

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 55**

**Senator Manning**

---

**A BILL**

To amend sections 1547.11, 3701.143, and 4511.19 of 1  
the Revised Code to change the laws pertaining 2  
to operating a vehicle or watercraft while under 3  
the influence of marihuana and the admissibility 4  
of evidence for purposes of OVI statutes. 5

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

**Section 1.** That sections 1547.11, 3701.143, and 4511.19 of 6  
the Revised Code be amended to read as follows: 7

**Sec. 1547.11.** (A) No person shall operate or be in 8  
physical control of any vessel underway or shall manipulate any 9  
water skis, aquaplane, or similar device on the waters in this 10  
state if, at the time of the operation, control, or 11  
manipulation, any of the following applies: 12

(1) The person is under the influence of alcohol, a drug 13  
of abuse, or a combination of them. 14

(2) The person has a concentration of eight-hundredths of 15  
one per cent or more by weight of alcohol per unit volume in the 16  
person's whole blood. 17

(3) The person has a concentration of ninety-six- 18

thousandths of one per cent or more by weight per unit volume of 19  
alcohol in the person's blood serum or plasma. 20

(4) The person has a concentration of eleven-hundredths of 21  
one gram or more by weight of alcohol per one hundred 22  
milliliters of the person's urine. 23

(5) The person has a concentration of eight-hundredths of 24  
one gram or more by weight of alcohol per two hundred ten liters 25  
of the person's breath. 26

(6) Except as provided in division ~~(H)~~(I) of this section, 27  
the person has a concentration of any of the following 28  
controlled substances or metabolites of a controlled substance 29  
in the person's whole blood, blood serum or plasma, or urine 30  
that equals or exceeds any of the following: 31

(a) The person has a concentration of amphetamine in the 32  
person's urine of at least five hundred nanograms of amphetamine 33  
per milliliter of the person's urine or has a concentration of 34  
amphetamine in the person's whole blood or blood serum or plasma 35  
of at least one hundred nanograms of amphetamine per milliliter 36  
of the person's whole blood or blood serum or plasma. 37

(b) The person has a concentration of cocaine in the 38  
person's urine of at least one hundred fifty nanograms of 39  
cocaine per milliliter of the person's urine or has a 40  
concentration of cocaine in the person's whole blood or blood 41  
serum or plasma of at least fifty nanograms of cocaine per 42  
milliliter of the person's whole blood or blood serum or plasma. 43

(c) The person has a concentration of cocaine metabolite 44  
in the person's urine of at least one hundred fifty nanograms of 45  
cocaine metabolite per milliliter of the person's urine or has a 46  
concentration of cocaine metabolite in the person's whole blood 47

or blood serum or plasma of at least fifty nanograms of cocaine 48  
metabolite per milliliter of the person's whole blood or blood 49  
serum or plasma. 50

(d) The person has a concentration of heroin in the 51  
person's urine of at least two thousand nanograms of heroin per 52  
milliliter of the person's urine or has a concentration of 53  
heroin in the person's whole blood or blood serum or plasma of 54  
at least fifty nanograms of heroin per milliliter of the 55  
person's whole blood or blood serum or plasma. 56

(e) The person has a concentration of heroin metabolite 57  
(6-monoacetyl morphine) in the person's urine of at least ten 58  
nanograms of heroin metabolite (6-monoacetyl morphine) per 59  
milliliter of the person's urine or has a concentration of 60  
heroin metabolite (6-monoacetyl morphine) in the person's whole 61  
blood or blood serum or plasma of at least ten nanograms of 62  
heroin metabolite (6-monoacetyl morphine) per milliliter of the 63  
person's whole blood or blood serum or plasma. 64

(f) The person has a concentration of L.S.D. in the 65  
person's urine of at least twenty-five nanograms of L.S.D. per 66  
milliliter of the person's urine or has a concentration of 67  
L.S.D. in the person's whole blood or blood serum or plasma of 68  
at least ten nanograms of L.S.D. per milliliter of the person's 69  
whole blood or blood serum or plasma. 70

(g) The person has a concentration of marihuana ~~in the~~ 71  
~~person's urine of at least ten nanograms of marihuana per~~ 72  
~~milliliter of the person's urine or has a concentration of~~ 73  
~~marihuana (delta-9-tetrahydrocannabinol) in the person's whole~~ 74  
~~blood or blood serum or plasma of at least two five nanograms of~~ 75  
~~marihuana delta-9-tetrahydrocannabinol per milliliter of the~~ 76  
person's whole blood ~~or blood serum or plasma.~~ 77

(h) The state board of pharmacy has adopted a rule 78  
pursuant to section 4729.041 of the Revised Code that specifies 79  
the amount of salvia divinorum and the amount of salvinorin A 80  
that constitute concentrations of salvia divinorum and 81  
salvinorin A in a person's urine, in a person's whole blood, or 82  
in a person's blood serum or plasma at or above which the person 83  
is impaired for purposes of operating or being in physical 84  
control of any vessel underway or manipulating any water skis, 85  
aquaplane, or similar device on the waters of this state, the 86  
rule is in effect, and the person has a concentration of salvia 87  
divinorum or salvinorin A of at least that amount so specified 88  
by rule in the person's urine, in the person's whole blood, or 89  
in the person's blood serum or plasma. 90

(i) ~~Either of the following applies:~~ 91

~~(i) The person is under the influence of alcohol, a drug 92  
of abuse, or a combination of them, and, as measured by gas 93  
chromatography mass spectrometry, the person has a concentration 94  
of marihuana metabolite in the person's urine of at least 95  
fifteen nanograms of marihuana metabolite per milliliter of the 96  
person's urine or has a concentration of marihuana metabolite in 97  
the person's whole blood or blood serum or plasma of at least 98  
five nanograms of marihuana metabolite per milliliter of the 99  
person's whole blood or blood serum or plasma. 100~~

~~(ii) As measured by gas chromatography mass spectrometry, 101  
the person has a concentration of marihuana metabolite in the 102  
person's urine of at least thirty five nanograms of marihuana 103  
metabolite per milliliter of the person's urine or has a 104  
concentration of marihuana metabolite in the person's whole 105  
blood or blood serum or plasma of at least fifty nanograms of 106  
marihuana metabolite per milliliter of the person's whole blood 107~~

~~or blood serum or plasma.~~ 108

~~(j)~~ The person has a concentration of methamphetamine in 109  
the person's urine of at least five hundred nanograms of 110  
methamphetamine per milliliter of the person's urine or has a 111  
concentration of methamphetamine in the person's whole blood or 112  
blood serum or plasma of at least one hundred nanograms of 113  
methamphetamine per milliliter of the person's whole blood or 114  
blood serum or plasma. 115

~~(k)~~ (j) The person has a concentration of phencyclidine in 116  
the person's urine of at least twenty-five nanograms of 117  
phencyclidine per milliliter of the person's urine or has a 118  
concentration of phencyclidine in the person's whole blood or 119  
blood serum or plasma of at least ten nanograms of phencyclidine 120  
per milliliter of the person's whole blood or blood serum or 121  
plasma. 122

(B) No person under twenty-one years of age shall operate 123  
or be in physical control of any vessel underway or shall 124  
manipulate any water skis, aquaplane, or similar device on the 125  
waters in this state if, at the time of the operation, control, 126  
or manipulation, any of the following applies: 127

(1) The person has a concentration of at least two- 128  
hundredths of one per cent, but less than eight-hundredths of 129  
one per cent by weight per unit volume of alcohol in the 130  
person's whole blood. 131

(2) The person has a concentration of at least three- 132  
hundredths of one per cent but less than ninety-six-thousandths 133  
of one per cent by weight per unit volume of alcohol in the 134  
person's blood serum or plasma. 135

(3) The person has a concentration of at least twenty- 136

eight one-thousandths of one gram, but less than eleven- 137  
hundredths of one gram by weight of alcohol per one hundred 138  
milliliters of the person's urine. 139

(4) The person has a concentration of at least two- 140  
hundredths of one gram, but less than eight-hundredths of one 141  
gram by weight of alcohol per two hundred ten liters of the 142  
person's breath. 143

(C) In any proceeding arising out of one incident, a 144  
person may be charged with a violation of division (A) (1) and a 145  
violation of division (B) (1), (2), (3), or (4) of this section, 146  
but the person shall not be convicted of more than one violation 147  
of those divisions. 148

(D) (1) (a) In any criminal prosecution or juvenile court 149  
proceeding for a violation of division (A) or (B) of this 150  
section or for an equivalent offense that is watercraft-related, 151  
the result of any test of any blood, oral fluid, or urine 152  
withdrawn and analyzed at any health care provider, as defined 153  
in section 2317.02 of the Revised Code, may be admitted with 154  
expert testimony to be considered with any other relevant and 155  
competent evidence in determining the guilt or innocence of the 156  
defendant. 157

(b) In any criminal prosecution or juvenile court 158  
proceeding for a violation of division (A) or (B) of this 159  
section or for an equivalent offense that is watercraft-related, 160  
the court may admit evidence on the presence and concentration 161  
of alcohol, drugs of abuse, controlled substances, metabolites 162  
of a controlled substance, or a combination of them in the 163  
defendant's or child's whole blood, blood serum or plasma, 164  
urine, oral fluid, or breath at the time of the alleged 165  
violation as shown by chemical analysis of the substance 166

withdrawn, or specimen taken within three hours of the time of 167  
the alleged violation. The three-hour time limit specified in 168  
this division regarding the admission of evidence does not 169  
extend or affect the two-hour time limit specified in division 170  
(C) of section 1547.111 of the Revised Code as the maximum 171  
period of time during which a person may consent to a chemical 172  
test or tests as described in that section. The court may admit 173  
evidence on the presence and concentration of alcohol, drugs of 174  
abuse, or a combination of them as described in this division 175  
when a person submits to a blood, breath, urine, oral fluid, or 176  
other bodily substance test at the request of a law enforcement 177  
officer under section 1547.111 of the Revised Code or a blood or 178  
urine sample is obtained pursuant to a search warrant. Only a 179  
physician, a registered nurse, an emergency medical technician- 180  
intermediate, an emergency medical technician-paramedic, or a 181  
qualified technician, chemist, or phlebotomist shall withdraw 182  
blood for the purpose of determining the alcohol, drug, 183  
controlled substance, metabolite of a controlled substance, or 184  
combination content of the whole blood, blood serum, or blood 185  
plasma. This limitation does not apply to the taking of breath, 186  
oral fluid, or urine specimens. A person authorized to withdraw 187  
blood under this division may refuse to withdraw blood under 188  
this division if, in that person's opinion, the physical welfare 189  
of the defendant or child would be endangered by withdrawing 190  
blood. 191

The whole blood, blood serum or plasma, urine, oral fluid, 192  
or breath withdrawn under division (D) (1) (b) of this section 193  
shall be analyzed in accordance with methods approved by the 194  
director of health by an individual possessing a valid permit 195  
issued by the director pursuant to section 3701.143 of the 196  
Revised Code. 197

(c) (i) Any evidence or testimony proposed to be admitted 198  
under division (D) (1) (b) of this section is subject to the Rules 199  
of Evidence, including Evid. R. 702 regarding expert testimony. 200

(ii) The admissibility of any evidence or testimony under 201  
division (D) (1) (b) of this section regarding the presence and 202  
concentration of alcohol, a drug of abuse, or a combination of 203  
them in a person's whole blood, blood serum or plasma, urine, 204  
breath, oral fluid, or other bodily substance does not affect, 205  
impair, or limit the admissibility of either of the following 206  
that is otherwise admissible under the Rules of Evidence: 207

(I) Any evidence or testimony regarding the analysis of a 208  
person's whole blood, blood serum or plasma, urine, breath, oral 209  
fluid, or other bodily substance under section 3701.143 of the 210  
Revised Code; 211

(II) Any evidence or testimony regarding the method, 212  
process, reliability, or equipment used in the process of 213  
analyzing a person's whole blood, blood serum or plasma, urine, 214  
breath, oral fluid, or other bodily substance under section 215  
3701.143 of the Revised Code. 216

The trier of fact shall give any evidence or testimony 217  
admitted by the court under division (D) (1) (c) of this section 218  
whatever weight the trier of fact considers to be appropriate. 219

(2) In a criminal prosecution or juvenile court proceeding 220  
for a violation of division (A) of this section or for an 221  
equivalent offense that is watercraft-related, if there was at 222  
the time the bodily substance was taken a concentration of less 223  
than the applicable concentration of alcohol specified for a 224  
violation of division (A) (2), (3), (4), or (5) of this section 225  
or less than the applicable concentration of a listed controlled 226



substance or a listed metabolite of a controlled substance 227  
specified for a violation of division (A) (6) of this section, 228  
that fact may be considered with other competent evidence in 229  
determining the guilt or innocence of the defendant or in making 230  
an adjudication for the child. This division does not limit or 231  
affect a criminal prosecution or juvenile court proceeding for a 232  
violation of division (B) of this section or for a violation of 233  
a prohibition that is substantially equivalent to that division. 234

(3) Upon the request of the person who was tested, the 235  
results of the chemical test shall be made available to the 236  
person or the person's attorney immediately upon completion of 237  
the test analysis. 238

If the chemical test was administered pursuant to division 239  
(D) (1) (b) of this section, the person tested may have a 240  
physician, a registered nurse, or a qualified technician, 241  
chemist, or phlebotomist of the person's own choosing administer 242  
a chemical test or tests in addition to any administered at the 243  
direction of a law enforcement officer, and shall be so advised. 244  
The failure or inability to obtain an additional test by a 245  
person shall not preclude the admission of evidence relating to 246  
the test or tests taken at the direction of a law enforcement 247  
officer. 248

(E) (1) In any criminal prosecution or juvenile court 249  
proceeding for a violation of division (A) or (B) of this 250  
section, of a municipal ordinance relating to operating or being 251  
in physical control of any vessel underway or to manipulating 252  
any water skis, aquaplane, or similar device on the waters of 253  
this state while under the influence of alcohol, a drug of 254  
abuse, or a combination of them, or of a municipal ordinance 255  
relating to operating or being in physical control of any vessel 256

underway or to manipulating any water skis, aquaplane, or 257  
similar device on the waters of this state with a prohibited 258  
concentration of alcohol, a controlled substance, or a 259  
metabolite of a controlled substance in the whole blood, blood 260  
serum or plasma, breath, oral fluid, or urine, if a law 261  
enforcement officer has administered a field sobriety test to 262  
the operator or person found to be in physical control of the 263  
vessel underway involved in the violation or the person 264  
manipulating the water skis, aquaplane, or similar device 265  
involved in the violation and if it is shown by clear and 266  
convincing evidence that the officer administered the test in 267  
substantial compliance with the testing standards for reliable, 268  
credible, and generally accepted field sobriety tests for 269  
vehicles that were in effect at the time the tests were 270  
administered, including, but not limited to, any testing 271  
standards then in effect that have been set by the national 272  
highway traffic safety administration, that by their nature are 273  
not clearly inapplicable regarding the operation or physical 274  
control of vessels underway or the manipulation of water skis, 275  
aquaplanes, or similar devices, all of the following apply: 276

(a) The officer may testify concerning the results of the 277  
field sobriety test so administered. 278

(b) The prosecution may introduce the results of the field 279  
sobriety test so administered as evidence in any proceedings in 280  
the criminal prosecution or juvenile court proceeding. 281

(c) If testimony is presented or evidence is introduced 282  
under division (E) (1) (a) or (b) of this section and if the 283  
testimony or evidence is admissible under the Rules of Evidence, 284  
the court shall admit the testimony or evidence, and the trier 285  
of fact shall give it whatever weight the trier of fact 286

considers to be appropriate. 287

(2) Division (E) (1) of this section does not limit or 288  
preclude a court, in its determination of whether the arrest of 289  
a person was supported by probable cause or its determination of 290  
any other matter in a criminal prosecution or juvenile court 291  
proceeding of a type described in that division, from 292  
considering evidence or testimony that is not otherwise 293  
disallowed by division (E) (1) of this section. 294

(F) (1) A trier of fact may infer that a person is under 295  
the influence of marihuana in violation of division (A) (1) of 296  
this section if any of the following apply: 297

(a) The person has a concentration of at least twenty-five 298  
nanograms of delta-9-tetrahydrocannabinol per milliliter of the 299  
person's urine. 300

(b) The person has a concentration of at least two but 301  
less than five nanograms of delta-9-tetrahydrocannabinol per 302  
milliliter of the person's whole blood. 303

(2) (a) If the court admits any evidence or testimony 304  
submitted by the prosecution under division (D) (1) (b) of this 305  
section that demonstrates that a person had a concentration of 306  
delta-9-tetrahydrocannabinol that is within one of the levels 307  
specified in division (F) (1) of this section, the trier of fact 308  
may, without expert testimony, infer that the person was under 309  
the influence of marihuana in violation of division (A) (1) of 310  
this section. 311

(b) The inference that a person was under the influence of 312  
marihuana in violation of division (A) (1) of this section may be 313  
supported or rebutted by either party with any evidence or 314  
testimony that complies with the Rules of Evidence. 315

(3) In determining whether a person was under the 316  
influence of marihuana, the trier of fact shall consider all 317  
relevant and competent evidence, including the inference, and 318  
give the evidence whatever weight the trier of fact considers to 319  
be appropriate. 320

(G) (1) Subject to division ~~(F) (3)~~ (G) (3) of this section, 321  
in any criminal prosecution or juvenile court proceeding for a 322  
violation of division (A) or (B) of this section or for an 323  
equivalent offense that is substantially equivalent to either of 324  
those divisions, the court shall admit as prima-facie evidence a 325  
laboratory report from any laboratory personnel issued a permit 326  
by the department of health authorizing an analysis as described 327  
in this division that contains an analysis of the whole blood, 328  
blood serum or plasma, breath, urine, or other bodily substance 329  
tested and that contains all of the information specified in 330  
this division. The laboratory report shall contain all of the 331  
following: 332

(a) The signature, under oath, of any person who performed 333  
the analysis; 334

(b) Any findings as to the identity and quantity of 335  
alcohol, a drug of abuse, a controlled substance, a metabolite 336  
of a controlled substance, or a combination of them that was 337  
found; 338

(c) A copy of a notarized statement by the laboratory 339  
director or a designee of the director that contains the name of 340  
each certified analyst or test performer involved with the 341  
report, the analyst's or test performer's employment 342  
relationship with the laboratory that issued the report, and a 343  
notation that performing an analysis of the type involved is 344  
part of the analyst's or test performer's regular duties; 345

(d) An outline of the analyst's or test performer's 346  
education, training, and experience in performing the type of 347  
analysis involved and a certification that the laboratory 348  
satisfies appropriate quality control standards in general and, 349  
in this particular analysis, under rules of the department of 350  
health. 351

(2) Notwithstanding any other provision of law regarding 352  
the admission of evidence, a report of the type described in 353  
division ~~(F)(1)~~(G)(1) of this section is not admissible against 354  
the defendant or child to whom it pertains in any proceeding, 355  
other than a preliminary hearing or a grand jury proceeding, 356  
unless the prosecutor has served a copy of the report on the 357  
defendant's or child's attorney or, if the defendant or child 358  
has no attorney, on the defendant or child. 359

(3) A report of the type described in division ~~(F)(1)~~(G) 360  
(1) of this section shall not be prima-facie evidence of the 361  
contents, identity, or amount of any substance if, within seven 362  
days after the defendant or child to whom the report pertains or 363  
the defendant's or child's attorney receives a copy of the 364  
report, the defendant or child or the defendant's or child's 365  
attorney demands the testimony of the person who signed the 366  
report. The judge in the case may extend the seven-day time 367  
limit in the interest of justice. 368

~~(G)~~(H) Except as otherwise provided in this division, any 369  
physician, registered nurse, emergency medical technician- 370  
intermediate, emergency medical technician-paramedic, or 371  
qualified technician, chemist, or phlebotomist who withdraws 372  
blood from a person pursuant to this section or section 1547.111 373  
of the Revised Code, and a hospital, first-aid station, or 374  
clinic at which blood is withdrawn from a person pursuant to 375

this section or section 1547.111 of the Revised Code, is immune 376  
from criminal and civil liability based upon a claim of assault 377  
and battery or any other claim that is not a claim of 378  
malpractice, for any act performed in withdrawing blood from the 379  
person. The immunity provided in this division also extends to 380  
an emergency medical service organization that employs an 381  
emergency medical technician-intermediate or an emergency 382  
medical technician-paramedic who withdraws blood under this 383  
section. The immunity provided in this division is not available 384  
to a person who withdraws blood if the person engages in willful 385  
or wanton misconduct. 386

~~(H)~~(I) Division (A) (6) of this section does not apply to a 387  
person who operates or is in physical control of a vessel 388  
underway or manipulates any water skis, aquaplane, or similar 389  
device while the person has a concentration of a listed 390  
controlled substance or a listed metabolite of a controlled 391  
substance in the person's whole blood, blood serum or plasma, or 392  
urine that equals or exceeds the amount specified in that 393  
division, if both of the following apply: 394

(1) The person obtained the controlled substance pursuant 395  
to a prescription issued by a licensed health professional 396  
authorized to prescribe drugs. 397

(2) The person injected, ingested, or inhaled the 398  
controlled substance in accordance with the health 399  
professional's directions. 400

~~(I)~~(J) As used in this section and section 1547.111 of the 401  
Revised Code: 402

(1) "Equivalent offense" has the same meaning as in 403  
section 4511.181 of the Revised Code. 404

(2) "National highway traffic safety administration" has	405
the same meaning as in section 4511.19 of the Revised Code.	406
(3) "Operate" means that a vessel is being used on the	407
waters in this state when the vessel is not securely affixed to	408
a dock or to shore or to any permanent structure to which the	409
vessel has the right to affix or that a vessel is not anchored	410
in a designated anchorage area or boat camping area that is	411
established by the United States coast guard, this state, or a	412
political subdivision and in which the vessel has the right to	413
anchor.	414
(4) "Controlled substance" and "marihuana" have the same	415
meanings as in section 3719.01 of the Revised Code.	416
(5) "Cocaine" and "L.S.D." have the same meanings as in	417
section 2925.01 of the Revised Code.	418
(6) "Equivalent offense that is watercraft-related" means	419
an equivalent offense that is one of the following:	420
(a) A violation of division (A) of this section;	421
(b) A violation of a municipal ordinance prohibiting a	422
person from operating or being in physical control of any vessel	423
underway or from manipulating any water skis, aquaplane, or	424
similar device on the waters of this state while under the	425
influence of alcohol, a drug of abuse, or a combination of them	426
or prohibiting a person from operating or being in physical	427
control of any vessel underway or from manipulating any water	428
skis, aquaplane, or similar device on the waters of this state	429
with a prohibited concentration of alcohol, a controlled	430
substance, or a metabolite of a controlled substance in the	431
whole blood, blood serum or plasma, breath, or urine;	432
(c) A violation of an existing or former municipal	433

ordinance, law of another state, or law of the United States 434  
that is substantially equivalent to division (A) of this 435  
section; 436

(d) A violation of a former law of this state that was 437  
substantially equivalent to division (A) of this section. 438

(7) "Emergency medical technician-intermediate" and 439  
"emergency medical technician-paramedic" have the same meanings 440  
as in section 4765.01 of the Revised Code. 441

**Sec. 3701.143.** (A) As used in this section, "drug of 442  
abuse" has the same meaning as in section 4506.01 of the Revised 443  
Code. 444

(B) For purposes of sections 1547.11, 4511.19, and 445  
4511.194 of the Revised Code, the director of health shall 446  
determine, or cause to be determined, techniques or methods for 447  
chemically analyzing a person's whole blood, blood serum or 448  
plasma, urine, breath, oral fluid, or other bodily substance in 449  
order to ascertain the presence or amount of alcohol, a drug of 450  
abuse, controlled substance, metabolite of a controlled 451  
substance, or combination of them in the person's whole blood, 452  
blood serum or plasma, urine, breath, oral fluid, or other 453  
bodily substance. The director shall approve satisfactory 454  
techniques or methods, ascertain the qualifications of 455  
individuals to conduct such analyses, and issue permits to 456  
qualified persons authorizing them to perform such analyses. 457  
Such permits shall be subject to termination or revocation at 458  
the discretion of the director. 459

(C) (1) The authority granted under this section, and any 460  
rules adopted pursuant to that authority, does not affect, 461  
impair, or limit the admissibility of any evidence regarding 462



either of the following that is otherwise admissible under the 463  
Rules of Evidence: 464

(a) Any evidence or testimony regarding the analysis of a 465  
person's whole blood, blood serum or plasma, urine, breath, oral 466  
fluid, or other bodily substance under this section, division 467  
(D) (1) (b) of section 1547.11, or division (D) (1) (b) of section 468  
4511.19 of the Revised Code; 469

(b) Any evidence or testimony regarding the method, 470  
process, reliability, or equipment used in the process of 471  
analyzing a person's whole blood, blood serum or plasma, urine, 472  
breath, oral fluid, or other bodily substance under this 473  
section, division (D) (1) (b) of section 1547.11, or division (D) 474  
(1) (b) of section 4511.19 of the Revised Code. 475

Any evidence or testimony proposed to be admitted under 476  
this section, and any evidence or testimony admitted under this 477  
section, is subject to division (D) (1) (c) of section 1547.11 or 478  
division (D) (1) (c) of section 4511.19 of the Revised Code, as 479  
applicable. 480

**Sec. 4511.19.** (A) (1) No person shall operate any vehicle, 481  
streetcar, or trackless trolley within this state, if, at the 482  
time of the operation, any of the following apply: 483

(a) The person is under the influence of alcohol, a drug 484  
of abuse, or a combination of them. 485

(b) The person has a concentration of eight-hundredths of 486  
one per cent or more but less than seventeen-hundredths of one 487  
per cent by weight per unit volume of alcohol in the person's 488  
whole blood. 489

(c) The person has a concentration of ninety-six- 490  
thousandths of one per cent or more but less than two hundred 491

four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.	492 493
(d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.	494 495 496 497
(e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.	498 499 500 501
(f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.	502 503 504
(g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.	505 506 507
(h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.	508 509 510
(i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.	511 512 513
(j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:	514 515 516 517 518
(i) The person has a concentration of amphetamine in the	519

person's urine of at least five hundred nanograms of amphetamine 520  
per milliliter of the person's urine or has a concentration of 521  
amphetamine in the person's whole blood or blood serum or plasma 522  
of at least one hundred nanograms of amphetamine per milliliter 523  
of the person's whole blood or blood serum or plasma. 524

(ii) The person has a concentration of cocaine in the 525  
person's urine of at least one hundred fifty nanograms of 526  
cocaine per milliliter of the person's urine or has a 527  
concentration of cocaine in the person's whole blood or blood 528  
serum or plasma of at least fifty nanograms of cocaine per 529  
milliliter of the person's whole blood or blood serum or plasma. 530

(iii) The person has a concentration of cocaine metabolite 531  
in the person's urine of at least one hundred fifty nanograms of 532  
cocaine metabolite per milliliter of the person's urine or has a 533  
concentration of cocaine metabolite in the person's whole blood 534  
or blood serum or plasma of at least fifty nanograms of cocaine 535  
metabolite per milliliter of the person's whole blood or blood 536  
serum or plasma. 537

(iv) The person has a concentration of heroin in the 538  
person's urine of at least two thousand nanograms of heroin per 539  
milliliter of the person's urine or has a concentration of 540  
heroin in the person's whole blood or blood serum or plasma of 541  
at least fifty nanograms of heroin per milliliter of the 542  
person's whole blood or blood serum or plasma. 543

(v) The person has a concentration of heroin metabolite 544  
(6-monoacetyl morphine) in the person's urine of at least ten 545  
nanograms of heroin metabolite (6-monoacetyl morphine) per 546  
milliliter of the person's urine or has a concentration of 547  
heroin metabolite (6-monoacetyl morphine) in the person's whole 548  
blood or blood serum or plasma of at least ten nanograms of 549

heroin metabolite (6-monoacetyl morphine) per milliliter of the 550  
person's whole blood or blood serum or plasma. 551

(vi) The person has a concentration of L.S.D. in the 552  
person's urine of at least twenty-five nanograms of L.S.D. per 553  
milliliter of the person's urine or a concentration of L.S.D. in 554  
the person's whole blood or blood serum or plasma of at least 555  
ten nanograms of L.S.D. per milliliter of the person's whole 556  
blood or blood serum or plasma. 557

(vii) The person has a concentration of marihuana ~~in the~~ 558  
~~person's urine of at least ten nanograms of marihuana per~~ 559  
~~milliliter of the person's urine or has a concentration of~~ 560  
~~marihuana (delta-9-tetrahydrocannabinol) in the person's whole~~ 561  
~~blood or blood serum or plasma of at least ~~two~~ five nanograms of~~ 562  
~~marihuana delta-9-tetrahydrocannabinol per milliliter of the~~ 563  
~~person's whole blood or blood serum or plasma.~~ 564

(viii) ~~Either of the following applies:~~ 565

~~(I) The person is under the influence of alcohol, a drug~~ 566  
~~of abuse, or a combination of them, and the person has a~~ 567  
~~concentration of marihuana metabolite in the person's urine of~~ 568  
~~at least fifteen nanograms of marihuana metabolite per~~ 569  
~~milliliter of the person's urine or has a concentration of~~ 570  
~~marihuana metabolite in the person's whole blood or blood serum~~ 571  
~~or plasma of at least five nanograms of marihuana metabolite per~~ 572  
~~milliliter of the person's whole blood or blood serum or plasma.~~ 573

~~(II) The person has a concentration of marihuana~~ 574  
~~metabolite in the person's urine of at least thirty five~~ 575  
~~nanograms of marihuana metabolite per milliliter of the person's~~ 576  
~~urine or has a concentration of marihuana metabolite in the~~ 577  
~~person's whole blood or blood serum or plasma of at least fifty~~ 578

~~nanograms of marihuana metabolite per milliliter of the person's~~ 579  
~~whole blood or blood serum or plasma.~~ 580

~~(ix)~~The person has a concentration of methamphetamine in 581  
the person's urine of at least five hundred nanograms of 582  
methamphetamine per milliliter of the person's urine or has a 583  
concentration of methamphetamine in the person's whole blood or 584  
blood serum or plasma of at least one hundred nanograms of 585  
methamphetamine per milliliter of the person's whole blood or 586  
blood serum or plasma. 587

~~(x)~~(ix) The person has a concentration of phencyclidine in 588  
the person's urine of at least twenty-five nanograms of 589  
phencyclidine per milliliter of the person's urine or has a 590  
concentration of phencyclidine in the person's whole blood or 591  
blood serum or plasma of at least ten nanograms of phencyclidine 592  
per milliliter of the person's whole blood or blood serum or 593  
plasma. 594

~~(xi)~~(x) The state board of pharmacy has adopted a rule 595  
pursuant to section 4729.041 of the Revised Code that specifies 596  
the amount of salvia divinorum and the amount of salvinorin A 597  
that constitute concentrations of salvia divinorum and 598  
salvinorin A in a person's urine, in a person's whole blood, or 599  
in a person's blood serum or plasma at or above which the person 600  
is impaired for purposes of operating any vehicle, streetcar, or 601  
trackless trolley within this state, the rule is in effect, and 602  
the person has a concentration of salvia divinorum or salvinorin 603  
A of at least that amount so specified by rule in the person's 604  
urine, in the person's whole blood, or in the person's blood 605  
serum or plasma. 606

(2) No person who, within twenty years of the conduct 607  
described in division (A) (2) (a) of this section, previously has 608

been convicted of or pleaded guilty to a violation of this 609  
division, a violation of division (A) (1) of this section, or any 610  
other equivalent offense shall do both of the following: 611

(a) Operate any vehicle, streetcar, or trackless trolley 612  
within this state while under the influence of alcohol, a drug 613  
of abuse, or a combination of them; 614

(b) Subsequent to being arrested for operating the 615  
vehicle, streetcar, or trackless trolley as described in 616  
division (A) (2) (a) of this section, being asked by a law 617  
enforcement officer to submit to a chemical test or tests under 618  
section 4511.191 of the Revised Code, and being advised by the 619  
officer in accordance with section 4511.192 of the Revised Code 620  
of the consequences of the person's refusal or submission to the 621  
test or tests, refuse to submit to the test or tests. 622

(B) No person under twenty-one years of age shall operate 623  
any vehicle, streetcar, or trackless trolley within this state, 624  
if, at the time of the operation, any of the following apply: 625

(1) The person has a concentration of at least two- 626  
hundredths of one per cent but less than eight-hundredths of one 627  
per cent by weight per unit volume of alcohol in the person's 628  
whole blood. 629

(2) The person has a concentration of at least three- 630  
hundredths of one per cent but less than ninety-six-thousandths 631  
of one per cent by weight per unit volume of alcohol in the 632  
person's blood serum or plasma. 633

(3) The person has a concentration of at least two- 634  
hundredths of one gram but less than eight-hundredths of one 635  
gram by weight of alcohol per two hundred ten liters of the 636  
person's breath. 637

(4) The person has a concentration of at least twenty- 638  
eight one-thousandths of one gram but less than eleven- 639  
hundredths of one gram by weight of alcohol per one hundred 640  
milliliters of the person's urine. 641

(C) In any proceeding arising out of one incident, a 642  
person may be charged with a violation of division (A) (1) (a) or 643  
(A) (2) and a violation of division (B) (1), (2), or (3) of this 644  
section, but the person may not be convicted of more than one 645  
violation of these divisions. 646

(D) (1) (a) In any criminal prosecution or juvenile court 647  
proceeding for a violation of division (A) (1) (a) of this section 648  
or for an equivalent offense that is vehicle-related, the result 649  
of any test of any blood, oral fluid, or urine withdrawn and 650  
analyzed at any health care provider, as defined in section 651  
2317.02 of the Revised Code, may be admitted with expert 652  
testimony to be considered with any other relevant and competent 653  
evidence in determining the guilt or innocence of the defendant. 654

(b) In any criminal prosecution or juvenile court 655  
proceeding for a violation of division (A) or (B) of this 656  
section or for an equivalent offense that is vehicle-related, 657  
the court may admit evidence on the presence and concentration 658  
of alcohol, drugs of abuse, controlled substances, metabolites 659  
of a controlled substance, or a combination of them in the 660  
defendant's whole blood, blood serum or plasma, breath, urine, 661  
oral fluid, or other bodily substance at the time of the alleged 662  
violation as shown by chemical analysis of the substance 663  
withdrawn within three hours of the time of the alleged 664  
violation. The three-hour time limit specified in this division 665  
regarding the admission of evidence does not extend or affect 666  
the two-hour time limit specified in division (A) of section 667

4511.192 of the Revised Code as the maximum period of time 668  
during which a person may consent to a chemical test or tests as 669  
described in that section. The court may admit evidence on the 670  
presence and concentration of alcohol, drugs of abuse, or a 671  
combination of them as described in this division when a person 672  
submits to a blood, breath, urine, oral fluid, or other bodily 673  
substance test at the request of a law enforcement officer under 674  
section 4511.191 of the Revised Code or a blood or urine sample 675  
is obtained pursuant to a search warrant. Only a physician, a 676  
registered nurse, an emergency medical technician-intermediate, 677  
an emergency medical technician-paramedic, or a qualified 678  
technician, chemist, or phlebotomist shall withdraw a blood 679  
sample for the purpose of determining the alcohol, drug, 680  
controlled substance, metabolite of a controlled substance, or 681  
combination content of the whole blood, blood serum, or blood 682  
plasma. This limitation does not apply to the taking of breath, 683  
oral fluid, or urine specimens. A person authorized to withdraw 684  
blood under this division may refuse to withdraw blood under 685  
this division, if in that person's opinion, the physical welfare 686  
of the person would be endangered by the withdrawing of blood. 687

The bodily substance withdrawn under division (D) (1) (b) of 688  
this section shall be analyzed in accordance with methods 689  
approved by the director of health by an individual possessing a 690  
valid permit issued by the director pursuant to section 3701.143 691  
of the Revised Code. 692

~~(e)~~(c) (i) Any evidence or testimony proposed to be 693  
admitted under division (D) (1) (b) of this section is subject to 694  
the Rules of Evidence, including Evid. R. 702 regarding expert 695  
testimony. 696

(ii) The admissibility of any evidence or testimony under 697



division (D) (1) (b) of this section regarding the presence and 698  
concentration of alcohol, a drug of abuse, or a combination of 699  
them in a person's whole blood, blood serum or plasma, urine, 700  
breath, oral fluid, or other bodily substance does not affect, 701  
impair, or limit the admissibility of either of the following 702  
that is otherwise admissible under the Rules of Evidence: 703

(I) Any evidence or testimony regarding the analysis of a 704  
person's whole blood, blood serum or plasma, urine, breath, oral 705  
fluid, or other bodily substance under section 3701.143 of the 706  
Revised Code; 707

(II) Any evidence or testimony regarding the method, 708  
process, reliability, or equipment used in the process of 709  
analyzing a person's whole blood, blood serum or plasma, urine, 710  
breath, oral fluid, or other bodily substance under section 711  
3701.143 of the Revised Code. 712

The trier of fact shall give any evidence or testimony 713  
admitted by the court under division (D) (1) (c) of this section 714  
whatever weight the trier of fact considers to be appropriate. 715

(d) As used in division (D) (1) (b) of this section, 716  
"emergency medical technician-intermediate" and "emergency 717  
medical technician-paramedic" have the same meanings as in 718  
section 4765.01 of the Revised Code. 719

(2) In a criminal prosecution or juvenile court proceeding 720  
for a violation of division (A) of this section or for an 721  
equivalent offense that is vehicle-related, if there was at the 722  
time the bodily substance was withdrawn a concentration of less 723  
than the applicable concentration of alcohol specified in 724  
divisions (A) (1) (b), (c), (d), and (e) of this section or less 725  
than the applicable concentration of a listed controlled 726

substance or a listed metabolite of a controlled substance 727  
specified for a violation of division (A) (1) (j) of this section, 728  
that fact may be considered with other competent evidence in 729  
determining the guilt or innocence of the defendant. This 730  
division does not limit or affect a criminal prosecution or 731  
juvenile court proceeding for a violation of division (B) of 732  
this section or for an equivalent offense that is substantially 733  
equivalent to that division. 734

(3) Upon the request of the person who was tested, the 735  
results of the chemical test shall be made available to the 736  
person or the person's attorney, immediately upon the completion 737  
of the chemical test analysis. 738

If the chemical test was obtained pursuant to division (D) 739  
(1) (b) of this section, the person tested may have a physician, 740  
a registered nurse, or a qualified technician, chemist, or 741  
phlebotomist of the person's own choosing administer a chemical 742  
test or tests, at the person's expense, in addition to any 743  
administered at the request of a law enforcement officer. If the 744  
person was under arrest as described in division (A) (5) of 745  
section 4511.191 of the Revised Code, the arresting officer 746  
shall advise the person at the time of the arrest that the 747  
person may have an independent chemical test taken at the 748  
person's own expense. If the person was under arrest other than 749  
described in division (A) (5) of section 4511.191 of the Revised 750  
Code, the form to be read to the person to be tested, as 751  
required under section 4511.192 of the Revised Code, shall state 752  
that the person may have an independent test performed at the 753  
person's expense. The failure or inability to obtain an 754  
additional chemical test by a person shall not preclude the 755  
admission of evidence relating to the chemical test or tests 756  
taken at the request of a law enforcement officer. 757

(4) (a) As used in divisions (D) (4) (b) and (c) of this 758  
section, "national highway traffic safety administration" means 759  
the national highway traffic safety administration established 760  
as an administration of the United States department of 761  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 762

(b) In any criminal prosecution or juvenile court 763  
proceeding for a violation of division (A) or (B) of this 764  
section, of a municipal ordinance relating to operating a 765  
vehicle while under the influence of alcohol, a drug of abuse, 766  
or alcohol and a drug of abuse, or of a municipal ordinance 767  
relating to operating a vehicle with a prohibited concentration 768  
of alcohol, a controlled substance, or a metabolite of a 769  
controlled substance in the whole blood, blood serum or plasma, 770  
breath, oral fluid, or urine, if a law enforcement officer has 771  
administered a field sobriety test to the operator of the 772  
vehicle involved in the violation and if it is shown by clear 773  
and convincing evidence that the officer administered the test 774  
in substantial compliance with the testing standards for any 775  
reliable, credible, and generally accepted field sobriety tests 776  
that were in effect at the time the tests were administered, 777  
including, but not limited to, any testing standards then in 778  
effect that were set by the national highway traffic safety 779  
administration, all of the following apply: 780

(i) The officer may testify concerning the results of the 781  
field sobriety test so administered. 782

(ii) The prosecution may introduce the results of the 783  
field sobriety test so administered as evidence in any 784  
proceedings in the criminal prosecution or juvenile court 785  
proceeding. 786

(iii) If testimony is presented or evidence is introduced 787

under division (D) (4) (b) (i) or (ii) of this section and if the 788  
testimony or evidence is admissible under the Rules of Evidence, 789  
the court shall admit the testimony or evidence and the trier of 790  
fact shall give it whatever weight the trier of fact considers 791  
to be appropriate. 792

(c) Division (D) (4) (b) of this section does not limit or 793  
preclude a court, in its determination of whether the arrest of 794  
a person was supported by probable cause or its determination of 795  
any other matter in a criminal prosecution or juvenile court 796  
proceeding of a type described in that division, from 797  
considering evidence or testimony that is not otherwise 798  
disallowed by division (D) (4) (b) of this section. 799

(5) (a) A trier of fact may infer that a person is under 800  
the influence of marihuana in violation of division (A) (1) (a) of 801  
this section if any of the following apply: 802

(i) The person has a concentration of at least twenty-five 803  
nanograms of delta-9-tetrahydrocannabinol per milliliter of the 804  
person's urine. 805

(ii) The person has a concentration of at least two but 806  
less than five nanograms of delta-9-tetrahydrocannabinol per 807  
milliliter of the person's whole blood. 808

(b) (i) If the court admits any evidence or testimony 809  
submitted by the prosecution under division (D) (1) (b) of this 810  
section that demonstrates that a person had a concentration of 811  
delta-9-tetrahydrocannabinol that is within one of the levels 812  
specified in division (D) (5) (a) of this section, the trier of 813  
fact may, without expert testimony, infer that the person was 814  
under the influence of marihuana in violation of division (A) (1) 815  
(a) of this section. 816

(ii) The inference that a person was under the influence of marihuana in violation of division (A) (1) (a) of this section may be supported or rebutted by either party with any evidence or testimony that complies with the Rules of Evidence. 817  
818  
819  
820

(c) In determining whether a person was under the influence of marihuana, the trier of fact shall consider all relevant and competent evidence, including the inference, and give the evidence whatever weight the trier of fact considers to be appropriate. 821  
822  
823  
824  
825

(E) (1) Subject to division (E) (3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), (i), or (j) or (B) (1), (2), (3), or (4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the department of health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following: 826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839

(a) The signature, under oath, of any person who performed the analysis; 840  
841

(b) Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found; 842  
843  
844  
845

(c) A copy of a notarized statement by the laboratory 846  
director or a designee of the director that contains the name of 847  
each certified analyst or test performer involved with the 848  
report, the analyst's or test performer's employment 849  
relationship with the laboratory that issued the report, and a 850  
notation that performing an analysis of the type involved is 851  
part of the analyst's or test performer's regular duties; 852

(d) An outline of the analyst's or test performer's 853  
education, training, and experience in performing the type of 854  
analysis involved and a certification that the laboratory 855  
satisfies appropriate quality control standards in general and, 856  
in this particular analysis, under rules of the department of 857  
health. 858

(2) Notwithstanding any other provision of law regarding 859  
the admission of evidence, a report of the type described in 860  
division (E) (1) of this section is not admissible against the 861  
defendant to whom it pertains in any proceeding, other than a 862  
preliminary hearing or a grand jury proceeding, unless the 863  
prosecutor has served a copy of the report on the defendant's 864  
attorney or, if the defendant has no attorney, on the defendant. 865

(3) A report of the type described in division (E) (1) of 866  
this section shall not be prima-facie evidence of the contents, 867  
identity, or amount of any substance if, within seven days after 868  
the defendant to whom the report pertains or the defendant's 869  
attorney receives a copy of the report, the defendant or the 870  
defendant's attorney demands the testimony of the person who 871  
signed the report. The judge in the case may extend the seven- 872  
day time limit in the interest of justice. 873

(F) Except as otherwise provided in this division, any 874  
physician, registered nurse, emergency medical technician- 875

intermediate, emergency medical technician-paramedic, or 876  
qualified technician, chemist, or phlebotomist who withdraws 877  
blood from a person pursuant to this section or section 4511.191 878  
or 4511.192 of the Revised Code, and any hospital, first-aid 879  
station, or clinic at which blood is withdrawn from a person 880  
pursuant to this section or section 4511.191 or 4511.192 of the 881  
Revised Code, is immune from criminal liability and civil 882  
liability based upon a claim of assault and battery or any other 883  
claim that is not a claim of malpractice, for any act performed 884  
in withdrawing blood from the person. The immunity provided in 885  
this division also extends to an emergency medical service 886  
organization that employs an emergency medical technician- 887  
intermediate or emergency medical technician-paramedic who 888  
withdraws blood under this section. The immunity provided in 889  
this division is not available to a person who withdraws blood 890  
if the person engages in willful or wanton misconduct. 891

As used in this division, "emergency medical technician- 892  
intermediate" and "emergency medical technician-paramedic" have 893  
the same meanings as in section 4765.01 of the Revised Code. 894

(G) (1) Whoever violates any provision of divisions (A) (1) 895  
(a) to (i) or (A) (2) of this section is guilty of operating a 896  
vehicle under the influence of alcohol, a drug of abuse, or a 897  
combination of them. Whoever violates division (A) (1) (j) of this 898  
section is guilty of operating a vehicle while under the 899  
influence of a listed controlled substance or a listed 900  
metabolite of a controlled substance. The court shall sentence 901  
the offender for either offense under Chapter 2929. of the 902  
Revised Code, except as otherwise authorized or required by 903  
divisions (G) (1) (a) to (e) of this section: 904

(a) Except as otherwise provided in division (G) (1) (b), 905

(c), (d), or (e) of this section, the offender is guilty of a 906  
misdemeanor of the first degree, and the court shall sentence 907  
the offender to all of the following: 908

(i) If the sentence is being imposed for a violation of 909  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 910  
a mandatory jail term of three consecutive days. As used in this 911  
division, three consecutive days means seventy-two consecutive 912  
hours. The court may sentence an offender to both an 913  
intervention program and a jail term. The court may impose a 914  
jail term in addition to the three-day mandatory jail term or 915  
intervention program. However, in no case shall the cumulative 916  
jail term imposed for the offense exceed six months. 917

The court may suspend the execution of the three-day jail 918  
term under this division if the court, in lieu of that suspended 919  
term, places the offender under a community control sanction 920  
pursuant to section 2929.25 of the Revised Code and requires the 921  
offender to attend, for three consecutive days, a drivers' 922  
intervention program certified under section 5119.38 of the 923  
Revised Code. The court also may suspend the execution of any 924  
part of the three-day jail term under this division if it places 925  
the offender under a community control sanction pursuant to 926  
section 2929.25 of the Revised Code for part of the three days, 927  
requires the offender to attend for the suspended part of the 928  
term a drivers' intervention program so certified, and sentences 929  
the offender to a jail term equal to the remainder of the three 930  
consecutive days that the offender does not spend attending the 931  
program. The court may require the offender, as a condition of 932  
community control and in addition to the required attendance at 933  
a drivers' intervention program, to attend and satisfactorily 934  
complete any treatment or education programs that comply with 935  
the minimum standards adopted pursuant to Chapter 5119. of the 936



Revised Code by the director of mental health and addiction 937  
services that the operators of the drivers' intervention program 938  
determine that the offender should attend and to report 939  
periodically to the court on the offender's progress in the 940  
programs. The court also may impose on the offender any other 941  
conditions of community control that it considers necessary. 942

If the court grants unlimited driving privileges to a 943  
first-time offender under section 4510.022 of the Revised Code, 944  
all penalties imposed upon the offender by the court under 945  
division (G) (1) (a) (i) of this section for the offense apply, 946  
except that the court shall suspend any mandatory or additional 947  
jail term imposed by the court under division (G) (1) (a) (i) of 948  
this section upon granting unlimited driving privileges in 949  
accordance with section 4510.022 of the Revised Code. 950

(ii) If the sentence is being imposed for a violation of 951  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 952  
section, except as otherwise provided in this division, a 953  
mandatory jail term of at least three consecutive days and a 954  
requirement that the offender attend, for three consecutive 955  
days, a drivers' intervention program that is certified pursuant 956  
to section 5119.38 of the Revised Code. As used in this 957  
division, three consecutive days means seventy-two consecutive 958  
hours. If the court determines that the offender is not 959  
conducive to treatment in a drivers' intervention program, if 960  
the offender refuses to attend a drivers' intervention program, 961  
or if the jail at which the offender is to serve the jail term 962  
imposed can provide a driver's intervention program, the court 963  
shall sentence the offender to a mandatory jail term of at least 964  
six consecutive days. 965

If the court grants unlimited driving privileges to a 966

first-time offender under section 4510.022 of the Revised Code, 967  
all penalties imposed upon the offender by the court under 968  
division (G) (1) (a) (ii) of this section for the offense apply, 969  
except that the court shall suspend any mandatory or additional 970  
jail term imposed by the court under division (G) (1) (a) (ii) of 971  
this section upon granting unlimited driving privileges in 972  
accordance with section 4510.022 of the Revised Code. 973

The court may require the offender, under a community 974  
control sanction imposed under section 2929.25 of the Revised 975  
Code, to attend and satisfactorily complete any treatment or 976  
education programs that comply with the minimum standards 977  
adopted pursuant to Chapter 5119. of the Revised Code by the 978  
director of mental health and addiction services, in addition to 979  
the required attendance at drivers' intervention program, that 980  
the operators of the drivers' intervention program determine 981  
that the offender should attend and to report periodically to 982  
the court on the offender's progress in the programs. The court 983  
also may impose any other conditions of community control on the 984  
offender that it considers necessary. 985

(iii) In all cases, a fine of not less than five hundred 986  
sixty-five and not more than one thousand seventy-five dollars; 987

(iv) In all cases, a suspension of the offender's driver's 988  
or commercial driver's license or permit or nonresident 989  
operating privilege for a definite period of one to three years. 990  
The court may grant limited driving privileges relative to the 991  
suspension under sections 4510.021 and 4510.13 of the Revised 992  
Code. The court may grant unlimited driving privileges with an 993  
ignition interlock device relative to the suspension and may 994  
reduce the period of suspension as authorized under section 995  
4510.022 of the Revised Code. 996

(b) Except as otherwise provided in division (G) (1) (e) of 997  
this section, an offender who, within ten years of the offense, 998  
previously has been convicted of or pleaded guilty to one 999  
violation of division (A) of this section or one other 1000  
equivalent offense is guilty of a misdemeanor of the first 1001  
degree. The court shall sentence the offender to all of the 1002  
following: 1003

(i) If the sentence is being imposed for a violation of 1004  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 1005  
a mandatory jail term of ten consecutive days. The court shall 1006  
impose the ten-day mandatory jail term under this division 1007  
unless, subject to division (G) (3) of this section, it instead 1008  
imposes a sentence under that division consisting of both a jail 1009  
term and a term of house arrest with electronic monitoring, with 1010  
continuous alcohol monitoring, or with both electronic 1011  
monitoring and continuous alcohol monitoring. The court may 1012  
impose a jail term in addition to the ten-day mandatory jail 1013  
term. The cumulative jail term imposed for the offense shall not 1014  
exceed six months. 1015

In addition to the jail term or the term of house arrest 1016  
with electronic monitoring or continuous alcohol monitoring or 1017  
both types of monitoring and jail term, the court shall require 1018  
the offender to be assessed by a community addiction services 1019  
provider that is authorized by section 5119.21 of the Revised 1020  
Code, subject to division (I) of this section, and shall order 1021  
the offender to follow the treatment recommendations of the 1022  
services provider. The purpose of the assessment is to determine 1023  
the degree of the offender's alcohol usage and to determine 1024  
whether or not treatment is warranted. Upon the request of the 1025  
court, the services provider shall submit the results of the 1026  
assessment to the court, including all treatment recommendations 1027

and clinical diagnoses related to alcohol use. 1028

(ii) If the sentence is being imposed for a violation of 1029  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1030  
section, except as otherwise provided in this division, a 1031  
mandatory jail term of twenty consecutive days. The court shall 1032  
impose the twenty-day mandatory jail term under this division 1033  
unless, subject to division (G)(3) of this section, it instead 1034  
imposes a sentence under that division consisting of both a jail 1035  
term and a term of house arrest with electronic monitoring, with 1036  
continuous alcohol monitoring, or with both electronic 1037  
monitoring and continuous alcohol monitoring. The court may 1038  
impose a jail term in addition to the twenty-day mandatory jail 1039  
term. The cumulative jail term imposed for the offense shall not 1040  
exceed six months. 1041

In addition to the jail term or the term of house arrest 1042  
with electronic monitoring or continuous alcohol monitoring or 1043  
both types of monitoring and jail term, the court shall require 1044  
the offender to be assessed by a community addiction service 1045  
provider that is authorized by section 5119.21 of the Revised 1046  
Code, subject to division (I) of this section, and shall order 1047  
the offender to follow the treatment recommendations of the 1048  
services provider. The purpose of the assessment is to determine 1049  
the degree of the offender's alcohol usage and to determine 1050  
whether or not treatment is warranted. Upon the request of the 1051  
court, the services provider shall submit the results of the 1052  
assessment to the court, including all treatment recommendations 1053  
and clinical diagnoses related to alcohol use. 1054

(iii) In all cases, notwithstanding the fines set forth in 1055  
Chapter 2929. of the Revised Code, a fine of not less than seven 1056  
hundred fifteen and not more than one thousand six hundred 1057

twenty-five dollars; 1058

(iv) In all cases, a suspension of the offender's driver's 1059  
license, commercial driver's license, temporary instruction 1060  
permit, probationary license, or nonresident operating privilege 1061  
for a definite period of one to seven years. The court may grant 1062  
limited driving privileges relative to the suspension under 1063  
sections 4510.021 and 4510.13 of the Revised Code. 1064

(v) In all cases, if the vehicle is registered in the 1065  
offender's name, immobilization of the vehicle involved in the 1066  
offense for ninety days in accordance with section 4503.233 of 1067  
the Revised Code and impoundment of the license plates of that 1068  
vehicle for ninety days. 1069

(c) Except as otherwise provided in division (G) (1) (e) of 1070  
this section, an offender who, within ten years of the offense, 1071  
previously has been convicted of or pleaded guilty to two 1072  
violations of division (A) of this section or other equivalent 1073  
offenses is guilty of a misdemeanor. The court shall sentence 1074  
the offender to all of the following: 1075

(i) If the sentence is being imposed for a violation of 1076  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 1077  
a mandatory jail term of thirty consecutive days. The court 1078  
shall impose the thirty-day mandatory jail term under this 1079  
division unless, subject to division (G) (3) of this section, it 1080  
instead imposes a sentence under that division consisting of 1081  
both a jail term and a term of house arrest with electronic 1082  
monitoring, with continuous alcohol monitoring, or with both 1083  
electronic monitoring and continuous alcohol monitoring. The 1084  
court may impose a jail term in addition to the thirty-day 1085  
mandatory jail term. Notwithstanding the jail terms set forth in 1086  
sections 2929.21 to 2929.28 of the Revised Code, the additional 1087

jail term shall not exceed one year, and the cumulative jail 1088  
term imposed for the offense shall not exceed one year. 1089

(ii) If the sentence is being imposed for a violation of 1090  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1091  
section, a mandatory jail term of sixty consecutive days. The 1092  
court shall impose the sixty-day mandatory jail term under this 1093  
division unless, subject to division (G)(3) of this section, it 1094  
instead imposes a sentence under that division consisting of 1095  
both a jail term and a term of house arrest with electronic 1096  
monitoring, with continuous alcohol monitoring, or with both 1097  
electronic monitoring and continuous alcohol monitoring. The 1098  
court may impose a jail term in addition to the sixty-day 1099  
mandatory jail term. Notwithstanding the jail terms set forth in 1100  
sections 2929.21 to 2929.28 of the Revised Code, the additional 1101  
jail term shall not exceed one year, and the cumulative jail 1102  
term imposed for the offense shall not exceed one year. 1103

(iii) In all cases, notwithstanding the fines set forth in 1104  
Chapter 2929. of the Revised Code, a fine of not less than one 1105  
thousand forty and not more than two thousand seven hundred 1106  
fifty dollars; 1107

(iv) In all cases, a suspension of the offender's driver's 1108  
license, commercial driver's license, temporary instruction 1109  
permit, probationary license, or nonresident operating privilege 1110  
for a definite period of two to twelve years. The court may 1111  
grant limited driving privileges relative to the suspension 1112  
under sections 4510.021 and 4510.13 of the Revised Code. 1113

(v) In all cases, if the vehicle is registered in the 1114  
offender's name, criminal forfeiture of the vehicle involved in 1115  
the offense in accordance with section 4503.234 of the Revised 1116  
Code. Division (G)(6) of this section applies regarding any 1117

vehicle that is subject to an order of criminal forfeiture under 1118  
this division. 1119

(vi) In all cases, the court shall order the offender to 1120  
participate with a community addiction services provider 1121  
authorized by section 5119.21 of the Revised Code, subject to 1122  
division (I) of this section, and shall order the offender to 1123  
follow the treatment recommendations of the services provider. 1124  
The operator of the services provider shall determine and assess 1125  
the degree of the offender's alcohol dependency and shall make 1126  
recommendations for treatment. Upon the request of the court, 1127  
the services provider shall submit the results of the assessment 1128  
to the court, including all treatment recommendations and 1129  
clinical diagnoses related to alcohol use. 1130

(d) Except as otherwise provided in division (G) (1) (e) of 1131  
this section, an offender who, within ten years of the offense, 1132  
previously has been convicted of or pleaded guilty to three or 1133  
four violations of division (A) of this section or other 1134  
equivalent offenses, an offender who, within twenty years of the 1135  
offense, previously has been convicted of or pleaded guilty to 1136  
five or more violations of that nature, or an offender who 1137  
previously has been convicted of or pleaded guilty to a 1138  
specification of the type described in section 2941.1413 of the 1139  
Revised Code, is guilty of a felony of the fourth degree. The 1140  
court shall sentence the offender to all of the following: 1141

(i) If the sentence is being imposed for a violation of 1142  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 1143  
a mandatory prison term of one, two, three, four, or five years 1144  
as required by and in accordance with division (G) (2) of section 1145  
2929.13 of the Revised Code if the offender also is convicted of 1146  
or also pleads guilty to a specification of the type described 1147

in section 2941.1413 of the Revised Code or, in the discretion 1148  
of the court, either a mandatory term of local incarceration of 1149  
sixty consecutive days in accordance with division (G) (1) of 1150  
section 2929.13 of the Revised Code or a mandatory prison term 1151  
of sixty consecutive days in accordance with division (G) (2) of 1152  
that section if the offender is not convicted of and does not 1153  
plead guilty to a specification of that type. If the court 1154  
imposes a mandatory term of local incarceration, it may impose a 1155  
jail term in addition to the sixty-day mandatory term, the 1156  
cumulative total of the mandatory term and the jail term for the 1157  
offense shall not exceed one year, and, except as provided in 1158  
division (A) (1) of section 2929.13 of the Revised Code, no 1159  
prison term is authorized for the offense. If the court imposes 1160  
a mandatory prison term, notwithstanding division (A) (4) of 1161  
section 2929.14 of the Revised Code, it also may sentence the 1162  
offender to a definite prison term that shall be not less than 1163  
six months and not more than thirty months and the prison terms 1164  
shall be imposed as described in division (G) (2) of section 1165  
2929.13 of the Revised Code. If the court imposes a mandatory 1166  
prison term or mandatory prison term and additional prison term, 1167  
in addition to the term or terms so imposed, the court also may 1168  
sentence the offender to a community control sanction for the 1169  
offense, but the offender shall serve all of the prison terms so 1170  
imposed prior to serving the community control sanction. 1171

(ii) If the sentence is being imposed for a violation of 1172  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 1173  
section, a mandatory prison term of one, two, three, four, or 1174  
five years as required by and in accordance with division (G) (2) 1175  
of section 2929.13 of the Revised Code if the offender also is 1176  
convicted of or also pleads guilty to a specification of the 1177  
type described in section 2941.1413 of the Revised Code or, in 1178



the discretion of the court, either a mandatory term of local 1179  
incarceration of one hundred twenty consecutive days in 1180  
accordance with division (G)(1) of section 2929.13 of the 1181  
Revised Code or a mandatory prison term of one hundred twenty 1182  
consecutive days in accordance with division (G)(2) of that 1183  
section if the offender is not convicted of and does not plead 1184  
guilty to a specification of that type. If the court imposes a 1185  
mandatory term of local incarceration, it may impose a jail term 1186  
in addition to the one hundred twenty-day mandatory term, the 1187  
cumulative total of the mandatory term and the jail term for the 1188  
offense shall not exceed one year, and, except as provided in 1189  
division (A)(1) of section 2929.13 of the Revised Code, no 1190  
prison term is authorized for the offense. If the court imposes 1191  
a mandatory prison term, notwithstanding division (A)(4) of 1192  
section 2929.14 of the Revised Code, it also may sentence the 1193  
offender to a definite prison term that shall be not less than 1194  
six months and not more than thirty months and the prison terms 1195  
shall be imposed as described in division (G)(2) of section 1196  
2929.13 of the Revised Code. If the court imposes a mandatory 1197  
prison term or mandatory prison term and additional prison term, 1198  
in addition to the term or terms so imposed, the court also may 1199  
sentence the offender to a community control sanction for the 1200  
offense, but the offender shall serve all of the prison terms so 1201  
imposed prior to serving the community control sanction. 1202

(iii) In all cases, notwithstanding section 2929.18 of the 1203  
Revised Code, a fine of not less than one thousand five hundred 1204  
forty nor more than ten thousand five hundred dollars; 1205

(iv) In all cases, a class two license suspension of the 1206  
offender's driver's license, commercial driver's license, 1207  
temporary instruction permit, probationary license, or 1208  
nonresident operating privilege from the range specified in 1209

division (A) (2) of section 4510.02 of the Revised Code. The 1210  
court may grant limited driving privileges relative to the 1211  
suspension under sections 4510.021 and 4510.13 of the Revised 1212  
Code. 1213

(v) In all cases, if the vehicle is registered in the 1214  
offender's name, criminal forfeiture of the vehicle involved in 1215  
the offense in accordance with section 4503.234 of the Revised 1216  
Code. Division (G) (6) of this section applies regarding any 1217  
vehicle that is subject to an order of criminal forfeiture under 1218  
this division. 1219

(vi) In all cases, the court shall order the offender to 1220  
participate with a community addiction services provider 1221  
authorized by section 5119.21 of the Revised Code, subject to 1222  
division (I) of this section, and shall order the offender to 1223  
follow the treatment recommendations of the services provider. 1224  
The operator of the services provider shall determine and assess 1225  
the degree of the offender's alcohol dependency and shall make 1226  
recommendations for treatment. Upon the request of the court, 1227  
the services provider shall submit the results of the assessment 1228  
to the court, including all treatment recommendations and 1229  
clinical diagnoses related to alcohol use. 1230

(vii) In all cases, if the court sentences the offender to 1231  
a mandatory term of local incarceration, in addition to the 1232  
mandatory term, the court, pursuant to section 2929.17 of the 1233  
Revised Code, may impose a term of house arrest with electronic 1234  
monitoring. The term shall not commence until after the offender 1235  
has served the mandatory term of local incarceration. 1236

(e) An offender who previously has been convicted of or 1237  
pleaded guilty to a violation of division (A) of this section 1238  
that was a felony, regardless of when the violation and the 1239

conviction or guilty plea occurred, is guilty of a felony of the 1240  
third degree. The court shall sentence the offender to all of 1241  
the following: 1242

(i) If the offender is being sentenced for a violation of 1243  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 1244  
a mandatory prison term of one, two, three, four, or five years 1245  
as required by and in accordance with division (G)(2) of section 1246  
2929.13 of the Revised Code if the offender also is convicted of 1247  
or also pleads guilty to a specification of the type described 1248  
in section 2941.1413 of the Revised Code or a mandatory prison 1249  
term of sixty consecutive days in accordance with division (G) 1250  
(2) of section 2929.13 of the Revised Code if the offender is 1251  
not convicted of and does not plead guilty to a specification of 1252  
that type. The court may impose a prison term in addition to the 1253  
mandatory prison term. The cumulative total of a sixty-day 1254  
mandatory prison term and the additional prison term for the 1255  
offense shall not exceed five years. In addition to the 1256  
mandatory prison term or mandatory prison term and additional 1257  
prison term the court imposes, the court also may sentence the 1258  
offender to a community control sanction for the offense, but 1259  
the offender shall serve all of the prison terms so imposed 1260  
prior to serving the community control sanction. 1261

(ii) If the sentence is being imposed for a violation of 1262  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1263  
section, a mandatory prison term of one, two, three, four, or 1264  
five years as required by and in accordance with division (G)(2) 1265  
of section 2929.13 of the Revised Code if the offender also is 1266  
convicted of or also pleads guilty to a specification of the 1267  
type described in section 2941.1413 of the Revised Code or a 1268  
mandatory prison term of one hundred twenty consecutive days in 1269  
accordance with division (G)(2) of section 2929.13 of the 1270

Revised Code if the offender is not convicted of and does not 1271  
plead guilty to a specification of that type. The court may 1272  
impose a prison term in addition to the mandatory prison term. 1273  
The cumulative total of a one hundred twenty-day mandatory 1274  
prison term and the additional prison term for the offense shall 1275  
not exceed five years. In addition to the mandatory prison term 1276  
or mandatory prison term and additional prison term the court 1277  
imposes, the court also may sentence the offender to a community 1278  
control sanction for the offense, but the offender shall serve 1279  
all of the prison terms so imposed prior to serving the 1280  
community control sanction. 1281

(iii) In all cases, notwithstanding section 2929.18 of the 1282  
Revised Code, a fine of not less than one thousand five hundred 1283  
forty nor more than ten thousand five hundred dollars; 1284

(iv) In all cases, a class two license suspension of the 1285  
offender's driver's license, commercial driver's license, 1286  
temporary instruction permit, probationary license, or 1287  
nonresident operating privilege from the range specified in 1288  
division (A)(2) of section 4510.02 of the Revised Code. The 1289  
court may grant limited driving privileges relative to the 1290  
suspension under sections 4510.021 and 4510.13 of the Revised 1291  
Code. 1292

(v) In all cases, if the vehicle is registered in the 1293  
offender's name, criminal forfeiture of the vehicle involved in 1294  
the offense in accordance with section 4503.234 of the Revised 1295  
Code. Division (G)(6) of this section applies regarding any 1296  
vehicle that is subject to an order of criminal forfeiture under 1297  
this division. 1298

(vi) In all cases, the court shall order the offender to 1299  
participate with a community addiction services provider 1300

authorized by section 5119.21 of the Revised Code, subject to 1301  
division (I) of this section, and shall order the offender to 1302  
follow the treatment recommendations of the services provider. 1303  
The operator of the services provider shall determine and assess 1304  
the degree of the offender's alcohol dependency and shall make 1305  
recommendations for treatment. Upon the request of the court, 1306  
the services provider shall submit the results of the assessment 1307  
to the court, including all treatment recommendations and 1308  
clinical diagnoses related to alcohol use. 1309

(2) An offender who is convicted of or pleads guilty to a 1310  
violation of division (A) of this section and who subsequently 1311  
seeks reinstatement of the driver's or occupational driver's 1312  
license or permit or nonresident operating privilege suspended 1313  
under this section as a result of the conviction or guilty plea 1314  
shall pay a reinstatement fee as provided in division (F) (2) of 1315  
section 4511.191 of the Revised Code. 1316

(3) If an offender is sentenced to a jail term under 1317  
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 1318  
section and if, within sixty days of sentencing of the offender, 1319  
the court issues a written finding on the record that, due to 1320  
the unavailability of space at the jail where the offender is 1321  
required to serve the term, the offender will not be able to 1322  
begin serving that term within the sixty-day period following 1323  
the date of sentencing, the court may impose an alternative 1324  
sentence under this division that includes a term of house 1325  
arrest with electronic monitoring, with continuous alcohol 1326  
monitoring, or with both electronic monitoring and continuous 1327  
alcohol monitoring. 1328

As an alternative to a mandatory jail term of ten 1329  
consecutive days required by division (G) (1) (b) (i) of this 1330

section, the court, under this division, may sentence the 1331  
offender to five consecutive days in jail and not less than 1332  
eighteen consecutive days of house arrest with electronic 1333  
monitoring, with continuous alcohol monitoring, or with both 1334  
electronic monitoring and continuous alcohol monitoring. The 1335  
cumulative total of the five consecutive days in jail and the 1336  
period of house arrest with electronic monitoring, continuous 1337  
alcohol monitoring, or both types of monitoring shall not exceed 1338  
six months. The five consecutive days in jail do not have to be 1339  
served prior to or consecutively to the period of house arrest. 1340

As an alternative to the mandatory jail term of twenty 1341  
consecutive days required by division (G)(1)(b)(ii) of this 1342  
section, the court, under this division, may sentence the 1343  
offender to ten consecutive days in jail and not less than 1344  
thirty-six consecutive days of house arrest with electronic 1345  
monitoring, with continuous alcohol monitoring, or with both 1346  
electronic monitoring and continuous alcohol monitoring. The 1347  
cumulative total of the ten consecutive days in jail and the 1348  
period of house arrest with electronic monitoring, continuous 1349  
alcohol monitoring, or both types of monitoring shall not exceed 1350  
six months. The ten consecutive days in jail do not have to be 1351  
served prior to or consecutively to the period of house arrest. 1352

As an alternative to a mandatory jail term of thirty 1353  
consecutive days required by division (G)(1)(c)(i) of this 1354  
section, the court, under this division, may sentence the 1355  
offender to fifteen consecutive days in jail and not less than 1356  
fifty-five consecutive days of house arrest with electronic 1357  
monitoring, with continuous alcohol monitoring, or with both 1358  
electronic monitoring and continuous alcohol monitoring. The 1359  
cumulative total of the fifteen consecutive days in jail and the 1360  
period of house arrest with electronic monitoring, continuous 1361

alcohol monitoring, or both types of monitoring shall not exceed 1362  
one year. The fifteen consecutive days in jail do not have to be 1363  
served prior to or consecutively to the period of house arrest. 1364

As an alternative to the mandatory jail term of sixty 1365  
consecutive days required by division (G) (1) (c) (ii) of this 1366  
section, the court, under this division, may sentence the 1367  
offender to thirty consecutive days in jail and not less than 1368  
one hundred ten consecutive days of house arrest with electronic 1369  
monitoring, with continuous alcohol monitoring, or with both 1370  
electronic monitoring and continuous alcohol monitoring. The 1371  
cumulative total of the thirty consecutive days in jail and the 1372  
period of house arrest with electronic monitoring, continuous 1373  
alcohol monitoring, or both types of monitoring shall not exceed 1374  
one year. The thirty consecutive days in jail do not have to be 1375  
served prior to or consecutively to the period of house arrest. 1376

(4) If an offender's driver's or occupational driver's 1377  
license or permit or nonresident operating privilege is 1378  
suspended under division (G) of this section and if section 1379  
4510.13 of the Revised Code permits the court to grant limited 1380  
driving privileges, the court may grant the limited driving 1381  
privileges in accordance with that section. If division (A) (7) 1382  
of that section requires that the court impose as a condition of 1383  
the privileges that the offender must display on the vehicle 1384  
that is driven subject to the privileges restricted license 1385  
plates that are issued under section 4503.231 of the Revised 1386  
Code, except as provided in division (B) of that section, the 1387  
court shall impose that condition as one of the conditions of 1388  
the limited driving privileges granted to the offender, except 1389  
as provided in division (B) of section 4503.231 of the Revised 1390  
Code. 1391

(5) Fines imposed under this section for a violation of 1392  
division (A) of this section shall be distributed as follows: 1393

(a) Twenty-five dollars of the fine imposed under division 1394  
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 1395  
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 1396  
fine imposed under division (G) (1) (c) (iii), and two hundred ten 1397  
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 1398  
(iii) of this section shall be paid to an enforcement and 1399  
education fund established by the legislative authority of the 1400  
law enforcement agency in this state that primarily was 1401  
responsible for the arrest of the offender, as determined by the 1402  
court that imposes the fine. The agency shall use this share to 1403  
pay only those costs it incurs in enforcing this section or a 1404  
municipal OVI ordinance and in informing the public of the laws 1405  
governing the operation of a vehicle while under the influence 1406  
of alcohol, the dangers of the operation of a vehicle under the 1407  
influence of alcohol, and other information relating to the 1408  
operation of a vehicle under the influence of alcohol and the 1409  
consumption of alcoholic beverages. 1410

(b) Fifty dollars of the fine imposed under division (G) 1411  
(1) (a) (iii) of this section shall be paid to the political 1412  
subdivision that pays the cost of housing the offender during 1413  
the offender's term of incarceration. If the offender is being 1414  
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 1415  
(e), or (j) of this section and was confined as a result of the 1416  
offense prior to being sentenced for the offense but is not 1417  
sentenced to a term of incarceration, the fifty dollars shall be 1418  
paid to the political subdivision that paid the cost of housing 1419  
the offender during that period of confinement. The political 1420  
subdivision shall use the share under this division to pay or 1421  
reimburse incarceration or treatment costs it incurs in housing 1422



or providing drug and alcohol treatment to persons who violate 1423  
this section or a municipal OVI ordinance, costs of any 1424  
immobilizing or disabling device used on the offender's vehicle, 1425  
and costs of electronic house arrest equipment needed for 1426  
persons who violate this section. 1427

(c) Twenty-five dollars of the fine imposed under division 1428  
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 1429  
division (G) (1) (b) (iii) of this section shall be deposited into 1430  
the county or municipal indigent drivers' alcohol treatment fund 1431  
under the control of that court, as created by the county or 1432  
municipal corporation under division (H) of section 4511.191 of 1433  
the Revised Code. 1434

(d) One hundred fifteen dollars of the fine imposed under 1435  
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 1436  
the fine imposed under division (G) (1) (c) (iii), and four hundred 1437  
forty dollars of the fine imposed under division (G) (1) (d) (iii) 1438  
or (e) (iii) of this section shall be paid to the political 1439  
subdivision that pays the cost of housing the offender during 1440  
the offender's term of incarceration. The political subdivision 1441  
shall use this share to pay or reimburse incarceration or 1442  
treatment costs it incurs in housing or providing drug and 1443  
alcohol treatment to persons who violate this section or a 1444  
municipal OVI ordinance, costs for any immobilizing or disabling 1445  
device used on the offender's vehicle, and costs of electronic 1446  
house arrest equipment needed for persons who violate this 1447  
section. 1448

(e) One hundred twenty-five dollars of the fine imposed 1449  
under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), 1450  
(G) (1) (d) (iii), and (G) (1) (e) (iii) of this section shall be 1451  
deposited into the special projects fund of the court in which 1452

the offender was convicted and that is established under 1453  
division (E) (1) of section 2303.201, division (B) (1) of section 1454  
1901.26, or division (B) (1) of section 1907.24 of the Revised 1455  
Code, to be used exclusively to cover the cost of immobilizing 1456  
or disabling devices, including certified ignition interlock 1457  
devices, and remote alcohol monitoring devices for indigent 1458  
offenders who are required by a judge to use either of these 1459  
devices. If the court in which the offender was convicted does 1460  
not have a special projects fund that is established under 1461  
division (E) (1) of section 2303.201, division (B) (1) of section 1462  
1901.26, or division (B) (1) of section 1907.24 of the Revised 1463  
Code, the one hundred twenty-five dollars shall be deposited 1464  
into the indigent drivers interlock and alcohol monitoring fund 1465  
under division (I) of section 4511.191 of the Revised Code. 1466

(f) Seventy-five dollars of the fine imposed under 1467  
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 1468  
fine imposed under division (G) (1) (b) (iii), two hundred fifty 1469  
dollars of the fine imposed under division (G) (1) (c) (iii), and 1470  
five hundred dollars of the fine imposed under division (G) (1) 1471  
(d) (iii) or (e) (iii) of this section shall be transmitted to the 1472  
treasurer of state for deposit into the indigent defense support 1473  
fund established under section 120.08 of the Revised Code. 1474

(g) One hundred fifteen dollars shall be credited to the 1475  
statewide treatment and prevention fund created by section 1476  
4301.30 of the Revised Code. Money credited to the fund under 1477  
this section shall be used for purposes identified under section 1478  
5119.22 of the Revised Code. 1479

(h) The balance of the fine imposed under division (G) (1) 1480  
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 1481  
section shall be disbursed as otherwise provided by law. 1482

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (G) (1) (c), (d), or (e) of this section is assigned or transferred and division (B) (2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C) (2) of that section.

(7) In all cases in which an offender is sentenced under division (G) of this section, the offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to section 2929.18 or 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (G) of this section.

(8) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:

(a) The offender is convicted of or pleads guilty to a violation of division (A) of this section.

(b) The test or tests were of the offender's whole blood, blood serum or plasma, oral fluid, or urine.

(c) The test or tests indicated that the offender had one 1513  
of the following at the time of the offense: 1514

(i) A prohibited concentration of a controlled substance 1515  
or a metabolite of a controlled substance in the offender's 1516  
whole blood, blood serum or plasma, or urine; 1517

(ii) A drug of abuse or a metabolite of a drug of abuse in 1518  
the offender's oral fluid. 1519

(9) A court may warn any person who is convicted of or who 1520  
pleads guilty to a violation of division (A) of this section or 1521  
an equivalent offense that a subsequent violation of this 1522  
section or an equivalent offense that results in the death of 1523  
another or the unlawful termination of another's pregnancy may 1524  
result in the person being guilty of aggravated vehicular 1525  
homicide under section 2903.06 of the Revised Code. The court 1526  
may warn the person of the applicable penalties for that 1527  
violation under sections 2903.06 and 2929.142 of the Revised 1528  
Code. 1529

(10) As used in division (G) of this section, "electronic 1530  
monitoring," "mandatory prison term," and "mandatory term of 1531  
local incarceration" have the same meanings as in section 1532  
2929.01 of the Revised Code. 1533

(H) Whoever violates division (B) of this section is 1534  
guilty of operating a vehicle after underage alcohol consumption 1535  
and shall be punished as follows: 1536

(1) Except as otherwise provided in division (H) (2) of 1537  
this section, the offender is guilty of a misdemeanor of the 1538  
fourth degree. In addition to any other sanction imposed for the 1539  
offense, the court shall impose a class six suspension of the 1540  
offender's driver's license, commercial driver's license, 1541

temporary instruction permit, probationary license, or 1542  
nonresident operating privilege from the range specified in 1543  
division (A) (6) of section 4510.02 of the Revised Code. The 1544  
court may grant limited driving privileges relative to the 1545  
suspension under sections 4510.021 and 4510.13 of the Revised 1546  
Code. The court may grant unlimited driving privileges with an 1547  
ignition interlock device relative to the suspension and may 1548  
reduce the period of suspension as authorized under section 1549  
4510.022 of the Revised Code. If the court grants unlimited 1550  
driving privileges under section 4510.022 of the Revised Code, 1551  
the court shall suspend any jail term imposed under division (H) 1552  
(1) of this section as required under that section. 1553

(2) If, within one year of the offense, the offender 1554  
previously has been convicted of or pleaded guilty to one or 1555  
more violations of division (A) of this section or other 1556  
equivalent offenses, the offender is guilty of a misdemeanor of 1557  
the third degree. In addition to any other sanction imposed for 1558  
the offense, the court shall impose a class four suspension of 1559  
the offender's driver's license, commercial driver's license, 1560  
temporary instruction permit, probationary license, or 1561  
nonresident operating privilege from the range specified in 1562  
division (A) (4) of section 4510.02 of the Revised Code. The 1563  
court may grant limited driving privileges relative to the 1564  
suspension under sections 4510.021 and 4510.13 of the Revised 1565  
Code. 1566

(3) The offender shall provide the court with proof of 1567  
financial responsibility as defined in section 4509.01 of the 1568  
Revised Code. If the offender fails to provide that proof of 1569  
financial responsibility, then, in addition to any other 1570  
penalties provided by law, the court may order restitution 1571  
pursuant to section 2929.28 of the Revised Code in an amount not 1572

exceeding five thousand dollars for any economic loss arising 1573  
from an accident or collision that was the direct and proximate 1574  
result of the offender's operation of the vehicle before, 1575  
during, or after committing the violation of division (B) of 1576  
this section. 1577

(I) (1) No court shall sentence an offender to an alcohol 1578  
treatment program under this section unless the treatment 1579  
program complies with the minimum standards for alcohol 1580  
treatment programs adopted under Chapter 5119. of the Revised 1581  
Code by the director of mental health and addiction services. 1582

(2) An offender who stays in a drivers' intervention 1583  
program or in an alcohol treatment program under an order issued 1584  
under this section shall pay the cost of the stay in the 1585  
program. However, if the court determines that an offender who 1586  
stays in an alcohol treatment program under an order issued 1587  
under this section is unable to pay the cost of the stay in the 1588  
program, the court may order that the cost be paid from the 1589  
court's indigent drivers' alcohol treatment fund. 1590

(J) If a person whose driver's or commercial driver's 1591  
license or permit or nonresident operating privilege is 1592  
suspended under this section files an appeal regarding any 1593  
aspect of the person's trial or sentence, the appeal itself does 1594  
not stay the operation of the suspension. 1595

(K) Division (A) (1) (j) of this section does not apply to a 1596  
person who operates a vehicle, streetcar, or trackless trolley 1597  
while the person has a concentration of a listed controlled 1598  
substance or a listed metabolite of a controlled substance in 1599  
the person's whole blood, blood serum or plasma, or urine that 1600  
equals or exceeds the amount specified in that division, if both 1601  
of the following apply: 1602

(1) The person obtained the controlled substance pursuant 1603  
to a prescription issued by a licensed health professional 1604  
authorized to prescribe drugs. 1605

(2) The person injected, ingested, or inhaled the 1606  
controlled substance in accordance with the health 1607  
professional's directions. 1608

(L) The prohibited concentrations of a controlled 1609  
substance or a metabolite of a controlled substance listed in 1610  
division (A) (1) (j) of this section also apply in a prosecution 1611  
of a violation of division (D) of section 2923.16 of the Revised 1612  
Code in the same manner as if the offender is being prosecuted 1613  
for a prohibited concentration of alcohol. 1614

(M) All terms defined in section 4510.01 of the Revised 1615  
Code apply to this section. If the meaning of a term defined in 1616  
section 4510.01 of the Revised Code conflicts with the meaning 1617  
of the same term as defined in section 4501.01 or 4511.01 of the 1618  
Revised Code, the term as defined in section 4510.01 of the 1619  
Revised Code applies to this section. 1620

(N) (1) The Ohio Traffic Rules in effect on January 1, 1621  
2004, as adopted by the supreme court under authority of section 1622  
2937.46 of the Revised Code, do not apply to felony violations 1623  
of this section. Subject to division (N) (2) of this section, the 1624  
Rules of Criminal Procedure apply to felony violations of this 1625  
section. 1626

(2) If, on or after January 1, 2004, the supreme court 1627  
modifies the Ohio Traffic Rules to provide procedures to govern 1628  
felony violations of this section, the modified rules shall 1629  
apply to felony violations of this section. 1630

**Section 2.** That existing sections 1547.11, 3701.143, and 1631

4511.19 of the Revised Code are hereby repealed. 1632

**Section 3.** The General Assembly, applying the principle 1633  
stated in division (B) of section 1.52 of the Revised Code that 1634  
amendments are to be harmonized and reconciled if reasonably 1635  
capable of simultaneous operation, finds that the following 1636  
sections, presented in this act as composites of the sections as 1637  
amended by the acts indicated, are the resulting versions of the 1638  
sections in effect prior to the effective date of the sections 1639  
as presented in this act: 1640

Section 3701.143 of the Revised Code as amended by both 1641  
H.B. 37 and S.B. 100 of the 135th General Assembly. 1642

Section 4511.19 of the Revised Code as amended by both 1643  
H.B. 37 and S.B. 100 of the 135th General Assembly. 1644