A chiropractor licensed under Chapter 4734. of the 6356  
Revised Code; 6357

(5) Subject to division (B) of this section, an athletic 6358  
trainer licensed under this chapter; 6359

(6) A physician assistant licensed under Chapter 4730. of 6360  
the Revised Code; 6361

(7) A certified nurse practitioner licensed under Chapter 4723. of the Revised Code; 6362  
6363

(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code. 6364  
6365

(B) A person licensed as an athletic trainer pursuant to 6366  
this chapter may practice upon the referral of an athletic 6367  
trainer described in division (A) of this section only if 6368  
athletic training has already been recommended and referred by a 6369  
health care provider described in division (A) of this section 6370  
who is not an athletic trainer. 6371

**Sec. 4765.51.** Nothing in this chapter prevents or 6372  
restricts the practice, services, or activities of any 6373  
registered nurse practicing within the scope of the registered 6374  
nurse's practice. 6375

Nothing in this chapter prevents or restricts the 6376  
practice, services, or activities of any physician assistant 6377  
practicing in accordance with a supervision agreement entered 6378  
into under section 4730.19 of the Revised Code, including, if 6379  
applicable, the policies of the health care facility in which 6380  
the physician assistant is practicing. 6381

Nothing in this chapter prevents or restricts the 6382  
practice, services, or activities of any certified mental health 6383  
assistant practicing in accordance with a supervision agreement 6384  
entered into under section 4772.10 of the Revised Code. 6385

**Sec. 4769.01.** As used in this chapter: 6386

(A) "Medicare" means the program established by Title 6387  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 6388  
U.S.C.A. 301, as amended. 6389

(B) "Balance billing" means charging or collecting from a medicare beneficiary an amount in excess of the medicare reimbursement rate for medicare-covered services or supplies provided to a medicare beneficiary, except when medicare is the secondary insurer. When medicare is the secondary insurer, the health care practitioner may pursue full reimbursement under the terms and conditions of the primary coverage and, if applicable, the charge allowed under the terms and conditions of the appropriate provider contract, from the primary insurer, but the medicare beneficiary cannot be balance billed above the medicare reimbursement rate for a medicare-covered service or supply. "Balance billing" does not include charging or collecting deductibles or coinsurance required by the program.

(C) "Health care practitioner" means all of the following:

(1) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;

(2) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(3) An optometrist licensed under Chapter 4725. of the Revised Code;

(4) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;

(5) A pharmacist licensed under Chapter 4729. of the Revised Code;

(6) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;

(7) A physician assistant authorized under Chapter 4730.	6419
of the Revised Code to practice as a physician assistant;	6420
(8) A practitioner of a limited branch of medicine issued	6421
a certificate under Chapter 4731. of the Revised Code;	6422
(9) A psychologist licensed under Chapter 4732. of the	6423
Revised Code;	6424
(10) A chiropractor licensed under Chapter 4734. of the	6425
Revised Code;	6426
(11) A hearing aid dealer or fitter licensed under Chapter	6427
4747. of the Revised Code;	6428
(12) A speech-language pathologist or audiologist licensed	6429
under Chapter 4753. of the Revised Code;	6430
(13) An occupational therapist or occupational therapy	6431
assistant licensed under Chapter 4755. of the Revised Code;	6432
(14) A physical therapist or physical therapy assistant	6433
licensed under Chapter 4755. of the Revised Code;	6434
(15) A licensed professional clinical counselor, licensed	6435
professional counselor, social worker, or independent social	6436
worker licensed, or a social work assistant registered, under	6437
Chapter 4757. of the Revised Code;	6438
(16) A dietitian licensed under Chapter 4759. of the	6439
Revised Code;	6440
(17) A respiratory care professional licensed under	6441
Chapter 4761. of the Revised Code;	6442
(18) An emergency medical technician-basic, emergency	6443
medical technician-intermediate, or emergency medical	6444
technician-paramedic certified under Chapter 4765. of the	6445

Revised Code; 6446

(19) A certified mental health assistant licensed under Chapter 4772. of the Revised Code. 6447  
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**Sec. 4772.01. As used in this chapter:** 6449

(A) "Certified mental health assistant" means an individual who, under physician supervision, provides mental health care by engaging in any of the activities authorized under section 4772.09 of the Revised Code. 6450  
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(B) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 6454  
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(C) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code. 6456  
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6458

(D) "Medication assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 6459  
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(E) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 6461  
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**Sec. 4772.02. (A) No person shall hold that person out as being able to function as a certified mental health assistant, or use any words or letters indicating or implying that the person is a certified mental health assistant, without a current, valid license to practice as a certified mental health assistant issued pursuant to this chapter.** 6464  
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(B) No person shall practice as a certified mental health assistant without the supervision, control, and direction of a physician. 6470  
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6472

(C) No person shall practice as a certified mental health assistant without having entered into a supervision agreement with a supervising physician under section 4772.10 of the Revised Code. 6473  
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(D) No person acting as the supervising physician of a certified mental health assistant shall authorize the certified mental health assistant to perform services if either of the following is the case: 6477  
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(1) The services are not within the physician's normal course of practice and expertise. 6481  
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(2) The services are inconsistent with the supervision agreement under which the certified mental health assistant is being supervised. 6483  
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6485

(E) No person shall advertise to provide services as a certified mental health assistant, except for the purpose of seeking employment. 6486  
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(F) No person practicing as a certified mental health assistant shall fail to wear at all times when on duty a placard, plate, or other device identifying that person as a "certified mental health assistant." 6489  
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**Sec. 4772.03. Nothing in this chapter shall:** 6493

(A) Be construed to affect or interfere with the performance of duties of any medical personnel who are either of the following: 6494  
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(1) In active service in the army, navy, coast guard, marine corps, air force, public health service, or marine hospital service of the United States while so serving; 6497  
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(2) Employed by the veterans administration of the United 6500



States while so employed. 6501

(B) Prevent any person from performing any of the services 6502  
a certified mental health assistant may be authorized to 6503  
perform, if the person's professional scope of practice 6504  
established under any other chapter of the Revised Code 6505  
authorizes the person to perform the services; 6506

(C) Prohibit a physician from delegating responsibilities 6507  
to any nurse or other qualified person who does not hold a 6508  
license to practice as a certified mental health assistant, 6509  
provided that the physician does not hold the nurse or other 6510  
qualified person out to be a certified mental health assistant; 6511

(D) Be construed as authorizing a certified mental health 6512  
assistant independently to order or direct the execution of 6513  
procedures or techniques by a registered nurse or licensed 6514  
practical nurse in the care and treatment of a person in any 6515  
setting, except to the extent that the certified mental health 6516  
assistant is authorized to do so by a physician who is 6517  
responsible for supervising the certified mental health 6518  
assistant. 6519

**Sec. 4772.04.** (A) An individual seeking a license to 6520  
practice as a certified mental health assistant shall file with 6521  
the state medical board a written application on a form 6522  
prescribed and supplied by the board. The application shall 6523  
include all the information the board considers necessary to 6524  
process the application, including evidence satisfactory to the 6525  
board that the applicant meets the requirements specified in 6526  
division (B) of this section. 6527

At the time an application is submitted, the applicant 6528  
shall pay the board the application fee specified by the board 6529

in rules adopted under section 4772.19 of the Revised Code. No 6530  
part of the fee shall be returned. 6531

(B) To be eligible to receive a license to practice as a 6532  
certified mental health assistant, an applicant shall meet both 6533  
of the following requirements: 6534

(1) Be at least eighteen years of age; 6535

(2) Meet either of the following educational requirements: 6536

(a) Hold a master's or higher degree obtained from a 6537  
program approved by the board pursuant to section 4772.05 of the 6538  
Revised Code; 6539

(b) Meet both of the following requirements: 6540

(i) Hold a diploma from a medical school or osteopathic 6541  
medical school that, at the time the diploma was issued, was a 6542  
medical school accredited by the liaison committee on medical 6543  
education or an osteopathic medical school accredited by the 6544  
American osteopathic association; 6545

(ii) Have completed twelve months of coursework from a 6546  
program approved by the board pursuant to section 4772.05 of the 6547  
Revised Code. 6548

(C) The board shall review all applications received under 6549  
this section. Not later than sixty days after receiving an 6550  
application the board considers to be complete, the board shall 6551  
determine whether the applicant meets the requirements to 6552  
receive a license to practice as a certified mental health 6553  
assistant. 6554

**Sec. 4772.041.** In addition to any other eligibility 6555  
requirement set forth in this chapter, each applicant for a 6556  
license to practice as a certified mental health assistant shall 6557

comply with sections 4776.01 to 4776.04 of the Revised Code. 6558

Sec. 4772.05. (A) The state medical board shall establish 6559  
a process by which a person who seeks to operate an education 6560  
program for certified mental health assistants shall apply to 6561  
the board for approval of the program. Applications shall be 6562  
submitted in accordance with rules adopted under section 4772.19 6563  
of the Revised Code. The person shall include with the 6564  
application the fee prescribed in those rules. 6565

(B) To be eligible for approval by the board, an education 6566  
program shall meet all of the following: 6567

(1) Be accredited by an organization recognized by the 6568  
board; 6569

(2) Include courses in each of the following areas for at 6570  
least the number of hours established by the board's rules: 6571

(a) Psychiatric diagnoses included in the diagnostic and 6572  
statistical manual of mental disorders published by the American 6573  
psychiatric association, or a similar publication if designated 6574  
by the board; 6575

(b) Laboratory studies used in diagnosing or managing 6576  
psychiatric conditions; 6577

(c) Medical conditions that mimic or present as 6578  
psychiatric conditions; 6579

(d) Medical conditions associated with psychiatric 6580  
conditions or treatment; 6581

(e) Psychopharmacology, including treatment of psychiatric 6582  
conditions, interactions, and recognition and management of drug 6583  
side effects and complications; 6584

<u>(f) Psychosocial interventions;</u>	6585
<u>(g) Conducting suicide and homicide risk assessments;</u>	6586
<u>(h) Forensic issues in psychiatry, including involuntary hospitalization and mandated treatment;</u>	6587 6588
<u>(i) Basic behavioral health counseling;</u>	6589
<u>(j) Clinical experiences in inpatient psychiatric units, outpatient mental health clinics, psychiatric consultation and liaison services, and addiction services;</u>	6590 6591 6592
<u>(k) Any other area established by the board's rules.</u>	6593
<u>(3) Meet any other standards established by the board's rules.</u>	6594 6595
<u>(C) If the program meets the requirements for approval as specified in this section and the board's rules, the board shall approve the program. The board's rules shall specify any reasons for which an approval shall be denied or withdrawn and may require a program to periodically apply for reapproval.</u>	6596 6597 6598 6599 6600
<u>Sec. 4772.06. If the state medical board determines under section 4772.04 of the Revised Code that an applicant meets the requirements for a license to practice as a certified mental health assistant, the secretary of the board shall register the applicant as a certified mental health assistant and issue to the applicant a license to practice as a certified mental health assistant. The license shall be valid for a two-year period unless revoked or suspended, shall expire on the date that is two years after the date of issuance, and may be renewed for additional two-year periods in accordance with section 4772.08 of the Revised Code.</u>	6601 6602 6603 6604 6605 6606 6607 6608 6609 6610 6611
<u>Sec. 4772.07. On application by the holder of a license to</u>	6612

practice as a certified mental health assistant, the state 6613  
medical board shall issue a duplicate license to replace one 6614  
that is missing or damaged, to reflect a name change, or for any 6615  
other reasonable cause. The fee for a duplicate license is 6616  
thirty-five dollars. 6617

**Sec. 4772.08.** (A) An individual seeking to renew a license 6618  
to practice as a certified mental health assistant shall, on or 6619  
before the license's expiration date, apply to the state medical 6620  
board for renewal. The board shall provide renewal notices to 6621  
license holders at least one month prior to the expiration date. 6622

Renewal applications shall be submitted to the board in a 6623  
manner prescribed by the board. Each application shall be 6624  
accompanied by a biennial renewal fee specified by the board in 6625  
rules adopted under section 4772.19 of the Revised Code. 6626

The applicant shall report any criminal offense that 6627  
constitutes grounds for refusing to issue a license under 6628  
section 4772.20 of the Revised Code to which the applicant has 6629  
pleaded guilty, of which the applicant has been found guilty, or 6630  
for which the applicant has been found eligible for intervention 6631  
in lieu of conviction, since last signing an application for a 6632  
license to practice as a certified mental health assistant. 6633

(B) To be eligible for renewal, a certified mental health 6634  
assistant shall certify to the board that the assistant has 6635  
complied with the renewal eligibility requirements established 6636  
under section 4772.081 of the Revised Code that pertain to the 6637  
applicant. 6638

(C) If an applicant submits a renewal application that the 6639  
board considers to be complete and qualifies for renewal 6640  
pursuant to division (B) of this section, the board shall issue 6641

to the applicant a renewed license to practice as a certified 6642  
mental health assistant. 6643

(D) The board may require a random sample of license 6644  
holders to submit materials documenting that the continuing 6645  
education requirements of section 4772.081 of the Revised Code, 6646  
and any other continuing education required by the board's 6647  
rules, have been satisfied. 6648

Division (D) of this section does not limit the board's 6649  
authority to conduct investigations pursuant to section 4772.20 6650  
of the Revised Code. 6651

(E) A license that is not renewed on or before its 6652  
expiration date is automatically suspended on its expiration 6653  
date, subject to the provisions of section 119.06 of the Revised 6654  
Code specifying that an applicant who appropriately files a 6655  
renewal application is not required to discontinue practicing 6656  
merely because the board has failed to act on the application. 6657

If a license has been suspended pursuant to this division 6658  
for two years or less, the board shall reinstate the license 6659  
upon an applicant's submission of a renewal application, the 6660  
biennial renewal fee, and the applicable monetary penalty. The 6661  
penalty for reinstatement is twenty-five dollars. 6662

If a license has been suspended pursuant to this division 6663  
for more than two years, it may be restored. Subject to section 6664  
4772.082 of the Revised Code, the board may restore the license 6665  
upon an applicant's submission of a restoration application, the 6666  
biennial renewal fee, the applicable monetary penalty, and 6667  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 6668  
The board shall not restore a license unless the board, in its 6669  
discretion, decides that the results of the criminal records 6670

check do not make the applicant ineligible for a certificate 6671  
issued pursuant to section 4772.06 of the Revised Code. The 6672  
penalty for restoration is fifty dollars. 6673

(F)(1) If, through a random sample conducted under 6674  
division (D) of this section or any other means, the board finds 6675  
that an individual who certified completion of the continuing 6676  
education required to renew, reinstate, or restore a license to 6677  
practice did not complete the requisite continuing medical 6678  
education, the board may do either of the following: 6679

(a) Take disciplinary action against the individual under 6680  
section 4772.20 of the Revised Code, impose a civil penalty, or 6681  
both; 6682

(b) Permit the individual to agree in writing to complete 6683  
the continuing medical education and pay a civil penalty. 6684

(2) The board's finding in any disciplinary action taken 6685  
under division (F)(1)(a) of this section shall be made pursuant 6686  
to an adjudication under Chapter 119. of the Revised Code and by 6687  
an affirmative vote of not fewer than six of its members. 6688

(3) A civil penalty imposed under division (F)(1)(a) of 6689  
this section or paid under division (F)(1)(b) of this section 6690  
shall be in an amount specified by the board of not more than 6691  
five thousand dollars. The board shall deposit civil penalties 6692  
in accordance with section 4731.24 of the Revised Code. 6693

**Sec. 4772.081.** (A) To be eligible for renewal of a license 6694  
to practice as a certified mental health assistant, an applicant 6695  
who has been granted physician-delegated prescriptive authority 6696  
by the physician supervising the certified mental health 6697  
assistant is subject to both of the following: 6698

(1) The applicant shall complete every two years at least 6699

twelve hours of continuing education in pharmacology obtained 6700  
through a program or course approved by the state medical board 6701  
or a person the board has authorized to approve continuing 6702  
pharmacology education programs and courses. Except as provided 6703  
in section 5903.12 of the Revised Code, the continuing education 6704  
shall be completed not later than the date on which the 6705  
applicant's license expires. 6706

(2) (a) Except as provided in division (A) (2) (b) of this 6707  
section, in the case of an applicant who prescribes opioid 6708  
analgesics or benzodiazepines, as defined in section 3719.01 of 6709  
the Revised Code, the applicant shall certify to the board 6710  
whether the applicant has been granted access to the drug 6711  
database. 6712

(b) The requirement described in division (A) (2) (a) of 6713  
this section does not apply if any of the following is the case: 6714

(i) The state board of pharmacy notifies the state medical 6715  
board pursuant to section 4729.861 of the Revised Code that the 6716  
applicant has been restricted from obtaining further information 6717  
from the drug database. 6718

(ii) The state board of pharmacy no longer maintains the 6719  
drug database. 6720

(iii) The applicant does not practice as a certified 6721  
mental health assistant in this state. 6722

(c) If an applicant certifies to the state medical board 6723  
that the applicant has been granted access to the drug database 6724  
and the board finds through an audit or other means that the 6725  
applicant has not been granted access, the board may take action 6726  
under section 4772.20 of the Revised Code. 6727

(B) The state medical board shall provide for pro rata 6728



reductions by month of the number of hours of continuing 6729  
education in pharmacology that is required to be completed for 6730  
certified mental health assistants who have been disabled due to 6731  
illness or accident or have been absent from the country. The 6732  
board shall adopt rules, in accordance with Chapter 119. of the 6733  
Revised Code, as necessary to implement this division. 6734

(C) The continuing education required by this section is 6735  
in addition to any other continuing education required by the 6736  
board's rules. 6737

(D) If the board chooses to authorize persons to approve 6738  
continuing pharmacology education programs and courses, it shall 6739  
establish standards for granting that authority and grant the 6740  
authority in accordance with the standards. 6741

**Sec. 4772.082.** (A) This section applies to both of the 6742  
following: 6743

(1) An applicant seeking restoration of a license issued 6744  
under this chapter that has been in a suspended or inactive 6745  
state for any cause for more than two years; 6746

(2) An applicant seeking issuance of a license pursuant to 6747  
this chapter who for more than two years has not been practicing 6748  
as a certified mental health assistant as either of the 6749  
following: 6750

(a) An active practitioner; 6751

(b) A student in an academic program as described in 6752  
section 4772.04 of the Revised Code. 6753

(B) Before issuing a license to an applicant subject to 6754  
this section or restoring a license to good standing for an 6755  
applicant subject to this section, the state medical board may 6756

impose terms and conditions including any one or more of the 6757  
following: 6758

(1) Requiring the applicant to pass an oral or written 6759  
examination, or both, to determine the applicant's present 6760  
fitness to resume practice; 6761

(2) Requiring the applicant to obtain additional training 6762  
and to pass an examination upon completion of such training; 6763

(3) Requiring an assessment of the applicant's physical 6764  
skills for purposes of determining whether the applicant's 6765  
coordination, fine motor skills, and dexterity are sufficient 6766  
for performing evaluations and procedures in a manner that meets 6767  
the minimal standards of care; 6768

(4) Requiring an assessment of the applicant's skills in 6769  
recognizing and understanding diseases and conditions; 6770

(5) Requiring the applicant to undergo a comprehensive 6771  
physical examination, which may include an assessment of 6772  
physical abilities, evaluation of sensory capabilities, or 6773  
screening for the presence of neurological disorders; 6774

(6) Restricting or limiting the extent, scope, or type of 6775  
practice of the applicant. 6776

The board shall consider the moral background and the 6777  
activities of the applicant during the period of suspension or 6778  
inactivity. The board shall not issue or restore a license under 6779  
this section unless the applicant complies with sections 4776.01 6780  
to 4776.04 of the Revised Code. 6781

**Sec. 4772.09.** A license to practice as a certified mental 6782  
health assistant issued under this chapter authorizes the holder 6783  
to practice as a certified mental health assistant as follows: 6784

(A) The certified mental health assistant shall practice 6785  
only under the supervision, control, and direction of a 6786  
physician with whom the certified mental health assistant has 6787  
entered into a supervision agreement under section 4772.10 of 6788  
the Revised Code. 6789

(B) The certified mental health assistant shall practice 6790  
in accordance with the supervision agreement entered into with 6791  
the physician who is responsible for supervising the certified 6792  
mental health assistant. 6793

(C) Subject to division (D) of this section, a certified 6794  
mental health assistant licensed under this chapter may perform 6795  
any of the following services authorized by the supervising 6796  
physician that are part of the supervising physician's normal 6797  
course of practice and expertise: 6798

(1) Ordering diagnostic, therapeutic, and other medical 6799  
services as appropriate based on a patient's diagnosis that has 6800  
been made in accordance with division (D) of this section; 6801

(2) Ordering, prescribing, personally furnishing, and 6802  
administering drugs and medical devices in accordance with 6803  
sections 4772.12 to 4772.18 of the Revised Code; 6804

(3) Prescribing physical therapy or referring a patient to 6805  
a physical therapist for physical therapy, if related to a 6806  
diagnosis that has been made in accordance with division (D) of 6807  
this section; 6808

(4) Ordering occupational therapy or referring a patient 6809  
to an occupational therapist for occupational therapy, if 6810  
related to a diagnosis that has been made in accordance with 6811  
division (D) of this section; 6812

(5) Referring a patient to emergency medical services for 6813

acute safety concerns, provided the certified mental health 6814  
assistant consults with the assistant's supervising physician as 6815  
soon as possible thereafter; 6816

(6) Referring a patient for voluntary or involuntary 6817  
admission for substance use disorder treatment or inpatient 6818  
psychiatric care, but only after consulting with the certified 6819  
mental health assistant's supervising physician; 6820

(7) Any other services specified by the state medical 6821  
board in rules adopted under section 4772.19 of the Revised 6822  
Code. 6823

(D) A certified mental health assistant shall not do any 6824  
of the following: 6825

(1) Make an initial diagnosis; 6826

(2) Treat a patient for any diagnosis or condition not 6827  
found in the most recent edition of the diagnostic and 6828  
statistical manual of mental disorders published by the American 6829  
psychiatric association, or a similar publication if designated 6830  
by the board; 6831

(3) Engage in electroconvulsive therapy, transcranial 6832  
magnetic stimulation, or any other intervention designated as 6833  
invasive by the board's rules. 6834

**Sec. 4772.091.** A certified mental health assistant may 6835  
provide telehealth services in accordance with section 4743.09 6836  
of the Revised Code. 6837

**Sec. 4772.092.** (A) Acting pursuant to a supervision 6838  
agreement, a certified mental health assistant may delegate 6839  
performance of a task to implement a patient's plan of care or, 6840  
if the conditions in division (C) of this section are met, may 6841

delegate administration of a drug. Subject to division (D) of 6842  
section 4772.03 of the Revised Code, delegation may be to any 6843  
person. The certified mental health assistant must be physically 6844  
present at the location where the task is performed or the drug 6845  
administered. 6846

(B) Prior to delegating a task or administration of a 6847  
drug, a certified mental health assistant shall determine that 6848  
the task or drug is appropriate for the patient and the person 6849  
to whom the delegation is to be made may safely perform the task 6850  
or administer the drug. 6851

(C) A certified mental health assistant may delegate 6852  
administration of a drug only if all of the following conditions 6853  
are met: 6854

(1) The certified mental health assistant has been granted 6855  
physician-delegated prescriptive authority by the physician 6856  
supervising the certified mental health assistant and is 6857  
authorized to prescribe the drug. 6858

(2) The drug is not a controlled substance. 6859

(3) The drug will not be administered intravenously. 6860

(4) The drug will not be administered in a hospital 6861  
inpatient care unit, as defined in section 3727.50 of the 6862  
Revised Code; a hospital emergency department; a freestanding 6863  
emergency department; or an ambulatory surgical facility 6864  
licensed under section 3702.30 of the Revised Code. 6865

(D) A person not otherwise authorized to administer a drug 6866  
or perform a specific task may do so in accordance with a 6867  
certified mental health assistant's delegation under this 6868  
section. 6869

Sec. 4772.10. (A) Before initiating supervision of one or 6870  
more certified mental health assistants licensed under this 6871  
chapter, a physician shall enter into a supervision agreement 6872  
with each certified mental health assistant who will be 6873  
supervised. A supervision agreement may apply to one or more 6874  
certified mental health assistants, but, except as provided in 6875  
division (B) (5) of this section, may apply to not more than one 6876  
physician. The supervision agreement shall specify that the 6877  
physician agrees to supervise the certified mental health 6878  
assistant and the certified mental health assistant agrees to 6879  
practice under that physician's supervision. 6880

The agreement shall clearly state that the supervising 6881  
physician is legally responsible and assumes legal liability for 6882  
the services provided by the certified mental health assistant. 6883  
The agreement shall be signed by the physician and the certified 6884  
mental health assistant. 6885

(B) A supervision agreement shall include terms that 6886  
specify all of the following: 6887

(1) The responsibilities to be fulfilled by the physician 6888  
in supervising the certified mental health assistant; 6889

(2) The responsibilities to be fulfilled by the certified 6890  
mental health assistant when performing services under the 6891  
physician's supervision; 6892

(3) Any limitations on the responsibilities to be 6893  
fulfilled by the certified mental health assistant; 6894

(4) The circumstances under which the certified mental 6895  
health assistant is required to refer a patient to the 6896  
supervising physician; 6897

(5) If the supervising physician chooses to designate 6898

physicians to act as alternate supervising physicians, the 6899  
names, business addresses, and business telephone numbers of the 6900  
physicians who have agreed to act in that capacity. 6901

(C) A supervision agreement may be amended to modify the 6902  
responsibilities of one or more certified mental health 6903  
assistants or to include one or more additional certified mental 6904  
health assistants. 6905

(D) The supervising physician who entered into a 6906  
supervision agreement shall retain a copy of the agreement in 6907  
the records maintained by the supervising physician. Each 6908  
certified mental health assistant who entered into the 6909  
supervision agreement shall retain a copy of the agreement in 6910  
the records maintained by the certified mental health assistant. 6911

(E) (1) If the board finds, through a review conducted 6912  
under this section or through any other means, any of the 6913  
following, the board may take disciplinary action against the 6914  
individual under section 4772.20 or 4731.22 of the Revised Code, 6915  
impose a civil penalty, or both: 6916

(a) That a certified mental health assistant has practiced 6917  
in a manner that departs from, or fails to conform to, the terms 6918  
of a supervision agreement entered into under this section; 6919

(b) That a physician has supervised a certified mental 6920  
health assistant in a manner that departs from, or fails to 6921  
conform to, the terms of a supervision agreement entered into 6922  
under this section; 6923

(c) That a physician or certified mental health assistant 6924  
failed to comply with division (A) or (B) of this section. 6925

(2) If the board finds, through a review conducted under 6926  
this section or through any other means, that a physician or 6927

certified mental health assistant failed to comply with division 6928  
(D) of this section, the board may do either of the following: 6929

(a) Take disciplinary action against the individual under 6930  
section 4772.20 or 4731.22 of the Revised Code, impose a civil 6931  
penalty, or both; 6932

(b) Permit the individual to agree in writing to update 6933  
the records to comply with division (D) of this section and pay 6934  
a civil penalty. 6935

(3) The board's finding in any disciplinary action taken 6936  
under division (E) of this section shall be made pursuant to an 6937  
adjudication conducted under Chapter 119. of the Revised Code. 6938

(4) A civil penalty imposed under division (E) (1) or (2) 6939  
(a) of this section or paid under division (E) (2) (b) of this 6940  
section shall be in an amount specified by the board of not more 6941  
than five thousand dollars and shall be deposited in accordance 6942  
with section 4731.24 of the Revised Code. 6943

**Sec. 4772.11. (A) The supervising physician of a certified** 6944  
**mental health assistant exercises supervision, control, and** 6945  
**direction of the certified mental health assistant. A certified** 6946  
**mental health assistant may practice in any setting within which** 6947  
**the supervising physician has supervision, control, and** 6948  
**direction of the certified mental health assistant.** 6949

In supervising a certified mental health assistant, all of 6950  
the following apply: 6951

(1) (a) Except as provided in division (A) (1) (b) of this 6952  
section, the supervising physician shall be continuously 6953  
available for direct communication with the certified mental 6954  
health assistant by either of the following means: 6955



(i) Being physically present at the location where the certified mental health assistant is practicing; 6956  
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(ii) Being readily available to the certified mental health assistant through some means of telecommunication and being in a location that is a distance from the location where the certified mental health assistant is practicing that reasonably allows the physician to assure proper care of patients. 6958  
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(b) During the first five hundred hours of a certified mental health assistant's practice, the supervising physician shall be continuously available for direct communication with the certified mental health assistant only by being physically present at the location where the certified mental health assistant is practicing. This division does not require that the supervising physician be in the same room as the certified mental health assistant. 6964  
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(2) Prior to a certified mental health assistant providing services to a patient, the supervising physician must have evaluated the patient and diagnosed the patient with a diagnosis or condition found in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association, or a similar publication if designated by the board. 6972  
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(3) (a) After the initial diagnosis, the supervising physician shall personally and actively review the certified mental health assistant's professional activities, on not less than a weekly basis. 6979  
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(b) (i) Except as provided in division (A) (3) (b) (ii) of this section, the supervising physician must reevaluate the 6983  
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patient not less than every two years, and sooner if there is a 6985  
significant change in the patient's condition or possible change 6986  
in the patient's diagnosis. 6987

(ii) The supervising physician shall reevaluate a patient 6988  
annually if the patient has been prescribed by a certified 6989  
mental health assistant, in accordance with section 4772.13 of 6990  
the Revised Code, a controlled substance related to a diagnosis 6991  
or condition found in the most recent edition of the diagnostic 6992  
and statistical manual of mental disorders published by the 6993  
American psychiatric association, or a similar publication if 6994  
designated by the board. 6995

(4) The supervising physician shall ensure that the 6996  
quality assurance system established pursuant to division (E) of 6997  
this section is implemented and maintained. 6998

(5) The supervising physician shall regularly perform any 6999  
other reviews of the certified mental health assistant that the 7000  
supervising physician considers necessary. 7001

(B) A physician may enter into supervision agreements with 7002  
any number of certified mental health assistants, but the 7003  
physician may not supervise more than five certified mental 7004  
health assistants at any one time. A certified mental health 7005  
assistant may enter into supervision agreements with any number 7006  
of supervising physicians. 7007

(C) A supervising physician may authorize a certified 7008  
mental health assistant to perform a service only if the 7009  
physician is satisfied that the certified mental health 7010  
assistant is capable of competently performing the service. A 7011  
supervising physician shall not authorize a certified mental 7012  
health assistant to perform any service that is beyond the 7013

physician's or the certified mental health assistant's normal 7014  
course of practice and expertise. 7015

(D) Each time a certified mental health assistant writes a 7016  
medical order, including prescriptions written in the exercise 7017  
of physician-delegated prescriptive authority, the certified 7018  
mental health assistant shall sign the form on which the order 7019  
is written and record on the form the time and date that the 7020  
order is written. 7021

(E) (1) The supervising physician of a certified mental 7022  
health assistant shall establish a quality assurance system to 7023  
be used in supervising the certified mental health assistant. 7024  
All or part of the system may be applied to other certified 7025  
mental health assistants who are supervised by the supervising 7026  
physician. The system shall be developed in consultation with 7027  
each certified mental health assistant to be supervised by the 7028  
physician. 7029

(2) In establishing the quality assurance system, the 7030  
supervising physician shall describe a process to be used for 7031  
all of the following: 7032

(a) Routine review by the physician of selected patient 7033  
record entries made by the certified mental health assistant and 7034  
selected medical orders issued by the certified mental health 7035  
assistant; 7036

(b) Discussion of complex cases; 7037

(c) Discussion of new medical developments relevant to the 7038  
practice of the physician and certified mental health assistant; 7039

(d) Performance of any quality assurance activities 7040  
required in rules adopted by the state medical board; 7041

(e) Performance of any other quality assurance activities 7042  
that the supervising physician considers to be appropriate. 7043

(3) The supervising physician and certified mental health 7044  
assistant shall keep records of their quality assurance 7045  
activities. On request, the records shall be made available to 7046  
the board. 7047

(F) When performing authorized services, a certified 7048  
mental health assistant acts as the agent of the certified 7049  
mental health assistant's supervising physician. The supervising 7050  
physician is legally responsible and assumes legal liability for 7051  
the services provided by the certified mental health assistant. 7052

The physician is not responsible or liable for any 7053  
services provided by the certified mental health assistant after 7054  
their supervision agreement expires or is terminated. 7055

**Sec. 4772.12.** (A) A license issued by the state medical 7056  
board under section 4772.06 of the Revised Code authorizes the 7057  
license holder to prescribe and personally furnish drugs and 7058  
therapeutic devices in the exercise of physician-delegated 7059  
prescriptive authority. 7060

(B) In exercising physician-delegated prescriptive 7061  
authority, a certified mental health assistant is subject to 7062  
section 4772.13 of the Revised Code and all of the following: 7063

(1) The certified mental health assistant shall exercise 7064  
physician-delegated prescriptive authority only to the extent 7065  
that the physician supervising the certified mental health 7066  
assistant has granted that authority. 7067

(2) (a) The certified mental health assistant shall comply 7068  
with all conditions placed on the physician-delegated 7069  
prescriptive authority, as specified by the supervising 7070

physician who is supervising the certified mental health 7071  
assistant in the exercise of physician-delegated prescriptive 7072  
authority. If conditions are placed on that authority, the 7073  
supervising physician shall maintain a written record of the 7074  
conditions and make the record available to the state medical 7075  
board on request. 7076

(b) The conditions that a supervising physician may place 7077  
on the physician-delegated prescriptive authority granted to a 7078  
certified mental health assistant include the following: 7079

(i) Identification by class and specific generic 7080  
nomenclature of drugs and therapeutic devices that the physician 7081  
chooses not to permit the certified mental health assistant to 7082  
prescribe; 7083

(ii) Limitations on the dosage units or refills that the 7084  
certified mental health assistant is authorized to prescribe; 7085

(iii) Specification of circumstances under which the 7086  
certified mental health assistant is required to refer patients 7087  
to the supervising physician or another physician when 7088  
exercising physician-delegated prescriptive authority; 7089

(iv) Responsibilities to be fulfilled by the physician in 7090  
supervising the certified mental health assistant that are not 7091  
otherwise specified in the supervision agreement or otherwise 7092  
required by this chapter. 7093

(3) If the certified mental health assistant possesses 7094  
physician-delegated prescriptive authority for controlled 7095  
substances, both of the following apply: 7096

(a) The certified mental health assistant shall register 7097  
with the federal drug enforcement administration. 7098

(b) The certified mental health assistant shall comply with section 4772.13 of the Revised Code. 7099  
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(4) If the certified mental health assistant possesses physician-delegated prescriptive authority to prescribe for a minor an opioid analgesic, as those terms are defined in sections 3719.01 and 3719.061 of the Revised Code, respectively, the certified mental health assistant shall comply with section 3719.061 of the Revised Code. 7101  
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(C) A certified mental health assistant shall not prescribe any drug in violation of state or federal law. 7107  
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**Sec. 4772.13.** (A) Subject to division (B) of this section, a certified mental health assistant may prescribe to a patient a controlled substance only if the controlled substance is one of the following: 7109  
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(1) Buprenorphine, but only for a patient that is actively engaged in opioid use disorder treatment; 7113  
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(2) A benzodiazepine, but only in the following circumstances: 7115  
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(a) For a patient diagnosed by the supervising physician as having a chronic anxiety disorder; 7117  
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(b) For a patient with acute anxiety or agitation, but only in an amount indicated for a period not to exceed seven days. 7119  
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(3) A stimulant that has been approved by the federal food and drug administration for the treatment of attention deficit hyperactivity disorder, but only if the supervising physician has diagnosed the patient with, or confirmed the patient's diagnosis of, attention deficit hyper activity disorder. 7122  
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(B) Except as provided in division (C) of this section, a certified mental health assistant licensed under this chapter who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant shall comply with all of the following as conditions of prescribing a controlled substance identified in division (A) of this section as part of a patient's course of treatment for a particular condition: 7127  
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(1) Before initially prescribing the drug, the certified mental health assistant or the certified mental health assistant's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the certified mental health assistant practices primarily in a county of this state that adjoins another state, the certified mental health assistant or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county. 7135  
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(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the certified mental health assistant or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database. 7146  
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(3) On receipt of a report under division (B)(1) or (2) of 7156

this section, the certified mental health assistant shall assess 7157  
the information in the report. The certified mental health 7158  
assistant shall document in the patient's record that the report 7159  
was received and the information was assessed. 7160

(C) Division (B) of this section does not apply in any of 7161  
the following circumstances: 7162

(1) A drug database report regarding the patient is not 7163  
available, in which case the certified mental health assistant 7164  
shall document in the patient's record the reason that the 7165  
report is not available. 7166

(2) The drug is prescribed in an amount indicated for a 7167  
period not to exceed seven days. 7168

(3) The drug is prescribed to a hospice patient in a 7169  
hospice care program, as those terms are defined in section 7170  
3712.01 of the Revised Code, or any other patient diagnosed as 7171  
terminally ill. 7172

(4) The drug is prescribed for administration in a 7173  
hospital, nursing home, or residential care facility. 7174

(5) If the state board of pharmacy no longer maintains the 7175  
drug database. 7176

(D) The state medical board shall adopt rules in 7177  
accordance with Chapter 119. of the Revised Code to implement 7178  
this section, including both of the following: 7179

(1) Standards and procedures to be followed by a certified 7180  
mental health assistant who has been granted physician-delegated 7181  
prescriptive authority regarding the review of patient 7182  
information available through the drug database under division 7183  
(A) (5) of section 4729.80 of the Revised Code. 7184



The rules adopted under this division do not apply if the 7185  
state board of pharmacy no longer maintains the drug database. 7186

(2) Standards and procedures to be followed by a certified 7187  
mental health assistant in the use of buprenorphine for use in 7188  
medication-assisted treatment, including regarding 7189  
detoxification, relapse prevention, patient assessment, 7190  
individual treatment planning, counseling and recovery supports, 7191  
diversion control, and other topics selected by the board after 7192  
considering best practices in medication-assisted treatment. 7193

The board may apply the rules to all circumstances in 7194  
which a certified mental health assistant prescribes drugs for 7195  
use in medication-assisted treatment or limit the application of 7196  
the rules to prescriptions for medication-assisted treatment 7197  
issued for patients being treated in office-based practices or 7198  
other practice types or locations specified by the board. 7199

The rules adopted under this division shall be consistent 7200  
with this chapter and, to the extent consistent with this 7201  
chapter, rules adopted under sections 4723.51, 4730.55, and 7202  
4731.056 of the Revised Code. 7203

**Sec. 4772.14.** (A) A certified mental health assistant who 7204  
has been granted physician-delegated prescriptive authority by 7205  
the physician supervising the certified mental health assistant 7206  
may personally furnish to a patient samples of drugs and 7207  
therapeutic devices that are included in the certified mental 7208  
health assistant's physician-delegated prescriptive authority, 7209  
subject to all of the following: 7210

(1) The amount of the sample furnished shall not exceed a 7211  
seventy-two-hour supply, except when the minimum available 7212  
quantity of the sample is packaged in an amount that is greater 7213

than a seventy-two-hour supply, in which case the certified 7214  
mental health assistant may furnish the sample in the package 7215  
amount. 7216

(2) No charge may be imposed for the sample or for 7217  
furnishing it. 7218

(3) Samples of controlled substances may not be personally 7219  
furnished. 7220

(B) A certified mental health assistant who has been 7221  
granted physician-delegated prescriptive authority by the 7222  
physician supervising the certified mental health assistant may 7223  
personally furnish to a patient a complete or partial supply of 7224  
the drugs and therapeutic devices that are included in the 7225  
certified mental health assistant's physician-delegated 7226  
prescriptive authority, subject to all of the following: 7227

(1) The certified mental health assistant shall not 7228  
furnish the drugs and devices in locations other than the 7229  
following: 7230

(a) A health department operated by the board of health of 7231  
a city or general health district or the authority having the 7232  
duties of a board of health under section 3709.05 of the Revised 7233  
Code; 7234

(b) A federally funded comprehensive primary care clinic; 7235

(c) A nonprofit health care clinic or program; 7236

(d) An employer-based clinic that provides health care 7237  
services to the employer's employees. 7238

(2) The certified mental health assistant shall comply 7239  
with all standards and procedures for personally furnishing 7240  
supplies of drugs and devices, as established in rules adopted 7241

under this section. 7242

(3) Complete or partial supplies of controlled substances 7243  
may not be personally furnished. 7244

(C) The state medical board shall adopt rules establishing 7245  
standards and procedures to be followed by a certified mental 7246  
health assistant in personally furnishing samples of drugs or 7247  
complete or partial supplies of drugs to patients under this 7248  
section. Rules adopted under this section shall be adopted in 7249  
accordance with Chapter 119. of the Revised Code. 7250

**Sec. 4772.15.** (A) As used in this section, "community 7251  
addiction services provider" has the same meaning as in section 7252  
5119.01 of the Revised Code. 7253

(B) A certified mental health assistant shall comply with 7254  
section 3719.064 of the Revised Code and rules adopted under 7255  
section 4772.13 of the Revised Code when treating a patient with 7256  
medication-assisted treatment or proposing to initiate such 7257  
treatment. 7258

(C) A certified mental health assistant who fails to 7259  
comply with this section shall treat not more than thirty 7260  
patients at any one time with medication-assisted treatment even 7261  
if the facility or location at which the treatment is provided 7262  
is either of the following: 7263

(1) Exempted by divisions (B) (2) (a) to (d) or (i) of 7264  
section 4729.553 of the Revised Code from being required to 7265  
possess a category III terminal distributor of dangerous drugs 7266  
license with an office-based opioid treatment classification; 7267

(2) A community addiction services provider that provides 7268  
alcohol and drug addiction services that are certified by the 7269  
department of mental health and addiction services under section 7270

5119.36 of the Revised Code. 7271

**Sec. 4772.16.** (A) Notwithstanding any provision of this 7272  
chapter or rule adopted by the state medical board, a certified 7273  
mental health assistant who has been granted physician-delegated 7274  
prescriptive authority by the physician supervising the 7275  
certified mental health assistant may personally furnish a 7276  
supply of naloxone, or issue a prescription for naloxone, 7277  
without having examined the individual to whom it may be 7278  
administered if both of the following conditions are met: 7279

(1) The naloxone supply is furnished to, or the 7280  
prescription is issued to and in the name of, a family member, 7281  
friend, or other individual in a position to assist an 7282  
individual who there is reason to believe is at risk of 7283  
experiencing an opioid-related overdose. 7284

(2) The certified mental health assistant instructs the 7285  
individual receiving the naloxone supply or prescription to 7286  
summon emergency services as soon as practicable either before 7287  
or after administering naloxone to an individual apparently 7288  
experiencing an opioid-related overdose. 7289

(B) A certified mental health assistant who under division 7290  
(A) of this section in good faith furnishes a supply of naloxone 7291  
or issues a prescription for naloxone is not liable for or 7292  
subject to any of the following for any action or omission of 7293  
the individual to whom the naloxone is furnished or the 7294  
prescription is issued: damages in any civil action, prosecution 7295  
in any criminal proceeding, or professional disciplinary action. 7296

**Sec. 4772.17.** (A) (1) A certified mental health assistant 7297  
who has been granted physician-delegated prescriptive authority 7298  
by the physician supervising the certified mental health 7299

assistant and who has established a protocol that meets the 7300  
requirements of division (C) of this section may authorize one 7301  
or more other individuals to personally furnish a supply of 7302  
naloxone pursuant to the protocol to either of the following: 7303

(a) An individual who there is reason to believe is 7304  
experiencing or at risk of experiencing an opioid-related 7305  
overdose; 7306

(b) A family member, friend, or other person in a position 7307  
to assist an individual who there is reason to believe is at 7308  
risk of experiencing an opioid-related overdose. 7309

(2) An individual authorized under this section to 7310  
personally furnish naloxone may do so without having examined 7311  
the individual to whom it may be administered. 7312

(B) An individual authorized by a certified mental health 7313  
assistant under this section may personally furnish naloxone to 7314  
an individual described in division (A) (1) (a) or (b) of this 7315  
section if both of the following conditions are met: 7316

(1) The authorized individual complies with the protocol 7317  
established by the authorizing certified mental health 7318  
assistant, including having completed the training required by 7319  
the protocol. 7320

(2) The authorized individual instructs the individual to 7321  
whom naloxone is furnished to summon emergency services as soon 7322  
as practicable either before or after administering naloxone. 7323

(C) A protocol established by a certified mental health 7324  
assistant for purposes of this section shall be established in 7325  
writing and include all of the following: 7326

(1) A description of the clinical pharmacology of 7327

<u>naloxone;</u>	7328
<u>(2) Precautions and contraindications concerning furnishing naloxone;</u>	7329 7330
<u>(3) Any limitations the certified mental health assistant specifies concerning the individuals to whom naloxone may be furnished;</u>	7331 7332 7333
<u>(4) The naloxone dosage that may be furnished and any variation in the dosage based on circumstances specified in the protocol;</u>	7334 7335 7336
<u>(5) Labeling, storage, recordkeeping, and administrative requirements;</u>	7337 7338
<u>(6) Training requirements that must be met before an individual will be authorized to furnish naloxone;</u>	7339 7340
<u>(7) Any instructions or training that the authorized individual must provide to an individual to whom naloxone is furnished.</u>	7341 7342 7343
<u>(D) A certified mental health assistant who in good faith authorizes another individual to personally furnish naloxone in accordance with a protocol established by the certified mental health assistant under this section is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is furnished: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.</u>	7344 7345 7346 7347 7348 7349 7350 7351
<u>An individual authorized under this section to personally furnish naloxone who does so in good faith is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is furnished: damages in any</u>	7352 7353 7354 7355

civil action, prosecution in any criminal proceeding, or 7356  
professional disciplinary action. 7357

Sec. 4772.18. (A) As used in this section, "service 7358  
entity" has the same meaning as in section 4729.514 of the 7359  
Revised Code. 7360

(B) A certified mental health assistant who has been 7361  
granted physician-delegated prescriptive authority by the 7362  
physician supervising the certified mental health assistant and 7363  
who has established a protocol under division (D) of this 7364  
section may authorize an individual who is an employee, 7365  
volunteer, or contractor of a service entity to administer 7366  
naloxone to an individual who is apparently experiencing an 7367  
opioid-related overdose. 7368

(C) An individual authorized by a certified mental health 7369  
assistant under this section may administer naloxone to an 7370  
individual who is apparently experiencing an opioid-related 7371  
overdose if all of the following conditions are met: 7372

(1) The naloxone is obtained from a service entity of 7373  
which the authorized individual is an employee, volunteer, or 7374  
contractor. 7375

(2) The authorized individual complies with the protocol 7376  
established by the authorizing certified mental health 7377  
assistant. 7378

(3) The authorized individual summons emergency services 7379  
as soon as practicable either before or after administering the 7380  
naloxone. 7381

(D) A protocol established by a certified mental health 7382  
assistant for purposes of this section must be in writing and 7383  
include all of the following: 7384

<u>(1) A description of the clinical pharmacology of naloxone;</u>	7385
	7386
<u>(2) Precautions and contraindications concerning the administration of naloxone;</u>	7387
	7388
<u>(3) Any limitations the certified mental health assistant specifies concerning the individuals to whom naloxone may be administered;</u>	7389
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	7391
<u>(4) The naloxone dosage that may be administered and any variation in the dosage based on circumstances specified in the protocol;</u>	7392
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<u>(5) Labeling, storage, recordkeeping, and administrative requirements;</u>	7395
	7396
<u>(6) Training requirements that must be met before an individual can be authorized to administer naloxone.</u>	7397
	7398
<u>(E) A certified mental health assistant who in good faith authorizes an individual to administer naloxone under this section is not liable for or subject to any of the following for any act or omission of the authorized individual: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.</u>	7399
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<u>A service entity or an employee, volunteer, or contractor of a service entity is not liable for or subject to any of the following for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or administering naloxone under this section, unless the act or omission constitutes willful or wanton misconduct: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.</u>	7405
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This section does not eliminate, limit, or reduce any 7414  
other immunity or defense that a service entity or an employee, 7415  
volunteer, or contractor of a service entity may be entitled to 7416  
under Chapter 2305. or any other provision of the Revised Code 7417  
or under the common law of this state. 7418

**Sec. 4772.19.** (A) The state medical board shall adopt 7419  
rules in accordance with Chapter 119. of the Revised Code to 7420  
implement and administer this chapter. 7421

(B) The rules adopted under this section shall include all 7422  
of the following: 7423

(1) Standards and procedures for issuing and renewing 7424  
licenses to practice as a certified mental health assistant; 7425

(2) Application fees for an initial or renewed license; 7426

(3) Regarding certified mental health assistant education 7427  
programs, rules regarding the application process, fees, 7428  
requirements for approval, reapproval, and withdrawing approval, 7429  
and curriculum standards; 7430

(4) Any additional services that certified mental health 7431  
assistants may perform pursuant to division (C) (7) of section 7432  
4772.09 of the Revised Code; 7433

(5) Rules governing physician-delegated prescriptive 7434  
authority for certified mental health assistants; 7435

(6) Any other standards and procedures the board considers 7436  
necessary to govern the practice of certified mental health 7437  
assistants, the supervisory relationship between certified 7438  
mental health assistants and supervising physicians, and the 7439  
administration and enforcement of this chapter. 7440

**Sec. 4772.20.** (A) The state medical board, by an 7441

affirmative vote of not fewer than six members, may revoke or 7442  
may refuse to grant a license to practice as a certified mental 7443  
health assistant to an individual found by the board to have 7444  
committed fraud, misrepresentation, or deception in applying for 7445  
or securing the license. 7446

(B) The board, by an affirmative vote of not fewer than 7447  
six members, shall, except as provided in division (C) of this 7448  
section, and to the extent permitted by law, limit, revoke, or 7449  
suspend an individual's license to practice as a certified 7450  
mental health assistant, refuse to issue a license to an 7451  
applicant, refuse to renew a license, refuse to reinstate a 7452  
license, or reprimand or place on probation the holder of a 7453  
license for any of the following reasons: 7454

(1) Permitting the holder's name or license to be used by 7455  
another person; 7456

(2) Failure to comply with the requirements of this 7457  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 7458  
by the board; 7459

(3) Violating or attempting to violate, directly or 7460  
indirectly, or assisting in or abetting the violation of, or 7461  
conspiring to violate, any provision of this chapter, Chapter 7462  
4731. of the Revised Code, or the rules adopted by the board; 7463

(4) A departure from, or failure to conform to, minimal 7464  
standards of care of similar practitioners under the same or 7465  
similar circumstances whether or not actual injury to the 7466  
patient is established; 7467

(5) Inability to practice according to acceptable and 7468  
prevailing standards of care by reason of mental illness or 7469  
physical illness, including physical deterioration that 7470

adversely affects cognitive, motor, or perceptive skills; 7471

(6) Impairment of ability to practice according to 7472  
acceptable and prevailing standards of care because of habitual 7473  
or excessive use or abuse of drugs, alcohol, or other substances 7474  
that impair ability to practice; 7475

(7) Willfully betraying a professional confidence; 7476

(8) Making a false, fraudulent, deceptive, or misleading 7477  
statement in securing or attempting to secure a license to 7478  
practice as a certified mental health assistant. 7479

As used in this division, "false, fraudulent, deceptive, 7480  
or misleading statement" means a statement that includes a 7481  
misrepresentation of fact, is likely to mislead or deceive 7482  
because of a failure to disclose material facts, is intended or 7483  
is likely to create false or unjustified expectations of 7484  
favorable results, or includes representations or implications 7485  
that in reasonable probability will cause an ordinarily prudent 7486  
person to misunderstand or be deceived. 7487

(9) The obtaining of, or attempting to obtain, money or a 7488  
thing of value by fraudulent misrepresentations in the course of 7489  
practice; 7490

(10) A plea of guilty to, a judicial finding of guilt of, 7491  
or a judicial finding of eligibility for intervention in lieu of 7492  
conviction for, a felony; 7493

(11) Commission of an act that constitutes a felony in 7494  
this state, regardless of the jurisdiction in which the act was 7495  
committed; 7496

(12) A plea of guilty to, a judicial finding of guilt of, 7497  
or a judicial finding of eligibility for intervention in lieu of 7498

<u>conviction for, a misdemeanor committed in the course of</u>	7499
<u>practice;</u>	7500
<u>(13) A plea of guilty to, a judicial finding of guilt of,</u>	7501
<u>or a judicial finding of eligibility for intervention in lieu of</u>	7502
<u>conviction for, a misdemeanor involving moral turpitude;</u>	7503
<u>(14) Commission of an act in the course of practice that</u>	7504
<u>constitutes a misdemeanor in this state, regardless of the</u>	7505
<u>jurisdiction in which the act was committed;</u>	7506
<u>(15) Commission of an act involving moral turpitude that</u>	7507
<u>constitutes a misdemeanor in this state, regardless of the</u>	7508
<u>jurisdiction in which the act was committed;</u>	7509
<u>(16) A plea of guilty to, a judicial finding of guilt of,</u>	7510
<u>or a judicial finding of eligibility for intervention in lieu of</u>	7511
<u>conviction for violating any state or federal law regulating the</u>	7512
<u>possession, distribution, or use of any drug, including</u>	7513
<u>trafficking in drugs;</u>	7514
<u>(17) Any of the following actions taken by the state</u>	7515
<u>agency responsible for regulating the practice of certified</u>	7516
<u>mental health assistants in another jurisdiction, for any reason</u>	7517
<u>other than the nonpayment of fees: the limitation, revocation,</u>	7518
<u>or suspension of an individual's license to practice; acceptance</u>	7519
<u>of an individual's license surrender; denial of a license;</u>	7520
<u>refusal to renew or reinstate a license; imposition of</u>	7521
<u>probation; or issuance of an order of censure or other</u>	7522
<u>reprimand;</u>	7523
<u>(18) Violation of the conditions placed by the board on a</u>	7524
<u>license to practice as a certified mental health assistant;</u>	7525
<u>(19) Failure to use universal blood and body fluid</u>	7526
<u>precautions established by rules adopted under section 4731.051</u>	7527

of the Revised Code; 7528

(20) Failure to cooperate in an investigation conducted by 7529  
the board under section 4772.21 of the Revised Code, including 7530  
failure to comply with a subpoena or order issued by the board 7531  
or failure to answer truthfully a question presented by the 7532  
board at a deposition or in written interrogatories, except that 7533  
failure to cooperate with an investigation shall not constitute 7534  
grounds for discipline under this section if a court of 7535  
competent jurisdiction has issued an order that either quashes a 7536  
subpoena or permits the individual to withhold the testimony or 7537  
evidence in issue; 7538

(21) Failure to practice in accordance with the 7539  
supervising physician's supervision agreement with the certified 7540  
mental health assistant; 7541

(22) Administering drugs for purposes other than those 7542  
authorized under this chapter; 7543

(23) Failure to comply with section 4772.13 of the Revised 7544  
Code, unless the board no longer maintains a drug database 7545  
pursuant to section 4729.75 of the Revised Code; 7546

(24) Assisting suicide, as defined in section 3795.01 of 7547  
the Revised Code. 7548

(C) The board shall not refuse to issue a license to an 7549  
applicant because of a plea of guilty to, a judicial finding of 7550  
guilt of, or a judicial finding of eligibility for intervention 7551  
in lieu of conviction for an offense unless the refusal is in 7552  
accordance with section 9.79 of the Revised Code. 7553

(D) Disciplinary actions taken by the board under 7554  
divisions (A) and (B) of this section shall be taken pursuant to 7555  
an adjudication under Chapter 119. of the Revised Code, except 7556

that in lieu of an adjudication, the board may enter into a 7557  
consent agreement with a certified mental health assistant or 7558  
applicant to resolve an allegation of a violation of this 7559  
chapter or any rule adopted under it. A consent agreement, when 7560  
ratified by an affirmative vote of not fewer than six members of 7561  
the board, shall constitute the findings and order of the board 7562  
with respect to the matter addressed in the agreement. If the 7563  
board refuses to ratify a consent agreement, the admissions and 7564  
findings contained in the consent agreement shall be of no force 7565  
or effect. 7566

(E) For purposes of divisions (B) (11), (14), and (15) of 7567  
this section, the commission of the act may be established by a 7568  
finding by the board, pursuant to an adjudication under Chapter 7569  
119. of the Revised Code, that the applicant or license holder 7570  
committed the act in question. The board shall have no 7571  
jurisdiction under these divisions in cases where the trial 7572  
court renders a final judgment in the license holder's favor and 7573  
that judgment is based upon an adjudication on the merits. The 7574  
board shall have jurisdiction under these divisions in cases 7575  
where the trial court issues an order of dismissal on technical 7576  
or procedural grounds. 7577

(F) The sealing of conviction records by any court shall 7578  
have no effect on a prior board order entered under the 7579  
provisions of this section or on the board's jurisdiction to 7580  
take action under the provisions of this section if, based upon 7581  
a plea of guilty, a judicial finding of guilt, or a judicial 7582  
finding of eligibility for intervention in lieu of conviction, 7583  
the board issued a notice of opportunity for a hearing prior to 7584  
the court's order to seal the records. The board shall not be 7585  
required to seal, destroy, redact, or otherwise modify its 7586  
records to reflect the court's sealing of conviction records. 7587

(G) For purposes of this division, any individual who 7588  
holds a license to practice as a certified mental health 7589  
assistant issued under this chapter, or applies for a license, 7590  
shall be deemed to have given consent to submit to a mental or 7591  
physical examination when directed to do so in writing by the 7592  
board and to have waived all objections to the admissibility of 7593  
testimony or examination reports that constitute a privileged 7594  
communication. 7595

(1) In enforcing division (B)(5) of this section, the 7596  
board, on a showing of a possible violation, may compel any 7597  
individual who holds a license to practice as a certified mental 7598  
health assistant issued under this chapter or who has applied 7599  
for a license to submit to a mental or physical examination, or 7600  
both. A physical examination may include an HIV test. The 7601  
expense of the examination is the responsibility of the 7602  
individual compelled to be examined. Failure to submit to a 7603  
mental or physical examination or consent to an HIV test ordered 7604  
by the board constitutes an admission of the allegations against 7605  
the individual unless the failure is due to circumstances beyond 7606  
the individual's control, and a default and final order may be 7607  
entered without the taking of testimony or presentation of 7608  
evidence. If the board finds a certified mental health assistant 7609  
unable to practice because of the reasons set forth in division 7610  
(B)(5) of this section, the board shall require the certified 7611  
mental health assistant to submit to care, counseling, or 7612  
treatment by physicians approved or designated by the board, as 7613  
a condition for an initial, continued, reinstated, or renewed 7614  
license. An individual affected by this division shall be 7615  
afforded an opportunity to demonstrate to the board the ability 7616  
to resume practicing in compliance with acceptable and 7617  
prevailing standards of care. 7618

(2) For purposes of division (B)(6) of this section, if 7619  
the board has reason to believe that any individual who holds a 7620  
license to practice as a certified mental health assistant 7621  
issued under this chapter or any applicant for a license suffers 7622  
such impairment, the board may compel the individual to submit 7623  
to a mental or physical examination, or both. The expense of the 7624  
examination is the responsibility of the individual compelled to 7625  
be examined. Any mental or physical examination required under 7626  
this division shall be undertaken by a treatment provider or 7627  
physician qualified to conduct such examination and chosen by 7628  
the board. 7629

Failure to submit to a mental or physical examination 7630  
ordered by the board constitutes an admission of the allegations 7631  
against the individual unless the failure is due to 7632  
circumstances beyond the individual's control, and a default and 7633  
final order may be entered without the taking of testimony or 7634  
presentation of evidence. If the board determines that the 7635  
individual's ability to practice is impaired, the board shall 7636  
suspend the individual's license or deny the individual's 7637  
application and shall require the individual, as a condition for 7638  
an initial, continued, reinstated, or renewed license to 7639  
practice, to submit to treatment. 7640

Before being eligible to apply for reinstatement of a 7641  
license suspended under this division, the certified mental 7642  
health assistant shall demonstrate to the board the ability to 7643  
resume practice in compliance with acceptable and prevailing 7644  
standards of care. The demonstration shall include the 7645  
following: 7646

(a) Certification from a treatment provider approved under 7647  
section 4731.25 of the Revised Code that the individual has 7648



successfully completed any required inpatient treatment; 7649

(b) Evidence of continuing full compliance with an 7650  
aftercare contract or consent agreement; 7651

(c) Two written reports indicating that the individual's 7652  
ability to practice has been assessed and that the individual 7653  
has been found capable of practicing according to acceptable and 7654  
prevailing standards of care. The reports shall be made by 7655  
individuals or providers approved by the board for making such 7656  
assessments and shall describe the basis for their 7657  
determination. 7658

The board may reinstate a license suspended under this 7659  
division after such demonstration and after the individual has 7660  
entered into a written consent agreement. 7661

When the impaired certified mental health assistant 7662  
resumes practice, the board shall require continued monitoring 7663  
of the certified mental health assistant. The monitoring shall 7664  
include monitoring of compliance with the written consent 7665  
agreement entered into before reinstatement or with conditions 7666  
imposed by board order after a hearing, and, on termination of 7667  
the consent agreement, submission to the board for at least two 7668  
years of annual written progress reports made under penalty of 7669  
falsification stating whether the certified mental health 7670  
assistant has maintained sobriety. 7671

(H) If the secretary and supervising member determine that 7672  
there is clear and convincing evidence that a certified mental 7673  
health assistant has violated division (B) of this section and 7674  
that the individual's continued practice presents a danger of 7675  
immediate and serious harm to the public, they may recommend 7676  
that the board suspend the individual's license to practice 7677

without a prior hearing. Written allegations shall be prepared 7678  
for consideration by the board. 7679

The board, on review of the allegations and by an 7680  
affirmative vote of not fewer than six of its members, excluding 7681  
the secretary and supervising member, may suspend a license 7682  
without a prior hearing. A telephone conference call may be 7683  
utilized for reviewing the allegations and taking the vote on 7684  
the summary suspension. 7685

The board shall issue a written order of suspension by 7686  
certified mail or in person in accordance with section 119.07 of 7687  
the Revised Code. The order shall not be subject to suspension 7688  
by the court during pendency of any appeal filed under section 7689  
119.12 of the Revised Code. If the certified mental health 7690  
assistant requests an adjudicatory hearing by the board, the 7691  
date set for the hearing shall be within fifteen days, but not 7692  
earlier than seven days, after the certified mental health 7693  
assistant requests the hearing, unless otherwise agreed to by 7694  
both the board and the license holder. 7695

A summary suspension imposed under this division shall 7696  
remain in effect, unless reversed on appeal, until a final 7697  
adjudicative order issued by the board pursuant to this section 7698  
and Chapter 119. of the Revised Code becomes effective. The 7699  
board shall issue its final adjudicative order within sixty days 7700  
after completion of its hearing. Failure to issue the order 7701  
within sixty days shall result in dissolution of the summary 7702  
suspension order, but shall not invalidate any subsequent, final 7703  
adjudicative order. 7704

(I) If the board takes action under division (B) (10), 7705  
(12), or (13) of this section, and the judicial finding of 7706  
guilt, guilty plea, or judicial finding of eligibility for 7707

intervention in lieu of conviction is overturned on appeal, on 7708  
exhaustion of the criminal appeal, a petition for 7709  
reconsideration of the order may be filed with the board along 7710  
with appropriate court documents. On receipt of a petition and 7711  
supporting court documents, the board shall reinstate the 7712  
license to practice as a certified mental health assistant. The 7713  
board may then hold an adjudication under Chapter 119. of the 7714  
Revised Code to determine whether the individual committed the 7715  
act in question. Notice of opportunity for hearing shall be 7716  
given in accordance with Chapter 119. of the Revised Code. If 7717  
the board finds, pursuant to an adjudication held under this 7718  
division, that the individual committed the act, or if no 7719  
hearing is requested, it may order any of the sanctions 7720  
specified in division (B) of this section. 7721

(J) The license to practice of a certified mental health 7722  
assistant and the assistant's practice in this state are 7723  
automatically suspended as of the date the certified mental 7724  
health assistant pleads guilty to, is found by a judge or jury 7725  
to be guilty of, or is subject to a judicial finding of 7726  
eligibility for intervention in lieu of conviction in this state 7727  
or treatment of intervention in lieu of conviction in another 7728  
jurisdiction for any of the following criminal offenses in this 7729  
state or a substantially equivalent criminal offense in another 7730  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 7731  
felonious assault, kidnapping, rape, sexual battery, gross 7732  
sexual imposition, aggravated arson, aggravated robbery, or 7733  
aggravated burglary. Continued practice after the suspension 7734  
shall be considered practicing without a license. 7735

The board shall notify the individual subject to the 7736  
suspension by certified mail or in person in accordance with 7737  
section 119.07 of the Revised Code. If an individual whose 7738

license is suspended under this division fails to make a timely 7739  
request for an adjudication under Chapter 119. of the Revised 7740  
Code, the board shall enter a final order permanently revoking 7741  
the individual's license. 7742

(K) In any instance in which the board is required by 7743  
Chapter 119. of the Revised Code to give notice of opportunity 7744  
for hearing and the individual subject to the notice does not 7745  
timely request a hearing in accordance with section 119.07 of 7746  
the Revised Code, the board is not required to hold a hearing, 7747  
but may adopt, by an affirmative vote of not fewer than six of 7748  
its members, a final order that contains the board's findings. 7749  
In the final order, the board may order any of the sanctions 7750  
identified under division (A) or (B) of this section. 7751

(L) Any action taken by the board under division (B) of 7752  
this section resulting in a suspension shall be accompanied by a 7753  
written statement of the conditions under which the certified 7754  
mental health assistant's license may be reinstated. The board 7755  
shall adopt rules in accordance with Chapter 119. of the Revised 7756  
Code governing conditions to be imposed for reinstatement. 7757  
Reinstatement of a license suspended pursuant to division (B) of 7758  
this section requires an affirmative vote of not fewer than six 7759  
members of the board. 7760

(M) When the board refuses to grant or issue a license to 7761  
practice as a certified mental health assistant to an applicant, 7762  
revokes an individual's license, refuses to renew an 7763  
individual's license, or refuses to reinstate an individual's 7764  
license, the board may specify that its action is permanent. An 7765  
individual subject to a permanent action taken by the board is 7766  
forever thereafter ineligible to hold a license to practice as a 7767  
certified mental health assistant and the board shall not accept 7768

an application for reinstatement of the license or for issuance 7769  
of a new license. 7770

(N) Notwithstanding any other provision of the Revised 7771  
Code, all of the following apply: 7772

(1) The surrender of a license to practice as a certified 7773  
mental health assistant issued under this chapter is not 7774  
effective unless or until accepted by the board. Reinstatement 7775  
of a license surrendered to the board requires an affirmative 7776  
vote of not fewer than six members of the board. 7777

(2) An application made under this chapter for a license 7778  
to practice may not be withdrawn without approval of the board. 7779

(3) Failure by an individual to renew a license to 7780  
practice in accordance with section 4772.08 of the Revised Code 7781  
shall not remove or limit the board's jurisdiction to take 7782  
disciplinary action under this section against the individual. 7783

**Sec. 4772.201.** On receipt of a notice pursuant to section 7784  
3123.43 of the Revised Code, the state medical board shall 7785  
comply with sections 3123.41 to 3123.50 of the Revised Code and 7786  
any applicable rules adopted under section 3123.63 of the 7787  
Revised Code with respect to a license to practice as a 7788  
certified mental health assistant issued under this chapter. 7789

**Sec. 4772.202.** If the state medical board has reason to 7790  
believe that any person who has been granted a license to 7791  
practice as a certified mental health assistant under this 7792  
chapter is mentally ill or mentally incompetent, it may file in 7793  
the probate court of the county in which the person has a legal 7794  
residence an affidavit in the form prescribed in section 5122.11 7795  
of the Revised Code and signed by the board secretary or a 7796  
member of the board secretary's staff, whereupon the same 7797

proceedings shall be had as provided in Chapter 5122. of the 7798  
Revised Code. The attorney general may represent the board in 7799  
any proceeding commenced under this section. 7800

If any person who has been granted a license is adjudged 7801  
by a probate court to be mentally ill or mentally incompetent, 7802  
the person's license shall be automatically suspended until the 7803  
person has filed with the state medical board a certified copy 7804  
of an adjudication by a probate court of the person's subsequent 7805  
restoration to competency or has submitted to the board proof, 7806  
satisfactory to the board, that the person has been discharged 7807  
as having a restoration to competency in the manner and form 7808  
provided in section 5122.38 of the Revised Code. The judge of 7809  
the probate court shall forthwith notify the state medical board 7810  
of an adjudication of mental illness or mental incompetence, and 7811  
shall note any suspension of a license in the margin of the 7812  
court's record of such license. 7813

**Sec. 4772.203.** (A) (1) If a certified mental health 7814  
assistant violates any section of this chapter or any rule 7815  
adopted under this chapter, the state medical board may, 7816  
pursuant to an adjudication under Chapter 119. of the Revised 7817  
Code and an affirmative vote of not fewer than six of its 7818  
members, impose a civil penalty. The amount of the civil penalty 7819  
shall be determined by the board in accordance with the 7820  
guidelines adopted under division (A) (2) of this section. The 7821  
civil penalty may be in addition to any other action the board 7822  
may take under section 4772.20 of the Revised Code. 7823

(2) The board shall adopt and may amend guidelines 7824  
regarding the amounts of civil penalties to be imposed under 7825  
this section. Adoption or amendment of the guidelines requires 7826  
the approval of not fewer than six board members. 7827

Under the guidelines, no civil penalty amount shall exceed 7828  
twenty thousand dollars. 7829

(B) Amounts received from payment of civil penalties 7830  
imposed under this section shall be deposited by the board in 7831  
accordance with section 4731.24 of the Revised Code. Amounts 7832  
received from payment of civil penalties imposed for violations 7833  
of division (B) (6) of section 4772.20 of the Revised Code shall 7834  
be used by the board solely for investigations, enforcement, and 7835  
compliance monitoring. 7836

**Sec. 4772.21.** (A) The state medical board shall 7837  
investigate evidence that appears to show that any person has 7838  
violated this chapter or the rules adopted under it. Any person 7839  
may report to the board in a signed writing any information the 7840  
person has that appears to show a violation of any provision of 7841  
this chapter or the rules adopted under it. In the absence of 7842  
bad faith, a person who reports such information or testifies 7843  
before the board in an adjudication conducted under Chapter 119. 7844  
of the Revised Code shall not be liable for civil damages as a 7845  
result of reporting the information or providing testimony. Each 7846  
complaint or allegation of a violation received by the board 7847  
shall be assigned a case number and be recorded by the board. 7848

(B) Investigations of alleged violations of this chapter 7849  
or rules adopted under it shall be supervised by the supervising 7850  
member elected by the board in accordance with section 4731.02 7851  
of the Revised Code and by the secretary as provided in section 7852  
4772.24 of the Revised Code. The board's president may designate 7853  
another member of the board to supervise the investigation in 7854  
place of the supervising member. A member of the board who 7855  
supervises the investigation of a case shall not participate in 7856  
further adjudication of the case. 7857

(C) In investigating a possible violation of this chapter 7858  
or the rules adopted under it, the board may administer oaths, 7859  
order the taking of depositions, issue subpoenas, and compel the 7860  
attendance of witnesses and production of books, accounts, 7861  
papers, records, documents, and testimony, except that a 7862  
subpoena for patient record information shall not be issued 7863  
without consultation with the attorney general's office and 7864  
approval of the secretary and supervising member of the board. 7865  
Before issuance of a subpoena for patient record information, 7866  
the secretary and supervising member shall determine whether 7867  
there is probable cause to believe that the complaint filed 7868  
alleges a violation of this chapter or the rules adopted under 7869  
it and that the records sought are relevant to the alleged 7870  
violation and material to the investigation. The subpoena may 7871  
apply only to records that cover a reasonable period of time 7872  
surrounding the alleged violation. 7873

On failure to comply with any subpoena issued by the board 7874  
and after reasonable notice to the person being subpoenaed, the 7875  
board may move for an order compelling the production of persons 7876  
or records pursuant to the Rules of Civil Procedure. 7877

A subpoena issued by the board may be served by a sheriff, 7878  
the sheriff's deputy, or a board employee designated by the 7879  
board. Service of a subpoena issued by the board may be made by 7880  
delivering a copy of the subpoena to the person named therein, 7881  
reading it to the person, or leaving it at the person's usual 7882  
place of residence. When the person being served is a certified 7883  
mental health assistant, service of the subpoena may be made by 7884  
certified mail, restricted delivery, return receipt requested, 7885  
and the subpoena shall be deemed served on the date delivery is 7886  
made or the date the person refuses to accept delivery. 7887



A sheriff's deputy who serves a subpoena shall receive the 7888  
same fees as a sheriff. Each witness who appears before the 7889  
board in obedience to a subpoena shall receive the fees and 7890  
mileage provided for witnesses in civil cases in the courts of 7891  
common pleas. 7892

(D) All hearings and investigations of the board shall be 7893  
considered civil actions for the purposes of section 2305.252 of 7894  
the Revised Code. 7895

(E) Information received by the board pursuant to an 7896  
investigation is confidential and not subject to discovery in 7897  
any civil action. 7898

The board shall conduct all investigations and proceedings 7899  
in a manner that protects the confidentiality of patients and 7900  
persons who file complaints with the board. The board shall not 7901  
make public the names or any other identifying information about 7902  
patients or complainants unless proper consent is given. 7903

The board may share any information it receives pursuant 7904  
to an investigation, including patient records and patient 7905  
record information, with law enforcement agencies, other 7906  
licensing boards, and other governmental agencies that are 7907  
prosecuting, adjudicating, or investigating alleged violations 7908  
of statutes or administrative rules. An agency or board that 7909  
receives the information shall comply with the same requirements 7910  
regarding confidentiality as those with which the state medical 7911  
board must comply, notwithstanding any conflicting provision of 7912  
the Revised Code or procedure of the agency or board that 7913  
applies when it is dealing with other information in its 7914  
possession. In a judicial proceeding, the information may be 7915  
admitted into evidence only in accordance with the Rules of 7916  
Evidence, but the court shall require that appropriate measures 7917

are taken to ensure that confidentiality is maintained with 7918  
respect to any part of the information that contains names or 7919  
other identifying information about patients or complainants 7920  
whose confidentiality was protected by the state medical board 7921  
when the information was in the board's possession. Measures to 7922  
ensure confidentiality that may be taken by the court include 7923  
sealing its records or deleting specific information from its 7924  
records. 7925

(F) On a quarterly basis, the board shall prepare a report 7926  
that documents the disposition of all cases during the preceding 7927  
three months. The report shall contain the following information 7928  
for each case with which the board has completed its activities: 7929

(1) The case number assigned to the complaint or alleged 7930  
violation; 7931

(2) The type of license, if any, held by the individual 7932  
against whom the complaint is directed; 7933

(3) A description of the allegations contained in the 7934  
complaint; 7935

(4) The disposition of the case. 7936

The report shall state how many cases are still pending, 7937  
and shall be prepared in a manner that protects the identity of 7938  
each person involved in each case. The report is a public record 7939  
for purposes of section 149.43 of the Revised Code. 7940

**Sec. 4772.22.** (A) As used in this section, "prosecutor" 7941  
has the same meaning as in section 2935.01 of the Revised Code. 7942

(B) Whenever any person holding a valid license to 7943  
practice as a certified mental health assistant issued under 7944  
this chapter pleads guilty to, is subject to a judicial finding 7945

of guilt of, or is subject to a judicial finding of eligibility 7946  
for intervention in lieu of conviction for a violation of 7947  
Chapter 2907., 2925., or 3719. of the Revised Code or of any 7948  
substantively comparable ordinance of a municipal corporation in 7949  
connection with the person's practice, the prosecutor in the 7950  
case, on forms prescribed and provided by the state medical 7951  
board, shall promptly notify the board of the conviction. Within 7952  
thirty days of receipt of that information, the board shall 7953  
initiate action in accordance with Chapter 119. of the Revised 7954  
Code to determine whether to suspend or revoke the license under 7955  
section 4772.20 of the Revised Code. 7956

(C) The prosecutor in any case against any person holding 7957  
a valid license issued under this chapter, on forms prescribed 7958  
and provided by the state medical board, shall notify the board 7959  
of any of the following: 7960

(1) A plea of guilty to, a finding of guilt by a jury or 7961  
court of, or judicial finding of eligibility for intervention in 7962  
lieu of conviction for a felony, or a case in which the trial 7963  
court issues an order of dismissal upon technical or procedural 7964  
grounds of a felony charge; 7965

(2) A plea of guilty to, a finding of guilt by a jury or 7966  
court of, or judicial finding of eligibility for intervention in 7967  
lieu of conviction for a misdemeanor committed in the course of 7968  
practice, or a case in which the trial court issues an order of 7969  
dismissal upon technical or procedural grounds of a charge of a 7970  
misdemeanor, if the alleged act was committed in the course of 7971  
practice; 7972

(3) A plea of guilty to, a finding of guilt by a jury or 7973  
court of, or judicial finding of eligibility for intervention in 7974  
lieu of conviction for a misdemeanor involving moral turpitude, 7975

or a case in which the trial court issues an order of dismissal 7976  
upon technical or procedural grounds of a charge of a 7977  
misdemeanor involving moral turpitude. 7978

The report shall include the name and address of the 7979  
license holder, the nature of the offense for which the action 7980  
was taken, and the certified court documents recording the 7981  
action. 7982

**Sec. 4772.23.** (A) Within sixty days after the imposition 7983  
of any formal disciplinary action taken by any health care 7984  
facility, including a hospital, health care facility operated by 7985  
a health insuring corporation, ambulatory surgical facility, or 7986  
similar facility, against any individual holding a valid license 7987  
to practice as a certified mental health assistant, the chief 7988  
administrator or executive officer of the facility shall report 7989  
to the state medical board the name of the individual, the 7990  
action taken by the facility, and a summary of the underlying 7991  
facts leading to the action taken. On request, the board shall 7992  
be provided certified copies of the patient records that were 7993  
the basis for the facility's action. Prior to release to the 7994  
board, the summary shall be approved by the peer review 7995  
committee that reviewed the case or by the governing board of 7996  
the facility. 7997

The filing of a report with the board or decision not to 7998  
file a report, investigation by the board, or any disciplinary 7999  
action taken by the board, does not preclude a health care 8000  
facility from taking disciplinary action against a certified 8001  
mental health assistant. 8002

In the absence of fraud or bad faith, no individual or 8003  
entity that provides patient records to the board shall be 8004  
liable in damages to any person as a result of providing the 8005

records. 8006

(B) (1) Except as provided in division (B) (2) of this 8007  
section, a certified mental health assistant, professional 8008  
association or society of certified mental health assistants, 8009  
physician, or professional association or society of physicians 8010  
that believes a violation of any provision of this chapter, 8011  
Chapter 4731. of the Revised Code, or rule of the board has 8012  
occurred shall report to the board the information on which the 8013  
belief is based. 8014

(2) A certified mental health assistant, professional 8015  
association or society of certified mental health assistants, 8016  
physician, or professional association or society of physicians 8017  
that believes a violation of division (B) (6) of section 4772.20 8018  
of the Revised Code has occurred shall report the information 8019  
upon which the belief is based to the monitoring organization 8020  
conducting the program established by the board under section 8021  
4731.251 of the Revised Code. If any such report is made to the 8022  
board, it shall be referred to the monitoring organization 8023  
unless the board is aware that the individual who is the subject 8024  
of the report does not meet the program eligibility requirements 8025  
of section 4731.252 of the Revised Code. 8026

(C) Any professional association or society composed 8027  
primarily of certified mental health assistants that suspends or 8028  
revokes an individual's membership for violations of 8029  
professional ethics, or for reasons of professional incompetence 8030  
or professional malpractice, within sixty days after a final 8031  
decision, shall report to the board, on forms prescribed and 8032  
provided by the board, the name of the individual, the action 8033  
taken by the professional organization, and a summary of the 8034  
underlying facts leading to the action taken. 8035

The filing of a report with the board or decision not to 8036  
file a report, investigation by the board, or any disciplinary 8037  
action taken by the board, does not preclude a professional 8038  
organization from taking disciplinary action against a certified 8039  
mental health assistant. 8040

(D) Any insurer providing professional liability insurance 8041  
to any person holding a valid license to practice as a certified 8042  
mental health assistant or any other entity that seeks to 8043  
indemnify the professional liability of a certified mental 8044  
health assistant shall notify the board within thirty days after 8045  
the final disposition of any written claim for damages where 8046  
such disposition results in a payment exceeding twenty-five 8047  
thousand dollars. The notice shall contain the following 8048  
information: 8049

(1) The name and address of the person submitting the 8050  
notification; 8051

(2) The name and address of the insured who is the subject 8052  
of the claim; 8053

(3) The name of the person filing the written claim; 8054

(4) The date of final disposition; 8055

(5) If applicable, the identity of the court in which the 8056  
final disposition of the claim took place. 8057

(E) The board may investigate possible violations of this 8058  
chapter or the rules adopted under it that are brought to its 8059  
attention as a result of the reporting requirements of this 8060  
section, except that the board shall conduct an investigation if 8061  
a possible violation involves repeated malpractice. As used in 8062  
this division, "repeated malpractice" means three or more claims 8063  
for malpractice within the previous five-year period, each 8064

resulting in a judgment or settlement in excess of twenty-five 8065  
thousand dollars in favor of the claimant, and each involving 8066  
negligent conduct by the certified mental health assistant. 8067

(F) All summaries, reports, and records received and 8068  
maintained by the board pursuant to this section shall be held 8069  
in confidence and shall not be subject to discovery or 8070  
introduction in evidence in any federal or state civil action 8071  
involving a certified mental health assistant, supervising 8072  
physician, or health care facility arising out of matters that 8073  
are the subject of the reporting required by this section. The 8074  
board may use the information obtained only as the basis for an 8075  
investigation, as evidence in a disciplinary hearing against a 8076  
certified mental health assistant or supervising physician, or 8077  
in any subsequent trial or appeal of a board action or order. 8078

The board may disclose the summaries and reports it 8079  
receives under this section only to health care facility 8080  
committees within or outside this state that are involved in 8081  
credentialing or recredentialing a certified mental health 8082  
assistant or supervising physician, if applicable, or reviewing 8083  
their privilege to practice within a particular facility. The 8084  
board shall indicate whether or not the information has been 8085  
verified. Information transmitted by the board shall be subject 8086  
to the same confidentiality provisions as when maintained by the 8087  
board. 8088

(G) Except for reports filed by an individual pursuant to 8089  
division (B) of this section, the board shall send a copy of any 8090  
reports or summaries it receives pursuant to this section to the 8091  
certified mental health assistant. The certified mental health 8092  
assistant shall have the right to file a statement with the 8093  
board concerning the correctness or relevance of the 8094

information. The statement shall at all times accompany that 8095  
part of the record in contention. 8096

(H) An individual or entity that reports to the board, 8097  
reports to the monitoring organization described in section 8098  
4731.251 of the Revised Code, or refers an impaired certified 8099  
mental health assistant to a treatment provider approved by the 8100  
board under section 4731.25 of the Revised Code shall not be 8101  
subject to suit for civil damages as a result of the report, 8102  
referral, or provision of the information. 8103

(I) In the absence of fraud or bad faith, a professional 8104  
association or society of certified mental health assistants 8105  
that sponsors a committee or program to provide peer assistance 8106  
to a certified mental health assistant with substance abuse 8107  
problems, a representative or agent of such a committee or 8108  
program, a representative or agent of the monitoring 8109  
organization described in section 4731.251 of the Revised Code, 8110  
and a member of the state medical board shall not be held liable 8111  
in damages to any person by reason of actions taken to refer a 8112  
certified mental health assistant to a treatment provider 8113  
approved under section 4731.25 of the Revised Code for 8114  
examination or treatment. 8115

**Sec. 4772.24.** The secretary of the state medical board 8116  
shall enforce the laws relating to the practice of certified 8117  
mental health assistants. If the secretary has knowledge or 8118  
notice of a violation of this chapter or the rules adopted under 8119  
it, the secretary shall investigate the matter, and, upon 8120  
probable cause appearing, file a complaint and prosecute the 8121  
offender. When requested by the secretary, the prosecuting 8122  
attorney of the proper county shall take charge of and conduct 8123  
the prosecution. 8124



Sec. 4772.25. The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person engaged either directly or by complicity in practicing as a certified mental health assistant without having first obtained under this chapter a license to practice as a certified mental health assistant, may, in accordance with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in unlawfully practicing as a certified mental health assistant by applying for an injunction in any court of competent jurisdiction. 8125  
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Prior to application for an injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful practice by registered mail that the secretary has received information indicating that this person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section. 8138  
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Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. 8151  
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Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. 8156  
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Sec. 4772.26. The state medical board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in this chapter, except that the fees may not exceed the specified amounts by more than fifty per cent. 8159  
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All fees, penalties, and other funds received by the board under this chapter shall be deposited in accordance with section 4731.24 of the Revised Code. 8164  
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Sec. 4772.27. In the absence of fraud or bad faith, the state medical board, a current or former board member, an agent of the board, a person formally requested by the board to be the board's representative, or an employee of the board shall not be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to this chapter. If any such person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the person's defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay any part of a claim or judgment that is for punitive or exemplary damages. 8167  
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Sec. 4772.28. The state medical board shall comply with section 4776.20 of the Revised Code. 8184  
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Sec. 4772.99. (A) Whoever violates section 4772.02 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense; on each subsequent offense, the person is guilty of a felony of the fourth degree. 8186  
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(B) Whoever violates division (A), (B), (C), or (D) of section 4772.23 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense the person is guilty of a misdemeanor of the fourth degree, except that an individual guilty of a subsequent offense shall not be subject to imprisonment, but to a fine alone of up to one thousand dollars for each offense. 8190  
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**Sec. 4776.01.** As used in this chapter: 8197

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or, except in the case of the state dental board, to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction. 8198  
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(B) Except as provided in section 4776.20 of the Revised Code, "licensee" means the person to whom the license is issued by a licensing agency. "Licensee" includes a person who, for purposes of section 3796.13 of the Revised Code, has complied with sections 4776.01 to 4776.04 of the Revised Code and has been determined by the department of commerce or state board of pharmacy, as the applicable licensing agency, to meet the requirements for employment. 8208  
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(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

(3) The department of commerce or state board of pharmacy, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons seeking restoration of a license under section 4730.14, 4730.28, 4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061,

4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 8245  
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 8246  
"Applicant for a restored license" does not include a person 8247  
seeking restoration of a license under section 4751.33 of the 8248  
Revised Code. 8249

(F) "Criminal records check" has the same meaning as in 8250  
section 109.572 of the Revised Code. 8251

**Sec. 5123.47.** (A) As used in this section: 8252

(1) "In-home care" means the supportive services provided 8253  
within the home of an individual with a developmental disability 8254  
who receives funding for the services through a county board of 8255  
developmental disabilities, including any recipient of 8256  
residential services funded as home and community-based 8257  
services, family support services provided under section 5126.11 8258  
of the Revised Code, or supported living provided in accordance 8259  
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 8260  
care" includes care that is provided outside an individual's 8261  
home in places incidental to the home, and while traveling to 8262  
places incidental to the home, except that "in-home care" does 8263  
not include care provided in the facilities of a county board of 8264  
developmental disabilities or care provided in schools. 8265

(2) "Parent" means either parent of a child, including an 8266  
adoptive parent but not a foster parent. 8267

(3) "Unlicensed in-home care worker" means an individual 8268  
who provides in-home care but is not a health care professional. 8269

(4) "Family member" means a parent, sibling, spouse, son, 8270  
daughter, grandparent, aunt, uncle, cousin, or guardian of the 8271  
individual with a developmental disability if the individual 8272  
with a developmental disability lives with the person and is 8273

dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.	8274 8275
(5) "Health care professional" means any of the following:	8276
(a) A dentist who holds a valid license issued under Chapter 4715. of the Revised Code;	8277 8278
(b) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code;	8279 8280
(c) An optometrist who holds a valid license issued under Chapter 4725. of the Revised Code;	8281 8282
(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	8283 8284
(e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;	8285 8286 8287 8288
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	8289 8290
(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;	8291 8292 8293 8294
(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code;	8295 8296
<u>(i) A certified mental health assistant who holds a valid license issued under Chapter 4772. of the Revised Code.</u>	8297 8298
(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care	8299 8300

professional acting within the scope of the professional's 8301  
practice. "Health care task" includes the administration of oral 8302  
and topical prescribed medications; administration of nutrition 8303  
and medications through gastrostomy and jejunostomy tubes that 8304  
are stable and labeled; administration of oxygen and metered 8305  
dose inhaled medications; administration of insulin through 8306  
subcutaneous injections, inhalation, and insulin pumps; and 8307  
administration of prescribed medications for the treatment of 8308  
metabolic glyceic disorders through subcutaneous injections. 8309

(B) Except as provided in division (E) of this section, a 8310  
family member of an individual with a developmental disability 8311  
may authorize an unlicensed in-home care worker to perform 8312  
health care tasks as part of the in-home care the worker 8313  
provides to the individual, if all of the following apply: 8314

(1) The family member is the primary supervisor of the 8315  
care. 8316

(2) The unlicensed in-home care worker has been selected 8317  
by the family member or the individual receiving care and is 8318  
under the direct supervision of the family member. 8319

(3) The unlicensed in-home care worker is providing the 8320  
care through an employment or other arrangement entered into 8321  
directly with the family member and is not otherwise employed by 8322  
or under contract with a person or government entity to provide 8323  
services to individuals with developmental disabilities. 8324

(4) The health care task is completed in accordance with 8325  
standard, written instructions. 8326

(5) Performance of the health care task requires no 8327  
judgment based on specialized health care knowledge or 8328  
expertise. 8329

(6) The outcome of the health care task is reasonably predictable. 8330  
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(7) Performance of the health care task requires no complex observation of the individual receiving the care. 8332  
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(8) Improper performance of the health care task will result in only minimal complications that are not life-threatening. 8334  
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(C) A family member shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. The family member shall authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. The family member shall provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional. The family member or a health care professional shall be available to communicate with the unlicensed in-home care worker either in person or by telecommunication while the in-home care worker performs a health care task. 8337  
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(D) A family member who authorizes an unlicensed in-home care worker to administer oral and topical prescribed medications or perform other health care tasks retains full responsibility for the health and safety of the individual receiving the care and for ensuring that the worker provides the care appropriately and safely. No entity that funds or monitors the provision of in-home care may be held liable for the results of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of developmental disabilities and the department of developmental 8350  
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disabilities. 8360

An unlicensed in-home care worker who is authorized under 8361  
this section by a family member to provide care to an individual 8362  
may not be held liable for any injury caused in providing the 8363  
care, unless the worker provides the care in a manner that is 8364  
not in accordance with the training and instructions received or 8365  
the worker acts in a manner that constitutes willful or wanton 8366  
misconduct. 8367

(E) A county board of developmental disabilities may 8368  
evaluate the authority granted by a family member under this 8369  
section to an unlicensed in-home care worker at any time it 8370  
considers necessary and shall evaluate the authority on receipt 8371  
of a complaint. If the board determines that a family member has 8372  
acted in a manner that is inappropriate for the health and 8373  
safety of the individual receiving the care, the authorization 8374  
granted by the family member to an unlicensed in-home care 8375  
worker is void, and the family member may not authorize other 8376  
unlicensed in-home care workers to provide the care. In making 8377  
such a determination, the board shall use appropriately licensed 8378  
health care professionals and shall provide the family member an 8379  
opportunity to file a complaint under section 5126.06 of the 8380  
Revised Code. 8381

**Sec. 5164.95.** (A) As used in this section, "telehealth 8382  
service" means a health care service delivered to a patient 8383  
through the use of interactive audio, video, or other 8384  
telecommunications or electronic technology from a site other 8385  
than the site where the patient is located. 8386

(B) The department of medicaid shall establish standards 8387  
for medicaid payments for health care services the department 8388  
determines are appropriate to be covered by the medicaid program 8389

when provided as telehealth services. The standards shall be 8390  
established in rules adopted under section 5164.02 of the 8391  
Revised Code. 8392

In accordance with section 5162.021 of the Revised Code, 8393  
the medicaid director shall adopt rules authorizing the 8394  
directors of other state agencies to adopt rules regarding the 8395  
medicaid coverage of telehealth services under programs 8396  
administered by the other state agencies. Any such rules adopted 8397  
by the medicaid director or the directors of other state 8398  
agencies are not subject to the requirements of division (F) of 8399  
section 121.95 of the Revised Code. 8400

(C) (1) To the extent permitted under rules adopted under 8401  
section 5164.02 of the Revised Code and applicable federal law, 8402  
the following practitioners are eligible to provide telehealth 8403  
services covered pursuant to this section: 8404

(a) A physician licensed under Chapter 4731. of the 8405  
Revised Code to practice medicine and surgery, osteopathic 8406  
medicine and surgery, or podiatric medicine and surgery; 8407

(b) A psychologist or school psychologist licensed under 8408  
Chapter 4732. of the Revised Code or under rules adopted in 8409  
accordance with sections 3301.07 and 3319.22 of the Revised 8410  
Code; 8411

(c) A physician assistant licensed under Chapter 4730. of 8412  
the Revised Code; 8413

(d) A clinical nurse specialist, certified nurse-midwife, 8414  
or certified nurse practitioner licensed under Chapter 4723. of 8415  
the Revised Code; 8416

(e) An independent social worker, independent marriage and 8417  
family therapist, or professional clinical counselor licensed 8418

under Chapter 4757. of the Revised Code;	8419
(f) An independent chemical dependency counselor licensed	8420
under Chapter 4758. of the Revised Code;	8421
(g) A supervised practitioner or supervised trainee;	8422
(h) An audiologist or speech-language pathologist licensed	8423
under Chapter 4753. of the Revised Code;	8424
(i) An audiology aide or speech-language pathology aide,	8425
as defined in section 4753.072 of the Revised Code, or an	8426
individual holding a conditional license under section 4753.071	8427
of the Revised Code;	8428
(j) An occupational therapist or physical therapist	8429
licensed under Chapter 4755. of the Revised Code;	8430
(k) An occupational therapy assistant or physical	8431
therapist assistant licensed under Chapter 4755. of the Revised	8432
Code.	8433
(l) A dietitian licensed under Chapter 4759. of the	8434
Revised Code;	8435
(m) A chiropractor licensed under Chapter 4734. of the	8436
Revised Code;	8437
(n) A pharmacist licensed under Chapter 4729. of the	8438
Revised Code;	8439
(o) A genetic counselor licensed under Chapter 4778. of	8440
the Revised Code;	8441
(p) An optometrist licensed under Chapter 4725. of the	8442
Revised Code to practice optometry under a therapeutic	8443
pharmaceutical agents certificate;	8444
(q) A respiratory care professional licensed under Chapter	8445

4761. of the Revised Code;	8446
(r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	8447 8448
(s) A practitioner who provides services through a medicaid school program;	8449 8450
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	8451 8452 8453 8454 8455
(u) <u>A certified mental health assistant licensed under Chapter 4772. of the Revised Code;</u>	8456 8457
<u>(v)</u> Any other practitioner the medicaid director considers eligible to provide telehealth services.	8458 8459
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services:	8460 8461 8462 8463 8464
(a) Any practitioner described in division (C)(1) of this section, except for those described in divisions (C)(1)(g), (i), and (k) of this section;	8465 8466 8467
(b) A professional medical group;	8468
(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	8469 8470 8471
(d) A rural health clinic;	8472

(e) An ambulatory health care clinic;	8473
(f) An outpatient hospital;	8474
(g) A medicaid school program;	8475
(h) Subject to section 5119.368 of the Revised Code, a	8476
community mental health services provider or community addiction	8477
services provider that offers services and supports certified	8478
under section 5119.36 of the Revised Code;	8479
(i) Any other provider type the medicaid director	8480
considers eligible to submit the claims for payment.	8481
(D) (1) When providing telehealth services under this	8482
section, a practitioner shall comply with all requirements under	8483
state and federal law regarding the protection of patient	8484
information. A practitioner shall ensure that any username or	8485
password information and any electronic communications between	8486
the practitioner and a patient are securely transmitted and	8487
stored.	8488
(2) When providing telehealth services under this section,	8489
every practitioner site shall have access to the medical records	8490
of the patient at the time telehealth services are provided.	8491
<b>Sec. 5903.12.</b> (A) As used in this section:	8492
"Continuing education" means continuing education required	8493
of a licensee by law and includes, but is not limited to, the	8494
continuing education required of licensees under sections	8495
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24,	8496
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25,	8497
4735.141, 4736.11, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63,	8498
4757.33, 4759.06, 4761.06, <del>and 4763.07,</del> <u>and 4772.081</u> of the	8499
Revised Code.	8500

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

**Section 2.** That existing sections 2305.234, 2305.51, 2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 2925.56, 2925.61, 2929.42, 3701.048, 3701.74, 3709.161, 3715.872, 3719.06, 3719.064, 3719.121, 3719.13, 3719.81, 4729.01, 4729.29, 4729.51, 4729.514, 4729.553, 4731.051, 4731.07, 4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 4755.48, 4755.623, 4765.51, 4769.01, 4776.01, 5123.47, 5164.95, and 5903.12 of the Revised Code are hereby repealed.

**Section 3.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the

sections in effect prior to the effective date of the sections as presented in this act:	8531 8532
Section 2925.02 of the Revised Code as amended by both S.B. 1 and S.B. 201 of the 132nd General Assembly.	8533 8534
Section 2925.11 of the Revised Code as amended by S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General Assembly.	8535 8536
Section 3701.74 of the Revised Code as amended by both H.B. 232 and H.B. 483 of the 130th General Assembly.	8537 8538
Section 3719.121 of the Revised Code as amended by both H.B. 216 and S.B. 319 of the 131st General Assembly.	8539 8540
Section 4776.01 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly.	8541 8542