

**As Re-Referred by the House Rules and Reference Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 230**

**Representatives Abrams, Swearingen**

**Cosponsors: Representatives Carruthers, Miller, K.**

---

**A BILL**

To amend sections 1547.11, 1547.111, 2317.02, 1  
2317.022, 2925.01, 2925.03, 2925.11, 2929.14, 2  
2941.1422, 3313.60, 3314.03, 3326.11, 3328.24, 3  
3701.143, 3705.08, 4506.17, 4511.19, 4511.191, 4  
and 4511.192 and to enact sections 5.56, 5  
2905.321, 2941.1427, 3313.6030, 3313.6031, and 6  
3345.371 of the Revised Code to increase 7  
penalties for drug trafficking above certain 8  
amounts, to prohibit organized trafficking of 9  
persons, to authorize collecting oral fluid as 10  
evidence in suspected OVI cases, to require 11  
schools and institutions of higher education to 12  
incorporate instruction and policies on fentanyl 13  
awareness and abuse prevention, to designate the 14  
month of August as "Fentanyl Poisoning Awareness 15  
Month," and to amend the version of section 16  
3314.03 of the Revised Code that is scheduled to 17  
take effect January 1, 2025, to continue the 18  
changes on and after that effective date. 19

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

**Section 1.** That sections 1547.11, 1547.111, 2317.02, 20  
2317.022, 2925.01, 2925.03, 2925.11, 2929.14, 2941.1422, 21  
3313.60, 3314.03, 3326.11, 3328.24, 3701.143, 3705.08, 4506.17, 22  
4511.19, 4511.191, and 4511.192 be amended and sections 5.56, 23  
2905.321, 2941.1427, 3313.6030, 3313.6031, and 3345.371 of the 24  
Revised Code be enacted to read as follows: 25

**Sec. 5.56.** The month of August is designated as "Fentanyl 26  
Poisoning Awareness Month" to increase awareness of the dangers 27  
of fentanyl and potential overdoses. 28

**Sec. 1547.11.** (A) No person shall operate or be in 29  
physical control of any vessel underway or shall manipulate any 30  
water skis, aquaplane, or similar device on the waters in this 31  
state if, at the time of the operation, control, or 32  
manipulation, any of the following applies: 33

(1) The person is under the influence of alcohol, a drug 34  
of abuse, or a combination of them. 35

(2) The person has a concentration of eight-hundredths of 36  
one per cent or more by weight of alcohol per unit volume in the 37  
person's whole blood. 38

(3) The person has a concentration of ninety-six- 39  
thousandths of one per cent or more by weight per unit volume of 40  
alcohol in the person's blood serum or plasma. 41

(4) The person has a concentration of eleven-hundredths of 42  
one gram or more by weight of alcohol per one hundred 43  
milliliters of the person's urine. 44

(5) The person has a concentration of eight-hundredths of 45  
one gram or more by weight of alcohol per two hundred ten liters 46  
of the person's breath. 47

(6) Except as provided in division (H) of this section, 48  
the person has a concentration of any of the following 49  
controlled substances or metabolites of a controlled substance 50  
in the person's whole blood, blood serum or plasma, or urine 51  
that equals or exceeds any of the following: 52

(a) The person has a concentration of amphetamine in the 53  
person's urine of at least five hundred nanograms of amphetamine 54  
per milliliter of the person's urine or has a concentration of 55  
amphetamine in the person's whole blood or blood serum or plasma 56  
of at least one hundred nanograms of amphetamine per milliliter 57  
of the person's whole blood or blood serum or plasma. 58

(b) The person has a concentration of cocaine in the 59  
person's urine of at least one hundred fifty nanograms of 60  
cocaine per milliliter of the person's urine or has a 61  
concentration of cocaine in the person's whole blood or blood 62  
serum or plasma of at least fifty nanograms of cocaine per 63  
milliliter of the person's whole blood or blood serum or plasma. 64

(c) The person has a concentration of cocaine metabolite 65  
in the person's urine of at least one hundred fifty nanograms of 66  
cocaine metabolite per milliliter of the person's urine or has a 67  
concentration of cocaine metabolite in the person's whole blood 68  
or blood serum or plasma of at least fifty nanograms of cocaine 69  
metabolite per milliliter of the person's whole blood or blood 70  
serum or plasma. 71

(d) The person has a concentration of heroin in the 72  
person's urine of at least two thousand nanograms of heroin per 73  
milliliter of the person's urine or has a concentration of 74  
heroin in the person's whole blood or blood serum or plasma of 75  
at least fifty nanograms of heroin per milliliter of the 76  
person's whole blood or blood serum or plasma. 77

(e) The person has a concentration of heroin metabolite 78  
(6-monoacetyl morphine) in the person's urine of at least ten 79  
nanograms of heroin metabolite (6-monoacetyl morphine) per 80  
milliliter of the person's urine or has a concentration of 81  
heroin metabolite (6-monoacetyl morphine) in the person's whole 82  
blood or blood serum or plasma of at least ten nanograms of 83  
heroin metabolite (6-monoacetyl morphine) per milliliter of the 84  
person's whole blood or blood serum or plasma. 85

(f) The person has a concentration of L.S.D. in the 86  
person's urine of at least twenty-five nanograms of L.S.D. per 87  
milliliter of the person's urine or has a concentration of 88  
L.S.D. in the person's whole blood or blood serum or plasma of 89  
at least ten nanograms of L.S.D. per milliliter of the person's 90  
whole blood or blood serum or plasma. 91

(g) The person has a concentration of marihuana in the 92  
person's urine of at least ten nanograms of marihuana per 93  
milliliter of the person's urine or has a concentration of 94  
marihuana in the person's whole blood or blood serum or plasma 95  
of at least two nanograms of marihuana per milliliter of the 96  
person's whole blood or blood serum or plasma. 97

(h) The state board of pharmacy has adopted a rule 98  
pursuant to section 4729.041 of the Revised Code that specifies 99  
the amount of salvia divinorum and the amount of salvinorin A 100  
that constitute concentrations of salvia divinorum and 101  
salvinorin A in a person's urine, in a person's whole blood, or 102  
in a person's blood serum or plasma at or above which the person 103  
is impaired for purposes of operating or being in physical 104  
control of any vessel underway or manipulating any water skis, 105  
aquaplane, or similar device on the waters of this state, the 106  
rule is in effect, and the person has a concentration of salvia 107

divinorum or salvinorin A of at least that amount so specified 108  
by rule in the person's urine, in the person's whole blood, or 109  
in the person's blood serum or plasma. 110

(i) Either of the following applies: 111

(i) The person is under the influence of alcohol, a drug 112  
of abuse, or a combination of them, and, as measured by gas 113  
chromatography mass spectrometry, the person has a concentration 114  
of marihuana metabolite in the person's urine of at least 115  
fifteen nanograms of marihuana metabolite per milliliter of the 116  
person's urine or has a concentration of marihuana metabolite in 117  
the person's whole blood or blood serum or plasma of at least 118  
five nanograms of marihuana metabolite per milliliter of the 119  
person's whole blood or blood serum or plasma. 120

(ii) As measured by gas chromatography mass spectrometry, 121  
the person has a concentration of marihuana metabolite in the 122  
person's urine of at least thirty-five nanograms of marihuana 123  
metabolite per milliliter of the person's urine or has a 124  
concentration of marihuana metabolite in the person's whole 125  
blood or blood serum or plasma of at least fifty nanograms of 126  
marihuana metabolite per milliliter of the person's whole blood 127  
or blood serum or plasma. 128

(j) The person has a concentration of methamphetamine in 129  
the person's urine of at least five hundred nanograms of 130  
methamphetamine per milliliter of the person's urine or has a 131  
concentration of methamphetamine in the person's whole blood or 132  
blood serum or plasma of at least one hundred nanograms of 133  
methamphetamine per milliliter of the person's whole blood or 134  
blood serum or plasma. 135

(k) The person has a concentration of phencyclidine in the 136

person's urine of at least twenty-five nanograms of 137  
phencyclidine per milliliter of the person's urine or has a 138  
concentration of phencyclidine in the person's whole blood or 139  
blood serum or plasma of at least ten nanograms of phencyclidine 140  
per milliliter of the person's whole blood or blood serum or 141  
plasma. 142

(B) No person under twenty-one years of age shall operate 143  
or be in physical control of any vessel underway or shall 144  
manipulate any water skis, aquaplane, or similar device on the 145  
waters in this state if, at the time of the operation, control, 146  
or manipulation, any of the following applies: 147

(1) The person has a concentration of at least two- 148  
hundredths of one per cent, but less than eight-hundredths of 149  
one per cent by weight per unit volume of alcohol in the 150  
person's whole blood. 151

(2) The person has a concentration of at least three- 152  
hundredths of one per cent but less than ninety-six-thousandths 153  
of one per cent by weight per unit volume of alcohol in the 154  
person's blood serum or plasma. 155

(3) The person has a concentration of at least twenty- 156  
eight one-thousandths of one gram, but less than eleven- 157  
hundredths of one gram by weight of alcohol per one hundred 158  
milliliters of the person's urine. 159

(4) The person has a concentration of at least two- 160  
hundredths of one gram, but less than eight-hundredths of one 161  
gram by weight of alcohol per two hundred ten liters of the 162  
person's breath. 163

(C) In any proceeding arising out of one incident, a 164  
person may be charged with a violation of division (A) (1) and a 165

violation of division (B) (1), (2), (3), or (4) of this section, 166  
but the person shall not be convicted of more than one violation 167  
of those divisions. 168

(D) (1) (a) In any criminal prosecution or juvenile court 169  
proceeding for a violation of division (A) or (B) of this 170  
section or for an equivalent offense that is watercraft-related, 171  
the result of any test of any blood, oral fluid, or urine 172  
withdrawn and analyzed at any health care provider, as defined 173  
in section 2317.02 of the Revised Code, may be admitted with 174  
expert testimony to be considered with any other relevant and 175  
competent evidence in determining the guilt or innocence of the 176  
defendant. 177

(b) In any criminal prosecution or juvenile court 178  
proceeding for a violation of division (A) or (B) of this 179  
section or for an equivalent offense that is watercraft-related, 180  
the court may admit evidence on the presence and concentration 181  
of alcohol, drugs of abuse, controlled substances, metabolites 182  
of a controlled substance, or a combination of them in the 183  
defendant's or child's whole blood, blood serum or plasma, 184  
urine, oral fluid, or breath at the time of the alleged 185  
violation as shown by chemical analysis of the substance 186  
withdrawn, or specimen taken within three hours of the time of 187  
the alleged violation. The three-hour time limit specified in 188  
this division regarding the admission of evidence does not 189  
extend or affect the two-hour time limit specified in division 190  
(C) of section 1547.111 of the Revised Code as the maximum 191  
period of time during which a person may consent to a chemical 192  
test or tests as described in that section. The court may admit 193  
evidence on the presence and concentration of alcohol, drugs of 194  
abuse, or a combination of them as described in this division 195  
when a person submits to a blood, breath, urine, oral fluid, or 196

other bodily substance test at the request of a law enforcement officer under section 1547.111 of the Revised Code or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath, oral fluid, or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division if, in that person's opinion, the physical welfare of the defendant or child would be endangered by withdrawing blood.

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

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section or for an equivalent offense that is watercraft-related, if there was at the time the bodily substance was taken a concentration of less than the applicable concentration of alcohol specified for a violation of division (A) (2), (3), (4), or (5) of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (A) (6) of this section, that fact may be considered with other competent evidence in



determining the guilt or innocence of the defendant or in making 228  
an adjudication for the child. This division does not limit or 229  
affect a criminal prosecution or juvenile court proceeding for a 230  
violation of division (B) of this section or for a violation of 231  
a prohibition that is substantially equivalent to that division. 232

(3) Upon the request of the person who was tested, the 233  
results of the chemical test shall be made available to the 234  
person or the person's attorney immediately upon completion of 235  
the test analysis. 236

If the chemical test was administered pursuant to division 237  
(D) (1) (b) of this section, the person tested may have a 238  
physician, a registered nurse, or a qualified technician, 239  
chemist, or phlebotomist of the person's own choosing administer 240  
a chemical test or tests in addition to any administered at the 241  
direction of a law enforcement officer, and shall be so advised. 242  
The failure or inability to obtain an additional test by a 243  
person shall not preclude the admission of evidence relating to 244  
the test or tests taken at the direction of a law enforcement 245  
officer. 246

(E) (1) In any criminal prosecution or juvenile court 247  
proceeding for a violation of division (A) or (B) of this 248  
section, of a municipal ordinance relating to operating or being 249  
in physical control of any vessel underway or to manipulating 250  
any water skis, aquaplane, or similar device on the waters of 251  
this state while under the influence of alcohol, a drug of 252  
abuse, or a combination of them, or of a municipal ordinance 253  
relating to operating or being in physical control of any vessel 254  
underway or to manipulating any water skis, aquaplane, or 255  
similar device on the waters of this state with a prohibited 256  
concentration of alcohol, a controlled substance, or a 257

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

(a) The officer may testify concerning the results of the 275  
field sobriety test so administered. 276

(b) The prosecution may introduce the results of the field 277  
sobriety test so administered as evidence in any proceedings in 278  
the criminal prosecution or juvenile court proceeding. 279

(c) If testimony is presented or evidence is introduced 280  
under division (E) (1) (a) or (b) of this section and if the 281  
testimony or evidence is admissible under the Rules of Evidence, 282  
the court shall admit the testimony or evidence, and the trier 283  
of fact shall give it whatever weight the trier of fact 284  
considers to be appropriate. 285

(2) Division (E) (1) of this section does not limit or 286  
preclude a court, in its determination of whether the arrest of 287

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

(F) (1) Subject to division (F) (3) of this section, in any 293  
criminal prosecution or juvenile court proceeding for a 294  
violation of division (A) or (B) of this section or for an 295  
equivalent offense that is substantially equivalent to either of 296  
those divisions, the court shall admit as prima-facie evidence a 297  
laboratory report from any laboratory personnel issued a permit 298  
by the department of health authorizing an analysis as described 299  
in this division that contains an analysis of the whole blood, 300  
blood serum or plasma, breath, urine, or other bodily substance 301  
tested and that contains all of the information specified in 302  
this division. The laboratory report shall contain all of the 303  
following: 304

(a) The signature, under oath, of any person who performed 305  
the analysis; 306

(b) Any findings as to the identity and quantity of 307  
alcohol, a drug of abuse, a controlled substance, a metabolite 308  
of a controlled substance, or a combination of them that was 309  
found; 310

(c) A copy of a notarized statement by the laboratory 311  
director or a designee of the director that contains the name of 312  
each certified analyst or test performer involved with the 313  
report, the analyst's or test performer's employment 314  
relationship with the laboratory that issued the report, and a 315  
notation that performing an analysis of the type involved is 316  
part of the analyst's or test performer's regular duties; 317

(d) An outline of the analyst's or test performer's 318  
education, training, and experience in performing the type of 319  
analysis involved and a certification that the laboratory 320  
satisfies appropriate quality control standards in general and, 321  
in this particular analysis, under rules of the department of 322  
health. 323

(2) Notwithstanding any other provision of law regarding 324  
the admission of evidence, a report of the type described in 325  
division (F)(1) of this section is not admissible against the 326  
defendant or child to whom it pertains in any proceeding, other 327  
than a preliminary hearing or a grand jury proceeding, unless 328  
the prosecutor has served a copy of the report on the 329  
defendant's or child's attorney or, if the defendant or child 330  
has no attorney, on the defendant or child. 331

(3) A report of the type described in division (F)(1) of 332  
this section shall not be prima-facie evidence of the contents, 333  
identity, or amount of any substance if, within seven days after 334  
the defendant or child to whom the report pertains or the 335  
defendant's or child's attorney receives a copy of the report, 336  
the defendant or child or the defendant's or child's attorney 337  
demands the testimony of the person who signed the report. The 338  
judge in the case may extend the seven-day time limit in the 339  
interest of justice. 340

(G) Except as otherwise provided in this division, any 341  
physician, registered nurse, emergency medical technician- 342  
intermediate, emergency medical technician-paramedic, or 343  
qualified technician, chemist, or phlebotomist who withdraws 344  
blood from a person pursuant to this section or section 1547.111 345  
of the Revised Code, and a hospital, first-aid station, or 346  
clinic at which blood is withdrawn from a person pursuant to 347

this section or section 1547.111 of the Revised Code, is immune 348  
from criminal and civil liability based upon a claim of assault 349  
and battery or any other claim that is not a claim of 350  
malpractice, for any act performed in withdrawing blood from the 351  
person. The immunity provided in this division also extends to 352  
an emergency medical service organization that employs an 353  
emergency medical technician-intermediate or an emergency 354  
medical technician-paramedic who withdraws blood under this 355  
section. The immunity provided in this division is not available 356  
to a person who withdraws blood if the person engages in willful 357  
or wanton misconduct. 358

(H) Division (A) (6) of this section does not apply to a 359  
person who operates or is in physical control of a vessel 360  
underway or manipulates any water skis, aquaplane, or similar 361  
device while the person has a concentration of a listed 362  
controlled substance or a listed metabolite of a controlled 363  
substance in the person's whole blood, blood serum or plasma, or 364  
urine that equals or exceeds the amount specified in that 365  
division, if both of the following apply: 366

(1) The person obtained the controlled substance pursuant 367  
to a prescription issued by a licensed health professional 368  
authorized to prescribe drugs. 369

(2) The person injected, ingested, or inhaled the 370  
controlled substance in accordance with the health 371  
professional's directions. 372

(I) As used in this section and section 1547.111 of the 373  
Revised Code: 374

(1) "Equivalent offense" has the same meaning as in 375  
section 4511.181 of the Revised Code. 376

(2) "National highway traffic safety administration" has	377
the same meaning as in section 4511.19 of the Revised Code.	378
(3) "Operate" means that a vessel is being used on the	379
waters in this state when the vessel is not securely affixed to	380
a dock or to shore or to any permanent structure to which the	381
vessel has the right to affix or that a vessel is not anchored	382
in a designated anchorage area or boat camping area that is	383
established by the United States coast guard, this state, or a	384
political subdivision and in which the vessel has the right to	385
anchor.	386
(4) "Controlled substance" and "marihuana" have the same	387
meanings as in section 3719.01 of the Revised Code.	388
(5) "Cocaine" and "L.S.D." have the same meanings as in	389
section 2925.01 of the Revised Code.	390
(6) "Equivalent offense that is watercraft-related" means	391
an equivalent offense that is one of the following:	392
(a) A violation of division (A) of this section;	393
(b) A violation of a municipal ordinance prohibiting a	394
person from operating or being in physical control of any vessel	395
underway or from manipulating any water skis, aquaplane, or	396
similar device on the waters of this state while under the	397
influence of alcohol, a drug of abuse, or a combination of them	398
or prohibiting a person from operating or being in physical	399
control of any vessel underway or from manipulating any water	400
skis, aquaplane, or similar device on the waters of this state	401
with a prohibited concentration of alcohol, a controlled	402
substance, or a metabolite of a controlled substance in the	403
whole blood, blood serum or plasma, breath, or urine;	404
(c) A violation of an existing or former municipal	405

ordinance, law of another state, or law of the United States 406  
that is substantially equivalent to division (A) of this 407  
section; 408

(d) A violation of a former law of this state that was 409  
substantially equivalent to division (A) of this section. 410

(7) "Emergency medical technician-intermediate" and 411  
"emergency medical technician-paramedic" have the same meanings 412  
as in section 4765.01 of the Revised Code. 413

**Sec. 1547.111.** (A) (1) (a) Any person who operates or is in 414  
physical control of a vessel or manipulates any water skis, 415  
aquaplane, or similar device upon any waters in this state shall 416  
be deemed to have given consent to a chemical test or tests to 417  
determine the alcohol, drug of abuse, controlled substance, 418  
metabolite of a controlled substance, or combination content of 419  
the person's whole blood, blood serum or plasma, breath, oral 420  
fluid, or urine if arrested for operating or being in physical 421  
control of a vessel or manipulating any water skis, aquaplane, 422  
or similar device in violation of section 1547.11 of the Revised 423  
Code or a substantially equivalent municipal ordinance. 424

(b) The test or tests under division (A) (1) of this 425  
section shall be administered at the request of a law 426  
enforcement officer having reasonable grounds to believe the 427  
person was operating or in physical control of a vessel or 428  
manipulating any water skis, aquaplane, or similar device in 429  
violation of section 1547.11 of the Revised Code or a 430  
substantially equivalent municipal ordinance. The law 431  
enforcement agency by which the officer is employed shall 432  
designate which test or tests shall be administered. 433

(2) Any person who is dead or unconscious or who otherwise 434

is in a condition rendering the person incapable of refusal 435  
shall be deemed to have consented as provided in division (A) (1) 436  
of this section, and the test or tests may be administered, 437  
subject to sections 313.12 to 313.16 of the Revised Code. 438

(B) (1) If a law enforcement officer arrests a person for 439  
operating or being in physical control of a vessel or 440  
manipulating any water skis, aquaplane, or similar device in 441  
violation of section 1547.11 of the Revised Code or a 442  
substantially equivalent municipal ordinance and if the person 443  
previously has been convicted of or pleaded guilty to two or 444  
more violations of division (A) of section 1547.11 of the 445  
Revised Code or other equivalent offenses, the law enforcement 446  
officer shall request the person to submit, and the person shall 447  
submit, to a chemical test or tests of the person's whole blood, 448  
blood serum or plasma, breath, oral fluid, or urine for the 449  
purpose of determining the alcohol, drug of abuse, controlled 450  
substance, metabolite of a controlled substance, or combination 451  
content of the person's whole blood, blood serum or plasma, 452  
breath, oral fluid, or urine. A law enforcement officer who 453  
makes a request pursuant to this division that a person submit 454  
to a chemical test or tests is not required to advise the person 455  
of the consequences of refusing to submit to the test or tests 456  
and is not required to give the person the form described in 457  
division (C) of this section, but the officer shall advise the 458  
person at the time of the arrest that if the person refuses to 459  
take a chemical test the officer may employ whatever reasonable 460  
means are necessary to ensure that the person submits to a 461  
chemical test of the person's whole blood or blood serum or 462  
plasma. The officer shall also advise the person at the time of 463  
the arrest that the person may have an independent chemical test 464  
taken at the person's own expense. The advice shall be in 465



written form prescribed by the chief of the division of parks 466  
and watercraft and shall be read to the person. The form shall 467  
contain a statement that the form was shown to the person under 468  
arrest and read to the person by the arresting officer. The 469  
reading of the form shall be witnessed by one or more persons, 470  
and the witnesses shall certify to this fact by signing the 471  
form. Divisions (A) (1) (b) and (A) (2) of this section apply to 472  
the administration of a chemical test or tests pursuant to this 473  
division. 474

(2) If a person refuses to submit to a chemical test upon 475  
a request made pursuant to division (B) (1) of this section, the 476  
law enforcement officer who made the request may employ whatever 477  
reasonable means are necessary to ensure that the person submits 478  
to a chemical test of the person's whole blood or blood serum or 479  
plasma. A law enforcement officer who acts pursuant to this 480  
division to ensure that a person submits to a chemical test of 481  
the person's whole blood or blood serum or plasma is immune from 482  
criminal and civil liability based upon a claim for assault and 483  
battery or any other claim for the acts, unless the officer so 484  
acted with malicious purpose, in bad faith, or in a wanton or 485  
reckless manner. 486

(C) Except as provided in division (B) of this section, 487  
any person under arrest for violating section 1547.11 of the 488  
Revised Code or a substantially equivalent municipal ordinance 489  
shall be advised of the consequences of refusing to submit to a 490  
chemical test or tests designated as provided in division (A) of 491  
this section. The advice shall be in a written form prescribed 492  
by the chief of the division of parks and watercraft and shall 493  
be read to the person. The form shall contain a statement that 494  
the form was shown to the person under arrest and read to the 495  
person by the arresting officer. The reading of the form shall 496

be witnessed by one or more persons, and the witnesses shall 497  
certify to this fact by signing the form. The person must submit 498  
to the chemical test or tests, subsequent to the request of the 499  
arresting officer, within two hours of the time of the alleged 500  
violation, and if the person does not submit to the test or 501  
tests within that two-hour time limit, the failure to submit 502  
automatically constitutes a refusal to submit to the test or 503  
tests. 504

(D) Except as provided in division (B) of this section, if 505  
a law enforcement officer asks a person under arrest for 506  
violating section 1547.11 of the Revised Code or a substantially 507  
equivalent municipal ordinance to submit to a chemical test or 508  
tests as provided in division (A) of this section, if the 509  
arresting officer advises the person of the consequences of the 510  
person's refusal as provided in division (C) of this section, 511  
and if the person refuses to submit, no chemical test shall be 512  
given. Upon receipt of a sworn statement of the officer that the 513  
arresting law enforcement officer had reasonable grounds to 514  
believe the arrested person violated section 1547.11 of the 515  
Revised Code or a substantially equivalent municipal ordinance 516  
and that the person refused to submit to the chemical test upon 517  
the request of the officer, and upon receipt of the form as 518  
provided in division (C) of this section certifying that the 519  
arrested person was advised of the consequences of the refusal, 520  
the chief of the division of parks and watercraft shall inform 521  
the person by written notice that the person is prohibited from 522  
operating or being in physical control of a vessel, from 523  
manipulating any water skis, aquaplane, or similar device, and 524  
from registering any watercraft in accordance with section 525  
1547.54 of the Revised Code, for one year following the date of 526  
the alleged violation. The suspension of these operation, 527

physical control, manipulation, and registration privileges 528  
shall continue for the entire one-year period, subject to review 529  
as provided in this section. 530

If the person under arrest is the owner of the vessel 531  
involved in the alleged violation, the law enforcement officer 532  
who arrested the person shall seize the watercraft registration 533  
certificate and tags from the vessel involved in the violation 534  
and forward them to the chief. The chief shall retain the 535  
impounded registration certificate and tags and shall impound 536  
all other registration certificates and tags issued to the 537  
person in accordance with sections 1547.54 and 1547.57 of the 538  
Revised Code, for a period of one year following the date of the 539  
alleged violation, subject to review as provided in this 540  
section. 541

If the arrested person fails to surrender the registration 542  
certificate because it is not on the person of the arrested 543  
person or in the watercraft, the law enforcement officer who 544  
made the arrest shall order the person to surrender it within 545  
twenty-four hours to the law enforcement officer or the law 546  
enforcement agency that employs the law enforcement officer. If 547  
the person fails to do so, the law enforcement officer shall 548  
notify the chief of that fact in the statement the officer 549  
submits to the chief under this division. 550

(E) Upon suspending a person's operation, physical 551  
control, manipulation, and registration privileges in accordance 552  
with division (D) of this section, the chief shall notify the 553  
person in writing, at the person's last known address, and 554  
inform the person that the person may petition for a hearing in 555  
accordance with division (F) of this section. If a person whose 556  
operation, physical control, manipulation, and registration 557

privileges have been suspended petitions for a hearing or 558  
appeals any adverse decision, the suspension shall begin at the 559  
termination of any hearing or appeal unless the hearing or 560  
appeal results in a decision favorable to the person. 561

(F) Any person who has been notified by the chief that the 562  
person is prohibited from operating or being in physical control 563  
of a vessel or manipulating any water skis, aquaplane, or 564  
similar device and from registering any watercraft in accordance 565  
with section 1547.54 of the Revised Code, or who has had the 566  
registration certificate and tags of the person's watercraft 567  
impounded pursuant to division (D) of this section, within 568  
twenty days of the notification or impoundment, may file a 569  
petition in the municipal court or the county court, or if the 570  
person is a minor in juvenile court, with jurisdiction over the 571  
place at which the arrest occurred, agreeing to pay the cost of 572  
the proceedings and alleging error in the action taken by the 573  
chief under division (D) of this section or alleging one or more 574  
of the matters within the scope of the hearing as provided in 575  
this section, or both. The petitioner shall notify the chief of 576  
the filing of the petition and send the chief a copy of the 577  
petition. 578

The scope of the hearing is limited to the issues of 579  
whether the law enforcement officer had reasonable grounds to 580  
believe the petitioner was operating or in physical control of a 581  
vessel or manipulating any water skis, aquaplane, or similar 582  
device in violation of section 1547.11 of the Revised Code or a 583  
substantially equivalent municipal ordinance, whether the 584  
petitioner was placed under arrest, whether the petitioner 585  
refused to submit to the chemical test upon request of the 586  
officer, and whether the petitioner was advised of the 587  
consequences of the petitioner's refusal. 588

(G) (1) The chief shall furnish the court a copy of the affidavit as provided in division (C) of this section and any other relevant information requested by the court.

(2) In hearing the matter and in determining whether the person has shown error in the decision taken by the chief as provided in division (D) of this section, the court shall decide the issue upon the relevant, competent, and material evidence submitted by the chief or the person whose operation, physical control, manipulation, and registration privileges have been suspended.

In the proceedings, the chief shall be represented by the prosecuting attorney of the county in which the petition is filed if the petition is filed in a county court or juvenile court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the chief. If the petition is filed in the municipal court, the chief shall be represented as provided in section 1901.34 of the Revised Code.

(3) If the court finds from the evidence submitted that the person has failed to show error in the action taken by the chief under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the court shall assess the cost of the proceeding against the person and shall uphold the suspension of the operation, physical control, use, and registration privileges provided in division (D) of this section. If the court finds that the person has shown error in the action taken by the chief under division (D) of this section or in one or more of the matters within the scope of the hearing

as provided in division (F) of this section, or both, the cost 619  
of the proceedings shall be paid out of the county treasury of 620  
the county in which the proceedings were held, the chief shall 621  
reinstate the operation, physical control, manipulation, and 622  
registration privileges of the person without charge, and the 623  
chief shall return the registration certificate and tags, if 624  
impounded, without charge. 625

(4) The court shall give information in writing of any 626  
action taken under this section to the chief. 627

(H) At the end of any period of suspension or impoundment 628  
imposed under this section, and upon request of the person whose 629  
operation, physical control, use, and registration privileges 630  
were suspended or whose registration certificate and tags were 631  
impounded, the chief shall reinstate the person's operation, 632  
physical control, manipulation, and registration privileges by 633  
written notice and return the certificate and tags. 634

(I) No person who has received written notice from the 635  
chief that the person is prohibited from operating or being in 636  
physical control of a vessel, from manipulating any water skis, 637  
aquaplane, or similar device, and from registering a watercraft, 638  
or who has had the registration certificate and tags of the 639  
person's watercraft impounded, in accordance with division (D) 640  
of this section, shall operate or be in physical control of a 641  
vessel or manipulate any water skis, aquaplane, or similar 642  
device for a period of one year following the date of the 643  
person's alleged violation of section 1547.11 of the Revised 644  
Code or the substantially equivalent municipal ordinance. 645

**Sec. 2317.02.** The following persons shall not testify in 646  
certain respects: 647

(A) (1) An attorney, concerning a communication made to the attorney by a client in that relation or concerning the attorney's advice to a client, except that the attorney may testify by express consent of the client or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of the deceased client. However, if the client voluntarily reveals the substance of attorney-client communications in a nonprivileged context or is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the attorney may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply concerning either of the following:

(a) A communication between a client in a capital case, as defined in section 2901.02 of the Revised Code, and the client's attorney if the communication is relevant to a subsequent ineffective assistance of counsel claim by the client alleging that the attorney did not effectively represent the client in the case;

(b) A communication between a client who has since died and the deceased client's attorney if the communication is relevant to a dispute between parties who claim through that deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction, and the dispute addresses the competency of the deceased client when the deceased client executed a document that is the basis of the dispute or whether the deceased client was a victim of fraud, undue influence, or duress when the deceased client executed a document that is the basis of the dispute.

(2) An attorney, concerning a communication made to the

attorney by a client in that relationship or the attorney's 678  
advice to a client, except that if the client is an insurance 679  
company, the attorney may be compelled to testify, subject to an 680  
in camera inspection by a court, about communications made by 681  
the client to the attorney or by the attorney to the client that 682  
are related to the attorney's aiding or furthering an ongoing or 683  
future commission of bad faith by the client, if the party 684  
seeking disclosure of the communications has made a prima-facie 685  
showing of bad faith, fraud, or criminal misconduct by the 686  
client. 687

(B) (1) A physician, advanced practice registered nurse, or 688  
dentist concerning a communication made to the physician, 689  
advanced practice registered nurse, or dentist by a patient in 690  
that relation or the advice of a physician, advanced practice 691  
registered nurse, or dentist given to a patient, except as 692  
otherwise provided in this division, division (B) (2), and 693  
division (B) (3) of this section, and except that, if the patient 694  
is deemed by section 2151.421 of the Revised Code to have waived 695  
any testimonial privilege under this division, the physician or 696  
advanced practice registered nurse may be compelled to testify 697  
on the same subject. 698

The testimonial privilege established under this division 699  
does not apply, and a physician, advanced practice registered 700  
nurse, or dentist may testify or may be compelled to testify, in 701  
any of the following circumstances: 702

(a) In any civil action, in accordance with the discovery 703  
provisions of the Rules of Civil Procedure in connection with a 704  
civil action, or in connection with a claim under Chapter 4123. 705  
of the Revised Code, under any of the following circumstances: 706

(i) If the patient or the guardian or other legal 707



representative of the patient gives express consent; 708

(ii) If the patient is deceased, the spouse of the patient 709  
or the executor or administrator of the patient's estate gives 710  
express consent; 711

(iii) If a medical claim, dental claim, chiropractic 712  
claim, or optometric claim, as defined in section 2305.113 of 713  
the Revised Code, an action for wrongful death, any other type 714  
of civil action, or a claim under Chapter 4123. of the Revised 715  
Code is filed by the patient, the personal representative of the 716  
estate of the patient if deceased, or the patient's guardian or 717  
other legal representative. 718

(b) In any civil action concerning court-ordered treatment 719  
or services received by a patient, if the court-ordered 720  
treatment or services were ordered as part of a case plan 721  
journalized under section 2151.412 of the Revised Code or the 722  
court-ordered treatment or services are necessary or relevant to 723  
dependency, neglect, or abuse or temporary or permanent custody 724  
proceedings under Chapter 2151. of the Revised Code. 725

(c) In any criminal action concerning any test or the 726  
results of any test that determines the presence or 727  
concentration of alcohol, a drug of abuse, a combination of 728  
them, a controlled substance, or a metabolite of a controlled 729  
substance in the patient's whole blood, blood serum or plasma, 730  
breath, urine, oral fluid, or other bodily substance at any time 731  
relevant to the criminal offense in question. 732

(d) In any criminal action against a physician, advanced 733  
practice registered nurse, or dentist. In such an action, the 734  
testimonial privilege established under this division does not 735  
prohibit the admission into evidence, in accordance with the 736

Rules of Evidence, of a patient's medical or dental records or 737  
other communications between a patient and the physician, 738  
advanced practice registered nurse, or dentist that are related 739  
to the action and obtained by subpoena, search warrant, or other 740  
lawful means. A court that permits or compels a physician, 741  
advanced practice registered nurse, or dentist to testify in 742  
such an action or permits the introduction into evidence of 743  
patient records or other communications in such an action shall 744  
require that appropriate measures be taken to ensure that the 745  
confidentiality of any patient named or otherwise identified in 746  
the records is maintained. Measures to ensure confidentiality 747  
that may be taken by the court include sealing its records or 748  
deleting specific information from its records. 749

(e) (i) If the communication was between a patient who has 750  
since died and the deceased patient's physician, advanced 751  
practice registered nurse, or dentist, the communication is 752  
relevant to a dispute between parties who claim through that 753  
deceased patient, regardless of whether the claims are by 754  
testate or intestate succession or by inter vivos transaction, 755  
and the dispute addresses the competency of the deceased patient 756  
when the deceased patient executed a document that is the basis 757  
of the dispute or whether the deceased patient was a victim of 758  
fraud, undue influence, or duress when the deceased patient 759  
executed a document that is the basis of the dispute. 760

(ii) If neither the spouse of a patient nor the executor 761  
or administrator of that patient's estate gives consent under 762  
division (B) (1) (a) (ii) of this section, testimony or the 763  
disclosure of the patient's medical records by a physician, 764  
advanced practice registered nurse, dentist, or other health 765  
care provider under division (B) (1) (e) (i) of this section is a 766  
permitted use or disclosure of protected health information, as 767

defined in 45 C.F.R. 160.103, and an authorization or 768  
opportunity to be heard shall not be required. 769

(iii) Division (B) (1) (e) (i) of this section does not 770  
require a mental health professional to disclose psychotherapy 771  
notes, as defined in 45 C.F.R. 164.501. 772

(iv) An interested person who objects to testimony or 773  
disclosure under division (B) (1) (e) (i) of this section may seek 774  
a protective order pursuant to Civil Rule 26. 775

(v) A person to whom protected health information is 776  
disclosed under division (B) (1) (e) (i) of this section shall not 777  
use or disclose the protected health information for any purpose 778  
other than the litigation or proceeding for which the 779  
information was requested and shall return the protected health 780  
information to the covered entity or destroy the protected 781  
health information, including all copies made, at the conclusion 782  
of the litigation or proceeding. 783

(2) (a) If any law enforcement officer submits a written 784  
statement to a health care provider that states that an official 785  
criminal investigation has begun regarding a specified person or 786  
that a criminal action or proceeding has been commenced against 787  
a specified person, that requests the provider to supply to the 788  
officer copies of any records the provider possesses that 789  
pertain to any test or the results of any test administered to 790  
the specified person to determine the presence or concentration 791  
of alcohol, a drug of abuse, a combination of them, a controlled 792  
substance, or a metabolite of a controlled substance in the 793  
person's whole blood, blood serum or plasma, breath, oral fluid, 794  
or urine at any time relevant to the criminal offense in 795  
question, and that conforms to section 2317.022 of the Revised 796  
Code, the provider, except to the extent specifically prohibited 797

by any law of this state or of the United States, shall supply 798  
to the officer a copy of any of the requested records the 799  
provider possesses. If the health care provider does not possess 800  
any of the requested records, the provider shall give the 801  
officer a written statement that indicates that the provider 802  
does not possess any of the requested records. 803

(b) If a health care provider possesses any records of the 804  
type described in division (B) (2) (a) of this section regarding 805  
the person in question at any time relevant to the criminal 806  
offense in question, in lieu of personally testifying as to the 807  
results of the test in question, the custodian of the records 808  
may submit a certified copy of the records, and, upon its 809  
submission, the certified copy is qualified as authentic 810  
evidence and may be admitted as evidence in accordance with the 811  
Rules of Evidence. Division (A) of section 2317.422 of the 812  
Revised Code does not apply to any certified copy of records 813  
submitted in accordance with this division. Nothing in this 814  
division shall be construed to limit the right of any party to 815  
call as a witness the person who administered the test to which 816  
the records pertain, the person under whose supervision the test 817  
was administered, the custodian of the records, the person who 818  
made the records, or the person under whose supervision the 819  
records were made. 820

(3) (a) If the testimonial privilege described in division 821  
(B) (1) of this section does not apply as provided in division 822  
(B) (1) (a) (iii) of this section, a physician, advanced practice 823  
registered nurse, or dentist may be compelled to testify or to 824  
submit to discovery under the Rules of Civil Procedure only as 825  
to a communication made to the physician, advanced practice 826  
registered nurse, or dentist by the patient in question in that 827  
relation, or the advice of the physician, advanced practice 828

registered nurse, or dentist given to the patient in question, 829  
that related causally or historically to physical or mental 830  
injuries that are relevant to issues in the medical claim, 831  
dental claim, chiropractic claim, or optometric claim, action 832  
for wrongful death, other civil action, or claim under Chapter 833  
4123. of the Revised Code. 834

(b) If the testimonial privilege described in division (B) 835  
(1) of this section does not apply to a physician, advanced 836  
practice registered nurse, or dentist as provided in division 837  
(B)(1)(c) of this section, the physician, advanced practice 838  
registered nurse, or dentist, in lieu of personally testifying 839  
as to the results of the test in question, may submit a 840  
certified copy of those results, and, upon its submission, the 841  
certified copy is qualified as authentic evidence and may be 842  
admitted as evidence in accordance with the Rules of Evidence. 843  
Division (A) of section 2317.422 of the Revised Code does not 844  
apply to any certified copy of results submitted in accordance 845  
with this division. Nothing in this division shall be construed 846  
to limit the right of any party to call as a witness the person 847  
who administered the test in question, the person under whose 848  
supervision the test was administered, the custodian of the 849  
results of the test, the person who compiled the results, or the 850  
person under whose supervision the results were compiled. 851

(4) The testimonial privilege described in division (B)(1) 852  
of this section is not waived when a communication is made by a 853  
physician or advanced practice registered nurse to a pharmacist 854  
or when there is communication between a patient and a 855  
pharmacist in furtherance of the physician-patient or advanced 856  
practice registered nurse-patient relation. 857

(5)(a) As used in divisions (B)(1) to (4) of this section, 858

"communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a physician, advanced practice registered nurse, or dentist to diagnose, treat, prescribe, or act for a patient. A "communication" may include, but is not limited to, any medical or dental, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

(b) As used in division (B) (2) of this section, "health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.

(c) As used in division (B) (5) (b) of this section:

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

(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.

(iii) "Health care practitioner" has the same meaning as

in section 4769.01 of the Revised Code. 888

(iv) "Hospital" has the same meaning as in section 3727.01 889  
of the Revised Code. 890

(v) "Long-term care facility" means a nursing home, 891  
residential care facility, or home for the aging, as those terms 892  
are defined in section 3721.01 of the Revised Code; a 893  
residential facility licensed under section 5119.34 of the 894  
Revised Code that provides accommodations, supervision, and 895  
personal care services for three to sixteen unrelated adults; a 896  
nursing facility, as defined in section 5165.01 of the Revised 897  
Code; a skilled nursing facility, as defined in section 5165.01 898  
of the Revised Code; and an intermediate care facility for 899  
individuals with intellectual disabilities, as defined in 900  
section 5124.01 of the Revised Code. 901

(vi) "Pharmacy" has the same meaning as in section 4729.01 902  
of the Revised Code. 903

(d) As used in divisions (B) (1) and (2) of this section, 904  
"drug of abuse" has the same meaning as in section 4506.01 of 905  
the Revised Code. 906

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 907  
section apply to doctors of medicine, doctors of osteopathic 908  
medicine, doctors of podiatry, advanced practice registered 909  
nurses, and dentists. 910

(7) Nothing in divisions (B) (1) to (6) of this section 911  
affects, or shall be construed as affecting, the immunity from 912  
civil liability conferred by section 307.628 of the Revised Code 913  
or the immunity from civil liability conferred by section 914  
2305.33 of the Revised Code upon physicians or advanced practice 915  
registered nurses who report an employee's use of a drug of 916

abuse, or a condition of an employee other than one involving 917  
the use of a drug of abuse, to the employer of the employee in 918  
accordance with division (B) of that section. As used in 919  
division (B) (7) of this section, "employee," "employer," and 920  
"physician" have the same meanings as in section 2305.33 of the 921  
Revised Code and "advanced practice registered nurse" has the 922  
same meaning as in section 4723.01 of the Revised Code. 923

(C) (1) A cleric, when the cleric remains accountable to 924  
the authority of that cleric's church, denomination, or sect, 925  
concerning a confession made, or any information confidentially 926  
communicated, to the cleric for a religious counseling purpose 927  
in the cleric's professional character. The cleric may testify 928  
by express consent of the person making the communication, 929  
except when the disclosure of the information is in violation of 930  
a sacred trust and except that, if the person voluntarily 931  
testifies or is deemed by division (A) (4) (c) of section 2151.421 932  
of the Revised Code to have waived any testimonial privilege 933  
under this division, the cleric may be compelled to testify on 934  
the same subject except when disclosure of the information is in 935  
violation of a sacred trust. 936

(2) As used in division (C) of this section: 937

(a) "Cleric" means a member of the clergy, rabbi, priest, 938  
Christian Science practitioner, or regularly ordained, 939  
accredited, or licensed minister of an established and legally 940  
cognizable church, denomination, or sect. 941

(b) "Sacred trust" means a confession or confidential 942  
communication made to a cleric in the cleric's ecclesiastical 943  
capacity in the course of discipline enjoined by the church to 944  
which the cleric belongs, including, but not limited to, the 945  
Catholic Church, if both of the following apply: 946



(i) The confession or confidential communication was made directly to the cleric.	947 948
(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.	949 950 951 952
(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;	953 954 955 956 957 958
(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;	959 960 961
(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.	962 963 964 965 966 967
(G) (1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, marriage and family therapist or independent marriage and family therapist, or registered under Chapter 4757. of the Revised Code	968 969 970 971 972 973 974 975

as a social work assistant concerning a confidential 976  
communication received from a client in that relation or the 977  
person's advice to a client unless any of the following applies: 978

(a) The communication or advice indicates clear and 979  
present danger to the client or other persons. For the purposes 980  
of this division, cases in which there are indications of 981  
present or past child abuse or neglect of the client constitute 982  
a clear and present danger. 983

(b) The client gives express consent to the testimony. 984

(c) If the client is deceased, the surviving spouse or the 985  
executor or administrator of the estate of the deceased client 986  
gives express consent. 987

(d) The client voluntarily testifies, in which case the 988  
school guidance counselor or person licensed or registered under 989  
Chapter 4757. of the Revised Code may be compelled to testify on 990  
the same subject. 991

(e) The court in camera determines that the information 992  
communicated by the client is not germane to the counselor- 993  
client, marriage and family therapist-client, or social worker- 994  
client relationship. 995

(f) A court, in an action brought against a school, its 996  
administration, or any of its personnel by the client, rules 997  
after an in-camera inspection that the testimony of the school 998  
guidance counselor is relevant to that action. 999

(g) The testimony is sought in a civil action and concerns 1000  
court-ordered treatment or services received by a patient as 1001  
part of a case plan journalized under section 2151.412 of the 1002  
Revised Code or the court-ordered treatment or services are 1003  
necessary or relevant to dependency, neglect, or abuse or 1004

temporary or permanent custody proceedings under Chapter 2151. 1005  
of the Revised Code. 1006

(2) Nothing in division (G)(1) of this section shall 1007  
relieve a school guidance counselor or a person licensed or 1008  
registered under Chapter 4757. of the Revised Code from the 1009  
requirement to report information concerning child abuse or 1010  
neglect under section 2151.421 of the Revised Code. 1011

(H) A mediator acting under a mediation order issued under 1012  
division (A) of section 3109.052 of the Revised Code or 1013  
otherwise issued in any proceeding for divorce, dissolution, 1014  
legal separation, annulment, or the allocation of parental 1015  
rights and responsibilities for the care of children, in any 1016  
action or proceeding, other than a criminal, delinquency, child 1017  
abuse, child neglect, or dependent child action or proceeding, 1018  
that is brought by or against either parent who takes part in 1019  
mediation in accordance with the order and that pertains to the 1020  
mediation process, to any information discussed or presented in 1021  
the mediation process, to the allocation of parental rights and 1022  
responsibilities for the care of the parents' children, or to 1023  
the awarding of parenting time rights in relation to their 1024  
children; 1025

(I) A communications assistant, acting within the scope of 1026  
the communication assistant's authority, when providing 1027  
telecommunications relay service pursuant to section 4931.06 of 1028  
the Revised Code or Title II of the "Communications Act of 1029  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1030  
communication made through a telecommunications relay service. 1031  
Nothing in this section shall limit the obligation of a 1032  
communications assistant to divulge information or testify when 1033  
mandated by federal law or regulation or pursuant to subpoena in 1034

a criminal proceeding. 1035

Nothing in this section shall limit any immunity or 1036  
privilege granted under federal law or regulation. 1037

(J) (1) A chiropractor in a civil proceeding concerning a 1038  
communication made to the chiropractor by a patient in that 1039  
relation or the chiropractor's advice to a patient, except as 1040  
otherwise provided in this division. The testimonial privilege 1041  
established under this division does not apply, and a 1042  
chiropractor may testify or may be compelled to testify, in any 1043  
civil action, in accordance with the discovery provisions of the 1044  
Rules of Civil Procedure in connection with a civil action, or 1045  
in connection with a claim under Chapter 4123. of the Revised 1046  
Code, under any of the following circumstances: 1047

(a) If the patient or the guardian or other legal 1048  
representative of the patient gives express consent. 1049

(b) If the patient is deceased, the spouse of the patient 1050  
or the executor or administrator of the patient's estate gives 1051  
express consent. 1052

(c) If a medical claim, dental claim, chiropractic claim, 1053  
or optometric claim, as defined in section 2305.113 of the 1054  
Revised Code, an action for wrongful death, any other type of 1055  
civil action, or a claim under Chapter 4123. of the Revised Code 1056  
is filed by the patient, the personal representative of the 1057  
estate of the patient if deceased, or the patient's guardian or 1058  
other legal representative. 1059

(2) If the testimonial privilege described in division (J) 1060  
(1) of this section does not apply as provided in division (J) 1061  
(1) (c) of this section, a chiropractor may be compelled to 1062  
testify or to submit to discovery under the Rules of Civil 1063

Procedure only as to a communication made to the chiropractor by 1064  
the patient in question in that relation, or the chiropractor's 1065  
advice to the patient in question, that related causally or 1066  
historically to physical or mental injuries that are relevant to 1067  
issues in the medical claim, dental claim, chiropractic claim, 1068  
or optometric claim, action for wrongful death, other civil 1069  
action, or claim under Chapter 4123. of the Revised Code. 1070

(3) The testimonial privilege established under this 1071  
division does not apply, and a chiropractor may testify or be 1072  
compelled to testify, in any criminal action or administrative 1073  
proceeding. 1074

(4) As used in this division, "communication" means 1075  
acquiring, recording, or transmitting any information, in any 1076  
manner, concerning any facts, opinions, or statements necessary 1077  
to enable a chiropractor to diagnose, treat, or act for a 1078  
patient. A communication may include, but is not limited to, any 1079  
chiropractic, office, or hospital communication such as a 1080  
record, chart, letter, memorandum, laboratory test and results, 1081  
x-ray, photograph, financial statement, diagnosis, or prognosis. 1082

(K) (1) Except as provided under division (K) (2) of this 1083  
section, a critical incident stress management team member 1084  
concerning a communication received from an individual who 1085  
receives crisis response services from the team member, or the 1086  
team member's advice to the individual, during a debriefing 1087  
session. 1088

(2) The testimonial privilege established under division 1089  
(K) (1) of this section does not apply if any of the following 1090  
are true: 1091

(a) The communication or advice indicates clear and 1092

present danger to the individual who receives crisis response 1093  
services or to other persons. For purposes of this division, 1094  
cases in which there are indications of present or past child 1095  
abuse or neglect of the individual constitute a clear and 1096  
present danger. 1097

(b) The individual who received crisis response services 1098  
gives express consent to the testimony. 1099

(c) If the individual who received crisis response 1100  
services is deceased, the surviving spouse or the executor or 1101  
administrator of the estate of the deceased individual gives 1102  
express consent. 1103

(d) The individual who received crisis response services 1104  
voluntarily testifies, in which case the team member may be 1105  
compelled to testify on the same subject. 1106

(e) The court in camera determines that the information 1107  
communicated by the individual who received crisis response 1108  
services is not germane to the relationship between the 1109  
individual and the team member. 1110

(f) The communication or advice pertains or is related to 1111  
any criminal act. 1112

(3) As used in division (K) of this section: 1113

(a) "Crisis response services" means consultation, risk 1114  
assessment, referral, and on-site crisis intervention services 1115  
provided by a critical incident stress management team to 1116  
individuals affected by crisis or disaster. 1117

(b) "Critical incident stress management team member" or 1118  
"team member" means an individual specially trained to provide 1119  
crisis response services as a member of an organized community 1120

or local crisis response team that holds membership in the Ohio 1121  
critical incident stress management network. 1122

(c) "Debriefing session" means a session at which crisis 1123  
response services are rendered by a critical incident stress 1124  
management team member during or after a crisis or disaster. 1125

(L) (1) Subject to division (L) (2) of this section and 1126  
except as provided in division (L) (3) of this section, an 1127  
employee assistance professional, concerning a communication 1128  
made to the employee assistance professional by a client in the 1129  
employee assistance professional's official capacity as an 1130  
employee assistance professional. 1131

(2) Division (L) (1) of this section applies to an employee 1132  
assistance professional who meets either or both of the 1133  
following requirements: 1134

(a) Is certified by the employee assistance certification 1135  
commission to engage in the employee assistance profession; 1136

(b) Has education, training, and experience in all of the 1137  
following: 1138

(i) Providing workplace-based services designed to address 1139  
employer and employee productivity issues; 1140

(ii) Providing assistance to employees and employees' 1141  
dependents in identifying and finding the means to resolve 1142  
personal problems that affect the employees or the employees' 1143  
performance; 1144

(iii) Identifying and resolving productivity problems 1145  
associated with an employee's concerns about any of the 1146  
following matters: health, marriage, family, finances, substance 1147  
abuse or other addiction, workplace, law, and emotional issues; 1148

(iv) Selecting and evaluating available community resources;	1149 1150
(v) Making appropriate referrals;	1151
(vi) Local and national employee assistance agreements;	1152
(vii) Client confidentiality.	1153
(3) Division (L)(1) of this section does not apply to any of the following:	1154 1155
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	1156 1157 1158 1159 1160
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	1161 1162 1163
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	1164 1165 1166 1167
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	1168 1169 1170
(e) A civil or criminal malpractice action brought against the employee assistance professional;	1171 1172
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	1173 1174 1175



(g) When the testimonial privilege otherwise provided by 1176  
division (L)(1) of this section is abrogated under law. 1177

**Sec. 2317.022.** (A) As used in this section: 1178

(1) "Health care provider" has the same meaning as in 1179  
section 2317.02 of the Revised Code. 1180

(2) "Drug of abuse" has the same meaning as in section 1181  
4506.01 of the Revised Code. 1182

(B) If an official criminal investigation has begun 1183  
regarding a person or if a criminal action or proceeding is 1184  
commenced against a person, any law enforcement officer who 1185  
wishes to obtain from any health care provider a copy of any 1186  
records the provider possesses that pertain to any test or the 1187  
result of any test administered to the person to determine the 1188  
presence or concentration of alcohol, a drug of abuse, or 1189  
alcohol and a drug of abuse in the person's blood, breath, oral 1190  
fluid, or urine at any time relevant to the criminal offense in 1191  
question shall submit to the health care facility a written 1192  
statement in the following form: 1193

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 1194

To: \_\_\_\_\_ (insert name of the health care 1195  
provider in question). 1196

I hereby state that an official criminal investigation has 1197  
begun regarding, or a criminal action or proceeding has been 1198  
commenced against, \_\_\_\_\_ (insert the name of the 1199  
person in question), and that I believe that one or more tests 1200  
has been administered to that person by this health care 1201  
provider to determine the presence or concentration of alcohol, 1202  
a drug of abuse, a combination of them, a controlled substance, 1203  
or a metabolite of a controlled substance in that person's whole 1204

blood, blood serum or plasma, breath, oral fluid, or urine at a 1205  
time relevant to the criminal offense in question. Therefore, I 1206  
hereby request that, pursuant to division (B) (2) of section 1207  
2317.02 of the Revised Code, this health care provider supply me 1208  
with copies of any records the provider possesses that pertain 1209  
to any test or the results of any test administered to the 1210  
person specified above to determine the presence or 1211  
concentration of alcohol, a drug of abuse, a combination of 1212  
them, a controlled substance, or a metabolite of a controlled 1213  
substance in that person's whole blood, blood serum or plasma, 1214  
breath, oral fluid, or urine at any time relevant to the 1215  
criminal offense in question. 1216

\_\_\_\_\_ 1217

(Name of officer) 1218

\_\_\_\_\_ 1219

(Officer's title) 1220

\_\_\_\_\_ 1221

(Officer's employing agency) 1222

\_\_\_\_\_ 1223

(Officer's telephone number) 1224

\_\_\_\_\_ 1225

\_\_\_\_\_ 1226

\_\_\_\_\_ 1227

(Agency's address) 1228

\_\_\_\_\_ 1229

(Date written statement submitted) " 1230

(C) A health care provider that receives a written 1231  
statement of the type described in division (B) of this section 1232  
shall comply with division (B) (2) of section 2317.02 of the 1233  
Revised Code relative to the written statement. 1234

Sec. 2905.321. (A) (1) No person shall knowingly organize, 1235  
manage, direct, supervise, coordinate, facilitate, lead, assist, 1236  
participate in, or finance an organization for trafficking in 1237  
persons or an operation that furthers the criminal objectives of 1238  
an organization or operation for trafficking in persons. 1239

(2) No person shall knowingly furnish advice or direction 1240  
in the conduct, financing, or management of an organization or 1241  
operation for trafficking in persons's affairs with the intent 1242  
to promote or further the criminal objectives of an organization 1243  
or operation for trafficking in persons. 1244

(B) No person shall knowingly direct or instruct others to 1245  
engage in violence or intimidation to promote or further the 1246  
criminal objectives of an organization or operation for 1247  
trafficking in persons. 1248

(C) No person shall intentionally promote or further the 1249  
criminal objectives of an organization or operation for 1250  
trafficking in persons by inducing or committing any act or 1251  
omission by a public servant in violation of the public 1252  
servant's official duty. 1253

(D) No person shall knowingly assist an organization or 1254  
operation for trafficking in persons by transporting a person, 1255  
or procuring the transportation for a person with the intent to 1256  
do either of the following: 1257

(1) Conceal the person from a peace officer; 1258

(2) Assist the person in fleeing from a peace officer who 1259

is attempting to lawfully arrest or detain the person. 1260

(E) Whoever violates this section is guilty of 1261  
participating in an organization or operation for trafficking in 1262  
persons, a felony of the first degree. 1263

(F) A prosecution for a violation of this section does not 1264  
preclude a prosecution of a violation of any other section of 1265  
the Revised Code. One or more acts, a series of acts, or a 1266  
course of behavior that can be prosecuted under this section or 1267  
any other section of the Revised Code may be prosecuted under 1268  
this section, the other section of the Revised Code, or both 1269  
sections. 1270

**Sec. 2925.01.** As used in this chapter: 1271

(A) "Administer," "controlled substance," "controlled  
substance analog," "dispense," "distribute," "hypodermic," 1272  
"manufacturer," "official written order," "person," 1273  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 1274  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 1275  
have the same meanings as in section 3719.01 of the Revised 1276  
Code. 1277  
1278

(B) "Drug of abuse" and "person with a drug dependency" 1279  
have the same meanings as in section 3719.011 of the Revised 1280  
Code. 1281

(C) "Drug," "dangerous drug," "licensed health 1282  
professional authorized to prescribe drugs," and "prescription" 1283  
have the same meanings as in section 4729.01 of the Revised 1284  
Code. 1285

(D) "Bulk amount" of a controlled substance means any of 1286  
the following: 1287

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D) (2) <u>or</u> (5) <del>or</del> <del>(6)</del> of this section, whichever of the following is applicable:	1288 1289 1290 1291 1292 1293
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	1294 1295 1296 1297
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	1298 1299 1300
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	1301 1302 1303 1304 1305
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;	1306 1307 1308 1309 1310
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	1311 1312 1313
(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of	1314 1315 1316

a compound, mixture, preparation, or substance that is or 1317  
contains any amount of a schedule II stimulant that is in a 1318  
final dosage form manufactured by a person authorized by the 1319  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1320  
U.S.C.A. 301, as amended, and the federal drug abuse control 1321  
laws, as defined in section 3719.01 of the Revised Code, that is 1322  
or contains any amount of a schedule II depressant substance or 1323  
a schedule II hallucinogenic substance; 1324

(g) An amount equal to or exceeding three grams of a 1325  
compound, mixture, preparation, or substance that is or contains 1326  
any amount of a schedule II stimulant, or any of its salts or 1327  
isomers, that is not in a final dosage form manufactured by a 1328  
person authorized by the Federal Food, Drug, and Cosmetic Act 1329  
and the federal drug abuse control laws. 1330

(2) An amount equal to or exceeding one hundred twenty 1331  
grams or thirty times the maximum daily dose in the usual dose 1332  
range specified in a standard pharmaceutical reference manual of 1333  
a compound, mixture, preparation, or substance that is or 1334  
contains any amount of a schedule III or IV substance other than 1335  
an anabolic steroid or a schedule III opiate or opium 1336  
derivative; 1337

(3) An amount equal to or exceeding twenty grams or five 1338  
times the maximum daily dose in the usual dose range specified 1339  
in a standard pharmaceutical reference manual of a compound, 1340  
mixture, preparation, or substance that is or contains any 1341  
amount of a schedule III opiate or opium derivative; 1342

(4) An amount equal to or exceeding two hundred fifty 1343  
milliliters or two hundred fifty grams of a compound, mixture, 1344  
preparation, or substance that is or contains any amount of a 1345  
schedule V substance; 1346

(5) An amount equal to or exceeding two hundred solid 1347  
dosage units, sixteen grams, or sixteen milliliters of a 1348  
compound, mixture, preparation, or substance that is or contains 1349  
any amount of a schedule III anabolic steroid; 1350

~~(6) For any compound, mixture, preparation, or substance 1351  
that is a combination of a fentanyl-related compound and any 1352  
other compound, mixture, preparation, or substance included in 1353  
schedule III, schedule IV, or schedule V, if the defendant is 1354  
charged with a violation of section 2925.11 of the Revised Code 1355  
and the sentencing provisions set forth in divisions (C) (10) (b) 1356  
and (C) (11) of that section will not apply regarding the 1357  
defendant and the violation, the bulk amount of the controlled 1358  
substance for purposes of the violation is the amount specified 1359  
in division (D) (1), (2), (3), (4), or (5) of this section for 1360  
the other schedule III, IV, or V controlled substance that is 1361  
combined with the fentanyl-related compound. 1362~~

(E) "Unit dose" means an amount or unit of a compound, 1363  
mixture, or preparation containing a controlled substance that 1364  
is separately identifiable and in a form that indicates that it 1365  
is the amount or unit by which the controlled substance is 1366  
separately administered to or taken by an individual. 1367

(F) "Cultivate" includes planting, watering, fertilizing, 1368  
or tilling. 1369

(G) "Drug abuse offense" means any of the following: 1370

(1) A violation of division (A) of section 2913.02 that 1371  
constitutes theft of drugs, or a violation of section 2925.02, 1372  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1373  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1374  
or 2925.37 of the Revised Code; 1375

(2) A violation of an existing or former law of this or 1376  
any other state or of the United States that is substantially 1377  
equivalent to any section listed in division (G) (1) of this 1378  
section; 1379

(3) An offense under an existing or former law of this or 1380  
any other state, or of the United States, of which planting, 1381  
cultivating, harvesting, processing, making, manufacturing, 1382  
producing, shipping, transporting, delivering, acquiring, 1383  
possessing, storing, distributing, dispensing, selling, inducing 1384  
another to use, administering to another, using, or otherwise 1385  
dealing with a controlled substance is an element; 1386

(4) A conspiracy to commit, attempt to commit, or 1387  
complicity in committing or attempting to commit any offense 1388  
under division (G) (1), (2), or (3) of this section. 1389

(H) "Felony drug abuse offense" means any drug abuse 1390  
offense that would constitute a felony under the laws of this 1391  
state, any other state, or the United States. 1392

(I) "Harmful intoxicant" does not include beer or 1393  
intoxicating liquor but means any of the following: 1394

(1) Any compound, mixture, preparation, or substance the 1395  
gas, fumes, or vapor of which when inhaled can induce 1396  
intoxication, excitement, giddiness, irrational behavior, 1397  
depression, stupefaction, paralysis, unconsciousness, 1398  
asphyxiation, or other harmful physiological effects, and 1399  
includes, but is not limited to, any of the following: 1400

(a) Any volatile organic solvent, plastic cement, model 1401  
cement, fingernail polish remover, lacquer thinner, cleaning 1402  
fluid, gasoline, or other preparation containing a volatile 1403  
organic solvent; 1404



(b) Any aerosol propellant;	1405
(c) Any fluorocarbon refrigerant;	1406
(d) Any anesthetic gas.	1407
(2) Gamma Butyrolactone;	1408
(3) 1,4 Butanediol.	1409
(J) "Manufacture" means to plant, cultivate, harvest,	1410
process, make, prepare, or otherwise engage in any part of the	1411
production of a drug, by propagation, extraction, chemical	1412
synthesis, or compounding, or any combination of the same, and	1413
includes packaging, repackaging, labeling, and other activities	1414
incident to production.	1415
(K) "Possess" or "possession" means having control over a	1416
thing or substance, but may not be inferred solely from mere	1417
access to the thing or substance through ownership or occupation	1418
of the premises upon which the thing or substance is found.	1419
(L) "Sample drug" means a drug or pharmaceutical	1420
preparation that would be hazardous to health or safety if used	1421
without the supervision of a licensed health professional	1422
authorized to prescribe drugs, or a drug of abuse, and that, at	1423
one time, had been placed in a container plainly marked as a	1424
sample by a manufacturer.	1425
(M) "Standard pharmaceutical reference manual" means the	1426
current edition, with cumulative changes if any, of references	1427
that are approved by the state board of pharmacy.	1428
(N) "Juvenile" means a person under eighteen years of age.	1429
(O) "Counterfeit controlled substance" means any of the	1430
following:	1431

(1) Any drug that bears, or whose container or label	1432
bears, a trademark, trade name, or other identifying mark used	1433
without authorization of the owner of rights to that trademark,	1434
trade name, or identifying mark;	1435
(2) Any unmarked or unlabeled substance that is	1436
represented to be a controlled substance manufactured,	1437
processed, packed, or distributed by a person other than the	1438
person that manufactured, processed, packed, or distributed it;	1439
(3) Any substance that is represented to be a controlled	1440
substance but is not a controlled substance or is a different	1441
controlled substance;	1442
(4) Any substance other than a controlled substance that a	1443
reasonable person would believe to be a controlled substance	1444
because of its similarity in shape, size, and color, or its	1445
markings, labeling, packaging, distribution, or the price for	1446
which it is sold or offered for sale.	1447
(P) An offense is "committed in the vicinity of a school"	1448
if the offender commits the offense on school premises, in a	1449
school building, or within one thousand feet of the boundaries	1450
of any school premises, regardless of whether the offender knows	1451
the offense is being committed on school premises, in a school	1452
building, or within one thousand feet of the boundaries of any	1453
school premises.	1454
(Q) "School" means any school operated by a board of	1455
education, any community school established under Chapter 3314.	1456
of the Revised Code, or any nonpublic school for which the state	1457
board of education prescribes minimum standards under section	1458
3301.07 of the Revised Code, whether or not any instruction,	1459
extracurricular activities, or training provided by the school	1460

is being conducted at the time a criminal offense is committed. 1461

(R) "School premises" means either of the following: 1462

(1) The parcel of real property on which any school is 1463  
situated, whether or not any instruction, extracurricular 1464  
activities, or training provided by the school is being 1465  
conducted on the premises at the time a criminal offense is 1466  
committed; 1467

(2) Any other parcel of real property that is owned or 1468  
leased by a board of education of a school, the governing 1469  
authority of a community school established under Chapter 3314. 1470  
of the Revised Code, or the governing body of a nonpublic school 1471  
for which the state board of education prescribes minimum 1472  
standards under section 3301.07 of the Revised Code and on which 1473  
some of the instruction, extracurricular activities, or training 1474  
of the school is conducted, whether or not any instruction, 1475  
extracurricular activities, or training provided by the school 1476  
is being conducted on the parcel of real property at the time a 1477  
criminal offense is committed. 1478

(S) "School building" means any building in which any of 1479  
the instruction, extracurricular activities, or training 1480  
provided by a school is conducted, whether or not any 1481  
instruction, extracurricular activities, or training provided by 1482  
the school is being conducted in the school building at the time 1483  
a criminal offense is committed. 1484

(T) "Disciplinary counsel" means the disciplinary counsel 1485  
appointed by the board of commissioners on grievances and 1486  
discipline of the supreme court under the Rules for the 1487  
Government of the Bar of Ohio. 1488

(U) "Certified grievance committee" means a duly 1489

constituted and organized committee of the Ohio state bar 1490  
association or of one or more local bar associations of the 1491  
state of Ohio that complies with the criteria set forth in Rule 1492  
V, section 6 of the Rules for the Government of the Bar of Ohio. 1493

(V) "Professional license" means any license, permit, 1494  
certificate, registration, qualification, admission, temporary 1495  
license, temporary permit, temporary certificate, or temporary 1496  
registration that is described in divisions (W) (1) to (37) of 1497  
this section and that qualifies a person as a professionally 1498  
licensed person. 1499

(W) "Professionally licensed person" means any of the 1500  
following: 1501

(1) A person who has received a certificate or temporary 1502  
certificate as a certified public accountant or who has 1503  
registered as a public accountant under Chapter 4701. of the 1504  
Revised Code and who holds an Ohio permit issued under that 1505  
chapter; 1506

(2) A person who holds a certificate of qualification to 1507  
practice architecture issued or renewed and registered under 1508  
Chapter 4703. of the Revised Code; 1509

(3) A person who is registered as a landscape architect 1510  
under Chapter 4703. of the Revised Code or who holds a permit as 1511  
a landscape architect issued under that chapter; 1512

(4) A person licensed under Chapter 4707. of the Revised 1513  
Code; 1514

(5) A person who has been issued a certificate of 1515  
registration as a registered barber under Chapter 4709. of the 1516  
Revised Code; 1517

(6) A person licensed and regulated to engage in the 1518  
business of a debt pooling company by a legislative authority, 1519  
under authority of Chapter 4710. of the Revised Code; 1520

(7) A person who has been issued a cosmetologist's 1521  
license, hair designer's license, manicurist's license, 1522  
esthetician's license, natural hair stylist's license, advanced 1523  
cosmetologist's license, advanced hair designer's license, 1524  
advanced manicurist's license, advanced esthetician's license, 1525  
advanced natural hair stylist's license, cosmetology 1526  
instructor's license, hair design instructor's license, 1527  
manicurist instructor's license, esthetics instructor's license, 1528  
natural hair style instructor's license, independent 1529  
contractor's license, or tanning facility permit under Chapter 1530  
4713. of the Revised Code; 1531

(8) A person who has been issued a license to practice 1532  
dentistry, a general anesthesia permit, a conscious sedation 1533  
permit, a limited resident's license, a limited teaching 1534  
license, a dental hygienist's license, or a dental hygienist's 1535  
teacher's certificate under Chapter 4715. of the Revised Code; 1536

(9) A person who has been issued an embalmer's license, a 1537  
funeral director's license, a funeral home license, or a 1538  
crematory license, or who has been registered for an embalmer's 1539  
or funeral director's apprenticeship under Chapter 4717. of the 1540  
Revised Code; 1541

(10) A person who has been licensed as a registered nurse 1542  
or practical nurse, or who has been issued a certificate for the 1543  
practice of nurse-midwifery under Chapter 4723. of the Revised 1544  
Code; 1545

(11) A person who has been licensed to practice optometry 1546

or to engage in optical dispensing under Chapter 4725. of the Revised Code;	1547 1548
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	1549 1550
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	1551 1552
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	1553 1554 1555 1556
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	1557 1558 1559 1560 1561
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	1562 1563
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	1564 1565 1566 1567 1568
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	1569 1570 1571
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	1572 1573 1574

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	1575 1576
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	1577 1578
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	1579 1580
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	1581 1582
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	1583 1584
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	1585 1586
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	1587 1588 1589 1590
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1591 1592 1593
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	1594 1595 1596
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1597 1598
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1599 1600 1601

(31) A person issued a license as an occupational 1602  
therapist or physical therapist under Chapter 4755. of the 1603  
Revised Code; 1604

(32) A person who is licensed as a licensed professional 1605  
clinical counselor, licensed professional counselor, social 1606  
worker, independent social worker, independent marriage and 1607  
family therapist, or marriage and family therapist, or 1608  
registered as a social work assistant under Chapter 4757. of the 1609  
Revised Code; 1610

(33) A person issued a license to practice dietetics under 1611  
Chapter 4759. of the Revised Code; 1612

(34) A person who has been issued a license or limited 1613  
permit to practice respiratory therapy under Chapter 4761. of 1614  
the Revised Code; 1615

(35) A person who has been issued a real estate appraiser 1616  
certificate under Chapter 4763. of the Revised Code; 1617

(36) A person who has been issued a home inspector license 1618  
under Chapter 4764. of the Revised Code; 1619

(37) A person who has been admitted to the bar by order of 1620  
the supreme court in compliance with its prescribed and 1621  
published rules. 1622

(X) "Cocaine" means any of the following: 1623

(1) A cocaine salt, isomer, or derivative, a salt of a 1624  
cocaine isomer or derivative, or the base form of cocaine; 1625

(2) Coca leaves or a salt, compound, derivative, or 1626  
preparation of coca leaves, including ecgonine, a salt, isomer, 1627  
or derivative of ecgonine, or a salt of an isomer or derivative 1628  
of ecgonine; 1629



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

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

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

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

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

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

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

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

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

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

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

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

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

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

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

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

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

(JJ) "Deception" has the same meaning as in section

2913.01 of the Revised Code.	1687
(KK) "Fentanyl-related compound" means any of the	1688
following:	1689
(1) Fentanyl;	1690
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	1691
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	1692
phenylethyl)-4-(N-propanilido) piperidine);	1693
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	1694
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	1695
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	1696
piperidinyl] -N-phenylpropanamide);	1697
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	1698
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	1699
phenylpropanamide);	1700
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	1701
piperidyl]-N- phenylpropanamide);	1702
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	1703
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	1704
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	1705
phenethyl)-4- piperidinyl]propanamide;	1706
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	1707
piperidinyl]- propanamide;	1708
(10) Alfentanil;	1709
(11) Carfentanil;	1710
(12) Remifentanil;	1711
(13) Sufentanil;	1712

- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 1713  
1714
- (15) Any compound that meets all of the following fentanyl 1715  
pharmacophore requirements to bind at the mu receptor, as 1716  
identified by a report from an established forensic laboratory, 1717  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 1718  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 1719  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 1720  
fluorofentanyl: 1721
- (a) A chemical scaffold consisting of both of the 1722  
following: 1723
- (i) A five, six, or seven member ring structure containing 1724  
a nitrogen, whether or not further substituted; 1725
- (ii) An attached nitrogen to the ring, whether or not that 1726  
nitrogen is enclosed in a ring structure, including an attached 1727  
aromatic ring or other lipophilic group to that nitrogen. 1728
- (b) A polar functional group attached to the chemical 1729  
scaffold, including but not limited to a hydroxyl, ketone, 1730  
amide, or ester; 1731
- (c) An alkyl or aryl substitution off the ring nitrogen of 1732  
the chemical scaffold; and 1733
- (d) The compound has not been approved for medical use by 1734  
the United States food and drug administration. 1735
- (LL) "First degree felony mandatory prison term" means one 1736  
of the definite prison terms prescribed in division (A) (1) (b) of 1737  
section 2929.14 of the Revised Code for a felony of the first 1738  
degree, except that if the violation for which sentence is being 1739  
imposed is committed on or after March 22, 2019, it means one of 1740

the minimum prison terms prescribed in division (A) (1) (a) of 1741  
that section for a felony of the first degree. 1742

(MM) "Second degree felony mandatory prison term" means 1743  
one of the definite prison terms prescribed in division (A) (2) 1744  
(b) of section 2929.14 of the Revised Code for a felony of the 1745  
second degree, except that if the violation for which sentence 1746  
is being imposed is committed on or after March 22, 2019, it 1747  
means one of the minimum prison terms prescribed in division (A) 1748  
(2) (a) of that section for a felony of the second degree. 1749

(NN) "Maximum first degree felony mandatory prison term" 1750  
means the maximum definite prison term prescribed in division 1751  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1752  
the first degree, except that if the violation for which 1753  
sentence is being imposed is committed on or after March 22, 1754  
2019, it means the longest minimum prison term prescribed in 1755  
division (A) (1) (a) of that section for a felony of the first 1756  
degree. 1757

(OO) "Maximum second degree felony mandatory prison term" 1758  
means the maximum definite prison term prescribed in division 1759  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1760  
the second degree, except that if the violation for which 1761  
sentence is being imposed is committed on or after March 22, 1762  
2019, it means the longest minimum prison term prescribed in 1763  
division (A) (2) (a) of that section for a felony of the second 1764  
degree. 1765

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1766  
as in section 928.01 of the Revised Code. 1767

(QQ) An offense is "committed in the vicinity of a 1768  
substance addiction services provider or a recovering addict" if 1769

either of the following apply: 1770

(1) The offender commits the offense on the premises of a 1771  
substance addiction services provider's facility, including a 1772  
facility licensed prior to June 29, 2019, under section 5119.391 1773  
of the Revised Code to provide methadone treatment or an opioid 1774  
treatment program licensed on or after that date under section 1775  
5119.37 of the Revised Code, or within five hundred feet of the 1776  
premises of a substance addiction services provider's facility 1777  
and the offender knows or should know that the offense is being 1778  
committed within the vicinity of the substance addiction 1779  
services provider's facility. 1780

(2) The offender sells, offers to sell, delivers, or 1781  
distributes the controlled substance or controlled substance 1782  
analog to a person who is receiving treatment at the time of the 1783  
commission of the offense, or received treatment within thirty 1784  
days prior to the commission of the offense, from a substance 1785  
addiction services provider and the offender knows that the 1786  
person is receiving or received that treatment. 1787

(RR) "Substance addiction services provider" means an 1788  
agency, association, corporation or other legal entity, 1789  
individual, or program that provides one or more of the 1790  
following at a facility: 1791

(1) Either alcohol addiction services, or drug addiction 1792  
services, or both such services that are certified by the 1793  
director of mental health and addiction services under section 1794  
5119.36 of the Revised Code; 1795

(2) Recovery supports that are related to either alcohol 1796  
addiction services, or drug addiction services, or both such 1797  
services and paid for with federal, state, or local funds 1798

administered by the department of mental health and addiction 1799  
services or a board of alcohol, drug addiction, and mental 1800  
health services. 1801

(SS) "Premises of a substance addiction services 1802  
provider's facility" means the parcel of real property on which 1803  
any substance addiction service provider's facility is situated. 1804

(TT) "Alcohol and drug addiction services" has the same 1805  
meaning as in section 5119.01 of the Revised Code. 1806

**Sec. 2925.03.** (A) No person shall knowingly do any of the 1807  
following: 1808

(1) Sell or offer to sell a controlled substance or a 1809  
controlled substance analog; 1810

(2) Prepare for shipment, ship, transport, deliver, 1811  
prepare for distribution, or distribute a controlled substance 1812  
or a controlled substance analog, when the offender knows or has 1813  
reasonable cause to believe that the controlled substance or a 1814  
controlled substance analog is intended for sale or resale by 1815  
the offender or another person. 1816

(B) This section does not apply to any of the following: 1817

(1) Manufacturers, licensed health professionals 1818  
authorized to prescribe drugs, pharmacists, owners of 1819  
pharmacies, and other persons whose conduct is in accordance 1820  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1821  
4741. of the Revised Code; 1822

(2) If the offense involves an anabolic steroid, any 1823  
person who is conducting or participating in a research project 1824  
involving the use of an anabolic steroid if the project has been 1825  
approved by the United States food and drug administration; 1826

(3) Any person who sells, offers for sale, prescribes, 1827  
dispenses, or administers for livestock or other nonhuman 1828  
species an anabolic steroid that is expressly intended for 1829  
administration through implants to livestock or other nonhuman 1830  
species and approved for that purpose under the "Federal Food, 1831  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1832  
as amended, and is sold, offered for sale, prescribed, 1833  
dispensed, or administered for that purpose in accordance with 1834  
that act. 1835

(C) Whoever violates division (A) of this section is 1836  
guilty of one of the following: 1837

(1) If the drug involved in the violation is any compound, 1838  
mixture, preparation, or substance included in schedule I or 1839  
schedule II, with the exception of marihuana, cocaine, L.S.D., 1840  
heroin, any fentanyl-related compound, hashish, methamphetamine, 1841  
and any controlled substance analog, whoever violates division 1842  
(A) of this section is guilty of aggravated trafficking in 1843  
drugs. The penalty for the offense shall be determined as 1844  
follows: 1845

(a) Except as otherwise provided in division (C) (1) (b), 1846  
(c), (d), (e), or (f) of this section, aggravated trafficking in 1847  
drugs is a felony of the fourth degree, and division (C) of 1848  
section 2929.13 of the Revised Code applies in determining 1849  
whether to impose a prison term on the offender. 1850

(b) Except as otherwise provided in division (C) (1) (c), 1851  
(d), (e), or (f) of this section, if the offense was committed 1852  
in the vicinity of a school, in the vicinity of a juvenile, or 1853  
in the vicinity of a substance addiction services provider or a 1854  
recovering addict, aggravated trafficking in drugs is a felony 1855  
of the third degree, and division (C) of section 2929.13 of the 1856



Revised Code applies in determining whether to impose a prison 1857  
term on the offender. 1858

(c) Except as otherwise provided in this division, if the 1859  
amount of the drug involved equals or exceeds the bulk amount 1860  
but is less than five times the bulk amount, aggravated 1861  
trafficking in drugs is a felony of the third degree, and, 1862  
except as otherwise provided in this division, there is a 1863  
presumption for a prison term for the offense. If aggravated 1864  
trafficking in drugs is a felony of the third degree under this 1865  
division and if the offender two or more times previously has 1866  
been convicted of or pleaded guilty to a felony drug abuse 1867  
offense, the court shall impose as a mandatory prison term one 1868  
of the prison terms prescribed for a felony of the third degree. 1869  
If the amount of the drug involved is within that range and if 1870  
the offense was committed in the vicinity of a school, in the 1871  
vicinity of a juvenile, or in the vicinity of a substance 1872  
addiction services provider or a recovering addict, aggravated 1873  
trafficking in drugs is a felony of the second degree, and the 1874  
court shall impose as a mandatory prison term a second degree 1875  
felony mandatory prison term. 1876

(d) Except as otherwise provided in this division, if the 1877  
amount of the drug involved equals or exceeds five times the 1878  
bulk amount but is less than fifty times the bulk amount, 1879  
aggravated trafficking in drugs is a felony of the second 1880  
degree, and the court shall impose as a mandatory prison term a 1881  
second degree felony mandatory prison term. If the amount of the 1882  
drug involved is within that range and if the offense was 1883  
committed in the vicinity of a school, in the vicinity of a 1884  
juvenile, or in the vicinity of a substance addiction services 1885  
provider or a recovering addict, aggravated trafficking in drugs 1886  
is a felony of the first degree, and the court shall impose as a 1887

mandatory prison term a first degree felony mandatory prison 1888  
term. 1889

(e) If the amount of the drug involved equals or exceeds 1890  
fifty times the bulk amount but is less than one hundred times 1891  
the bulk amount and regardless of whether the offense was 1892  
committed in the vicinity of a school, in the vicinity of a 1893  
juvenile, or in the vicinity of a substance addiction services 1894  
provider or a recovering addict, aggravated trafficking in drugs 1895  
is a felony of the first degree, and the court shall impose as a 1896  
mandatory prison term a first degree felony mandatory prison 1897  
term. 1898

(f) If the amount of the drug involved equals or exceeds 1899  
one hundred times the bulk amount and regardless of whether the 1900  
offense was committed in the vicinity of a school, in the 1901  
vicinity of a juvenile, or in the vicinity of a substance 1902  
addiction services provider or a recovering addict, aggravated 1903  
trafficking in drugs is a felony of the first degree, the 1904  
offender is a major drug offender, and the court shall impose as 1905  
a mandatory prison term a maximum first degree felony mandatory 1906  
prison term. 1907

(2) If the drug involved in the violation is any compound, 1908  
mixture, preparation, or substance included in schedule III, IV, 1909  
or V, whoever violates division (A) of this section is guilty of 1910  
trafficking in drugs. The penalty for the offense shall be 1911  
determined as follows: 1912

(a) Except as otherwise provided in division (C) (2) (b), 1913  
(c), (d), or (e) of this section, trafficking in drugs is a 1914  
felony of the fifth degree, and division (B) of section 2929.13 1915  
of the Revised Code applies in determining whether to impose a 1916  
prison term on the offender. 1917

(b) Except as otherwise provided in division (C) (2) (c), 1918  
(d), or (e) of this section, if the offense was committed in the 1919  
vicinity of a school or in the vicinity of a juvenile, 1920  
trafficking in drugs is a felony of the fourth degree, and 1921  
division (C) of section 2929.13 of the Revised Code applies in 1922  
determining whether to impose a prison term on the offender. 1923

(c) Except as otherwise provided in this division, if the 1924  
amount of the drug involved equals or exceeds the bulk amount 1925  
but is less than five times the bulk amount, trafficking in 1926  
drugs is a felony of the fourth degree, and division (B) of 1927  
section 2929.13 of the Revised Code applies in determining 1928  
whether to impose a prison term for the offense. If the amount 1929  
of the drug involved is within that range and if the offense was 1930  
committed in the vicinity of a school or in the vicinity of a 1931  
juvenile, trafficking in drugs is a felony of the third degree, 1932  
and there is a presumption for a prison term for the offense. 1933

(d) Except as otherwise provided in this division, if the 1934  
amount of the drug involved equals or exceeds five times the 1935  
bulk amount but is less than fifty times the bulk amount, 1936  
trafficking in drugs is a felony of the third degree, and there 1937  
is a presumption for a prison term for the offense. If the 1938  
amount of the drug involved is within that range and if the 1939  
offense was committed in the vicinity of a school or in the 1940  
vicinity of a juvenile, trafficking in drugs is a felony of the 1941  
second degree, and there is a presumption for a prison term for 1942  
the offense. 1943

(e) Except as otherwise provided in this division, if the 1944  
amount of the drug involved equals or exceeds fifty times the 1945  
bulk amount, trafficking in drugs is a felony of the second 1946  
degree, and the court shall impose as a mandatory prison term a 1947

second degree felony mandatory prison term. If the amount of the 1948  
drug involved equals or exceeds fifty times the bulk amount and 1949  
if the offense was committed in the vicinity of a school or in 1950  
the vicinity of a juvenile, trafficking in drugs is a felony of 1951  
the first degree, and the court shall impose as a mandatory 1952  
prison term a first degree felony mandatory prison term. 1953

(3) If the drug involved in the violation is marihuana or 1954  
a compound, mixture, preparation, or substance containing 1955  
marihuana other than hashish, whoever violates division (A) of 1956  
this section is guilty of trafficking in marihuana. The penalty 1957  
for the offense shall be determined as follows: 1958

(a) Except as otherwise provided in division (C) (3) (b), 1959  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1960  
marihuana is a felony of the fifth degree, and division (B) of 1961  
section 2929.13 of the Revised Code applies in determining 1962  
whether to impose a prison term on the offender. 1963

(b) Except as otherwise provided in division (C) (3) (c), 1964  
(d), (e), (f), (g), or (h) of this section, if the offense was 1965  
committed in the vicinity of a school or in the vicinity of a 1966  
juvenile, trafficking in marihuana is a felony of the fourth 1967  
degree, and division (B) of section 2929.13 of the Revised Code 1968  
applies in determining whether to impose a prison term on the 1969  
offender. 1970

(c) Except as otherwise provided in this division, if the 1971  
amount of the drug involved equals or exceeds two hundred grams 1972  
but is less than one thousand grams, trafficking in marihuana is 1973  
a felony of the fourth degree, and division (B) of section 1974  
2929.13 of the Revised Code applies in determining whether to 1975  
impose a prison term on the offender. If the amount of the drug 1976  
involved is within that range and if the offense was committed 1977

in the vicinity of a school or in the vicinity of a juvenile, 1978  
trafficking in marihuana is a felony of the third degree, and 1979  
division (C) of section 2929.13 of the Revised Code applies in 1980  
determining whether to impose a prison term on the offender. 1981

(d) Except as otherwise provided in this division, if the 1982  
amount of the drug involved equals or exceeds one thousand grams 1983  
but is less than five thousand grams, trafficking in marihuana 1984  
is a felony of the third degree, and division (C) of section 1985  
2929.13 of the Revised Code applies in determining whether to 1986  
impose a prison term on the offender. If the amount of the drug 1987  
involved is within that range and if the offense was committed 1988  
in the vicinity of a school or in the vicinity of a juvenile, 1989  
trafficking in marihuana is a felony of the second degree, and 1990  
there is a presumption that a prison term shall be imposed for 1991  
the offense. 1992

(e) Except as otherwise provided in this division, if the 1993  
amount of the drug involved equals or exceeds five thousand 1994  
grams but is less than twenty thousand grams, trafficking in 1995  
marihuana is a felony of the third degree, and there is a 1996  
presumption that a prison term shall be imposed for the offense. 1997  
If the amount of the drug involved is within that range and if 1998  
the offense was committed in the vicinity of a school or in the 1999  
vicinity of a juvenile, trafficking in marihuana is a felony of 2000  
the second degree, and there is a presumption that a prison term 2001  
shall be imposed for the offense. 2002

(f) Except as otherwise provided in this division, if the 2003  
amount of the drug involved equals or exceeds twenty thousand 2004  
grams but is less than forty thousand grams, trafficking in 2005  
marihuana is a felony of the second degree, and the court shall 2006  
impose as a mandatory prison term a second degree felony 2007

mandatory prison term of five, six, seven, or eight years. If 2008  
the amount of the drug involved is within that range and if the 2009  
offense was committed in the vicinity of a school or in the 2010  
vicinity of a juvenile, trafficking in marihuana is a felony of 2011  
the first degree, and the court shall impose as a mandatory 2012  
prison term a maximum first degree felony mandatory prison term. 2013

(g) Except as otherwise provided in this division, if the 2014  
amount of the drug involved equals or exceeds forty thousand 2015  
grams, trafficking in marihuana is a felony of the second 2016  
degree, and the court shall impose as a mandatory prison term a 2017  
maximum second degree felony mandatory prison term. If the 2018  
amount of the drug involved equals or exceeds forty thousand 2019  
grams and if the offense was committed in the vicinity of a 2020  
school or in the vicinity of a juvenile, trafficking in 2021  
marihuana is a felony of the first degree, and the court shall 2022  
impose as a mandatory prison term a maximum first degree felony 2023  
mandatory prison term. 2024

(h) Except as otherwise provided in this division, if the 2025  
offense involves a gift of twenty grams or less of marihuana, 2026  
trafficking in marihuana is a minor misdemeanor upon a first 2027  
offense and a misdemeanor of the third degree upon a subsequent 2028  
offense. If the offense involves a gift of twenty grams or less 2029  
of marihuana and if the offense was committed in the vicinity of 2030  
a school or in the vicinity of a juvenile, trafficking in 2031  
marihuana is a misdemeanor of the third degree. 2032

(4) If the drug involved in the violation is cocaine or a 2033  
compound, mixture, preparation, or substance containing cocaine, 2034  
whoever violates division (A) of this section is guilty of 2035  
trafficking in cocaine. The penalty for the offense shall be 2036  
determined as follows: 2037

(a) Except as otherwise provided in division (C) (4) (b), 2038  
(c), (d), (e), or (f), ~~or (g)~~ of this section, trafficking in 2039  
cocaine is a felony of the fifth degree, and division (B) of 2040  
section 2929.13 of the Revised Code applies in determining 2041  
whether to impose a prison term on the offender. 2042

(b) Except as otherwise provided in division (C) (4) (c), 2043  
(d), (e), or (f), ~~or (g)~~ of this section, if the offense was 2044  
committed in the vicinity of a school, in the vicinity of a 2045  
juvenile, or in the vicinity of a substance addiction services 2046  
provider or a recovering addict, trafficking in cocaine is a 2047  
felony of the fourth degree, and division (C) of section 2929.13 2048  
of the Revised Code applies in determining whether to impose a 2049  
prison term on the offender. 2050

(c) Except as otherwise provided in this division, if the 2051  
amount of the drug involved equals or exceeds five grams but is 2052  
less than ten grams of cocaine, trafficking in cocaine is a 2053  
felony of the fourth degree, and division (B) of section 2929.13 2054  
of the Revised Code applies in determining whether to impose a 2055  
prison term for the offense. If the amount of the drug involved 2056  
is within that range and if the offense was committed in the 2057  
vicinity of a school, in the vicinity of a juvenile, or in the 2058  
vicinity of a substance addiction services provider or a 2059  
recovering addict, trafficking in cocaine is a felony of the 2060  
third degree, and there is a presumption for a prison term for 2061  
the offense. 2062

(d) Except as otherwise provided in this division, if the 2063  
amount of the drug involved equals or exceeds ten grams but is 2064  
less than twenty grams of cocaine, trafficking in cocaine is a 2065  
felony of the ~~third~~ second degree, and, except as otherwise 2066  
provided in this division, there is a presumption for a prison 2067

term for the offense. If trafficking in cocaine is a felony of 2068  
the ~~third~~second degree under this division and if the offender 2069  
two or more times previously has been convicted of or pleaded 2070  
guilty to a felony drug abuse offense, the court shall impose as 2071  
a mandatory prison term one of the prison terms prescribed for a 2072  
felony of the ~~third~~second degree. If the amount of the drug 2073  
involved is within that range and if the offense was committed 2074  
in the vicinity of a school, in the vicinity of a juvenile, or 2075  
in the vicinity of a substance addiction services provider or a 2076  
recovering addict, trafficking in cocaine is a felony of the 2077  
~~second~~first degree, and the court shall impose as a mandatory 2078  
prison term a ~~second~~first degree felony mandatory prison term. 2079

(e) ~~Except as otherwise provided in this division, if~~ If 2080  
the amount of the drug involved equals or exceeds twenty grams 2081  
but is less than ~~twenty seven one hundred~~ grams of cocaine ~~and~~ 2082  
regardless of whether the offense was committed in the vicinity 2083  
of a school, in the vicinity of a juvenile, or in the vicinity 2084  
of a substance addiction services provider or a recovering 2085  
addict, trafficking in cocaine is a felony of the ~~second~~first 2086  
degree, and the court shall impose as a mandatory prison term a 2087  
~~second~~first degree felony mandatory prison term. ~~If the amount~~ 2088  
~~of the drug involved is within that range and if the offense was~~ 2089  
~~committed in the vicinity of a school, in the vicinity of a~~ 2090  
~~juvenile, or in the vicinity of a substance addiction services~~ 2091  
~~provider or a recovering addict, trafficking in cocaine is a~~ 2092  
~~felony of the first degree, and the court shall impose as a~~ 2093  
~~mandatory prison term a first degree felony mandatory prison~~ 2094  
~~term.~~ 2095

(f) ~~If the amount of the drug involved equals or exceeds~~ 2096  
~~twenty seven grams but is less than one hundred grams of cocaine~~ 2097  
~~and regardless of whether the offense was committed in the~~ 2098



~~vicinity of a school, in the vicinity of a juvenile, or in the~~ 2099  
~~vicinity of a substance addiction services provider or a~~ 2100  
~~recovering addict, trafficking in cocaine is a felony of the~~ 2101  
~~first degree, and the court shall impose as a mandatory prison~~ 2102  
~~term a first degree felony mandatory prison term.~~ 2103

~~(g)~~ If the amount of the drug involved equals or exceeds 2104  
one hundred grams of cocaine and regardless of whether the 2105  
offense was committed in the vicinity of a school, in the 2106  
vicinity of a juvenile, or in the vicinity of a substance 2107  
addiction services provider or a recovering addict, trafficking 2108  
in cocaine is a felony of the first degree, the offender is a 2109  
major drug offender, and the court shall impose as a mandatory 2110  
prison term a maximum first degree felony mandatory prison term. 2111

(5) If the drug involved in the violation is L.S.D. or a 2112  
compound, mixture, preparation, or substance containing L.S.D., 2113  
whoever violates division (A) of this section is guilty of 2114  
trafficking in L.S.D. The penalty for the offense shall be 2115  
determined as follows: 2116

(a) Except as otherwise provided in division (C) (5) (b), 2117  
(c), (d), (e), (f), or (g) of this section, trafficking in 2118  
L.S.D. is a felony of the fifth degree, and division (B) of 2119  
section 2929.13 of the Revised Code applies in determining 2120  
whether to impose a prison term on the offender. 2121

(b) Except as otherwise provided in division (C) (5) (c), 2122  
(d), (e), (f), or (g) of this section, if the offense was 2123  
committed in the vicinity of a school, in the vicinity of a 2124  
juvenile, or in the vicinity of a substance addiction services 2125  
provider or a recovering addict, trafficking in L.S.D. is a 2126  
felony of the fourth degree, and division (C) of section 2929.13 2127  
of the Revised Code applies in determining whether to impose a 2128

prison term on the offender. 2129

(c) Except as otherwise provided in this division, if the 2130  
amount of the drug involved equals or exceeds ten unit doses but 2131  
is less than fifty unit doses of L.S.D. in a solid form or 2132  
equals or exceeds one gram but is less than five grams of L.S.D. 2133  
in a liquid concentrate, liquid extract, or liquid distillate 2134  
form, trafficking in L.S.D. is a felony of the fourth degree, 2135  
and division (B) of section 2929.13 of the Revised Code applies 2136  
in determining whether to impose a prison term for the offense. 2137  
If the amount of the drug involved is within that range and if 2138  
the offense was committed in the vicinity of a school, in the 2139  
vicinity of a juvenile, or in the vicinity of a substance 2140  
addiction services provider or a recovering addict, trafficking 2141  
in L.S.D. is a felony of the third degree, and there is a 2142  
presumption for a prison term for the offense. 2143

(d) Except as otherwise provided in this division, if the 2144  
amount of the drug involved equals or exceeds fifty unit doses 2145  
but is less than two hundred fifty unit doses of L.S.D. in a 2146  
solid form or equals or exceeds five grams but is less than 2147  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 2148  
extract, or liquid distillate form, trafficking in L.S.D. is a 2149  
felony of the third degree, and, except as otherwise provided in 2150  
this division, there is a presumption for a prison term for the 2151  
offense. If trafficking in L.S.D. is a felony of the third 2152  
degree under this division and if the offender two or more times 2153  
previously has been convicted of or pleaded guilty to a felony 2154  
drug abuse offense, the court shall impose as a mandatory prison 2155  
term one of the prison terms prescribed for a felony of the 2156  
third degree. If the amount of the drug involved is within that 2157  
range and if the offense was committed in the vicinity of a 2158  
school, in the vicinity of a juvenile, or in the vicinity of a 2159

substance addiction services provider or a recovering addict, 2160  
trafficking in L.S.D. is a felony of the second degree, and the 2161  
court shall impose as a mandatory prison term a second degree 2162  
felony mandatory prison term. 2163

(e) Except as otherwise provided in this division, if the 2164  
amount of the drug involved equals or exceeds two hundred fifty 2165  
unit doses but is less than one thousand unit doses of L.S.D. in 2166  
a solid form or equals or exceeds twenty-five grams but is less 2167  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 2168  
extract, or liquid distillate form, trafficking in L.S.D. is a 2169  
felony of the second degree, and the court shall impose as a 2170  
mandatory prison term a second degree felony mandatory prison 2171  
term. If the amount of the drug involved is within that range 2172  
and if the offense was committed in the vicinity of a school, in 2173  
the vicinity of a juvenile, or in the vicinity of a substance 2174  
addiction services provider or a recovering addict, trafficking 2175  
in L.S.D. is a felony of the first degree, and the court shall 2176  
impose as a mandatory prison term a first degree felony 2177  
mandatory prison term. 2178

(f) If the amount of the drug involved equals or exceeds 2179  
one thousand unit doses but is less than five thousand unit 2180  
doses of L.S.D. in a solid form or equals or exceeds one hundred 2181  
grams but is less than five hundred grams of L.S.D. in a liquid 2182  
concentrate, liquid extract, or liquid distillate form and 2183  
regardless of whether the offense was committed in the vicinity 2184  
of a school, in the vicinity of a juvenile, or in the vicinity 2185  
of a substance addiction services provider or a recovering 2186  
addict, trafficking in L.S.D. is a felony of the first degree, 2187  
and the court shall impose as a mandatory prison term a first 2188  
degree felony mandatory prison term. 2189

(g) If the amount of the drug involved equals or exceeds 2190  
five thousand unit doses of L.S.D. in a solid form or equals or 2191  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2192  
liquid extract, or liquid distillate form and regardless of 2193  
whether the offense was committed in the vicinity of a school, 2194  
in the vicinity of a juvenile, or in the vicinity of a substance 2195  
addiction services provider or a recovering addict, trafficking 2196  
in L.S.D. is a felony of the first degree, the offender is a 2197  
major drug offender, and the court shall impose as a mandatory 2198  
prison term a maximum first degree felony mandatory prison term. 2199

(6) If the drug involved in the violation is heroin or a 2200  
compound, mixture, preparation, or substance containing heroin, 2201  
whoever violates division (A) of this section is guilty of 2202  
trafficking in heroin. The penalty for the offense shall be 2203  
determined as follows: 2204

(a) Except as otherwise provided in division (C) (6) (b), 2205  
(c), (d), (e), or (f), ~~or (g)~~ of this section, trafficking in 2206  
heroin is a felony of the fifth degree, and division (B) of 2207  
section 2929.13 of the Revised Code applies in determining 2208  
whether to impose a prison term on the offender. 2209

(b) Except as otherwise provided in division (C) (6) (c), 2210  
(d), (e), or (f), ~~or (g)~~ of this section, if the offense was 2211  
committed in the vicinity of a school, in the vicinity of a 2212  
juvenile, or in the vicinity of a substance addiction services 2213  
provider or a recovering addict, trafficking in heroin is a 2214  
felony of the fourth degree, and division (C) of section 2929.13 2215  
of the Revised Code applies in determining whether to impose a 2216  
prison term on the offender. 2217

(c) Except as otherwise provided in this division, if the 2218  
amount of the drug involved equals or exceeds ten unit doses but 2219

is less than fifty unit doses or equals or exceeds one gram but 2220  
is less than five grams, trafficking in heroin is a felony of 2221  
the ~~fourth~~ second degree, and ~~division (B) of section 2929.13 of~~ 2222  
~~the Revised Code applies in determining whether to impose a~~ 2223  
~~prison term for the offense.~~ If the amount of the drug involved 2224  
is within that range and if the offense was committed in the 2225  
vicinity of a school, in the vicinity of a juvenile, or in the 2226  
vicinity of a substance addiction services provider or a 2227  
recovering addict, trafficking in heroin is a felony of the 2228  
~~third~~ first degree, and there is a presumption for a prison term 2229  
for the offense. 2230

(d) ~~Except as otherwise provided in this division, if If~~ 2231  
the amount of the drug involved equals or exceeds fifty unit 2232  
doses but is less than one hundred unit doses or equals or 2233  
exceeds five grams but is less than ten grams and regardless of 2234  
whether the offense was committed in the vicinity of a school, 2235  
in the vicinity of a juvenile, or in the vicinity of a substance 2236  
addiction services provider or a recovering addict, trafficking 2237  
in heroin is a felony of the ~~third~~ first degree, and there is a 2238  
presumption for a prison term for the offense. ~~If the amount of~~ 2239  
~~the drug involved is within that range and if the offense was~~ 2240  
~~committed in the vicinity of a school, in the vicinity of a~~ 2241  
~~juvenile, or in the vicinity of a substance addiction services~~ 2242  
~~provider or a recovering addict, trafficking in heroin is a~~ 2243  
~~felony of the second degree, and there is a presumption for a~~ 2244  
~~prison term for the offense.~~ 2245

(e) ~~Except as otherwise provided in this division, if If~~ 2246  
the amount of the drug involved equals or exceeds one hundred 2247  
unit doses but is less than ~~five hundred~~ one thousand unit doses 2248  
or equals or exceeds ten grams but is less than ~~fifty~~ one 2249  
hundred grams and regardless of whether the offense was 2250

committed in the vicinity of a school, in the vicinity of a 2251  
juvenile, or in the vicinity of a substance addiction services 2252  
provider or a recovering addict, trafficking in heroin is a 2253  
felony of the ~~second~~ first degree, and the court shall impose as 2254  
a mandatory prison term a ~~second~~ first degree felony mandatory 2255  
prison term. ~~If the amount of the drug involved is within that~~ 2256  
~~range and if the offense was committed in the vicinity of a~~ 2257  
~~school, in the vicinity of a juvenile, or in the vicinity of a~~ 2258  
~~substance addiction services provider or a recovering addict,~~ 2259  
~~trafficking in heroin is a felony of the first degree, and the~~ 2260  
~~court shall impose as a mandatory prison term a first degree~~ 2261  
~~felony mandatory prison term.~~ 2262

(f) ~~If the amount of the drug involved equals or exceeds~~ 2263  
~~five hundred unit doses but is less than one thousand unit doses~~ 2264  
~~or equals or exceeds fifty grams but is less than one hundred~~ 2265  
~~grams and regardless of whether the offense was committed in the~~ 2266  
~~vicinity of a school, in the vicinity of a juvenile, or in the~~ 2267  
~~vicinity of a substance addiction services provider or a~~ 2268  
~~recovering addict, trafficking in heroin is a felony of the~~ 2269  
~~first degree, and the court shall impose as a mandatory prison~~ 2270  
~~term a first degree felony mandatory prison term.~~ 2271

~~(g)~~ If the amount of the drug involved equals or exceeds 2272  
one thousand unit doses or equals or exceeds one hundred grams 2273  
and regardless of whether the offense was committed in the 2274  
vicinity of a school, in the vicinity of a juvenile, or in the 2275  
vicinity of a substance addiction services provider or a 2276  
recovering addict, trafficking in heroin is a felony of the 2277  
first degree, the offender is a major drug offender, and the 2278  
court shall impose as a mandatory prison term a maximum first 2279  
degree felony mandatory prison term. 2280

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

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

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

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

in hashish is a felony of the third degree, and division (C) of 2311  
section 2929.13 of the Revised Code applies in determining 2312  
whether to impose a prison term on the offender. 2313

(d) Except as otherwise provided in this division, if the 2314  
amount of the drug involved equals or exceeds fifty grams but is 2315  
less than two hundred fifty grams of hashish in a solid form or 2316  
equals or exceeds ten grams but is less than fifty grams of 2317  
hashish in a liquid concentrate, liquid extract, or liquid 2318  
distillate form, trafficking in hashish is a felony of the third 2319  
degree, and division (C) of section 2929.13 of the Revised Code 2320  
applies in determining whether to impose a prison term on the 2321  
offender. If the amount of the drug involved is within that 2322  
range and if the offense was committed in the vicinity of a 2323  
school, in the vicinity of a juvenile, or in the vicinity of a 2324  
substance addiction services provider or a recovering addict, 2325  
trafficking in hashish is a felony of the second degree, and 2326  
there is a presumption that a prison term shall be imposed for 2327  
the offense. 2328

(e) Except as otherwise provided in this division, if the 2329  
amount of the drug involved equals or exceeds two hundred fifty 2330  
grams but is less than one thousand grams of hashish in a solid 2331  
form or equals or exceeds fifty grams but is less than two 2332  
hundred grams of hashish in a liquid concentrate, liquid 2333  
extract, or liquid distillate form, trafficking in hashish is a 2334  
felony of the third degree, and there is a presumption that a 2335  
prison term shall be imposed for the offense. If the amount of 2336  
the drug involved is within that range and if the offense was 2337  
committed in the vicinity of a school, in the vicinity of a 2338  
juvenile, or in the vicinity of a substance addiction services 2339  
provider or a recovering addict, trafficking in hashish is a 2340  
felony of the second degree, and there is a presumption that a 2341



prison term shall be imposed for the offense. 2342

(f) Except as otherwise provided in this division, if the 2343  
amount of the drug involved equals or exceeds one thousand grams 2344  
but is less than two thousand grams of hashish in a solid form 2345  
or equals or exceeds two hundred grams but is less than four 2346  
hundred grams of hashish in a liquid concentrate, liquid 2347  
extract, or liquid distillate form, trafficking in hashish is a 2348  
felony of the second degree, and the court shall impose as a 2349  
mandatory prison term a second degree felony mandatory prison 2350  
term of five, six, seven, or eight years. If the amount of the 2351  
drug involved is within that range and if the offense was 2352  
committed in the vicinity of a school, in the vicinity of a 2353  
juvenile, or in the vicinity of a substance addiction services 2354  
provider or a recovering addict, trafficking in hashish is a 2355  
felony of the first degree, and the court shall impose as a 2356  
mandatory prison term a maximum first degree felony mandatory 2357  
prison term. 2358

(g) Except as otherwise provided in this division, if the 2359  
amount of the drug involved equals or exceeds two thousand grams 2360  
of hashish in a solid form or equals or exceeds four hundred 2361  
grams of hashish in a liquid concentrate, liquid extract, or 2362  
liquid distillate form, trafficking in hashish is a felony of 2363  
the second degree, and the court shall impose as a mandatory 2364  
prison term a maximum second degree felony mandatory prison 2365  
term. If the amount of the drug involved equals or exceeds two 2366  
thousand grams of hashish in a solid form or equals or exceeds 2367  
four hundred grams of hashish in a liquid concentrate, liquid 2368  
extract, or liquid distillate form and if the offense was 2369  
committed in the vicinity of a school, in the vicinity of a 2370  
juvenile, or in the vicinity of a substance addiction services 2371  
provider or a recovering addict, trafficking in hashish is a 2372

felony of the first degree, and the court shall impose as a 2373  
mandatory prison term a maximum first degree felony mandatory 2374  
prison term. 2375

(8) If the drug involved in the violation is a controlled 2376  
substance analog or compound, mixture, preparation, or substance 2377  
that contains a controlled substance analog, whoever violates 2378  
division (A) of this section is guilty of trafficking in a 2379  
controlled substance analog. The penalty for the offense shall 2380  
be determined as follows: 2381

(a) Except as otherwise provided in division (C) (8) (b), 2382  
(c), (d), (e), (f), or (g) of this section, trafficking in a 2383  
controlled substance analog is a felony of the fifth degree, and 2384  
division (C) of section 2929.13 of the Revised Code applies in 2385  
determining whether to impose a prison term on the offender. 2386

(b) Except as otherwise provided in division (C) (8) (c), 2387  
(d), (e), (f), or (g) of this section, if the offense was 2388  
committed in the vicinity of a school, in the vicinity of a 2389  
juvenile, or in the vicinity of a substance addiction services 2390  
provider or a recovering addict, trafficking in a controlled 2391  
substance analog is a felony of the fourth degree, and division 2392  
(C) of section 2929.13 of the Revised Code applies in 2393  
determining whether to impose a prison term on the offender. 2394

(c) Except as otherwise provided in this division, if the 2395  
amount of the drug involved equals or exceeds ten grams but is 2396  
less than twenty grams, trafficking in a controlled substance 2397  
analog is a felony of the fourth degree, and division (B) of 2398  
section 2929.13 of the Revised Code applies in determining 2399  
whether to impose a prison term for the offense. If the amount 2400  
of the drug involved is within that range and if the offense was 2401  
committed in the vicinity of a school, in the vicinity of a 2402

juvenile, or in the vicinity of a substance addiction services 2403  
provider or a recovering addict, trafficking in a controlled 2404  
substance analog is a felony of the third degree, and there is a 2405  
presumption for a prison term for the offense. 2406

(d) Except as otherwise provided in this division, if the 2407  
amount of the drug involved equals or exceeds twenty grams but 2408  
is less than thirty grams, trafficking in a controlled substance 2409  
analog is a felony of the third degree, and there is a 2410  
presumption for a prison term for the offense. If the amount of 2411  
the drug involved is within that range and if the offense was 2412  
committed in the vicinity of a school, in the vicinity of a 2413  
juvenile, or in the vicinity of a substance addiction services 2414  
provider or a recovering addict, trafficking in a controlled 2415  
substance analog is a felony of the second degree, and there is 2416  
a presumption for a prison term for the offense. 2417

(e) Except as otherwise provided in this division, if the 2418  
amount of the drug involved equals or exceeds thirty grams but 2419  
is less than forty grams, trafficking in a controlled substance 2420  
analog is a felony of the second degree, and the court shall 2421  
impose as a mandatory prison term a second degree felony 2422  
mandatory prison term. If the amount of the drug involved is 2423  
within that range and if the offense was committed in the 2424  
vicinity of a school, in the vicinity of a juvenile, or in the 2425  
vicinity of a substance addiction services provider or a 2426  
recovering addict, trafficking in a controlled substance analog 2427  
is a felony of the first degree, and the court shall impose as a 2428  
mandatory prison term a first degree felony mandatory prison 2429  
term. 2430

(f) If the amount of the drug involved equals or exceeds 2431  
forty grams but is less than fifty grams and regardless of 2432

whether the offense was committed in the vicinity of a school, 2433  
in the vicinity of a juvenile, or in the vicinity of a substance 2434  
addiction services provider or a recovering addict, trafficking 2435  
in a controlled substance analog is a felony of the first 2436  
degree, and the court shall impose as a mandatory prison term a 2437  
first degree felony mandatory prison term. 2438

(g) If the amount of the drug involved equals or exceeds 2439  
fifty grams and regardless of whether the offense was committed 2440  
in the vicinity of a school, in the vicinity of a juvenile, or 2441  
in the vicinity of a substance addiction services provider or a 2442  
recovering addict, trafficking in a controlled substance analog 2443  
is a felony of the first degree, the offender is a major drug 2444  
offender, and the court shall impose as a mandatory prison term 2445  
a maximum first degree felony mandatory prison term. 2446

(9) If the drug involved in the violation is a fentanyl- 2447  
related compound or a compound, mixture, preparation, or 2448  
substance containing a fentanyl-related compound and division 2449  
(C)(10)(a) of this section does not apply to the drug involved, 2450  
whoever violates division (A) of this section is guilty of 2451  
trafficking in a fentanyl-related compound. The penalty for the 2452  
offense shall be determined as follows: 2453

(a) Except as otherwise provided in division (C)(9)(b), 2454  
(c), (d), (e), (f), or (g), ~~or (h)~~ of this section, trafficking 2455  
in a fentanyl-related compound is a felony of the ~~fifth~~second 2456  
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 2457  
~~applies in determining whether to impose a prison term on the~~ 2458  
~~offender.~~ 2459

(b) Except as otherwise provided in division (C)(9)(c), 2460  
(d), (e), (f), or (g), ~~or (h)~~ of this section, if the offense 2461  
was committed in the vicinity of a school, in the vicinity of a 2462

juvenile, or in the vicinity of a substance addiction services 2463  
provider or a recovering addict, trafficking in a fentanyl- 2464  
related compound is a felony of the ~~fourth~~first degree, and 2465  
division (C) of section 2929.13 of the Revised Code applies in 2466  
determining whether to impose a prison term on the offender. 2467

(c) ~~Except as otherwise provided in this division, if~~If 2468  
the amount of the drug involved equals or exceeds ten unit doses 2469  
but is less than fifty unit doses or equals or exceeds one gram 2470  
but is less than five grams and regardless of whether the 2471  
offense was committed in the vicinity of a school, in the 2472  
vicinity of a juvenile, or in the vicinity of a substance 2473  
addiction services provider or a recovering addict, trafficking 2474  
in a fentanyl-related compound is a felony of the ~~fourth~~first 2475  
degree, and division (B) of section 2929.13 of the Revised Code 2476  
~~applies in determining whether to impose a prison term for the~~ 2477  
~~offense. If the amount of the drug involved is within that range~~ 2478  
~~and if the offense was committed in the vicinity of a school, in~~ 2479  
~~the vicinity of a juvenile, or in the vicinity of a substance~~ 2480  
~~addiction services provider or a recovering addict, trafficking~~ 2481  
in a fentanyl-related compound is a felony of the third degree, 2482  
and there is a presumption for a prison term for the offense. 2483

(d) ~~Except as otherwise provided in this division, if~~If 2484  
the amount of the drug involved equals or exceeds fifty unit 2485  
doses but is less than one hundred unit doses or equals or 2486  
exceeds five grams but is less than ten grams and regardless of 2487  
whether the offense was committed in the vicinity of a school, 2488  
in the vicinity of a juvenile, or in the vicinity of a substance 2489  
addiction services provider or a recovering addict, trafficking 2490  
in a fentanyl-related compound is a felony of the ~~third~~first 2491  
degree, and there is a presumption for a prison term for the 2492  
offense. ~~If the amount of the drug involved is within that range~~ 2493

~~and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a fentanyl-related compound is a felony of the second degree, and there is a presumption for a prison term for the offense.~~ 2494-2498

~~(e) Except as otherwise provided in this division, if If the amount of the drug involved equals or exceeds one hundred unit doses but is less than ~~two~~ five hundred unit doses or equals or exceeds ten grams but is less than ~~twenty~~ fifty grams and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a fentanyl-related compound is a felony of the ~~second~~ first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the ~~second~~ first degree. ~~If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.~~ 2499-2516~~

~~(f) If the amount of the drug involved equals or exceeds two hundred unit doses but is less than five hundred unit doses or equals or exceeds twenty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a fentanyl-related compound is a felony of the first degree, and the court shall impose as a~~ 2517-2524

~~mandatory prison term one of the prison terms prescribed for a~~ 2525  
~~felony of the first degree.~~ 2526

~~(g)~~ If the amount of the drug involved equals or exceeds 2527  
five hundred unit doses but is less than one thousand unit doses 2528  
or equals or exceeds fifty grams but is less than one hundred 2529  
grams and regardless of whether the offense was committed in the 2530  
vicinity of a school, in the vicinity of a juvenile, or in the 2531  
vicinity of a substance addiction services provider or a 2532  
recovering addict, trafficking in a fentanyl-related compound is 2533  
a felony of the first degree, and the court shall impose as a 2534  
mandatory prison term the maximum prison term prescribed for a 2535  
felony of the first degree. 2536

~~(h)~~ (g) If the amount of the drug involved equals or 2537  
exceeds one thousand unit doses or equals or exceeds one hundred 2538  
grams and regardless of whether the offense was committed in the 2539  
vicinity of a school, in the vicinity of a juvenile, or in the 2540  
vicinity of a substance addiction services provider or a 2541  
recovering addict, trafficking in a fentanyl-related compound is 2542  
a felony of the first degree, the offender is a major drug 2543  
offender, and the court shall impose as a mandatory prison term 2544  
the maximum prison term prescribed for a felony of the first 2545  
degree. 2546

(10) If the drug involved in the violation is a compound, 2547  
mixture, preparation, or substance that is a combination of a 2548  
fentanyl-related compound and marihuana, one of the following 2549  
applies: 2550

(a) Except as otherwise provided in division (C)(10)(b) of 2551  
this section, the offender is guilty of trafficking in marihuana 2552  
and shall be punished under division (C)(3) of this section. The 2553  
offender is not guilty of trafficking in a fentanyl-related 2554

compound and shall not be charged with, convicted of, or 2555  
punished under division (C) (9) of this section for trafficking 2556  
in a fentanyl-related compound. 2557

(b) If the offender knows or has reason to know that the 2558  
compound, mixture, preparation, or substance that is the drug 2559  
involved contains a fentanyl-related compound, the offender is 2560  
guilty of trafficking in a fentanyl-related compound and shall 2561  
be punished under division (C) (9) of this section. 2562

(11) If the drug involved in the violation is 2563  
methamphetamine or a compound, mixture, preparation, or 2564  
substance containing methamphetamine, whoever violates division 2565  
(A) of this section is guilty of trafficking in methamphetamine. 2566  
The penalty for the offense shall be determined as follows: 2567

(a) Except as otherwise provided in division (C) (11) (b), 2568  
(c), (d), (e), or (f) of this section, trafficking in 2569  
methamphetamine is a felony of the fourth degree, and division 2570  
(B) of section 2929.13 of the Revised Code applies in 2571  
determining whether to impose a prison term on the offender. 2572

(b) Except as otherwise provided in division (C) (11) (c), 2573  
(d), (e), or (f) of this section, if the offense was committed 2574  
in the vicinity of a school, in the vicinity of a juvenile, or 2575  
in the vicinity of a substance addiction services provider or a 2576  
recovering addict, trafficking in methamphetamine is a felony of 2577  
the third degree, and division (C) of section 2929.13 of the 2578  
Revised Code applies in determining whether to impose a prison 2579  
term on the offender. 2580

(c) Except as otherwise provided in this division, if the 2581  
amount of the drug involved equals or exceeds three grams but is 2582  
less than ten grams of methamphetamine, trafficking in 2583



methamphetamine is a felony of the third degree and, except as 2584  
otherwise provided in this division, there is a presumption for 2585  
a prison term for the offense. If trafficking in methamphetamine 2586  
is a felony of the third degree and if the offender two or more 2587  
times previously has been convicted of or pleaded guilty to a 2588  
felony drug abuse offense, the court shall impose as a mandatory 2589  
prison term one of the prison terms prescribed for a felony of 2590  
the third degree. If the amount of the drug involved is within 2591  
that range and if the offense was committed in the vicinity of a 2592  
school, in the vicinity of a juvenile, or in the vicinity of a 2593  
substance addiction services provider or a recovering addict, 2594  
trafficking in methamphetamine is a felony of the second degree, 2595  
and the court shall impose as a mandatory prison term one of the 2596  
prison terms prescribed for a felony of the second degree. 2597

(d) Except as otherwise provided in this division, if the 2598  
amount of the drug involved equals or exceeds ten grams but is 2599  
less than twenty grams of methamphetamine, trafficking in 2600  
methamphetamine is a felony of the second degree and there is a 2601  
presumption for a prison term for the offense. If trafficking in 2602  
methamphetamine is a felony of the second degree under this 2603  
division and if the offender two or more times previously has 2604  
been convicted of or pleaded guilty to a felony drug abuse 2605  
offense, the court shall impose as a mandatory prison term one 2606  
of the prison terms prescribed for a felony of the second 2607  
degree. If the amount of the drug involved is within that range 2608  
and if the offense was committed in the vicinity of a school, in 2609  
the vicinity of a juvenile, or in the vicinity of a substance 2610  
addiction services provider or a recovering addict, trafficking 2611  
in methamphetamine is a felony of the first degree, and the 2612  
court shall impose as a mandatory prison term a first degree 2613  
felony mandatory prison term. 2614

(e) If the amount of the drug involved equals or exceeds 2615  
twenty grams but is less than one hundred grams of 2616  
methamphetamine and regardless of whether the offense was 2617  
committed in the vicinity of a school, in the vicinity of a 2618  
juvenile, or in the vicinity of a substance addiction services 2619  
provider or a recovering addict, trafficking in methamphetamine 2620  
is a felony of the first degree, and the court shall impose as a 2621  
mandatory prison term a first degree felony mandatory prison 2622  
term. 2623

(f) If the amount of the drug involved equals or exceeds 2624  
one hundred grams of methamphetamine and regardless of whether 2625  
the offense was committed in the vicinity of a school, in the 2626  
vicinity of a juvenile, or in the vicinity of a substance 2627  
addiction services provider or a recovering addict, trafficking 2628  
in methamphetamine is a felony of the first degree, the offender 2629  
is a major drug offender, and the court shall impose as a 2630  
mandatory prison term a maximum first degree felony mandatory 2631  
prison term. 2632

(D) In addition to any prison term authorized or required 2633  
by division (C) of this section and sections 2929.13 and 2929.14 2634  
of the Revised Code, and in addition to any other sanction 2635  
imposed for the offense under this section or sections 2929.11 2636  
to 2929.18 of the Revised Code, the court that sentences an 2637  
offender who is convicted of or pleads guilty to a violation of 2638  
division (A) of this section may suspend the driver's or 2639  
commercial driver's license or permit of the offender in 2640  
accordance with division (G) of this section. However, if the 2641  
offender pleaded guilty to or was convicted of a violation of 2642  
section 4511.19 of the Revised Code or a substantially similar 2643  
municipal ordinance or the law of another state or the United 2644  
States arising out of the same set of circumstances as the 2645

violation, the court shall suspend the offender's driver's or 2646  
commercial driver's license or permit in accordance with 2647  
division (G) of this section. If applicable, the court also 2648  
shall do the following: 2649

(1) If the violation of division (A) of this section is a 2650  
felony of the first, second, or third degree, the court shall 2651  
impose upon the offender the mandatory fine specified for the 2652  
offense under division (B)(1) of section 2929.18 of the Revised 2653  
Code unless, as specified in that division, the court determines 2654  
that the offender is indigent. Except as otherwise provided in 2655  
division (H)(1) of this section, a mandatory fine or any other 2656  
fine imposed for a violation of this section is subject to 2657  
division (F) of this section. If a person is charged with a 2658  
violation of this section that is a felony of the first, second, 2659  
or third degree, posts bail, and forfeits the bail, the clerk of 2660  
the court shall pay the forfeited bail pursuant to divisions (D) 2661  
(1) and (F) of this section, as if the forfeited bail was a fine 2662  
imposed for a violation of this section. If any amount of the 2663  
forfeited bail remains after that payment and if a fine is 2664  
imposed under division (H)(1) of this section, the clerk of the 2665  
court shall pay the remaining amount of the forfeited bail 2666  
pursuant to divisions (H)(2) and (3) of this section, as if that 2667  
remaining amount was a fine imposed under division (H)(1) of 2668  
this section. 2669

(2) If the offender is a professionally licensed person, 2670  
the court immediately shall comply with section 2925.38 of the 2671  
Revised Code. 2672

(E) When a person is charged with the sale of or offer to 2673  
sell a bulk amount or a multiple of a bulk amount of a 2674  
controlled substance, the jury, or the court trying the accused, 2675

shall determine the amount of the controlled substance involved 2676  
at the time of the offense and, if a guilty verdict is returned, 2677  
shall return the findings as part of the verdict. In any such 2678  
case, it is unnecessary to find and return the exact amount of 2679  
the controlled substance involved, and it is sufficient if the 2680  
finding and return is to the effect that the amount of the 2681  
controlled substance involved is the requisite amount, or that 2682  
the amount of the controlled substance involved is less than the 2683  
requisite amount. 2684

(F) (1) Notwithstanding any contrary provision of section 2685  
3719.21 of the Revised Code and except as provided in division 2686  
(H) of this section, the clerk of the court shall pay any 2687  
mandatory fine imposed pursuant to division (D) (1) of this 2688  
section and any fine other than a mandatory fine that is imposed 2689  
for a violation of this section pursuant to division (A) or (B) 2690  
(5) of section 2929.18 of the Revised Code to the county, 2691  
township, municipal corporation, park district, as created 2692  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2693  
state law enforcement agencies in this state that primarily were 2694  
responsible for or involved in making the arrest of, and in 2695  
prosecuting, the offender. However, the clerk shall not pay a 2696  
mandatory fine so imposed to a law enforcement agency unless the 2697  
agency has adopted a written internal control policy under 2698  
division (F) (2) of this section that addresses the use of the 2699  
fine moneys that it receives. Each agency shall use the 2700  
mandatory fines so paid to subsidize the agency's law 2701  
enforcement efforts that pertain to drug offenses, in accordance 2702  
with the written internal control policy adopted by the 2703  
recipient agency under division (F) (2) of this section. 2704

(2) Prior to receiving any fine moneys under division (F) 2705  
(1) of this section or division (B) of section 2925.42 of the 2706

Revised Code, a law enforcement agency shall adopt a written 2707  
internal control policy that addresses the agency's use and 2708  
disposition of all fine moneys so received and that provides for 2709  
the keeping of detailed financial records of the receipts of 2710  
those fine moneys, the general types of expenditures made out of 2711  
those fine moneys, and the specific amount of each general type 2712  
of expenditure. The policy shall not provide for or permit the 2713  
identification of any specific expenditure that is made in an 2714  
ongoing investigation. All financial records of the receipts of 2715  
those fine moneys, the general types of expenditures made out of 2716  
those fine moneys, and the specific amount of each general type 2717  
of expenditure by an agency are public records open for 2718  
inspection under section 149.43 of the Revised Code. 2719  
Additionally, a written internal control policy adopted under 2720  
this division is such a public record, and the agency that 2721  
adopted it shall comply with it. 2722

(3) As used in division (F) of this section: 2723

(a) "Law enforcement agencies" includes, but is not 2724  
limited to, the state board of pharmacy and the office of a 2725  
prosecutor. 2726

(b) "Prosecutor" has the same meaning as in section 2727  
2935.01 of the Revised Code. 2728

(G) (1) If the sentencing court suspends the offender's 2729  
driver's or commercial driver's license or permit under division 2730  
(D) of this section or any other provision of this chapter, the 2731  
court shall suspend the license, by order, for not more than 2732  
five years. If an offender's driver's or commercial driver's 2733  
license or permit is suspended pursuant to this division, the 2734  
offender, at any time after the expiration of two years from the 2735  
day on which the offender's sentence was imposed or from the day 2736

on which the offender finally was released from a prison term 2737  
under the sentence, whichever is later, may file a motion with 2738  
the sentencing court requesting termination of the suspension; 2739  
upon the filing of such a motion and the court's finding of good 2740  
cause for the termination, the court may terminate the 2741  
suspension. 2742

(2) Any offender who received a mandatory suspension of 2743  
the offender's driver's or commercial driver's license or permit 2744  
under this section prior to September 13, 2016, may file a 2745  
motion with the sentencing court requesting the termination of 2746  
the suspension. However, an offender who pleaded guilty to or 2747  
was convicted of a violation of section 4511.19 of the Revised 2748  
Code or a substantially similar municipal ordinance or law of 2749  
another state or the United States that arose out of the same 2750  
set of circumstances as the violation for which the offender's 2751  
license or permit was suspended under this section shall not 2752  
file such a motion. 2753

Upon the filing of a motion under division (G) (2) of this 2754  
section, the sentencing court, in its discretion, may terminate 2755  
the suspension. 2756

(H) (1) In addition to any prison term authorized or 2757  
required by division (C) of this section and sections 2929.13 2758  
and 2929.14 of the Revised Code, in addition to any other 2759  
penalty or sanction imposed for the offense under this section 2760  
or sections 2929.11 to 2929.18 of the Revised Code, and in 2761  
addition to the forfeiture of property in connection with the 2762  
offense as prescribed in Chapter 2981. of the Revised Code, the 2763  
court that sentences an offender who is convicted of or pleads 2764  
guilty to a violation of division (A) of this section may impose 2765  
upon the offender an additional fine specified for the offense 2766

in division (B) (4) of section 2929.18 of the Revised Code. A 2767  
fine imposed under division (H) (1) of this section is not 2768  
subject to division (F) of this section and shall be used solely 2769  
for the support of one or more eligible community addiction 2770  
services providers in accordance with divisions (H) (2) and (3) 2771  
of this section. 2772

(2) The court that imposes a fine under division (H) (1) of 2773  
this section shall specify in the judgment that imposes the fine 2774  
one or more eligible community addiction services providers for 2775  
the support of which the fine money is to be used. No community 2776  
addiction services provider shall receive or use money paid or 2777  
collected in satisfaction of a fine imposed under division (H) 2778  
(1) of this section unless the services provider is specified in 2779  
the judgment that imposes the fine. No community addiction 2780  
services provider shall be specified in the judgment unless the 2781  
services provider is an eligible community addiction services 2782  
provider and, except as otherwise provided in division (H) (2) of 2783  
this section, unless the services provider is located in the 2784  
county in which the court that imposes the fine is located or in 2785  
a county that is immediately contiguous to the county in which 2786  
that court is located. If no eligible community addiction 2787  
services provider is located in any of those counties, the 2788  
judgment may specify an eligible community addiction services 2789  
provider that is located anywhere within this state. 2790

(3) Notwithstanding any contrary provision of section 2791  
3719.21 of the Revised Code, the clerk of the court shall pay 2792  
any fine imposed under division (H) (1) of this section to the 2793  
eligible community addiction services provider specified 2794  
pursuant to division (H) (2) of this section in the judgment. The 2795  
eligible community addiction services provider that receives the 2796  
fine moneys shall use the moneys only for the alcohol and drug 2797

addiction services identified in the application for 2798  
certification of services under section 5119.36 of the Revised 2799  
Code or in the application for a license under section 5119.37 2800  
of the Revised Code filed with the department of mental health 2801  
and addiction services by the community addiction services 2802  
provider specified in the judgment. 2803

(4) Each community addiction services provider that 2804  
receives in a calendar year any fine moneys under division (H) 2805  
(3) of this section shall file an annual report covering that 2806  
calendar year with the court of common pleas and the board of 2807  
county commissioners of the county in which the services 2808  
provider is located, with the court of common pleas and the 2809  
board of county commissioners of each county from which the 2810  
services provider received the moneys if that county is 2811  
different from the county in which the services provider is 2812  
located, and with the attorney general. The community addiction 2813  
services provider shall file the report no later than the first 2814  
day of March in the calendar year following the calendar year in 2815  
which the services provider received the fine moneys. The report 2816  
shall include statistics on the number of persons served by the 2817  
community addiction services provider, identify the types of 2818  
alcohol and drug addiction services provided to those persons, 2819  
and include a specific accounting of the purposes for which the 2820  
fine moneys received were used. No information contained in the 2821  
report shall identify, or enable a person to determine the 2822  
identity of, any person served by the community addiction 2823  
services provider. Each report received by a court of common 2824  
pleas, a board of county commissioners, or the attorney general 2825  
is a public record open for inspection under section 149.43 of 2826  
the Revised Code. 2827

(5) As used in divisions (H) (1) to (5) of this section: 2828



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

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

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

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

(1) A controlled substance;

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

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

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

(B) (1) This section does not apply to any of the

following:	2857
(a) Manufacturers, licensed health professionals	2858
authorized to prescribe drugs, pharmacists, owners of	2859
pharmacies, and other persons whose conduct was in accordance	2860
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	2861
4741. of the Revised Code;	2862
(b) If the offense involves an anabolic steroid, any	2863
person who is conducting or participating in a research project	2864
involving the use of an anabolic steroid if the project has been	2865
approved by the United States food and drug administration;	2866
(c) Any person who sells, offers for sale, prescribes,	2867
dispenses, or administers for livestock or other nonhuman	2868
species an anabolic steroid that is expressly intended for	2869
administration through implants to livestock or other nonhuman	2870
species and approved for that purpose under the "Federal Food,	2871
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	2872
as amended, and is sold, offered for sale, prescribed,	2873
dispensed, or administered for that purpose in accordance with	2874
that act;	2875
(d) Any person who obtained the controlled substance	2876
pursuant to a prescription issued by a licensed health	2877
professional authorized to prescribe drugs if the prescription	2878
was issued for a legitimate medical purpose and not altered,	2879
forged, or obtained through deception or commission of a theft	2880
offense.	2881
As used in division (B) (1) (d) of this section, "deception"	2882
and "theft offense" have the same meanings as in section 2913.01	2883
of the Revised Code.	2884
(2) (a) As used in division (B) (2) of this section:	2885

(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	2886 2887
(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code.	2888 2889 2890
(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.	2891 2892
(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.	2893 2894 2895
(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.	2896 2897
(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2898 2899
(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	2900 2901
(viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	2902 2903 2904 2905 2906 2907 2908
(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.	2909 2910 2911 2912
(b) Subject to division (B) (2) (e) of this section, a	2913

qualified individual shall not be arrested, charged, prosecuted, 2914  
convicted, or penalized pursuant to this chapter for a minor 2915  
drug possession offense or a violation of section 2925.12, 2916  
division (C) (1) of section 2925.14, or section 2925.141 of the 2917  
Revised Code if all of the following apply: 2918

(i) The evidence of the obtaining, possession, or use of 2919  
the controlled substance or controlled substance analog, drug 2920  
abuse instruments, or drug paraphernalia that would be the basis 2921  
of the offense was obtained as a result of the qualified 2922  
individual seeking the medical assistance or experiencing an 2923  
overdose and needing medical assistance. 2924

(ii) Subject to division (B) (2) (f) of this section, within 2925  
thirty days after seeking or obtaining the medical assistance, 2926  
the qualified individual seeks and obtains a screening and 2927  
receives a referral for treatment from a community addiction 2928  
services provider or a properly credentialed addiction treatment 2929  
professional. 2930

(iii) Subject to division (B) (2) (f) of this section, the 2931  
qualified individual who obtains a screening and receives a 2932  
referral for treatment under division (B) (2) (b) (ii) of this 2933  
section, upon the request of any prosecuting attorney, submits 2934  
documentation to the prosecuting attorney that verifies that the 2935  
qualified individual satisfied the requirements of that 2936  
division. The documentation shall be limited to the date and 2937  
time of the screening obtained and referral received. 2938

(c) If a person who is serving a community control 2939  
sanction or is under a sanction on post-release control acts 2940  
pursuant to division (B) (2) (b) of this section, then division 2941  
(B) of section 2929.141, division (B) (2) of section 2929.15, 2942  
division (D) (3) of section 2929.25, or division (F) (3) of 2943

section 2967.28 of the Revised Code applies to the person with 2944  
respect to any violation of the sanction or post-release control 2945  
sanction based on a minor drug possession offense, as defined in 2946  
section 2925.11 of the Revised Code, or a violation of section 2947  
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2948  
of the Revised Code. 2949

(d) Nothing in division (B) (2) (b) of this section shall be 2950  
construed to do any of the following: 2951

(i) Limit the admissibility of any evidence in connection 2952  
with the investigation or prosecution of a crime with regards to 2953  
a defendant who does not qualify for the protections of division 2954  
(B) (2) (b) of this section or with regards to any crime other 2955  
than a minor drug possession offense or a violation of section 2956  
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2957  
of the Revised Code committed by a person who qualifies for 2958  
protection pursuant to division (B) (2) (b) of this section; 2959

(ii) Limit any seizure of evidence or contraband otherwise 2960  
permitted by law; 2961

(iii) Limit or abridge the authority of a peace officer to 2962  
detain or take into custody a person in the course of an 2963  
investigation or to effectuate an arrest for any offense except 2964  
as provided in that division; 2965

(iv) Limit, modify, or remove any immunity from liability 2966  
available pursuant to law in effect prior to September 13, 2016, 2967  
to any public agency or to an employee of any public agency. 2968

(e) Division (B) (2) (b) of this section does not apply to 2969  
any person who twice previously has been granted an immunity 2970  
under division (B) (2) (b) of this section. No person shall be 2971  
granted an immunity under division (B) (2) (b) of this section 2972

more than two times. 2973

(f) Nothing in this section shall compel any qualified 2974  
individual to disclose protected health information in a way 2975  
that conflicts with the requirements of the "Health Insurance 2976  
Portability and Accountability Act of 1996," 104 Pub. L. No. 2977  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2978  
regulations promulgated by the United States department of 2979  
health and human services to implement the act or the 2980  
requirements of 42 C.F.R. Part 2. 2981

(C) Whoever violates division (A) of this section is 2982  
guilty of one of the following: 2983

(1) If the drug involved in the violation is a compound, 2984  
mixture, preparation, or substance included in schedule I or II, 2985  
with the exception of marihuana, cocaine, L.S.D., heroin, any 2986  
fentanyl-related compound, hashish, and any controlled substance 2987  
analog, whoever violates division (A) of this section is guilty 2988  
of aggravated possession of drugs. The penalty for the offense 2989  
shall be determined as follows: 2990

(a) Except as otherwise provided in division (C) (1) (b), 2991  
(c), (d), or (e) of this section, aggravated possession of drugs 2992  
is a felony of the fifth degree, and division (B) of section 2993  
2929.13 of the Revised Code applies in determining whether to 2994  
impose a prison term on the offender. 2995

(b) If the amount of the drug involved equals or exceeds 2996  
the bulk amount but is less than five times the bulk amount, 2997  
aggravated possession of drugs is a felony of the third degree, 2998  
and there is a presumption for a prison term for the offense. 2999

(c) If the amount of the drug involved equals or exceeds 3000  
five times the bulk amount but is less than fifty times the bulk 3001

amount, aggravated possession of drugs is a felony of the second 3002  
degree, and the court shall impose as a mandatory prison term a 3003  
second degree felony mandatory prison term. 3004

(d) If the amount of the drug involved equals or exceeds 3005  
fifty times the bulk amount but is less than one hundred times 3006  
the bulk amount, aggravated possession of drugs is a felony of 3007  
the first degree, and the court shall impose as a mandatory 3008  
prison term a first degree felony mandatory prison term. 3009

(e) If the amount of the drug involved equals or exceeds 3010  
one hundred times the bulk amount, aggravated possession of 3011  
drugs is a felony of the first degree, the offender is a major 3012  
drug offender, and the court shall impose as a mandatory prison 3013  
term a maximum first degree felony mandatory prison term. 3014

(2) If the drug involved in the violation is a compound, 3015  
mixture, preparation, or substance included in schedule III, IV, 3016  
or V, whoever violates division (A) of this section is guilty of 3017  
possession of drugs. The penalty for the offense shall be 3018  
determined as follows: 3019

(a) Except as otherwise provided in division (C) (2) (b), 3020  
(c), or (d) of this section, possession of drugs is a 3021  
misdemeanor of the first degree or, if the offender previously 3022  
has been convicted of a drug abuse offense, a felony of the 3023  
fifth degree. 3024

(b) If the amount of the drug involved equals or exceeds 3025  
the bulk amount but is less than five times the bulk amount, 3026  
possession of drugs is a felony of the fourth degree, and 3027  
division (C) of section 2929.13 of the Revised Code applies in 3028  
determining whether to impose a prison term on the offender. 3029

(c) If the amount of the drug involved equals or exceeds 3030

five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. 3031  
3032  
3033

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term a second degree felony mandatory prison term. 3034  
3035  
3036  
3037  
3038

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows: 3039  
3040  
3041  
3042  
3043

(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor. 3044  
3045  
3046

(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree. 3047  
3048  
3049

(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 3050  
3051  
3052  
3053  
3054

(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 3055  
3056  
3057  
3058  
3059



(e) If the amount of the drug involved equals or exceeds 3060  
five thousand grams but is less than twenty thousand grams, 3061  
possession of marihuana is a felony of the third degree, and 3062  
there is a presumption that a prison term shall be imposed for 3063  
the offense. 3064

(f) If the amount of the drug involved equals or exceeds 3065  
twenty thousand grams but is less than forty thousand grams, 3066  
possession of marihuana is a felony of the second degree, and 3067  
the court shall impose as a mandatory prison term a second 3068  
degree felony mandatory prison term of five, six, seven, or 3069  
eight years. 3070

(g) If the amount of the drug involved equals or exceeds 3071  
forty thousand grams, possession of marihuana is a felony of the 3072  
second degree, and the court shall impose as a mandatory prison 3073  
term a maximum second degree felony mandatory prison term. 3074

(4) If the drug involved in the violation is cocaine or a 3075  
compound, mixture, preparation, or substance containing cocaine, 3076  
whoever violates division (A) of this section is guilty of 3077  
possession of cocaine. The penalty for the offense shall be 3078  
determined as follows: 3079

(a) Except as otherwise provided in division (C) (4) (b), 3080  
(c), (d), (e), or (f) of this section, possession of cocaine is 3081  
a felony of the fifth degree, and division (B) of section 3082  
2929.13 of the Revised Code applies in determining whether to 3083  
impose a prison term on the offender. 3084

(b) If the amount of the drug involved equals or exceeds 3085  
five grams but is less than ten grams of cocaine, possession of 3086  
cocaine is a felony of the fourth degree, and division (B) of 3087  
section 2929.13 of the Revised Code applies in determining 3088

whether to impose a prison term on the offender. 3089

(c) If the amount of the drug involved equals or exceeds 3090  
ten grams but is less than twenty grams of cocaine, possession 3091  
of cocaine is a felony of the third degree, and, except as 3092  
otherwise provided in this division, there is a presumption for 3093  
a prison term for the offense. If possession of cocaine is a 3094  
felony of the third degree under this division and if the 3095  
offender two or more times previously has been convicted of or 3096  
pleaded guilty to a felony drug abuse offense, the court shall 3097  
impose as a mandatory prison term one of the prison terms 3098  
prescribed for a felony of the third degree. 3099

(d) If the amount of the drug involved equals or exceeds 3100  
twenty grams but is less than twenty-seven grams of cocaine, 3101  
possession of cocaine is a felony of the second degree, and the 3102  
court shall impose as a mandatory prison term a second degree 3103  
felony mandatory prison term. 3104

(e) If the amount of the drug involved equals or exceeds 3105  
twenty-seven grams but is less than one hundred grams of 3106  
cocaine, possession of cocaine is a felony of the first degree, 3107  
and the court shall impose as a mandatory prison term a first 3108  
degree felony mandatory prison term. 3109

(f) If the amount of the drug involved equals or exceeds 3110  
one hundred grams of cocaine, possession of cocaine is a felony 3111  
of the first degree, the offender is a major drug offender, and 3112  
the court shall impose as a mandatory prison term a maximum 3113  
first degree felony mandatory prison term. 3114

(5) If the drug involved in the violation is L.S.D., 3115  
whoever violates division (A) of this section is guilty of 3116  
possession of L.S.D. The penalty for the offense shall be 3117

determined as follows: 3118

(a) Except as otherwise provided in division (C) (5) (b), 3119  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 3120  
felony of the fifth degree, and division (B) of section 2929.13 3121  
of the Revised Code applies in determining whether to impose a 3122  
prison term on the offender. 3123

(b) If the amount of L.S.D. involved equals or exceeds ten 3124  
unit doses but is less than fifty unit doses of L.S.D. in a 3125  
solid form or equals or exceeds one gram but is less than five 3126  
grams of L.S.D. in a liquid concentrate, liquid extract, or 3127  
liquid distillate form, possession of L.S.D. is a felony of the 3128  
fourth degree, and division (C) of section 2929.13 of the 3129  
Revised Code applies in determining whether to impose a prison 3130  
term on the offender. 3131

(c) If the amount of L.S.D. involved equals or exceeds 3132  
fifty unit doses, but is less than two hundred fifty unit doses 3133  
of L.S.D. in a solid form or equals or exceeds five grams but is 3134  
less than twenty-five grams of L.S.D. in a liquid concentrate, 3135  
liquid extract, or liquid distillate form, possession of L.S.D. 3136  
is a felony of the third degree, and there is a presumption for 3137  
a prison term for the offense. 3138

(d) If the amount of L.S.D. involved equals or exceeds two 3139  
hundred fifty unit doses but is less than one thousand unit 3140  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 3141  
grams but is less than one hundred grams of L.S.D. in a liquid 3142  
concentrate, liquid extract, or liquid distillate form, 3143  
possession of L.S.D. is a felony of the second degree, and the 3144  
court shall impose as a mandatory prison term a second degree 3145  
felony mandatory prison term. 3146

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

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

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

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

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining

whether to impose a prison term on the offender. 3177

(c) If the amount of the drug involved equals or exceeds 3178  
fifty unit doses but is less than one hundred unit doses or 3179  
equals or exceeds five grams but is less than ten grams, 3180  
possession of heroin is a felony of the third degree, and there 3181  
is a presumption for a prison term for the offense. 3182

(d) If the amount of the drug involved equals or exceeds 3183  
one hundred unit doses but is less than five hundred unit doses 3184  
or equals or exceeds ten grams but is less than fifty grams, 3185  
possession of heroin is a felony of the second degree, and the 3186  
court shall impose as a mandatory prison term a second degree 3187  
felony mandatory prison term. 3188

(e) If the amount of the drug involved equals or exceeds 3189  
five hundred unit doses but is less than one thousand unit doses 3190  
or equals or exceeds fifty grams but is less than one hundred 3191  
grams, possession of heroin is a felony of the first degree, and 3192  
the court shall impose as a mandatory prison term a first degree 3193  
felony mandatory prison term. 3194

(f) If the amount of the drug involved equals or exceeds 3195  
one thousand unit doses or equals or exceeds one hundred grams, 3196  
possession of heroin is a felony of the first degree, the 3197  
offender is a major drug offender, and the court shall impose as 3198  
a mandatory prison term a maximum first degree felony mandatory 3199  
prison term. 3200

(7) If the drug involved in the violation is hashish or a 3201  
compound, mixture, preparation, or substance containing hashish, 3202  
whoever violates division (A) of this section is guilty of 3203  
possession of hashish. The penalty for the offense shall be 3204  
determined as follows: 3205

(a) Except as otherwise provided in division (C) (7) (b), 3206  
(c), (d), (e), (f), or (g) of this section, possession of 3207  
hashish is a minor misdemeanor. 3208

(b) If the amount of the drug involved equals or exceeds 3209  
five grams but is less than ten grams of hashish in a solid form 3210  
or equals or exceeds one gram but is less than two grams of 3211  
hashish in a liquid concentrate, liquid extract, or liquid 3212  
distillate form, possession of hashish is a misdemeanor of the 3213  
fourth degree. 3214

(c) If the amount of the drug involved equals or exceeds 3215  
ten grams but is less than fifty grams of hashish in a solid 3216  
form or equals or exceeds two grams but is less than ten grams 3217  
of hashish in a liquid concentrate, liquid extract, or liquid 3218  
distillate form, possession of hashish is a felony of the fifth 3219  
degree, and division (B) of section 2929.13 of the Revised Code 3220  
applies in determining whether to impose a prison term on the 3221  
offender. 3222

(d) If the amount of the drug involved equals or exceeds 3223  
fifty grams but is less than two hundred fifty grams of hashish 3224  
in a solid form or equals or exceeds ten grams but is less than 3225  
fifty grams of hashish in a liquid concentrate, liquid extract, 3226  
or liquid distillate form, possession of hashish is a felony of 3227  
the third degree, and division (C) of section 2929.13 of the 3228  
Revised Code applies in determining whether to impose a prison 3229  
term on the offender. 3230

(e) If the amount of the drug involved equals or exceeds 3231  
two hundred fifty grams but is less than one thousand grams of 3232  
hashish in a solid form or equals or exceeds fifty grams but is 3233  
less than two hundred grams of hashish in a liquid concentrate, 3234  
liquid extract, or liquid distillate form, possession of hashish 3235

is a felony of the third degree, and there is a presumption that 3236  
a prison term shall be imposed for the offense. 3237

(f) If the amount of the drug involved equals or exceeds 3238  
one thousand grams but is less than two thousand grams of 3239  
hashish in a solid form or equals or exceeds two hundred grams 3240  
but is less than four hundred grams of hashish in a liquid 3241  
concentrate, liquid extract, or liquid distillate form, 3242  
possession of hashish is a felony of the second degree, and the 3243  
court shall impose as a mandatory prison term a second degree 3244  
felony mandatory prison term of five, six, seven, or eight 3245  
years. 3246

(g) If the amount of the drug involved equals or exceeds 3247  
two thousand grams of hashish in a solid form or equals or 3248  
exceeds four hundred grams of hashish in a liquid concentrate, 3249  
liquid extract, or liquid distillate form, possession of hashish 3250  
is a felony of the second degree, and the court shall impose as 3251  
a mandatory prison term a maximum second degree felony mandatory 3252  
prison term. 3253

(8) If the drug involved is a controlled substance analog 3254  
or compound, mixture, preparation, or substance that contains a 3255  
controlled substance analog, whoever violates division (A) of 3256  
this section is guilty of possession of a controlled substance 3257  
analog. The penalty for the offense shall be determined as 3258  
follows: 3259

(a) Except as otherwise provided in division (C) (8) (b), 3260  
(c), (d), (e), or (f) of this section, possession of a 3261  
controlled substance analog is a felony of the fifth degree, and 3262  
division (B) of section 2929.13 of the Revised Code applies in 3263  
determining whether to impose a prison term on the offender. 3264

(b) If the amount of the drug involved equals or exceeds 3265  
ten grams but is less than twenty grams, possession of a 3266  
controlled substance analog is a felony of the fourth degree, 3267  
and there is a presumption for a prison term for the offense. 3268

(c) If the amount of the drug involved equals or exceeds 3269  
twenty grams but is less than thirty grams, possession of a 3270  
controlled substance analog is a felony of the third degree, and 3271  
there is a presumption for a prison term for the offense. 3272

(d) If the amount of the drug involved equals or exceeds 3273  
thirty grams but is less than forty grams, possession of a 3274  
controlled substance analog is a felony of the second degree, 3275  
and the court shall impose as a mandatory prison term a second 3276  
degree felony mandatory prison term. 3277

(e) If the amount of the drug involved equals or exceeds 3278  
forty grams but is less than fifty grams, possession of a 3279  
controlled substance analog is a felony of the first degree, and 3280  
the court shall impose as a mandatory prison term a first degree 3281  
felony mandatory prison term. 3282

(f) If the amount of the drug involved equals or exceeds 3283  
fifty grams, possession of a controlled substance analog is a 3284  
felony of the first degree, the offender is a major drug 3285  
offender, and the court shall impose as a mandatory prison term 3286  
a maximum first degree felony mandatory prison term. 3287

(9) If the drug involved in the violation is a compound, 3288  
mixture, preparation, or substance that is a combination of a 3289  
fentanyl-related compound and marihuana, one of the following 3290  
applies: 3291

(a) Except as otherwise provided in division (C) (9) (b) of 3292  
this section, the offender is guilty of possession of marihuana 3293



and shall be punished as provided in division (C) (3) of this 3294  
section. Except as otherwise provided in division (C) (9) (b) of 3295  
this section, the offender is not guilty of possession of a 3296  
fentanyl-related compound under division ~~(C) (11)~~ (C) (10) of this 3297  
section and shall not be charged with, convicted of, or punished 3298  
under division ~~(C) (11)~~ (C) (10) of this section for possession of 3299  
a fentanyl-related compound. 3300

(b) If the offender knows or has reason to know that the 3301  
compound, mixture, preparation, or substance that is the drug 3302  
involved contains a fentanyl-related compound, the offender is 3303  
guilty of possession of a fentanyl-related compound and shall be 3304  
punished under division ~~(C) (11)~~ (C) (10) of this section. 3305

~~(10) If the drug involved in the violation is a compound,~~ 3306  
~~mixture, preparation, or substance that is a combination of a~~ 3307  
~~fentanyl related compound and any schedule III, schedule IV, or~~ 3308  
~~schedule V controlled substance that is not a fentanyl related~~ 3309  
~~compound, one of the following applies:~~ 3310

~~(a) Except as otherwise provided in division (C) (10) (b) of~~ 3311  
~~this section, the offender is guilty of possession of drugs and~~ 3312  
~~shall be punished as provided in division (C) (2) of this~~ 3313  
~~section. Except as otherwise provided in division (C) (10) (b) of~~ 3314  
~~this section, the offender is not guilty of possession of a~~ 3315  
~~fentanyl related compound under division (C) (11) of this section~~ 3316  
~~and shall not be charged with, convicted of, or punished under~~ 3317  
~~division (C) (11) of this section for possession of a fentanyl~~ 3318  
~~related compound.~~ 3319

~~(b) If the offender knows or has reason to know that the~~ 3320  
~~compound, mixture, preparation, or substance that is the drug~~ 3321  
~~involved contains a fentanyl related compound, the offender is~~ 3322  
~~guilty of possession of a fentanyl related compound and shall be~~ 3323

~~punished under division (C) (11) of this section.~~ 3324

~~(11)~~ If the drug involved in the violation is a fentanyl- 3325  
related compound and ~~neither division (C) (9) (a) nor division (C)~~ 3326  
~~(10) (a)~~ of this section ~~applies~~ does not apply to the drug 3327  
involved, or is a compound, mixture, preparation, or substance 3328  
that contains a fentanyl-related compound or is a combination of 3329  
a fentanyl-related compound and any other controlled substance 3330  
and ~~neither division (C) (9) (a) nor division (C) (10) (a)~~ of this 3331  
section ~~applies~~ does not apply to the drug involved, whoever 3332  
violates division (A) of this section is guilty of possession of 3333  
a fentanyl-related compound. The penalty for the offense shall 3334  
be determined as follows: 3335

(a) Except as otherwise provided in division ~~(C) (11) (b)~~ (C) 3336  
(10) (b), (c), (d), (e), (f), or (g) of this section, possession 3337  
of a fentanyl-related compound is a felony of the fifth degree, 3338  
and division (B) of section 2929.13 of the Revised Code applies 3339  
in determining whether to impose a prison term on the offender. 3340

(b) If the amount of the drug involved equals or exceeds 3341  
ten unit doses but is less than fifty unit doses or equals or 3342  
exceeds one gram but is less than five grams, possession of a 3343  
fentanyl-related compound is a felony of the fourth degree, and 3344  
division (C) of section 2929.13 of the Revised Code applies in 3345  
determining whether to impose a prison term on the offender. 3346

(c) If the amount of the drug involved equals or exceeds 3347  
fifty unit doses but is less than one hundred unit doses or 3348  
equals or exceeds five grams but is less than ten grams, 3349  
possession of a fentanyl-related compound is a felony of the 3350  
third degree, and there is a presumption for a prison term for 3351  
the offense. 3352

(d) If the amount of the drug involved equals or exceeds 3353  
one hundred unit doses but is less than two hundred unit doses 3354  
or equals or exceeds ten grams but is less than twenty grams, 3355  
possession of a fentanyl-related compound is a felony of the 3356  
second degree, and the court shall impose as a mandatory prison 3357  
term one of the prison terms prescribed for a felony of the 3358  
second degree. 3359

(e) If the amount of the drug involved equals or exceeds 3360  
two hundred unit doses but is less than five hundred unit doses 3361  
or equals or exceeds twenty grams but is less than fifty grams, 3362  
possession of a fentanyl-related compound is a felony of the 3363  
first degree, and the court shall impose as a mandatory prison 3364  
term one of the prison terms prescribed for a felony of the 3365  
first degree. 3366

(f) If the amount of the drug involved equals or exceeds 3367  
five hundred unit doses but is less than one thousand unit doses 3368  
or equals or exceeds fifty grams but is less than one hundred 3369  
grams, possession of a fentanyl-related compound is a felony of 3370  
the first degree, and the court shall impose as a mandatory 3371  
prison term the maximum prison term prescribed for a felony of 3372  
the first degree. 3373

(g) If the amount of the drug involved equals or exceeds 3374  
one thousand unit doses or equals or exceeds one hundred grams, 3375  
possession of a fentanyl-related compound is a felony of the 3376  
first degree, the offender is a major drug offender, and the 3377  
court shall impose as a mandatory prison term the maximum prison 3378  
term prescribed for a felony of the first degree. 3379

(D) Arrest or conviction for a minor misdemeanor violation 3380  
of this section does not constitute a criminal record and need 3381  
not be reported by the person so arrested or convicted in 3382

response to any inquiries about the person's criminal record, 3383  
including any inquiries contained in any application for 3384  
employment, license, or other right or privilege, or made in 3385  
connection with the person's appearance as a witness. 3386

(E) In addition to any prison term or jail term authorized 3387  
or required by division (C) of this section and sections 3388  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 3389  
Code and in addition to any other sanction that is imposed for 3390  
the offense under this section, sections 2929.11 to 2929.18, or 3391  
sections 2929.21 to 2929.28 of the Revised Code, the court that 3392  
sentences an offender who is convicted of or pleads guilty to a 3393  
violation of division (A) of this section may suspend the 3394  
offender's driver's or commercial driver's license or permit for 3395  
not more than five years. However, if the offender pleaded 3396  
guilty to or was convicted of a violation of section 4511.19 of 3397  
the Revised Code or a substantially similar municipal ordinance 3398  
or the law of another state or the United States arising out of 3399  
the same set of circumstances as the violation, the court shall 3400  
suspend the offender's driver's or commercial driver's license 3401  
or permit for not more than five years. If applicable, the court 3402  
also shall do the following: 3403

(1) (a) If the violation is a felony of the first, second, 3404  
or third degree, the court shall impose upon the offender the 3405  
mandatory fine specified for the offense under division (B) (1) 3406  
of section 2929.18 of the Revised Code unless, as specified in 3407  
that division, the court determines that the offender is 3408  
indigent. 3409

(b) Notwithstanding any contrary provision of section 3410  
3719.21 of the Revised Code, the clerk of the court shall pay a 3411  
mandatory fine or other fine imposed for a violation of this 3412

section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

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

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

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

a misdemeanor violation of division (C) (2) of this section or a 3443  
fifth degree felony violation of division (C) (4), (5), or (6) of 3444  
this section respectively. 3445

(G) When a person is charged with possessing a bulk amount 3446  
or multiple of a bulk amount, division (E) of section 2925.03 of 3447  
the Revised Code applies regarding the determination of the 3448  
amount of the controlled substance involved at the time of the 3449  
offense. 3450

(H) It is an affirmative defense to a charge of possession 3451  
of a controlled substance analog under division (C) (8) of this 3452  
section that the person charged with violating that offense 3453  
obtained, possessed, or used one of the following items that are 3454  
excluded from the meaning of "controlled substance analog" under 3455  
section 3719.01 of the Revised Code: 3456

(1) A controlled substance; 3457

(2) Any substance for which there is an approved new drug 3458  
application; 3459

(3) With respect to a particular person, any substance if 3460  
an exemption is in effect for investigational use for that 3461  
person pursuant to federal law to the extent that conduct with 3462  
respect to that substance is pursuant to that exemption. 3463

(I) Any offender who received a mandatory suspension of 3464  
the offender's driver's or commercial driver's license or permit 3465  
under this section prior to September 13, 2016, may file a 3466  
motion with the sentencing court requesting the termination of 3467  
the suspension. However, an offender who pleaded guilty to or 3468  
was convicted of a violation of section 4511.19 of the Revised 3469  
Code or a substantially similar municipal ordinance or law of 3470  
another state or the United States that arose out of the same 3471

set of circumstances as the violation for which the offender's 3472  
license or permit was suspended under this section shall not 3473  
file such a motion. 3474

Upon the filing of a motion under division (I) of this 3475  
section, the sentencing court, in its discretion, may terminate 3476  
the suspension. 3477

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 3478  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3479  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 3480  
in division (D) (6) of section 2919.25 of the Revised Code and 3481  
except in relation to an offense for which a sentence of death 3482  
or life imprisonment is to be imposed, if the court imposing a 3483  
sentence upon an offender for a felony elects or is required to 3484  
impose a prison term on the offender pursuant to this chapter, 3485  
the court shall impose a prison term that shall be one of the 3486  
following: 3487

(1) (a) For a felony of the first degree committed on or 3488  
after March 22, 2019, the prison term shall be an indefinite 3489  
prison term with a stated minimum term selected by the court of 3490  
three, four, five, six, seven, eight, nine, ten, or eleven years 3491  
and a maximum term that is determined pursuant to section 3492  
2929.144 of the Revised Code, except that if the section that 3493  
criminalizes the conduct constituting the felony specifies a 3494  
different minimum term or penalty for the offense, the specific 3495  
language of that section shall control in determining the 3496  
minimum term or otherwise sentencing the offender but the 3497  
minimum term or sentence imposed under that specific language 3498  
shall be considered for purposes of the Revised Code as if it 3499  
had been imposed under this division. 3500

(b) For a felony of the first degree committed prior to 3501

March 22, 2019, the prison term shall be a definite prison term 3502  
of three, four, five, six, seven, eight, nine, ten, or eleven 3503  
years. 3504

(2) (a) For a felony of the second degree committed on or 3505  
after March 22, 2019, the prison term shall be an indefinite 3506  
prison term with a stated minimum term selected by the court of 3507  
two, three, four, five, six, seven, or eight years and a maximum 3508  
term that is determined pursuant to section 2929.144 of the 3509  
Revised Code, except that if the section that criminalizes the 3510  
conduct constituting the felony specifies a different minimum 3511  
term or penalty for the offense, the specific language of that 3512  
section shall control in determining the minimum term or 3513  
otherwise sentencing the offender but the minimum term or 3514  
sentence imposed under that specific language shall be 3515  
considered for purposes of the Revised Code as if it had been 3516  
imposed under this division. 3517

(b) For a felony of the second degree committed prior to 3518  
March 22, 2019, the prison term shall be a definite term of two, 3519  
three, four, five, six, seven, or eight years. 3520

(3) (a) For a felony of the third degree that is a 3521  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3522  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 3523  
Code, that is a violation of division (A) of section 4511.19 of 3524  
the Revised Code if the offender previously has been convicted 3525  
of or pleaded guilty to a violation of division (A) of that 3526  
section that was a felony, or that is a violation of section 3527  
2911.02 or 2911.12 of the Revised Code if the offender 3528  
previously has been convicted of or pleaded guilty in two or 3529  
more separate proceedings to two or more violations of section 3530  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 3531



prison term shall be a definite term of twelve, eighteen, 3532  
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 3533  
four, or sixty months. 3534

(b) For a felony of the third degree that is not an 3535  
offense for which division (A) (3) (a) of this section applies, 3536  
the prison term shall be a definite term of nine, twelve, 3537  
eighteen, twenty-four, thirty, or thirty-six months. 3538

(4) For a felony of the fourth degree, the prison term 3539  
shall be a definite term of six, seven, eight, nine, ten, 3540  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 3541  
or eighteen months. 3542

(5) For a felony of the fifth degree, the prison term 3543  
shall be a definite term of six, seven, eight, nine, ten, 3544  
eleven, or twelve months. 3545

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3546  
section, if an offender who is convicted of or pleads guilty to 3547  
a felony also is convicted of or pleads guilty to a 3548  
specification of the type described in section 2941.141, 3549  
2941.144, or 2941.145 of the Revised Code, the court shall 3550  
impose on the offender one of the following prison terms: 3551

(i) A prison term of six years if the specification is of 3552  
the type described in division (A) of section 2941.144 of the 3553  
Revised Code that charges the offender with having a firearm 3554  
that is an automatic firearm or that was equipped with a firearm 3555  
muffler or suppressor on or about the offender's person or under 3556  
the offender's control while committing the offense; 3557

(ii) A prison term of three years if the specification is 3558  
of the type described in division (A) of section 2941.145 of the 3559  
Revised Code that charges the offender with having a firearm on 3560

or about the offender's person or under the offender's control 3561  
while committing the offense and displaying the firearm, 3562  
brandishing the firearm, indicating that the offender possessed 3563  
the firearm, or using it to facilitate the offense; 3564

(iii) A prison term of one year if the specification is of 3565  
the type described in division (A) of section 2941.141 of the 3566  
Revised Code that charges the offender with having a firearm on 3567  
or about the offender's person or under the offender's control 3568  
while committing the offense; 3569

(iv) A prison term of nine years if the specification is 3570  
of the type described in division (D) of section 2941.144 of the 3571  
Revised Code that charges the offender with having a firearm 3572  
that is an automatic firearm or that was equipped with a firearm 3573  
muffler or suppressor on or about the offender's person or under 3574  
the offender's control while committing the offense and 3575  
specifies that the offender previously has been convicted of or 3576  
pleaded guilty to a specification of the type described in 3577  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3578  
the Revised Code; 3579

(v) A prison term of fifty-four months if the 3580  
specification is of the type described in division (D) of 3581  
section 2941.145 of the Revised Code that charges the offender 3582  
with having a firearm on or about the offender's person or under 3583  
the offender's control while committing the offense and 3584  
displaying the firearm, brandishing the firearm, indicating that 3585  
the offender possessed the firearm, or using the firearm to 3586  
facilitate the offense and that the offender previously has been 3587  
convicted of or pleaded guilty to a specification of the type 3588  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3589  
2941.1412 of the Revised Code; 3590

(vi) A prison term of eighteen months if the specification 3591  
is of the type described in division (D) of section 2941.141 of 3592  
the Revised Code that charges the offender with having a firearm 3593  
on or about the offender's person or under the offender's 3594  
control while committing the offense and that the offender 3595  
previously has been convicted of or pleaded guilty to a 3596  
specification of the type described in section 2941.141, 3597  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3598

(b) If a court imposes a prison term on an offender under 3599  
division (B) (1) (a) of this section, the prison term shall not be 3600  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3601  
section 2967.193 or 2967.194, or any other provision of Chapter 3602  
2967. or Chapter 5120. of the Revised Code. Except as provided 3603  
in division (B) (1) (g) of this section, a court shall not impose 3604  
more than one prison term on an offender under division (B) (1) 3605  
(a) of this section for felonies committed as part of the same 3606  
act or transaction. 3607

(c) (i) Except as provided in division (B) (1) (e) of this 3608  
section, if an offender who is convicted of or pleads guilty to 3609  
a violation of section 2923.161 of the Revised Code or to a 3610  
felony that includes, as an essential element, purposely or 3611  
knowingly causing or attempting to cause the death of or 3612  
physical harm to another, also is convicted of or pleads guilty 3613  
to a specification of the type described in division (A) of 3614  
section 2941.146 of the Revised Code that charges the offender 3615  
with committing the offense by discharging a firearm from a 3616  
motor vehicle other than a manufactured home, the court, after 3617  
imposing a prison term on the offender for the violation of 3618  
section 2923.161 of the Revised Code or for the other felony 3619  
offense under division (A), (B) (2), or (B) (3) of this section, 3620  
shall impose an additional prison term of five years upon the 3621

offender that shall not be reduced pursuant to section 2929.20, 3622  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3623  
other provision of Chapter 2967. or Chapter 5120. of the Revised 3624  
Code. 3625

(ii) Except as provided in division (B) (1) (e) of this 3626  
section, if an offender who is convicted of or pleads guilty to 3627  
a violation of section 2923.161 of the Revised Code or to a 3628  
felony that includes, as an essential element, purposely or 3629  
knowingly causing or attempting to cause the death of or 3630  
physical harm to another, also is convicted of or pleads guilty 3631  
to a specification of the type described in division (C) of 3632  
section 2941.146 of the Revised Code that charges the offender 3633  
with committing the offense by discharging a firearm from a 3634  
motor vehicle other than a manufactured home and that the 3635  
offender previously has been convicted of or pleaded guilty to a 3636  
specification of the type described in section 2941.141, 3637  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3638  
the court, after imposing a prison term on the offender for the 3639  
violation of section 2923.161 of the Revised Code or for the 3640  
other felony offense under division (A), (B) (2), or (3) of this 3641  
section, shall impose an additional prison term of ninety months 3642  
upon the offender that shall not be reduced pursuant to section 3643  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3644  
or any other provision of Chapter 2967. or Chapter 5120. of the 3645  
Revised Code. 3646

(iii) A court shall not impose more than one additional 3647  
prison term on an offender under division (B) (1) (c) of this 3648  
section for felonies committed as part of the same act or 3649  
transaction. If a court imposes an additional prison term on an 3650  
offender under division (B) (1) (c) of this section relative to an 3651  
offense, the court also shall impose a prison term under 3652

division (B) (1) (a) of this section relative to the same offense, 3653  
provided the criteria specified in that division for imposing an 3654  
additional prison term are satisfied relative to the offender 3655  
and the offense. 3656

(d) If an offender who is convicted of or pleads guilty to 3657  
an offense of violence that is a felony also is convicted of or 3658  
pleads guilty to a specification of the type described in 3659  
section 2941.1411 of the Revised Code that charges the offender 3660  
with wearing or carrying body armor while committing the felony 3661  
offense of violence, the court shall impose on the offender an 3662  
additional prison term of two years. The prison term so imposed 3663  
shall not be reduced pursuant to section 2929.20, division (A) 3664  
(2) or (3) of section 2967.193 or 2967.194, or any other 3665  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3666  
A court shall not impose more than one prison term on an 3667  
offender under division (B) (1) (d) of this section for felonies 3668  
committed as part of the same act or transaction. If a court 3669  
imposes an additional prison term under division (B) (1) (a) or 3670  
(c) of this section, the court is not precluded from imposing an 3671  
additional prison term under division (B) (1) (d) of this section. 3672

(e) The court shall not impose any of the prison terms 3673  
described in division (B) (1) (a) of this section or any of the 3674  
additional prison terms described in division (B) (1) (c) of this 3675  
section upon an offender for a violation of section 2923.12 or 3676  
2923.123 of the Revised Code. The court shall not impose any of 3677  
the prison terms described in division (B) (1) (a) or (b) of this 3678  
section upon an offender for a violation of section 2923.122 3679  
that involves a deadly weapon that is a firearm other than a 3680  
dangerous ordnance, section 2923.16, or section 2923.121 of the 3681  
Revised Code. The court shall not impose any of the prison terms 3682  
described in division (B) (1) (a) of this section or any of the 3683

additional prison terms described in division (B) (1) (c) of this 3684  
section upon an offender for a violation of section 2923.13 of 3685  
the Revised Code unless all of the following apply: 3686

(i) The offender previously has been convicted of 3687  
aggravated murder, murder, or any felony of the first or second 3688  
degree. 3689

(ii) Less than five years have passed since the offender 3690  
was released from prison or post-release control, whichever is 3691  
later, for the prior offense. 3692

(f) (i) If an offender is convicted of or pleads guilty to 3693  
a felony that includes, as an essential element, causing or 3694  
attempting to cause the death of or physical harm to another and 3695  
also is convicted of or pleads guilty to a specification of the 3696  
type described in division (A) of section 2941.1412 of the 3697  
Revised Code that charges the offender with committing the 3698  
offense by discharging a firearm at a peace officer as defined 3699  
in section 2935.01 of the Revised Code or a corrections officer, 3700  
as defined in section 2941.1412 of the Revised Code, the court, 3701  
after imposing a prison term on the offender for the felony 3702  
offense under division (A), (B) (2), or (B) (3) of this section, 3703  
shall impose an additional prison term of seven years upon the 3704  
offender that shall not be reduced pursuant to section 2929.20, 3705  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3706  
other provision of Chapter 2967. or Chapter 5120. of the Revised 3707  
Code. 3708

(ii) If an offender is convicted of or pleads guilty to a 3709  
felony that includes, as an essential element, causing or 3710  
attempting to cause the death of or physical harm to another and 3711  
also is convicted of or pleads guilty to a specification of the 3712  
type described in division (B) of section 2941.1412 of the 3713

Revised Code that charges the offender with committing the 3714  
offense by discharging a firearm at a peace officer, as defined 3715  
in section 2935.01 of the Revised Code, or a corrections 3716  
officer, as defined in section 2941.1412 of the Revised Code, 3717  
and that the offender previously has been convicted of or 3718  
pleaded guilty to a specification of the type described in 3719  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3720  
the Revised Code, the court, after imposing a prison term on the 3721  
offender for the felony offense under division (A), (B) (2), or 3722  
(3) of this section, shall impose an additional prison term of 3723  
one hundred twenty-six months upon the offender that shall not 3724  
be reduced pursuant to section 2929.20, division (A) (2) or (3) 3725  
of section 2967.193 or 2967.194, or any other provision of 3726  
Chapter 2967. or 5120. of the Revised Code. 3727

(iii) If an offender is convicted of or pleads guilty to 3728  
two or more felonies that include, as an essential element, 3729  
causing or attempting to cause the death or physical harm to 3730  
another and also is convicted of or pleads guilty to a 3731  
specification of the type described under division (B) (1) (f) of 3732  
this section in connection with two or more of the felonies of 3733  
which the offender is convicted or to which the offender pleads 3734  
guilty, the sentencing court shall impose on the offender the 3735  
prison term specified under division (B) (1) (f) of this section 3736  
for each of two of the specifications of which the offender is 3737  
convicted or to which the offender pleads guilty and, in its 3738  
discretion, also may impose on the offender the prison term 3739  
specified under that division for any or all of the remaining 3740  
specifications. If a court imposes an additional prison term on 3741  
an offender under division (B) (1) (f) of this section relative to 3742  
an offense, the court shall not impose a prison term under 3743  
division (B) (1) (a) or (c) of this section relative to the same 3744

offense. 3745

(g) If an offender is convicted of or pleads guilty to two 3746  
or more felonies, if one or more of those felonies are 3747  
aggravated murder, murder, attempted aggravated murder, 3748  
attempted murder, aggravated robbery, felonious assault, or 3749  
rape, and if the offender is convicted of or pleads guilty to a 3750  
specification of the type described under division (B)(1)(a) of 3751  
this section in connection with two or more of the felonies, the 3752  
sentencing court shall impose on the offender the prison term 3753  
specified under division (B)(1)(a) of this section for each of 3754  
the two most serious specifications of which the offender is 3755  
convicted or to which the offender pleads guilty and, in its 3756  
discretion, also may impose on the offender the prison term 3757  
specified under that division for any or all of the remaining 3758  
specifications. 3759

(2)(a) If division (B)(2)(b) of this section does not 3760  
apply, the court may impose on an offender, in addition to the 3761  
longest prison term authorized or required for the offense or, 3762  
for offenses for which division (A)(1)(a) or (2)(a) of this 3763  
section applies, in addition to the longest minimum prison term 3764  
authorized or required for the offense, an additional definite 3765  
prison term of one, two, three, four, five, six, seven, eight, 3766  
nine, or ten years if all of the following criteria are met: 3767

(i) The offender is convicted of or pleads guilty to a 3768  
specification of the type described in section 2941.149 of the 3769  
Revised Code that the offender is a repeat violent offender. 3770

(ii) The offense of which the offender currently is 3771  
convicted or to which the offender currently pleads guilty is 3772  
aggravated murder and the court does not impose a sentence of 3773  
death or life imprisonment without parole, murder, terrorism and 3774



the court does not impose a sentence of life imprisonment 3775  
without parole, any felony of the first degree that is an 3776  
offense of violence and the court does not impose a sentence of 3777  
life imprisonment without parole, or any felony of the second 3778  
degree that is an offense of violence and the trier of fact 3779  
finds that the offense involved an attempt to cause or a threat 3780  
to cause serious physical harm to a person or resulted in 3781  
serious physical harm to a person. 3782

(iii) The court imposes the longest prison term for the 3783  
offense or the longest minimum prison term for the offense, 3784  
whichever is applicable, that is not life imprisonment without 3785  
parole. 3786

(iv) The court finds that the prison terms imposed 3787  
pursuant to division (B) (2) (a) (iii) of this section and, if 3788  
applicable, division (B) (1) or (3) of this section are 3789  
inadequate to punish the offender and protect the public from 3790  
future crime, because the applicable factors under section 3791  
2929.12 of the Revised Code indicating a greater likelihood of 3792  
recidivism outweigh the applicable factors under that section 3793  
indicating a lesser likelihood of recidivism. 3794

(v) The court finds that the prison terms imposed pursuant 3795  
to division (B) (2) (a) (iii) of this section and, if applicable, 3796  
division (B) (1) or (3) of this section are demeaning to the 3797  
seriousness of the offense, because one or more of the factors 3798  
under section 2929.12 of the Revised Code indicating that the 3799  
offender's conduct is more serious than conduct normally 3800  
constituting the offense are present, and they outweigh the 3801  
applicable factors under that section indicating that the 3802  
offender's conduct is less serious than conduct normally 3803  
constituting the offense. 3804

(b) The court shall impose on an offender the longest 3805  
prison term authorized or required for the offense or, for 3806  
offenses for which division (A) (1) (a) or (2) (a) of this section 3807  
applies, the longest minimum prison term authorized or required 3808  
for the offense, and shall impose on the offender an additional 3809  
definite prison term of one, two, three, four, five, six, seven, 3810  
eight, nine, or ten years if all of the following criteria are 3811  
met: 3812

(i) The offender is convicted of or pleads guilty to a 3813  
specification of the type described in section 2941.149 of the 3814  
Revised Code that the offender is a repeat violent offender. 3815

(ii) The offender within the preceding twenty years has 3816  
been convicted of or pleaded guilty to three or more offenses 3817  
described in division (CC) (1) of section 2929.01 of the Revised 3818  
Code, including all offenses described in that division of which 3819  
the offender is convicted or to which the offender pleads guilty 3820  
in the current prosecution and all offenses described in that 3821  
division of which the offender previously has been convicted or 3822  
to which the offender previously pleaded guilty, whether 3823  
prosecuted together or separately. 3824

(iii) The offense or offenses of which the offender 3825  
currently is convicted or to which the offender currently pleads 3826  
guilty is aggravated murder and the court does not impose a 3827  
sentence of death or life imprisonment without parole, murder, 3828  
terrorism and the court does not impose a sentence of life 3829  
imprisonment without parole, any felony of the first degree that 3830  
is an offense of violence and the court does not impose a 3831  
sentence of life imprisonment without parole, or any felony of 3832  
the second degree that is an offense of violence and the trier 3833  
of fact finds that the offense involved an attempt to cause or a 3834

threat to cause serious physical harm to a person or resulted in 3835  
serious physical harm to a person. 3836

(c) For purposes of division (B) (2) (b) of this section, 3837  
two or more offenses committed at the same time or as part of 3838  
the same act or event shall be considered one offense, and that 3839  
one offense shall be the offense with the greatest penalty. 3840

(d) A sentence imposed under division (B) (2) (a) or (b) of 3841  
this section shall not be reduced pursuant to section 2929.20, 3842  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3843  
other provision of Chapter 2967. or Chapter 5120. of the Revised 3844  
Code. The offender shall serve an additional prison term imposed 3845  
under division (B) (2) (a) or (b) of this section consecutively to 3846  
and prior to the prison term imposed for the underlying offense. 3847

(e) When imposing a sentence pursuant to division (B) (2) 3848  
(a) or (b) of this section, the court shall state its findings 3849  
explaining the imposed sentence. 3850

(3) Except when an offender commits a violation of section 3851  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3852  
for the violation is life imprisonment or commits a violation of 3853  
section 2903.02 of the Revised Code, if the offender commits a 3854  
violation of section 2925.03 or 2925.11 of the Revised Code and 3855  
that section classifies the offender as a major drug offender, 3856  
if the offender commits a violation of section 2925.05 of the 3857  
Revised Code and division (E) (1) of that section classifies the 3858  
offender as a major drug offender, if the offender commits a 3859  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3860  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3861  
division (C) or (D) of section 3719.172, division (E) of section 3862  
4729.51, or division (J) of section 4729.54 of the Revised Code 3863  
that includes the sale, offer to sell, or possession of a 3864

schedule I or II controlled substance, with the exception of 3865  
marihuana, and the court imposing sentence upon the offender 3866  
finds that the offender is guilty of a specification of the type 3867  
described in division (A) of section 2941.1410 of the Revised 3868  
Code charging that the offender is a major drug offender, if the 3869  
court imposing sentence upon an offender for a felony finds that 3870  
the offender is guilty of corrupt activity with the most serious 3871  
offense in the pattern of corrupt activity being a felony of the 3872  
first degree, or if the offender is guilty of an attempted 3873  
violation of section 2907.02 of the Revised Code and, had the 3874  
offender completed the violation of section 2907.02 of the 3875  
Revised Code that was attempted, the offender would have been 3876  
subject to a sentence of life imprisonment or life imprisonment 3877  
without parole for the violation of section 2907.02 of the 3878  
Revised Code, the court shall impose upon the offender for the 3879  
felony violation a mandatory prison term determined as described 3880  
in this division that cannot be reduced pursuant to section 3881  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3882  
or any other provision of Chapter 2967. or 5120. of the Revised 3883  
Code. The mandatory prison term shall be the maximum definite 3884  
prison term prescribed in division (A) (1) (b) of this section for 3885  
a felony of the first degree, except that for offenses for which 3886  
division (A) (1) (a) of this section applies, the mandatory prison 3887  
term shall be the longest minimum prison term prescribed in that 3888  
division for the offense. 3889

(4) If the offender is being sentenced for a third or 3890  
fourth degree felony OVI offense under division (G) (2) of 3891  
section 2929.13 of the Revised Code, the sentencing court shall 3892  
impose upon the offender a mandatory prison term in accordance 3893  
with that division. In addition to the mandatory prison term, if 3894  
the offender is being sentenced for a fourth degree felony OVI 3895

offense, the court, notwithstanding division (A) (4) of this 3896  
section, may sentence the offender to a definite prison term of 3897  
not less than six months and not more than thirty months, and if 3898  
the offender is being sentenced for a third degree felony OVI 3899  
offense, the sentencing court may sentence the offender to an 3900  
additional prison term of any duration specified in division (A) 3901  
(3) of this section. In either case, the additional prison term 3902  
imposed shall be reduced by the sixty or one hundred twenty days 3903  
imposed upon the offender as the mandatory prison term. The 3904  
total of the additional prison term imposed under division (B) 3905  
(4) of this section plus the sixty or one hundred twenty days 3906  
imposed as the mandatory prison term shall equal a definite term 3907  
in the range of six months to thirty months for a fourth degree 3908  
felony OVI offense and shall equal one of the authorized prison 3909  
terms specified in division (A) (3) of this section for a third 3910  
degree felony OVI offense. If the court imposes an additional 3911  
prison term under division (B) (4) of this section, the offender 3912  
shall serve the additional prison term after the offender has 3913  
served the mandatory prison term required for the offense. In 3914  
addition to the mandatory prison term or mandatory and 3915  
additional prison term imposed as described in division (B) (4) 3916  
of this section, the court also may sentence the offender to a 3917  
community control sanction under section 2929.16 or 2929.17 of 3918  
the Revised Code, but the offender shall serve all of the prison 3919  
terms so imposed prior to serving the community control 3920  
sanction. 3921

If the offender is being sentenced for a fourth degree 3922  
felony OVI offense under division (G) (1) of section 2929.13 of 3923  
the Revised Code and the court imposes a mandatory term of local 3924  
incarceration, the court may impose a prison term as described 3925  
in division (A) (1) of that section. 3926

(5) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, or a firefighter or emergency medical worker, both as defined in section 4123.026 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)

(2) or (3) of section 2967.193 or 2967.194, or any other 3958  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3959  
A court shall not impose more than one prison term on an 3960  
offender under division (B)(6) of this section for felonies 3961  
committed as part of the same act. 3962

(7) (a) If an offender is convicted of or pleads guilty to 3963  
a felony violation of section 2905.01, 2905.02, 2905.321, 3964  
2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 3965  
2907.323 involving a minor, or division (B)(1), (2), (3), (4), 3966  
or (5) of section 2919.22 of the Revised Code and also is 3967  
convicted of or pleads guilty to a specification of the type 3968  
described in section 2941.1422 of the Revised Code that charges 3969  
that the offender knowingly committed the offense in furtherance 3970  
of human trafficking, the court shall impose on the offender a 3971  
mandatory prison term that is one of the following: 3972

(i) If the offense is a felony of the first degree, a 3973  
definite prison term of not less than five years and not greater 3974  
than eleven years, except that if the offense is a felony of the 3975  
first degree committed on or after March 22, 2019, the court 3976  
shall impose as the minimum prison term a mandatory term of not 3977  
less than five years and not greater than eleven years; 3978

(ii) If the offense is a felony of the second or third 3979  
degree, a definite prison term of not less than three years and 3980  
not greater than the maximum prison term allowed for the offense 3981  
by division (A)(2)(b) or (3) of this section, except that if the 3982  
offense is a felony of the second degree committed on or after 3983  
March 22, 2019, the court shall impose as the minimum prison 3984  
term a mandatory term of not less than three years and not 3985  
greater than eight years; 3986

(iii) If the offense is a felony of the fourth or fifth 3987

degree, a definite prison term that is the maximum prison term 3988  
allowed for the offense by division (A) of section 2929.14 of 3989  
the Revised Code. 3990

(b) The prison term imposed under division (B)(7)(a) of 3991  
this section shall not be reduced pursuant to section 2929.20, 3992  
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 3993  
other provision of Chapter 2967. of the Revised Code. A court 3994  
shall not impose more than one prison term on an offender under 3995  
division (B)(7)(a) of this section for felonies committed as 3996  
part of the same act, scheme, or plan. 3997

(8) If an offender is convicted of or pleads guilty to a 3998  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3999  
Revised Code and also is convicted of or pleads guilty to a 4000  
specification of the type described in section 2941.1423 of the 4001  
Revised Code that charges that the victim of the violation was a 4002  
woman whom the offender knew was pregnant at the time of the 4003  
violation, notwithstanding the range prescribed in division (A) 4004  
of this section as the definite prison term or minimum prison 4005  
term for felonies of the same degree as the violation, the court 4006  
shall impose on the offender a mandatory prison term that is 4007  
either a definite prison term of six months or one of the prison 4008  
terms prescribed in division (A) of this section for felonies of 4009  
the same degree as the violation, except that if the violation 4010  
is a felony of the first or second degree committed on or after 4011  
arch 22, 2019, the court shall impose as the minimum prison term 4012  
under division (A)(1)(a) or (2)(a) of this section a mandatory 4013  
term that is one of the terms prescribed in that division, 4014  
whichever is applicable, for the offense. 4015

(9)(a) If an offender is convicted of or pleads guilty to 4016  
a violation of division (A)(1) or (2) of section 2903.11 of the 4017



Revised Code and also is convicted of or pleads guilty to a 4018  
specification of the type described in section 2941.1425 of the 4019  
Revised Code, the court shall impose on the offender a mandatory 4020  
prison term of six years if either of the following applies: 4021

(i) The violation is a violation of division (A) (1) of 4022  
section 2903.11 of the Revised Code and the specification 4023  
charges that the offender used an accelerant in committing the 4024  
violation and the serious physical harm to another or to 4025  
another's unborn caused by the violation resulted in a 4026  
permanent, serious disfigurement or permanent, substantial 4027  
incapacity; 4028

(ii) The violation is a violation of division (A) (2) of 4029  
section 2903.11 of the Revised Code and the specification 4030  
charges that the offender used an accelerant in committing the 4031  
violation, that the violation caused physical harm to another or 4032  
to another's unborn, and that the physical harm resulted in a 4033  
permanent, serious disfigurement or permanent, substantial 4034  
incapacity. 4035

(b) If a court imposes a prison term on an offender under 4036  
division (B) (9) (a) of this section, the prison term shall not be 4037  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 4038  
section 2967.193 or 2967.194, or any other provision of Chapter 4039  
2967. or Chapter 5120. of the Revised Code. A court shall not 4040  
impose more than one prison term on an offender under division 4041  
(B) (9) of this section for felonies committed as part of the 4042  
same act. 4043

(c) The provisions of divisions (B) (9) and (C) (6) of this 4044  
section and of division (D) (2) of section 2903.11, division (F) 4045  
(20) of section 2929.13, and section 2941.1425 of the Revised 4046  
Code shall be known as "Judy's Law." 4047

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B) (10) of this section shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

~~(11)~~ (11) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division ~~(C)~~ ~~(11)~~ (C) (10) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall

impose on the offender a mandatory prison term of three, four, 4079  
five, six, seven, or eight years. ~~If~~ 4080

(b) If an offender is convicted of or pleads guilty to a 4081  
violation of section 2903.04 of the Revised Code and if the 4082  
offender also is convicted of or pleads guilty to a 4083  
specification of the type described in section 2941.1427 of the 4084  
Revised Code, in addition to any other penalty imposed for the 4085  
violation, the court shall impose on the offender a mandatory 4086  
prison term of five years. 4087

(c) If a court imposes a prison term on an offender under 4088  
division (B) (11) of this section, the prison term shall not be 4089  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 4090  
section 2967.193 or 2967.194, or any other provision of Chapter 4091  
2967. or 5120. of the Revised Code. A court shall not impose 4092  
more than one prison term on an offender under division (B) (11) 4093  
of this section for felonies committed as part of the same act. 4094

(C) (1) (a) Subject to division (C) (1) (b) of this section, 4095  
if a mandatory prison term is imposed upon an offender pursuant 4096  
to division (B) (1) (a) of this section for having a firearm on or 4097  
about the offender's person or under the offender's control 4098  
while committing a felony, if a mandatory prison term is imposed 4099  
upon an offender pursuant to division (B) (1) (c) of this section 4100  
for committing a felony specified in that division by 4101  
discharging a firearm from a motor vehicle, or if both types of 4102  
mandatory prison terms are imposed, the offender shall serve any 4103  
mandatory prison term imposed under either division 4104  
consecutively to any other mandatory prison term imposed under 4105  
either division or under division (B) (1) (d) of this section, 4106  
consecutively to and prior to any prison term imposed for the 4107  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4108

this section or any other section of the Revised Code, and 4109  
consecutively to any other prison term or mandatory prison term 4110  
previously or subsequently imposed upon the offender. 4111

(b) If a mandatory prison term is imposed upon an offender 4112  
pursuant to division (B)(1)(d) of this section for wearing or 4113  
carrying body armor while committing an offense of violence that 4114  
is a felony, the offender shall serve the mandatory term so 4115  
imposed consecutively to any other mandatory prison term imposed 4116  
under that division or under division (B)(1)(a) or (c) of this 4117  
section, consecutively to and prior to any prison term imposed 4118  
for the underlying felony under division (A), (B)(2), or (B)(3) 4119  
of this section or any other section of the Revised Code, and 4120  
consecutively to any other prison term or mandatory prison term 4121  
previously or subsequently imposed upon the offender. 4122

(c) If a mandatory prison term is imposed upon an offender 4123  
pursuant to division (B)(1)(f) of this section, the offender 4124  
shall serve the mandatory prison term so imposed consecutively 4125  
to and prior to any prison term imposed for the underlying 4126  
felony under division (A), (B)(2), or (B)(3) of this section or 4127  
any other section of the Revised Code, and consecutively to any 4128  
other prison term or mandatory prison term previously or 4129  
subsequently imposed upon the offender. 4130

(d) If a mandatory prison term is imposed upon an offender 4131  
pursuant to division (B)(7) or (8) of this section, the offender 4132  
shall serve the mandatory prison term so imposed consecutively 4133  
to any other mandatory prison term imposed under that division 4134  
or under any other provision of law and consecutively to any 4135  
other prison term or mandatory prison term previously or 4136  
subsequently imposed upon the offender. 4137

(e) If a mandatory prison term is imposed upon an offender 4138

pursuant to division (B)(11) of this section, the offender shall 4139  
serve the mandatory prison term consecutively to any other 4140  
mandatory prison term imposed under that division, consecutively 4141  
to and prior to any prison term imposed for the underlying 4142  
felony, and consecutively to any other prison term or mandatory 4143  
prison term previously or subsequently imposed upon the 4144  
offender. 4145

(2) If an offender who is an inmate in a jail, prison, or 4146  
other residential detention facility violates section 2917.02, 4147  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 4148  
(2) of section 2921.34 of the Revised Code, if an offender who 4149  
is under detention at a detention facility commits a felony 4150  
violation of section 2923.131 of the Revised Code, or if an 4151  
offender who is an inmate in a jail, prison, or other 4152  
residential detention facility or is under detention at a 4153  
detention facility commits another felony while the offender is 4154  
an escapee in violation of division (A)(1) or (2) of section 4155  
2921.34 of the Revised Code, any prison term imposed upon the 4156  
offender for one of those violations shall be served by the 4157  
offender consecutively to the prison term or term of 4158  
imprisonment the offender was serving when the offender 4159  
committed that offense and to any other prison term previously 4160  
or subsequently imposed upon the offender. 4161

(3) If a prison term is imposed for a violation of 4162  
division (B) of section 2911.01 of the Revised Code, a violation 4163  
of division (A) of section 2913.02 of the Revised Code in which 4164  
the stolen property is a firearm or dangerous ordnance, or a 4165  
felony violation of division (B) of section 2921.331 of the 4166  
Revised Code, the offender shall serve that prison term 4167  
consecutively to any other prison term or mandatory prison term 4168  
previously or subsequently imposed upon the offender. 4169

(4) If multiple prison terms are imposed on an offender 4170  
for convictions of multiple offenses, the court may require the 4171  
offender to serve the prison terms consecutively if the court 4172  
finds that the consecutive service is necessary to protect the 4173  
public from future crime or to punish the offender and that 4174  
consecutive sentences are not disproportionate to the 4175  
seriousness of the offender's conduct and to the danger the 4176  
offender poses to the public, and if the court also finds any of 4177  
the following: 4178

(a) The offender committed one or more of the multiple 4179  
offenses while the offender was awaiting trial or sentencing, 4180  
was under a sanction imposed pursuant to section 2929.16, 4181  
2929.17, or 2929.18 of the Revised Code, or was under post- 4182  
release control for a prior offense. 4183

(b) At least two of the multiple offenses were committed 4184  
as part of one or more courses of conduct, and the harm caused 4185  
by two or more of the multiple offenses so committed was so 4186  
great or unusual that no single prison term for any of the 4187  
offenses committed as part of any of the courses of conduct 4188  
adequately reflects the seriousness of the offender's conduct. 4189

(c) The offender's history of criminal conduct 4190  
demonstrates that consecutive sentences are necessary to protect 4191  
the public from future crime by the offender. 4192

(5) If a mandatory prison term is imposed upon an offender 4193  
pursuant to division (B) (5) or (6) of this section, the offender 4194  
shall serve the mandatory prison term consecutively to and prior 4195  
to any prison term imposed for the underlying violation of 4196  
division (A) (1) or (2) of section 2903.06 of the Revised Code 4197  
pursuant to division (A) of this section or section 2929.142 of 4198  
the Revised Code. If a mandatory prison term is imposed upon an 4199

offender pursuant to division (B) (5) of this section, and if a  
mandatory prison term also is imposed upon the offender pursuant  
to division (B) (6) of this section in relation to the same  
violation, the offender shall serve the mandatory prison term  
imposed pursuant to division (B) (5) of this section  
consecutively to and prior to the mandatory prison term imposed  
pursuant to division (B) (6) of this section and consecutively to  
and prior to any prison term imposed for the underlying  
violation of division (A) (1) or (2) of section 2903.06 of the  
Revised Code pursuant to division (A) of this section or section  
2929.142 of the Revised Code.

(6) If a mandatory prison term is imposed on an offender  
pursuant to division (B) (9) of this section, the offender shall  
serve the mandatory prison term consecutively to and prior to  
any prison term imposed for the underlying violation of division  
(A) (1) or (2) of section 2903.11 of the Revised Code and  
consecutively to and prior to any other prison term or mandatory  
prison term previously or subsequently imposed on the offender.

(7) If a mandatory prison term is imposed on an offender  
pursuant to division (B) (10) of this section, the offender shall  
serve that mandatory prison term consecutively to and prior to  
any prison term imposed for the underlying felonious assault.  
Except as otherwise provided in division (C) of this section,  
any other prison term or mandatory prison term previously or  
subsequently imposed upon the offender may be served  
concurrently with, or consecutively to, the prison term imposed  
pursuant to division (B) (10) of this section.

(8) Any prison term imposed for a violation of section  
2903.04 of the Revised Code that is based on a violation of  
section 2925.03 or 2925.11 of the Revised Code or on a violation

of section 2925.05 of the Revised Code that is not funding of 4230  
marihuana trafficking shall run consecutively to any prison term 4231  
imposed for the violation of section 2925.03 or 2925.11 of the 4232  
Revised Code or for the violation of section 2925.05 of the 4233  
Revised Code that is not funding of marihuana trafficking. 4234

(9) When consecutive prison terms are imposed pursuant to 4235  
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 4236  
division (H) (1) or (2) of this section, subject to division (C) 4237  
(10) of this section, the term to be served is the aggregate of 4238  
all of the terms so imposed. 4239

(10) When a court sentences an offender to a non-life 4240  
felony indefinite prison term, any definite prison term or 4241  
mandatory definite prison term previously or subsequently 4242  
imposed on the offender in addition to that indefinite sentence 4243  
that is required to be served consecutively to that indefinite 4244  
sentence shall be served prior to the indefinite sentence. 4245

(11) If a court is sentencing an offender for a felony of 4246  
the first or second degree, if division (A) (1) (a) or (2) (a) of 4247  
this section applies with respect to the sentencing for the 4248  
offense, and if the court is required under the Revised Code 4249  
section that sets forth the offense or any other Revised Code 4250  
provision to impose a mandatory prison term for the offense, the 4251  
court shall impose the required mandatory prison term as the 4252  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 4253  
section, whichever is applicable. 4254

(D) (1) If a court imposes a prison term, other than a term 4255  
of life imprisonment, for a felony of the first degree, for a 4256  
felony of the second degree, for a felony sex offense, or for a 4257  
felony of the third degree that is an offense of violence and 4258  
that is not a felony sex offense, it shall include in the 4259



sentence a requirement that the offender be subject to a period 4260  
of post-release control after the offender's release from 4261  
imprisonment, in accordance with section 2967.28 of the Revised 4262  
Code. If a court imposes a sentence including a prison term of a 4263  
type described in this division on or after July 11, 2006, the 4264  
failure of a court to include a post-release control requirement 4265  
in the sentence pursuant to this division does not negate, 4266  
limit, or otherwise affect the mandatory period of post-release 4267  
control that is required for the offender under division (B) of 4268  
section 2967.28 of the Revised Code. Section 2929.191 of the 4269  
Revised Code applies if, prior to July 11, 2006, a court imposed 4270  
a sentence including a prison term of a type described in this 4271  
division and failed to include in the sentence pursuant to this 4272  
division a statement regarding post-release control. 4273

(2) If a court imposes a prison term for a felony of the 4274  
third, fourth, or fifth degree that is not subject to division 4275  
(D) (1) of this section, it shall include in the sentence a 4276  
requirement that the offender be subject to a period of post- 4277  
release control after the offender's release from imprisonment, 4278  
in accordance with that division, if the parole board determines 4279  
that a period of post-release control is necessary. Section 4280  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4281  
a court imposed a sentence including a prison term of a type 4282  
described in this division and failed to include in the sentence 4283  
pursuant to this division a statement regarding post-release 4284  
control. 4285

(E) The court shall impose sentence upon the offender in 4286  
accordance with section 2971.03 of the Revised Code, and Chapter 4287  
2971. of the Revised Code applies regarding the prison term or 4288  
term of life imprisonment without parole imposed upon the 4289  
offender and the service of that term of imprisonment if any of 4290

the following apply: 4291

(1) A person is convicted of or pleads guilty to a violent 4292  
sex offense or a designated homicide, assault, or kidnapping 4293  
offense, and, in relation to that offense, the offender is 4294  
adjudicated a sexually violent predator. 4295

(2) A person is convicted of or pleads guilty to a 4296  
violation of division (A) (1) (b) of section 2907.02 of the 4297  
Revised Code committed on or after January 2, 2007, and either 4298  
the court does not impose a sentence of life without parole when 4299  
authorized pursuant to division (B) of section 2907.02 of the 4300  
Revised Code, or division (B) of section 2907.02 of the Revised 4301  
Code provides that the court shall not sentence the offender 4302  
pursuant to section 2971.03 of the Revised Code. 4303

(3) A person is convicted of or pleads guilty to attempted 4304  
rape committed on or after January 2, 2007, and a specification 4305  
of the type described in section 2941.1418, 2941.1419, or 4306  
2941.1420 of the Revised Code. 4307

(4) A person is convicted of or pleads guilty to a 4308  
violation of section 2905.01 of the Revised Code committed on or 4309  
after January 1, 2008, and that section requires the court to 4310  
sentence the offender pursuant to section 2971.03 of the Revised 4311  
Code. 4312

(5) A person is convicted of or pleads guilty to 4313  
aggravated murder committed on or after January 1, 2008, and 4314  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4315  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4316  
(a) (iv) of section 2929.03, or division (A) or (B) of section 4317  
2929.06 of the Revised Code requires the court to sentence the 4318  
offender pursuant to division (B) (3) of section 2971.03 of the 4319

Revised Code. 4320

(6) A person is convicted of or pleads guilty to murder 4321  
committed on or after January 1, 2008, and division (B) (2) of 4322  
section 2929.02 of the Revised Code requires the court to 4323  
sentence the offender pursuant to section 2971.03 of the Revised 4324  
Code. 4325

(F) If a person who has been convicted of or pleaded 4326  
guilty to a felony is sentenced to a prison term or term of 4327  
imprisonment under this section, sections 2929.02 to 2929.06 of 4328  
the Revised Code, section 2929.142 of the Revised Code, section 4329  
2971.03 of the Revised Code, or any other provision of law, 4330  
section 5120.163 of the Revised Code applies regarding the 4331  
person while the person is confined in a state correctional 4332  
institution. 4333

(G) If an offender who is convicted of or pleads guilty to 4334  
a felony that is an offense of violence also is convicted of or 4335  
pleads guilty to a specification of the type described in 4336  
section 2941.142 of the Revised Code that charges the offender 4337  
with having committed the felony while participating in a 4338  
criminal gang, the court shall impose upon the offender an 4339  
additional prison term of one, two, or three years. 4340

(H) (1) If an offender who is convicted of or pleads guilty 4341  
to aggravated murder, murder, or a felony of the first, second, 4342  
or third degree that is an offense of violence also is convicted 4343  
of or pleads guilty to a specification of the type described in 4344  
section 2941.143 of the Revised Code that charges the offender 4345  
with having committed the offense in a school safety zone or 4346  
towards a person in a school safety zone, the court shall impose 4347  
upon the offender an additional prison term of two years. The 4348  
offender shall serve the additional two years consecutively to 4349

and prior to the prison term imposed for the underlying offense. 4350

(2) (a) If an offender is convicted of or pleads guilty to 4351  
a felony violation of section 2907.22, 2907.24, 2907.241, or 4352  
2907.25 of the Revised Code and to a specification of the type 4353  
described in section 2941.1421 of the Revised Code and if the 4354  
court imposes a prison term on the offender for the felony 4355  
violation, the court may impose upon the offender an additional 4356  
prison term as follows: 4357

(i) Subject to division (H) (2) (a) (ii) of this section, an 4358  
additional prison term of one, two, three, four, five, or six 4359  
months; 4360

(ii) If the offender previously has been convicted of or 4361  
pleaded guilty to one or more felony or misdemeanor violations 4362  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4363  
the Revised Code and also was convicted of or pleaded guilty to 4364  
a specification of the type described in section 2941.1421 of 4365  
the Revised Code regarding one or more of those violations, an 4366  
additional prison term of one, two, three, four, five, six, 4367  
seven, eight, nine, ten, eleven, or twelve months. 4368

(b) In lieu of imposing an additional prison term under 4369  
division (H) (2) (a) of this section, the court may directly 4370  
impose on the offender a sanction that requires the offender to 4371  
wear a real-time processing, continual tracking electronic 4372  
monitoring device during the period of time specified by the 4373  
court. The period of time specified by the court shall equal the 4374  
duration of an additional prison term that the court could have 4375  
imposed upon the offender under division (H) (2) (a) of this 4376  
section. A sanction imposed under this division shall commence 4377  
on the date specified by the court, provided that the sanction 4378  
shall not commence until after the offender has served the 4379

prison term imposed for the felony violation of section 2907.22, 4380  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4381  
residential sanction imposed for the violation under section 4382  
2929.16 of the Revised Code. A sanction imposed under this 4383  
division shall be considered to be a community control sanction 4384  
for purposes of section 2929.15 of the Revised Code, and all 4385  
provisions of the Revised Code that pertain to community control 4386  
sanctions shall apply to a sanction imposed under this division, 4387  
except to the extent that they would by their nature be clearly 4388  
inapplicable. The offender shall pay all costs associated with a 4389  
sanction imposed under this division, including the cost of the 4390  
use of the monitoring device. 4391

(I) At the time of sentencing, the court may recommend the 4392  
offender for placement in a program of shock incarceration under 4393  
section 5120.031 of the Revised Code or for placement in an 4394  
intensive program prison under section 5120.032 of the Revised 4395  
Code, disapprove placement of the offender in a program of shock 4396  
incarceration or an intensive program prison of that nature, or 4397  
make no recommendation on placement of the offender. In no case 4398  
shall the department of rehabilitation and correction place the 4399  
offender in a program or prison of that nature unless the 4400  
department determines as specified in section 5120.031 or 4401  
5120.032 of the Revised Code, whichever is applicable, that the 4402  
offender is eligible for the placement. 4403

If the court disapproves placement of the offender in a 4404  
program or prison of that nature, the department of 4405  
rehabilitation and correction shall not place the offender in 4406  
any program of shock incarceration or intensive program prison. 4407

If the court recommends placement of the offender in a 4408  
program of shock incarceration or in an intensive program 4409

prison, and if the offender is subsequently placed in the 4410  
recommended program or prison, the department shall notify the 4411  
court of the placement and shall include with the notice a brief 4412  
description of the placement. 4413

If the court recommends placement of the offender in a 4414  
program of shock incarceration or in an intensive program prison 4415  
and the department does not subsequently place the offender in 4416  
the recommended program or prison, the department shall send a 4417  
notice to the court indicating why the offender was not placed 4418  
in the recommended program or prison. 4419

If the court does not make a recommendation under this 4420  
division with respect to an offender and if the department 4421  
determines as specified in section 5120.031 or 5120.032 of the 4422  
Revised Code, whichever is applicable, that the offender is 4423  
eligible for placement in a program or prison of that nature, 4424  
the department shall screen the offender and determine if there 4425  
is an available program of shock incarceration or an intensive 4426  
program prison for which the offender is suited. If there is an 4427  
available program of shock incarceration or an intensive program 4428  
prison for which the offender is suited, the department shall 4429  
notify the court of the proposed placement of the offender as 4430  
specified in section 5120.031 or 5120.032 of the Revised Code 4431  
and shall include with the notice a brief description of the 4432  
placement. The court shall have ten days from receipt of the 4433  
notice to disapprove the placement. 4434

(J) If a person is convicted of or pleads guilty to 4435  
aggravated vehicular homicide in violation of division (A) (1) of 4436  
section 2903.06 of the Revised Code and division (B) (2) (c) of 4437  
that section applies, the person shall be sentenced pursuant to 4438  
section 2929.142 of the Revised Code. 4439

(K) (1) The court shall impose an additional mandatory 4440  
prison term of two, three, four, five, six, seven, eight, nine, 4441  
ten, or eleven years on an offender who is convicted of or 4442  
pleads guilty to a violent felony offense if the offender also 4443  
is convicted of or pleads guilty to a specification of the type 4444  
described in section 2941.1424 of the Revised Code that charges 4445  
that the offender is a violent career criminal and had a firearm 4446  
on or about the offender's person or under the offender's 4447  
control while committing the presently charged violent felony 4448  
offense and displayed or brandished the firearm, indicated that 4449  
the offender possessed a firearm, or used the firearm to 4450  
facilitate the offense. The offender shall serve the prison term 4451  
imposed under this division consecutively to and prior to the 4452  
prison term imposed for the underlying offense. The prison term 4453  
shall not be reduced pursuant to section 2929.20, division (A) 4454  
(2) or (3) of section 2967.193 or 2967.194, or any other 4455  
provision of Chapter 2967. or 5120. of the Revised Code. A court 4456  
may not impose more than one sentence under division (B) (2) (a) 4457  
of this section and this division for acts committed as part of 4458  
the same act or transaction. 4459

(2) As used in division (K) (1) of this section, "violent 4460  
career criminal" and "violent felony offense" have the same 4461  
meanings as in section 2923.132 of the Revised Code. 4462

(L) If an offender receives or received a sentence of life 4463  
imprisonment without parole, a sentence of life imprisonment, a 4464  
definite sentence, or a sentence to an indefinite prison term 4465  
under this chapter for a felony offense that was committed when 4466  
the offender was under eighteen years of age, the offender's 4467  
parole eligibility shall be determined under section 2967.132 of 4468  
the Revised Code. 4469

**Sec. 2941.1422.** (A) Imposition of a mandatory prison term 4470  
under division (B) (7) of section 2929.14 of the Revised Code is 4471  
precluded unless the offender is convicted of or pleads guilty 4472  
to a felony violation of section 2905.01, 2905.02, 2905.321, 4473  
2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 4474  
2907.323, or division (B) (1), (2), (3), (4), or (5) of section 4475  
2919.22 of the Revised Code and unless the indictment, count in 4476  
the indictment, or information charging the offense specifies 4477  
that the offender knowingly committed the offense in furtherance 4478  
of human trafficking. The specification shall be stated at the 4479  
end of the body of the indictment, count, or information and 4480  
shall be stated in substantially the following form: 4481

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4482  
Grand Jurors (or insert the person's or the prosecuting 4483  
attorney's name when appropriate) further find and specify that 4484  
(set forth that the defendant knowingly committed the offense in 4485  
furtherance of human trafficking)." 4486

(B) As used in this section, "human trafficking" has the 4487  
same meaning as in section 2929.01 of the Revised Code. 4488

**Sec. 2941.1427.** (A) Imposition of a mandatory prison term 4489  
under division (B) (11) (b) of section 2929.14 of the Revised Code 4490  
is precluded unless the offender is convicted of or pleads 4491  
guilty to a violation of section 2903.04 of the Revised Code and 4492  
unless the indictment, count in the indictment, or information 4493  
charging the offense specifies that: 4494

(1) Fentanyl or a fentanyl-related compound, as defined in 4495  
section 2925.01 of the Revised Code, was present in the body of 4496  
the decedent victim in an amount or concentration that is 4497  
considered to be lethal by generally accepted scientific 4498  
standards; 4499



(2) The results of an autopsy performed on the decedent 4500  
victim are consistent with an opioid overdose as the cause of 4501  
death. 4502

(B) The specification shall be stated at the end of the 4503  
body of the indictment, count, or information and shall be 4504  
stated in substantially the following form: 4505

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4506  
Grand Jurors (or insert the person's or prosecuting attorney's 4507  
name when appropriate) further find and specify that (set forth 4508  
that the victim's death was consistent with opioid overdose and 4509  
fentanyl or a fentanyl-related compound was present in the 4510  
victim's body in lethal amounts)." 4511

**Sec. 3313.60.** Notwithstanding division (D) of section 4512  
3311.52 of the Revised Code, divisions (A) to (E) of this 4513  
section do not apply to any cooperative education school 4514  
district established pursuant to divisions (A) to (C) of section 4515  
3311.52 of the Revised Code. 4516

(A) The board of education of each city, exempted village, 4517  
and local school district and the board of each cooperative 4518  
education school district established, pursuant to section 4519  
3311.521 of the Revised Code, shall prescribe a curriculum for 4520  
all schools under its control. Except as provided in division 4521  
(E) of this section, in any such curriculum there shall be 4522  
included the study of the following subjects: 4523

(1) The language arts, including reading, writing, 4524  
spelling, oral and written English, and literature; 4525

(2) Geography, the history of the United States and of 4526  
Ohio, and national, state, and local government in the United 4527  
States, including a balanced presentation of the relevant 4528

contributions to society of men and women of African, Mexican,	4529
Puerto Rican, and American Indian descent as well as other	4530
ethnic and racial groups in Ohio and the United States;	4531
(3) Mathematics;	4532
(4) Natural science, including instruction in the	4533
conservation of natural resources;	4534
(5) Health education, which shall include instruction in:	4535
(a) The nutritive value of foods, including natural and	4536
organically produced foods, the relation of nutrition to health,	4537
and the use and effects of food additives;	4538
(b) <u>The Fentanyl abuse prevention in accordance with</u>	4539
<u>section 3313.6030 of the Revised Code, and the harmful effects</u>	4540
of and legal restrictions against the use of drugs of abuse,	4541
alcoholic beverages, and tobacco, including electronic smoking	4542
devices;	4543
(c) Venereal disease education, except that upon written	4544
request of the student's parent or guardian, a student shall be	4545
excused from taking instruction in venereal disease education;	4546
(d) In grades kindergarten through six, annual	4547
developmentally appropriate instruction in child sexual abuse	4548
prevention, including information on available counseling and	4549
resources for children who are sexually abused. Such instruction	4550
and information provided shall not be connected in any way to	4551
any individual, entity, or organization that provides, promotes,	4552
counsels, or makes referrals for abortion or abortion-related	4553
services. Upon written request of the student's parent or	4554
guardian, a student shall be excused from taking instruction in	4555
child sexual abuse prevention.	4556

(e) In grades kindergarten through six, instruction in 4557  
personal safety and assault prevention, except that upon written 4558  
request of the student's parent or guardian, a student shall be 4559  
excused from taking instruction in personal safety and assault 4560  
prevention; 4561

(f) In grades seven through twelve, developmentally 4562  
appropriate instruction in dating violence prevention education 4563  
and sexual violence prevention education, which shall include 4564  
instruction in recognizing dating violence warning signs and 4565  
characteristics of healthy relationships, except that upon 4566  
written request of the student's parent or guardian a student 4567  
shall be excused from taking instruction in sexual violence 4568  
prevention. 4569

In order to assist school districts in developing a dating 4570  
violence prevention education and sexual violence prevention 4571  
education curriculum, the department of education and workforce 4572  
shall provide on its web site links to free curricula addressing 4573  
dating violence prevention and sexual violence prevention 4574  
education. Such instruction and information shall not be 4575  
connected in any way to any individual, entity, or organization 4576  
that provides, promotes, counsels, or makes referrals for 4577  
abortion or abortion-related services. 4578

Each school district shall notify the parents and legal 4579  
guardians of students who receive instruction related to child 4580  
sexual abuse prevention and sexual violence prevention, as 4581  
described under divisions (A) (5) (d) and (f) of this section, of 4582  
all of the following: 4583

(i) That instruction in child sexual abuse prevention and 4584  
sexual violence prevention is a required part of the district's 4585  
curriculum; 4586

(ii) That upon request, parents and legal guardians may 4587  
examine such instructional materials in accordance with this 4588  
section; 4589

(iii) That upon written request of the student's parent or 4590  
guardian, a student shall be excused from taking instruction in 4591  
child sexual abuse prevention and sexual violence prevention. 4592

If the parent or legal guardian of a student less than 4593  
eighteen years of age submits to the principal of the student's 4594  
school a written request to examine the dating violence 4595  
prevention and sexual violence prevention instruction materials 4596  
used at that school, the principal, within forty-eight hours 4597  
after the request is made, shall allow the parent or guardian to 4598  
examine those materials at that school. 4599

(g) Prescription opioid abuse prevention, with an emphasis 4600  
on the prescription drug epidemic and the connection between 4601  
prescription opioid abuse and addiction to other drugs, such as 4602  
heroin; 4603

(h) The process of making an anatomical gift under Chapter 4604  
2108. of the Revised Code, with an emphasis on the life-saving 4605  
and life-enhancing effects of organ and tissue donation; 4606

(i) Beginning with the first day of the next school year 4607  
that begins at least two years after March 24, 2021, in grades 4608  
six through twelve, at least one hour or one standard class 4609  
period per school year of evidence-based suicide awareness and 4610  
prevention and at least one hour or one standard class period 4611  
per school year of safety training and violence prevention, 4612  
except that upon written request of the student's parent or 4613  
guardian, a student shall be excused from taking instruction in 4614  
suicide awareness and prevention or safety training and violence 4615

prevention; 4616

(j) Beginning with the first day of the next school year 4617  
that begins at least two years after March 24, 2021, in grades 4618  
six through twelve, at least one hour or one standard class 4619  
period per school year of evidence-based social inclusion 4620  
instruction, except that upon written request of the student's 4621  
parent or guardian, a student shall be excused from taking 4622  
instruction in social inclusion. 4623

For the instruction required under divisions (A) (5) (i) and 4624  
(j) of this section, the board shall use a training program 4625  
approved by the department of education and workforce under 4626  
section 3301.221 of the Revised Code. 4627

Schools may use student assemblies, digital learning, and 4628  
homework to satisfy the instruction requirements under divisions 4629  
(A) (5) (i) and (j) of this section. 4630

(6) Physical education; 4631

(7) The fine arts, including music; 4632

(8) First aid, including a training program in 4633  
cardiopulmonary resuscitation, which shall comply with section 4634  
3313.6021 of the Revised Code when offered in any of grades nine 4635  
through twelve, safety, and fire prevention. However, upon 4636  
written request of the student's parent or guardian, a student 4637  
shall be excused from taking instruction in cardiopulmonary 4638  
resuscitation. 4639

(B) Except as provided in division (E) of this section, 4640  
every school or school district shall include in the 4641  
requirements for promotion from the eighth grade to the ninth 4642  
grade one year's course of study of American history. A board 4643  
may waive this requirement for academically accelerated students 4644

who, in accordance with procedures adopted by the board, are 4645  
able to demonstrate mastery of essential concepts and skills of 4646  
the eighth grade American history course of study. 4647

(C) As specified in divisions (B) (6) and (C) (6) of section 4648  
3313.603 of the Revised Code, except as provided in division (E) 4649  
of this section, every high school shall include in the 4650  
requirements for graduation from any curriculum one-half unit 4651  
each of American history and government. 4652

(D) Except as provided in division (E) of this section, 4653  
basic instruction or demonstrated mastery in geography, United 4654  
States history, the government of the United States, the 4655  
government of the state of Ohio, local government in Ohio, the 4656  
Declaration of Independence, the United States Constitution, and 4657  
the Constitution of the state of Ohio shall be required before 4658  
pupils may participate in courses involving the study of social 4659  
problems, economics, foreign affairs, United Nations, world 4660  
government, socialism, and communism. 4661

(E) For each cooperative education school district 4662  
established pursuant to section 3311.521 of the Revised Code and 4663  
each city, exempted village, and local school district that has 4664  
territory within such a cooperative district, the curriculum 4665  
adopted pursuant to divisions (A) to (D) of this section shall 4666  
only include the study of the subjects that apply to the grades 4667  
operated by each such school district. The curricula for such 4668  
schools, when combined, shall provide to each student of these 4669  
districts all of the subjects required under divisions (A) to 4670  
(D) of this section. 4671

(F) The board of education of any cooperative education 4672  
school district established pursuant to divisions (A) to (C) of 4673  
section 3311.52 of the Revised Code shall prescribe a curriculum 4674

for the subject areas and grade levels offered in any school 4675  
under its control. 4676

(G) Upon the request of any parent or legal guardian of a 4677  
student, the board of education of any school district shall 4678  
permit the parent or guardian to promptly examine, with respect 4679  
to the parent's or guardian's own child: 4680

(1) Any survey or questionnaire, prior to its 4681  
administration to the child; 4682

(2) Any textbook, workbook, software, video, or other 4683  
instructional materials being used by the district in connection 4684  
with the instruction of the child; 4685

(3) Any completed and graded test taken or survey or 4686  
questionnaire filled out by the child; 4687

(4) Copies of the statewide academic standards and each 4688  
model curriculum developed pursuant to section 3301.079 of the 4689  
Revised Code, which copies shall be available at all times 4690  
during school hours in each district school building. 4691

Sec. 3313.6030. (A) Beginning with the 2024-2025 school 4692  
year and each school year thereafter, the board of education of 4693  
each city, local, exempted village, and joint vocational school 4694  
district shall provide age-appropriate, research-based 4695  
instruction regarding the dangers of fentanyl to students in 4696  
grades kindergarten to twelve. 4697

(B) The course material and instruction in fentanyl abuse 4698  
prevention and drug poisoning awareness required under division 4699  
(A) of this section shall include some or all of the following: 4700

(1) Information on fentanyl, including an explanation of 4701  
the differences between synthetic and nonsynthetic opioids and 4702

<u>illicit drugs, the variations of fentanyl, and the differences</u>	4703
<u>between the legal and illegal uses of fentanyl;</u>	4704
<u>(2) The side effects and risk factors of using fentanyl,</u>	4705
<u>along with information comparing the lethal amounts of fentanyl</u>	4706
<u>to other drugs. Information on risk factors may include:</u>	4707
<u>(a) The lethal dose of fentanyl;</u>	4708
<u>(b) How often fentanyl is placed in drugs without a</u>	4709
<u>person's knowledge;</u>	4710
<u>(c) An explanation of what fentanyl does to a person's</u>	4711
<u>body and the severity of fentanyl's addictive properties;</u>	4712
<u>(d) How the consumption of fentanyl can lead to hypoxia,</u>	4713
<u>as well as an explanation of what hypoxia precisely does to a</u>	4714
<u>person's body.</u>	4715
<u>(3) The process of lacing fentanyl in other drugs and why</u>	4716
<u>drugs get laced with fentanyl;</u>	4717
<u>(4) Detection of fentanyl in drugs and how to save someone</u>	4718
<u>from an overdose of fentanyl, which shall include instruction on</u>	4719
<u>how to do all of the following:</u>	4720
<u>(a) Buy and use fentanyl test strips;</u>	4721
<u>(b) Buy and use naloxone, either through a nasal spray or</u>	4722
<u>injections;</u>	4723
<u>(c) Recognize when a person is overdosing on fentanyl.</u>	4724
<u>(5) Awareness of school and community resources and any</u>	4725
<u>processes involved in accessing those resources;</u>	4726
<u>(6) Information about substance use and abuse, including</u>	4727
<u>youth substance abuse;</u>	4728



(7) Guest presentations from community service and religious organizations. 4729  
4730

(C) The instruction required under this section shall be taught by a licensed educator, school nurse, school counselor, or public safety officer. 4731  
4732  
4733

Sec. 3313.6031. Each board of education of each city, local, exempted village, and joint vocational school district shall designate a week during the school year to be known as "fentanyl poisoning awareness week" to educate students about the dangers posed by the drug fentanyl and the risk of fentanyl poisoning, including overdose. 4734  
4735  
4736  
4737  
4738  
4739

**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the director of education and workforce. The department of education and workforce shall make available on its web site a copy of every approved, executed contract filed with the director under this section. 4740  
4741  
4742  
4743  
4744

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 4745  
4746  
4747

(1) That the school shall be established as either of the following: 4748  
4749

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 4750  
4751  
4752

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 4753  
4754

(2) The education program of the school, including the school's mission, the characteristics of the students the school 4755  
4756

is expected to attract, the ages and grades of students, and the 4757  
focus of the curriculum; 4758

(3) The academic goals to be achieved and the method of 4759  
measurement that will be used to determine progress toward those 4760  
goals, which shall include the statewide achievement 4761  
assessments; 4762

(4) Performance standards, including but not limited to 4763  
all applicable report card measures set forth in section 3302.03 4764  
or 3314.017 of the Revised Code, by which the success of the 4765  
school will be evaluated by the sponsor; 4766

(5) The admission standards of section 3314.06 of the 4767  
Revised Code and, if applicable, section 3314.061 of the Revised 4768  
Code; 4769

(6) (a) Dismissal procedures; 4770

(b) A requirement that the governing authority adopt an 4771  
attendance policy that includes a procedure for automatically 4772  
withdrawing a student from the school if the student without a 4773  
legitimate excuse fails to participate in seventy-two 4774  
consecutive hours of the learning opportunities offered to the 4775  
student. 4776

(7) The ways by which the school will achieve racial and 4777  
ethnic balance reflective of the community it serves; 4778

(8) Requirements for financial audits by the auditor of 4779  
state. The contract shall require financial records of the 4780  
school to be maintained in the same manner as are financial 4781  
records of school districts, pursuant to rules of the auditor of 4782  
state. Audits shall be conducted in accordance with section 4783  
117.10 of the Revised Code. 4784

(9) An addendum to the contract outlining the facilities	4785
to be used that contains at least the following information:	4786
(a) A detailed description of each facility used for	4787
instructional purposes;	4788
(b) The annual costs associated with leasing each facility	4789
that are paid by or on behalf of the school;	4790
(c) The annual mortgage principal and interest payments	4791
that are paid by the school;	4792
(d) The name of the lender or landlord, identified as	4793
such, and the lender's or landlord's relationship to the	4794
operator, if any.	4795
(10) Qualifications of employees, including both of the	4796
following:	4797
(a) A requirement that the school's classroom teachers be	4798
licensed in accordance with sections 3319.22 to 3319.31 of the	4799
Revised Code, except that a community school may engage	4800
noncertificated persons to teach up to twelve hours or forty	4801
hours per week pursuant to section 3319.301 of the Revised Code;	4802
(b) A prohibition against the school employing an	4803
individual described in section 3314.104 of the Revised Code in	4804
any position.	4805
(11) That the school will comply with the following	4806
requirements:	4807
(a) The school will provide learning opportunities to a	4808
minimum of twenty-five students for a minimum of nine hundred	4809
twenty hours per school year.	4810
(b) The governing authority will purchase liability	4811

insurance, or otherwise provide for the potential liability of 4812  
the school. 4813

(c) The school will be nonsectarian in its programs, 4814  
admission policies, employment practices, and all other 4815  
operations, and will not be operated by a sectarian school or 4816  
religious institution. 4817

(d) The school will comply with sections 9.90, 9.91, 4818  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 4819  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 4820  
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 4821  
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 4822  
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 4823  
3313.6029, 3313.6030, 3313.6031, 3313.643, 3313.648, 3313.6411, 4824  
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 4825  
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 4826  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 4827  
3313.7112, 3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 4828  
3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 4829  
3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 4830  
3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 4831  
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 4832  
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 4833  
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 4834  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4835  
4123., 4141., and 4167. of the Revised Code as if it were a 4836  
school district and will comply with section 3301.0714 of the 4837  
Revised Code in the manner specified in section 3314.17 of the 4838  
Revised Code. 4839

(e) The school shall comply with Chapter 102. and section 4840  
2921.42 of the Revised Code. 4841

(f) The school will comply with sections 3313.61, 4842  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 4843  
Revised Code, except that for students who enter ninth grade for 4844  
the first time before July 1, 2010, the requirement in sections 4845  
3313.61 and 3313.611 of the Revised Code that a person must 4846  
successfully complete the curriculum in any high school prior to 4847  
receiving a high school diploma may be met by completing the 4848  
curriculum adopted by the governing authority of the community 4849  
school rather than the curriculum specified in Title XXXVIII of 4850  
the Revised Code or any rules of the department. Beginning with 4851  
students who enter ninth grade for the first time on or after 4852  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 4853  
of the Revised Code that a person must successfully complete the 4854  
curriculum of a high school prior to receiving a high school 4855  
diploma shall be met by completing the requirements prescribed 4856  
in section 3313.6027 and division (C) of section 3313.603 of the 4857  
Revised Code, unless the person qualifies under division (D) or 4858  
(F) of that section. Each school shall comply with the plan for 4859  
awarding high school credit based on demonstration of subject 4860  
area competency, and beginning with the 2017-2018 school year, 4861  
with the updated plan that permits students enrolled in seventh 4862  
and eighth grade to meet curriculum requirements based on 4863  
subject area competency adopted by the department under 4864  
divisions (J) (1) and (2) of section 3313.603 of the Revised 4865  
Code. Beginning with the 2018-2019 school year, the school shall 4866  
comply with the framework for granting units of high school 4867  
credit to students who demonstrate subject area competency 4868  
through work-based learning experiences, internships, or 4869  
cooperative education developed by the department under division 4870  
(J) (3) of section 3313.603 of the Revised Code. 4871

(g) The school governing authority will submit within four 4872

months after the end of each school year a report of its 4873  
activities and progress in meeting the goals and standards of 4874  
divisions (A) (3) and (4) of this section and its financial 4875  
status to the sponsor and the parents of all students enrolled 4876  
in the school. 4877

(h) The school, unless it is an internet- or computer- 4878  
based community school, will comply with section 3313.801 of the 4879  
Revised Code as if it were a school district. 4880

(i) If the school is the recipient of moneys from a grant 4881  
awarded under the federal race to the top program, Division (A), 4882  
Title XIV, Sections 14005 and 14006 of the "American Recovery 4883  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 4884  
the school will pay teachers based upon performance in 4885  
accordance with section 3317.141 and will comply with section 4886  
3319.111 of the Revised Code as if it were a school district. 4887

(j) If the school operates a preschool program that is 4888  
licensed by the department under sections 3301.52 to 3301.59 of 4889  
the Revised Code, the school shall comply with sections 3301.50 4890  
to 3301.59 of the Revised Code and the minimum standards for 4891  
preschool programs prescribed in rules adopted by the department 4892  
under section 3301.53 of the Revised Code. 4893

(k) The school will comply with sections 3313.6021 and 4894  
3313.6023 of the Revised Code as if it were a school district 4895  
unless it is either of the following: 4896

(i) An internet- or computer-based community school; 4897

(ii) A community school in which a majority of the 4898  
enrolled students are children with disabilities as described in 4899  
division (A) (4) (b) of section 3314.35 of the Revised Code. 4900

(l) The school will comply with section 3321.191 of the 4901

Revised Code, unless it is an internet- or computer-based 4902  
community school that is subject to section 3314.261 of the 4903  
Revised Code. 4904

(12) Arrangements for providing health and other benefits 4905  
to employees; 4906

(13) The length of the contract, which shall begin at the 4907  
beginning of an academic year. No contract shall exceed five 4908  
years unless such contract has been renewed pursuant to division 4909  
(E) of this section. 4910

(14) The governing authority of the school, which shall be 4911  
responsible for carrying out the provisions of the contract; 4912

(15) A financial plan detailing an estimated school budget 4913  
for each year of the period of the contract and specifying the 4914  
total estimated per pupil expenditure amount for each such year. 4915

(16) Requirements and procedures regarding the disposition 4916  
of employees of the school in the event the contract is 4917  
terminated or not renewed pursuant to section 3314.07 of the 4918  
Revised Code; 4919

(17) Whether the school is to be created by converting all 4920  
or part of an existing public school or educational service 4921  
center building or is to be a new start-up school, and if it is 4922  
a converted public school or service center building, 4923  
specification of any duties or responsibilities of an employer 4924  
that the board of education or service center governing board 4925  
that operated the school or building before conversion is 4926  
delegating to the governing authority of the community school 4927  
with respect to all or any specified group of employees provided 4928  
the delegation is not prohibited by a collective bargaining 4929  
agreement applicable to such employees; 4930

(18) Provisions establishing procedures for resolving 4931  
disputes or differences of opinion between the sponsor and the 4932  
governing authority of the community school; 4933

(19) A provision requiring the governing authority to 4934  
adopt a policy regarding the admission of students who reside 4935  
outside the district in which the school is located. That policy 4936  
shall comply with the admissions procedures specified in 4937  
sections 3314.06 and 3314.061 of the Revised Code and, at the 4938  
sole discretion of the authority, shall do one of the following: 4939

(a) Prohibit the enrollment of students who reside outside 4940  
the district in which the school is located; 4941

(b) Permit the enrollment of students who reside in 4942  
districts adjacent to the district in which the school is 4943  
located; 4944

(c) Permit the enrollment of students who reside in any 4945  
other district in the state. 4946

(20) A provision recognizing the authority of the 4947  
department to take over the sponsorship of the school in 4948  
accordance with the provisions of division (C) of section 4949  
3314.015 of the Revised Code; 4950

(21) A provision recognizing the sponsor's authority to 4951  
assume the operation of a school under the conditions specified 4952  
in division (B) of section 3314.073 of the Revised Code; 4953

(22) A provision recognizing both of the following: 4954

(a) The authority of public health and safety officials to 4955  
inspect the facilities of the school and to order the facilities 4956  
closed if those officials find that the facilities are not in 4957  
compliance with health and safety laws and regulations; 4958



(b) The authority of the department as the community 4959  
school oversight body to suspend the operation of the school 4960  
under section 3314.072 of the Revised Code if the department has 4961  
evidence of conditions or violations of law at the school that 4962  
pose an imminent danger to the health and safety of the school's 4963  
students and employees and the sponsor refuses to take such 4964  
action. 4965

(23) A description of the learning opportunities that will 4966  
be offered to students including both classroom-based and non- 4967  
classroom-based learning opportunities that is in compliance 4968  
with criteria for student participation established by the 4969  
department under division (H) (2) of section 3314.08 of the 4970  
Revised Code; 4971

(24) The school will comply with sections 3302.04 and 4972  
3302.041 of the Revised Code, except that any action required to 4973  
be taken by a school district pursuant to those sections shall 4974  
be taken by the sponsor of the school. 4975

(25) Beginning in the 2006-2007 school year, the school 4976  
will open for operation not later than the thirtieth day of 4977  
September each school year, unless the mission of the school as 4978  
specified under division (A) (2) of this section is solely to 4979  
serve dropouts. In its initial year of operation, if the school 4980  
fails to open by the thirtieth day of September, or within one 4981  
year after the adoption of the contract pursuant to division (D) 4982  
of section 3314.02 of the Revised Code if the mission of the 4983  
school is solely to serve dropouts, the contract shall be void. 4984

(26) Whether the school's governing authority is planning 4985  
to seek designation for the school as a STEM school equivalent 4986  
under section 3326.032 of the Revised Code; 4987

(27) That the school's attendance and participation policies will be available for public inspection;	4988 4989
(28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	4990 4991 4992 4993 4994 4995 4996
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	4997 4998 4999
(a) An indication of what blended learning model or models will be used;	5000 5001
(b) A description of how student instructional needs will be determined and documented;	5002 5003
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	5004 5005
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	5006 5007 5008
(e) A statement describing how student progress will be monitored;	5009 5010
(f) A statement describing how private student data will be protected;	5011 5012
(g) A description of the professional development activities that will be offered to teachers.	5013 5014

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy	5043
of the school;	5044
(5) Internal financial controls.	5045
When submitting the plan under this division, the school	5046
shall also submit copies of all policies and procedures	5047
regarding internal financial controls adopted by the governing	5048
authority of the school.	5049
(C) A contract entered into under section 3314.02 of the	5050
Revised Code between a sponsor and the governing authority of a	5051
community school may provide for the community school governing	5052
authority to make payments to the sponsor, which is hereby	5053
authorized to receive such payments as set forth in the contract	5054
between the governing authority and the sponsor. The total	5055
amount of such payments for monitoring, oversight, and technical	5056
assistance of the school shall not exceed three per cent of the	5057
total amount of payments for operating expenses that the school	5058
receives from the state.	5059
(D) The contract shall specify the duties of the sponsor	5060
which shall be in accordance with the written agreement entered	5061
into with the department under division (B) of section 3314.015	5062
of the Revised Code and shall include the following:	5063
(1) Monitor the community school's compliance with all	5064
laws applicable to the school and with the terms of the	5065
contract;	5066
(2) Monitor and evaluate the academic and fiscal	5067
performance and the organization and operation of the community	5068
school on at least an annual basis;	5069
(3) Report on an annual basis the results of the	5070
evaluation conducted under division (D) (2) of this section to	5071

the department and to the parents of students enrolled in the 5072  
community school; 5073

(4) Provide technical assistance to the community school 5074  
in complying with laws applicable to the school and terms of the 5075  
contract; 5076

(5) Take steps to intervene in the school's operation to 5077  
correct problems in the school's overall performance, declare 5078  
the school to be on probationary status pursuant to section 5079  
3314.073 of the Revised Code, suspend the operation of the 5080  
school pursuant to section 3314.072 of the Revised Code, or 5081  
terminate the contract of the school pursuant to section 3314.07 5082  
of the Revised Code as determined necessary by the sponsor; 5083

(6) Have in place a plan of action to be undertaken in the 5084  
event the community school experiences financial difficulties or 5085  
closes prior to the end of a school year. 5086

(E) Upon the expiration of a contract entered into under 5087  
this section, the sponsor of a community school may, with the 5088  
approval of the governing authority of the school, renew that 5089  
contract for a period of time determined by the sponsor, but not 5090  
ending earlier than the end of any school year, if the sponsor 5091  
finds that the school's compliance with applicable laws and 5092  
terms of the contract and the school's progress in meeting the 5093  
academic goals prescribed in the contract have been 5094  
satisfactory. Any contract that is renewed under this division 5095  
remains subject to the provisions of sections 3314.07, 3314.072, 5096  
and 3314.073 of the Revised Code. 5097

(F) If a community school fails to open for operation 5098  
within one year after the contract entered into under this 5099  
section is adopted pursuant to division (D) of section 3314.02 5100

of the Revised Code or permanently closes prior to the 5101  
expiration of the contract, the contract shall be void and the 5102  
school shall not enter into a contract with any other sponsor. A 5103  
school shall not be considered permanently closed because the 5104  
operations of the school have been suspended pursuant to section 5105  
3314.072 of the Revised Code. 5106

**Sec. 3326.11.** Each science, technology, engineering, and 5107  
mathematics school established under this chapter and its 5108  
governing body shall comply with sections 9.90, 9.91, 109.65, 5109  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 5110  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 5111  
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 5112  
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 5113  
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 5114  
3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 5115  
3313.6028, 3313.6029, 3313.6030, 3313.6031, 3313.61, 3313.611, 5116  
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 5117  
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 5118  
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 5119  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 5120  
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 5121  
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 5122  
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 5123  
3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 5124  
3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 5125  
3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 5126  
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 5127  
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5128  
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 5129  
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 5130  
4167. of the Revised Code as if it were a school district. 5131

**Sec. 3328.24.** A college-preparatory boarding school 5132  
established under this chapter and its board of trustees shall 5133  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 5134  
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 5135  
3313.6013, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 5136  
3313.6029, 3313.6030, 3313.6031, 3313.617, 3313.618, 3313.6114, 5137  
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.7112, 5138  
3313.7117, 3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 5139  
3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 5140  
3320.01, 3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 5141  
3365. of the Revised Code as if the school were a school 5142  
district and the school's board of trustees were a district 5143  
board of education. 5144

**Sec. 3345.371.** (A) Each state institution of higher 5145  
education, as defined in section 3345.011 of the Revised Code, 5146  
shall develop and implement an age-appropriate and research- 5147  
based education program to advise students regarding the dangers 5148  
of fentanyl. 5149

(B) The education program on fentanyl abuse prevention and 5150  
drug poisoning awareness required under division (A) of this 5151  
section shall include all of the following: 5152

(1) Information on fentanyl, including an explanation of 5153  
the differences between synthetic and nonsynthetic opioids and 5154  
illicit drugs, the variations of fentanyl, and the differences 5155  
between the legal and illegal uses of fentanyl; 5156

(2) The side effects and risk factors of using fentanyl, 5157  
along with information comparing the lethal amounts of fentanyl 5158  
to other drugs. Information on risk factors may include: 5159

(a) The lethal dose of fentanyl; 5160

<u>(b) How often fentanyl is placed in drugs without a person's knowledge;</u>	5161
	5162
<u>(c) An explanation of what fentanyl does to a person's body and the severity of fentanyl's addictive properties;</u>	5163
	5164
<u>(d) How the consumption of fentanyl can lead to hypoxia, as well as an explanation of what hypoxia precisely does to a person's body.</u>	5165
	5166
	5167
<u>(3) The process of lacing fentanyl in other drugs and why drugs get laced with fentanyl;</u>	5168
	5169
<u>(4) Detection of fentanyl in drugs and how to save someone from an overdose of fentanyl, which shall include instruction on how to do all of the following:</u>	5170
	5171
	5172
<u>(a) Buy and use fentanyl test strips;</u>	5173
<u>(b) Buy and use naloxone, either through a nasal spray or injections;</u>	5174
	5175
<u>(c) Recognize when a person is overdosing on fentanyl.</u>	5176
<u>(5) Awareness of university and community resources and any processes involved in accessing those resources;</u>	5177
	5178
<u>(6) Information about substance use and abuse.</u>	5179
<b>Sec. 3701.143.</b> For purposes of sections 1547.11, 4511.19, and 4511.194 of the Revised Code, the director of health shall determine, or cause to be determined, techniques or methods for chemically analyzing a person's whole blood, blood serum or plasma, urine, breath, <u>oral fluid</u> , or other bodily substance in order to ascertain the <u>presence or</u> amount of alcohol, a drug of abuse, controlled substance, metabolite of a controlled substance, or combination of them in the person's whole blood,	5180
	5181
	5182
	5183
	5184
	5185
	5186
	5187



blood serum or plasma, urine, breath, oral fluid, or other 5188  
bodily substance. The director shall approve satisfactory 5189  
techniques or methods, ascertain the qualifications of 5190  
individuals to conduct such analyses, and issue permits to 5191  
qualified persons authorizing them to perform such analyses. 5192  
Such permits shall be subject to termination or revocation at 5193  
the discretion of the director. 5194

As used in this section, "drug of abuse" has the same 5195  
meaning as in section 4506.01 of the Revised Code. 5196

**Sec. 3705.08.** (A) The director of health, by rule, shall 5197  
prescribe the form of records and certificates required by this 5198  
chapter. Records and certificates shall include the items and 5199  
information prescribed by the director, including the items 5200  
recommended by the national center for health statistics of the 5201  
United States department of health and human services, subject 5202  
to approval of and modification by the director. 5203

(B) All birth certificates shall include a statement 5204  
setting forth the names of the child's parents. 5205

(C) All death certificates shall include, in the medical 5206  
certification portion of the certificate, a space to indicate, 5207  
if the deceased individual is female and the manner of death is 5208  
determined to be a suspicious or violent death, whether any of 5209  
the following conditions apply to the individual: 5210

(1) Not pregnant within the past year; 5211

(2) Pregnant at the time of death; 5212

(3) Not pregnant, but had been pregnant within forty-two 5213  
days prior to the time of death; 5214

(4) Not pregnant, but had been pregnant within forty-three 5215

days to one year prior to the time of death; 5216

(5) Unknown whether pregnant within the past year. 5217

~~(D)~~ (1) (D) All death certificates shall include, in the 5218  
medical certification portion of the certificate, a space to 5219  
indicate whether the cause of death was due to fentanyl 5220  
poisoning and shall include the term "fentanyl poisoning" on the 5221  
certificate if both of the following apply: 5222

(1) A toxicology examination reveals fentanyl or a 5223  
fentanyl-related compound, as defined in section 2925.01 of the 5224  
Revised Code, was present in the body of the decedent in an 5225  
amount or concentration that is considered to be lethal by 5226  
generally accepted scientific standards; 5227

(2) The results of an autopsy performed on the decedent 5228  
are consistent with an opioid overdose as the cause of death. 5229

(E) (1) The director shall prescribe electronic methods and 5230  
forms for obtaining registration of births, deaths, and other 5231  
vital statistics in each registration district, and for 5232  
preserving the records of the office of vital statistics, and no 5233  
forms or blanks shall be used other than those prescribed by the 5234  
director. 5235

(2) All birth, fetal death, and death records and 5236  
certificates shall be certified. Except as provided in division 5237  
(G) of section 3705.09, section 3705.12, 3705.121, 3705.122, or 5238  
3705.124, division (D) of section 3705.15, or section 3705.16 of 5239  
the Revised Code, a birth certificate requiring signature may be 5240  
electronically certified by the person in charge of the 5241  
institution or that person's designee. A death certificate may 5242  
be electronically certified by the individual who attests to the 5243  
facts of death. 5244

(3) All vital records shall contain the date received for 5245  
filing. 5246

(4) Information and signatures required in certificates, 5247  
records, or reports authorized by this chapter may be filed and 5248  
registered by photographic, electronic, or other means as 5249  
prescribed by the director. 5250

**Sec. 4506.17.** (A) Both of the following are deemed to have 5251  
given consent to a test or tests of the person's whole blood, 5252  
blood serum or plasma, breath, oral fluid, or urine for the 5253  
purpose of determining the person's alcohol concentration or the 5254  
presence of any controlled substance or a metabolite of a 5255  
controlled substance: 5256

(1) A person while operating a commercial motor vehicle 5257  
that requires a commercial driver's license or commercial 5258  
driver's license temporary instruction permit; 5259

(2) A person who holds a commercial driver's license or 5260  
commercial driver's license temporary instruction permit while 5261  
operating a motor vehicle, including a commercial motor vehicle. 5262

(B) A test or tests as provided in division (A) of this 5263  
section may be administered at the direction of a peace officer 5264  
having reasonable ground to stop or detain the person and, after 5265  
investigating the circumstances surrounding the operation of the 5266  
motor vehicle, also having reasonable ground to believe the 5267  
person was driving the motor vehicle while having a measurable 5268  
or detectable amount of alcohol or of a controlled substance or 5269  
a metabolite of a controlled substance in the person's whole 5270  
blood, blood serum or plasma, breath, oral fluid, or urine. Any 5271  
such test shall be given within two hours of the time of the 5272  
alleged violation. 5273

(C) A person requested by a peace officer to submit to a test under division (A) of this section shall be advised by the peace officer that a refusal to submit to the test will result in the person immediately being placed out-of-service for a period of twenty-four hours and being disqualified from operating a commercial motor vehicle for a period of not less than one year, and that the person is required to surrender the person's commercial driver's license or permit to the peace officer.

(D) If a person refuses to submit to a test after being warned as provided in division (C) of this section or submits to a test that discloses the presence of an amount of alcohol or a controlled substance prohibited by divisions (A)(1) to (6) of section 4506.15 of the Revised Code or a metabolite of a controlled substance, the person immediately shall surrender the person's commercial driver's license or permit to the peace officer. The peace officer shall forward the license or permit, together with a sworn report, to the registrar of motor vehicles certifying that the test was requested pursuant to division (A) of this section and that the person either refused to submit to testing or submitted to a test that disclosed the presence of one of the prohibited concentrations of a substance listed in divisions (A)(1) to (6) of section 4506.15 of the Revised Code or a metabolite of a controlled substance. The form and contents of the report required by this section shall be established by the registrar by rule, but shall contain the advice to be read to the driver and a statement to be signed by the driver acknowledging that the driver has been read the advice and that the form was shown to the driver.

(E) Upon receipt of a sworn report from a peace officer as provided in division (D) of this section, or upon receipt of

notification that a person has been disqualified under a similar 5305  
law of another state or foreign jurisdiction, the registrar 5306  
shall disqualify the person named in the report from driving a 5307  
commercial motor vehicle for the period described below: 5308

(1) Upon a first incident, one year; 5309

(2) Upon an incident of refusal or of a prohibited 5310  
concentration of alcohol, a controlled substance, or a 5311  
metabolite of a controlled substance after one or more previous 5312  
incidents of either refusal or of a prohibited concentration of 5313  
alcohol, a controlled substance, or a metabolite of a controlled 5314  
substance, the person shall be disqualified for life or such 5315  
lesser period as prescribed by rule by the registrar. 5316

(F) A test of a person's whole blood or a person's blood 5317  
serum or plasma given under this section shall comply with the 5318  
applicable provisions of division (D) of section 4511.19 of the 5319  
Revised Code and any physician, registered nurse, emergency 5320  
medical technician-intermediate, emergency medical technician- 5321  
paramedic, or qualified technician, chemist, or phlebotomist who 5322  
withdraws whole blood or blood serum or plasma from a person 5323  
under this section, and any hospital, first-aid station, clinic, 5324  
or other facility at which whole blood or blood serum or plasma 5325  
is withdrawn from a person pursuant to this section, is immune 5326  
from criminal liability, and from civil liability that is based 5327  
upon a claim of assault and battery or based upon any other 5328  
claim of malpractice, for any act performed in withdrawing whole 5329  
blood or blood serum or plasma from the person. The immunity 5330  
provided in this division also extends to an emergency medical 5331  
service organization that employs an emergency medical 5332  
technician-intermediate or emergency medical technician- 5333  
paramedic who withdraws blood under this section. 5334

(G) When a person submits to a test under this section, 5335  
the results of the test, at the person's request, shall be made 5336  
available to the person, the person's attorney, or the person's 5337  
agent, immediately upon completion of the chemical test 5338  
analysis. The person also may have an additional test 5339  
administered by a physician, a registered nurse, or a qualified 5340  
technician, chemist, or phlebotomist of the person's own 5341  
choosing as provided in division (D) of section 4511.19 of the 5342  
Revised Code for tests administered under that section, and the 5343  
failure to obtain such a test has the same effect as in that 5344  
division. 5345

(H) No person shall refuse to immediately surrender the 5346  
person's commercial driver's license or permit to a peace 5347  
officer when required to do so by this section. 5348

(I) A peace officer issuing an out-of-service order or 5349  
receiving a commercial driver's license or permit surrendered 5350  
under this section may remove or arrange for the removal of any 5351  
commercial motor vehicle affected by the issuance of that order 5352  
or the surrender of that license. 5353

(J) (1) Except for civil actions arising out of the 5354  
operation of a motor vehicle and civil actions in which the 5355  
state is a plaintiff, no peace officer of any law enforcement 5356  
agency within this state is liable in compensatory damages in 5357  
any civil action that arises under the Revised Code or common 5358  
law of this state for an injury, death, or loss to person or 5359  
property caused in the performance of official duties under this 5360  
section and rules adopted under this section, unless the 5361  
officer's actions were manifestly outside the scope of the 5362  
officer's employment or official responsibilities, or unless the 5363  
officer acted with malicious purpose, in bad faith, or in a 5364

wanton or reckless manner. 5365

(2) Except for civil actions that arise out of the 5366  
operation of a motor vehicle and civil actions in which the 5367  
state is a plaintiff, no peace officer of any law enforcement 5368  
agency within this state is liable in punitive or exemplary 5369  
damages in any civil action that arises under the Revised Code 5370  
or common law of this state for any injury, death, or loss to 5371  
person or property caused in the performance of official duties 5372  
under this section of the Revised Code and rules adopted under 5373  
this section, unless the officer's actions were manifestly 5374  
outside the scope of the officer's employment or official 5375  
responsibilities, or unless the officer acted with malicious 5376  
purpose, in bad faith, or in a wanton or reckless manner. 5377

(K) When disqualifying a driver, the registrar shall cause 5378  
the records of the bureau of motor vehicles to be updated to 5379  
reflect the disqualification within ten days after it occurs. 5380

(L) The registrar immediately shall notify a driver who is 5381  
subject to disqualification of the disqualification, of the 5382  
length of the disqualification, and that the driver may request 5383  
a hearing within thirty days of the mailing of the notice to 5384  
show cause why the driver should not be disqualified from 5385  
operating a commercial motor vehicle. If a request for such a 5386  
hearing is not made within thirty days of the mailing of the 5387  
notice, the order of disqualification is final. The registrar 5388  
may designate hearing examiners who, after affording all parties 5389  
reasonable notice, shall conduct a hearing to determine whether 5390  
the disqualification order is supported by reliable evidence. 5391  
The registrar shall adopt rules to implement this division. 5392

(M) Any person who is disqualified from operating a 5393  
commercial motor vehicle under this section may apply to the 5394

registrar for a driver's license to operate a motor vehicle 5395  
other than a commercial motor vehicle, provided the person's 5396  
commercial driver's license or permit is not otherwise 5397  
suspended. A person whose commercial driver's license or permit 5398  
is suspended shall not apply to the registrar for or receive a 5399  
driver's license under Chapter 4507. of the Revised Code during 5400  
the period of suspension. 5401

(N) Whoever violates division (H) of this section is 5402  
guilty of a misdemeanor of the first degree. 5403

(O) As used in this section, "emergency medical 5404  
technician-intermediate" and "emergency medical technician- 5405  
paramedic" have the same meanings as in section 4765.01 of the 5406  
Revised Code. 5407

**Sec. 4511.19.** (A) (1) No person shall operate any vehicle, 5408  
streetcar, or trackless trolley within this state, if, at the 5409  
time of the operation, any of the following apply: 5410

(a) The person is under the influence of alcohol, a drug 5411  
of abuse, or a combination of them. 5412

(b) The person has a concentration of eight-hundredths of 5413  
one per cent or more but less than seventeen-hundredths of one 5414  
per cent by weight per unit volume of alcohol in the person's 5415  
whole blood. 5416

(c) The person has a concentration of ninety-six- 5417  
thousandths of one per cent or more but less than two hundred 5418  
four-thousandths of one per cent by weight per unit volume of 5419  
alcohol in the person's blood serum or plasma. 5420

(d) The person has a concentration of eight-hundredths of 5421  
one gram or more but less than seventeen-hundredths of one gram 5422  
by weight of alcohol per two hundred ten liters of the person's 5423



breath. 5424

(e) The person has a concentration of eleven-hundredths of 5425  
one gram or more but less than two hundred thirty-eight- 5426  
thousandths of one gram by weight of alcohol per one hundred 5427  
milliliters of the person's urine. 5428

(f) The person has a concentration of seventeen-hundredths 5429  
of one per cent or more by weight per unit volume of alcohol in 5430  
the person's whole blood. 5431

(g) The person has a concentration of two hundred four- 5432  
thousandths of one per cent or more by weight per unit volume of 5433  
alcohol in the person's blood serum or plasma. 5434

(h) The person has a concentration of seventeen-hundredths 5435  
of one gram or more by weight of alcohol per two hundred ten 5436  
liters of the person's breath. 5437

(i) The person has a concentration of two hundred thirty- 5438  
eight-thousandths of one gram or more by weight of alcohol per 5439  
one hundred milliliters of the person's urine. 5440

(j) Except as provided in division (K) of this section, 5441  
the person has a concentration of any of the following 5442  
controlled substances or metabolites of a controlled substance 5443  
in the person's whole blood, blood serum or plasma, or urine 5444  
that equals or exceeds any of the following: 5445

(i) The person has a concentration of amphetamine in the 5446  
person's urine of at least five hundred nanograms of amphetamine 5447  
per milliliter of the person's urine or has a concentration of 5448  
amphetamine in the person's whole blood or blood serum or plasma 5449  
of at least one hundred nanograms of amphetamine per milliliter 5450  
of the person's whole blood or blood serum or plasma. 5451

(ii) The person has a concentration of cocaine in the 5452  
person's urine of at least one hundred fifty nanograms of 5453  
cocaine per milliliter of the person's urine or has a 5454  
concentration of cocaine in the person's whole blood or blood 5455  
serum or plasma of at least fifty nanograms of cocaine per 5456  
milliliter of the person's whole blood or blood serum or plasma. 5457

(iii) The person has a concentration of cocaine metabolite 5458  
in the person's urine of at least one hundred fifty nanograms of 5459  
cocaine metabolite per milliliter of the person's urine or has a 5460  
concentration of cocaine metabolite in the person's whole blood 5461  
or blood serum or plasma of at least fifty nanograms of cocaine 5462  
metabolite per milliliter of the person's whole blood or blood 5463  
serum or plasma. 5464

(iv) The person has a concentration of heroin in the 5465  
person's urine of at least two thousand nanograms of heroin per 5466  
milliliter of the person's urine or has a concentration of 5467  
heroin in the person's whole blood or blood serum or plasma of 5468  
at least fifty nanograms of heroin per milliliter of the 5469  
person's whole blood or blood serum or plasma. 5470

(v) The person has a concentration of heroin metabolite 5471  
(6-monoacetyl morphine) in the person's urine of at least ten 5472  
nanograms of heroin metabolite (6-monoacetyl morphine) per 5473  
milliliter of the person's urine or has a concentration of 5474  
heroin metabolite (6-monoacetyl morphine) in the person's whole 5475  
blood or blood serum or plasma of at least ten nanograms of 5476  
heroin metabolite (6-monoacetyl morphine) per milliliter of the 5477  
person's whole blood or blood serum or plasma. 5478

(vi) The person has a concentration of L.S.D. in the 5479  
person's urine of at least twenty-five nanograms of L.S.D. per 5480  
milliliter of the person's urine or a concentration of L.S.D. in 5481

the person's whole blood or blood serum or plasma of at least 5482  
ten nanograms of L.S.D. per milliliter of the person's whole 5483  
blood or blood serum or plasma. 5484

(vii) The person has a concentration of marihuana in the 5485  
person's urine of at least ten nanograms of marihuana per 5486  
milliliter of the person's urine or has a concentration of 5487  
marihuana in the person's whole blood or blood serum or plasma 5488  
of at least two nanograms of marihuana per milliliter of the 5489  
person's whole blood or blood serum or plasma. 5490

(viii) Either of the following applies: 5491

(I) The person is under the influence of alcohol, a drug 5492  
of abuse, or a combination of them, and the person has a 5493  
concentration of marihuana metabolite in the person's urine of 5494  
at least fifteen nanograms of marihuana metabolite per 5495  
milliliter of the person's urine or has a concentration of 5496  
marihuana metabolite in the person's whole blood or blood serum 5497  
or plasma of at least five nanograms of marihuana metabolite per 5498  
milliliter of the person's whole blood or blood serum or plasma. 5499

(II) The person has a concentration of marihuana 5500  
metabolite in the person's urine of at least thirty-five 5501  
nanograms of marihuana metabolite per milliliter of the person's 5502  
urine or has a concentration of marihuana metabolite in the 5503  
person's whole blood or blood serum or plasma of at least fifty 5504  
nanograms of marihuana metabolite per milliliter of the person's 5505  
whole blood or blood serum or plasma. 5506

(ix) The person has a concentration of methamphetamine in 5507  
the person's urine of at least five hundred nanograms of 5508  
methamphetamine per milliliter of the person's urine or has a 5509  
concentration of methamphetamine in the person's whole blood or 5510

blood serum or plasma of at least one hundred nanograms of 5511  
methamphetamine per milliliter of the person's whole blood or 5512  
blood serum or plasma. 5513

(x) The person has a concentration of phencyclidine in the 5514  
person's urine of at least twenty-five nanograms of 5515  
phencyclidine per milliliter of the person's urine or has a 5516  
concentration of phencyclidine in the person's whole blood or 5517  
blood serum or plasma of at least ten nanograms of phencyclidine 5518  
per milliliter of the person's whole blood or blood serum or 5519  
plasma. 5520

(xi) The state board of pharmacy has adopted a rule 5521  
pursuant to section 4729.041 of the Revised Code that specifies 5522  
the amount of salvia divinorum and the amount of salvinorin A 5523  
that constitute concentrations of salvia divinorum and 5524  
salvinorin A in a person's urine, in a person's whole blood, or 5525  
in a person's blood serum or plasma at or above which the person 5526  
is impaired for purposes of operating any vehicle, streetcar, or 5527  
trackless trolley within this state, the rule is in effect, and 5528  
the person has a concentration of salvia divinorum or salvinorin 5529  
A of at least that amount so specified by rule in the person's 5530  
urine, in the person's whole blood, or in the person's blood 5531  
serum or plasma. 5532

(2) No person who, within twenty years of the conduct 5533  
described in division (A)(2)(a) of this section, previously has 5534  
been convicted of or pleaded guilty to a violation of this 5535  
division, a violation of division (A)(1) of this section, or any 5536  
other equivalent offense shall do both of the following: 5537

(a) Operate any vehicle, streetcar, or trackless trolley 5538  
within this state while under the influence of alcohol, a drug 5539  
of abuse, or a combination of them; 5540

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

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

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

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

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

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

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A) (1) (a) or

(A) (2) and a violation of division (B) (1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions.

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

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (A) of section 4511.192 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, oral fluid, or other bodily substance test at the request of a law enforcement officer under

section 4511.191 of the Revised Code or a blood or urine sample 5601  
is obtained pursuant to a search warrant. Only a physician, a 5602  
registered nurse, an emergency medical technician-intermediate, 5603  
an emergency medical technician-paramedic, or a qualified 5604  
technician, chemist, or phlebotomist shall withdraw a blood 5605  
sample for the purpose of determining the alcohol, drug, 5606  
controlled substance, metabolite of a controlled substance, or 5607  
combination content of the whole blood, blood serum, or blood 5608  
plasma. This limitation does not apply to the taking of breath,  5609  
oral fluid, or urine specimens. A person authorized to withdraw 5610  
blood under this division may refuse to withdraw blood under 5611  
this division, if in that person's opinion, the physical welfare 5612  
of the person would be endangered by the withdrawing of blood. 5613

The bodily substance withdrawn under division (D) (1) (b) of 5614  
this section shall be analyzed in accordance with methods 5615  
approved by the director of health by an individual possessing a 5616  
valid permit issued by the director pursuant to section 3701.143 5617  
of the Revised Code. 5618

(c) As used in division (D) (1) (b) of this section, 5619  
"emergency medical technician-intermediate" and "emergency 5620  
medical technician-paramedic" have the same meanings as in 5621  
section 4765.01 of the Revised Code. 5622

(2) In a criminal prosecution or juvenile court proceeding 5623  
for a violation of division (A) of this section or for an 5624  
equivalent offense that is vehicle-related, if there was at the 5625  
time the bodily substance was withdrawn a concentration of less 5626  
than the applicable concentration of alcohol specified in 5627  
divisions (A) (1) (b), (c), (d), and (e) of this section or less 5628  
than the applicable concentration of a listed controlled 5629  
substance or a listed metabolite of a controlled substance 5630

specified for a violation of division (A) (1) (j) of this section, 5631  
that fact may be considered with other competent evidence in 5632  
determining the guilt or innocence of the defendant. This 5633  
division does not limit or affect a criminal prosecution or 5634  
juvenile court proceeding for a violation of division (B) of 5635  
this section or for an equivalent offense that is substantially 5636  
equivalent to that division. 5637

(3) Upon the request of the person who was tested, the 5638  
results of the chemical test shall be made available to the 5639  
person or the person's attorney, immediately upon the completion 5640  
of the chemical test analysis. 5641

If the chemical test was obtained pursuant to division (D) 5642  
(1) (b) of this section, the person tested may have a physician, 5643  
a registered nurse, or a qualified technician, chemist, or 5644  
phlebotomist of the person's own choosing administer a chemical 5645  
test or tests, at the person's expense, in addition to any 5646  
administered at the request of a law enforcement officer. If the 5647  
person was under arrest as described in division (A) (5) of 5648  
section 4511.191 of the Revised Code, the arresting officer 5649  
shall advise the person at the time of the arrest that the 5650  
person may have an independent chemical test taken at the 5651  
person's own expense. If the person was under arrest other than 5652  
described in division (A) (5) of section 4511.191 of the Revised 5653  
Code, the form to be read to the person to be tested, as 5654  
required under section 4511.192 of the Revised Code, shall state 5655  
that the person may have an independent test performed at the 5656  
person's expense. The failure or inability to obtain an 5657  
additional chemical test by a person shall not preclude the 5658  
admission of evidence relating to the chemical test or tests 5659  
taken at the request of a law enforcement officer. 5660



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

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

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

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

(iii) If testimony is presented or evidence is introduced

under division (D) (4) (b) (i) or (ii) of this section and if the 5691  
testimony or evidence is admissible under the Rules of Evidence, 5692  
the court shall admit the testimony or evidence and the trier of 5693  
fact shall give it whatever weight the trier of fact considers 5694  
to be appropriate. 5695

(c) Division (D) (4) (b) of this section does not limit or 5696  
preclude a court, in its determination of whether the arrest of 5697  
a person was supported by probable cause or its determination of 5698  
any other matter in a criminal prosecution or juvenile court 5699  
proceeding of a type described in that division, from 5700  
considering evidence or testimony that is not otherwise 5701  
disallowed by division (D) (4) (b) of this section. 5702

(E) (1) Subject to division (E) (3) of this section, in any 5703  
criminal prosecution or juvenile court proceeding for a 5704  
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 5705  
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 5706  
an equivalent offense that is substantially equivalent to any of 5707  
those divisions, a laboratory report from any laboratory 5708  
personnel issued a permit by the department of health 5709  
authorizing an analysis as described in this division that 5710  
contains an analysis of the whole blood, blood serum or plasma, 5711  
breath, urine, or other bodily substance tested and that 5712  
contains all of the information specified in this division shall 5713  
be admitted as prima-facie evidence of the information and 5714  
statements that the report contains. The laboratory report shall 5715  
contain all of the following: 5716

(a) The signature, under oath, of any person who performed 5717  
the analysis; 5718

(b) Any findings as to the identity and quantity of 5719  
alcohol, a drug of abuse, a controlled substance, a metabolite 5720

of a controlled substance, or a combination of them that was 5721  
found; 5722

(c) A copy of a notarized statement by the laboratory 5723  
director or a designee of the director that contains the name of 5724  
each certified analyst or test performer involved with the 5725  
report, the analyst's or test performer's employment 5726  
relationship with the laboratory that issued the report, and a 5727  
notation that performing an analysis of the type involved is 5728  
part of the analyst's or test performer's regular duties; 5729

(d) An outline of the analyst's or test performer's 5730  
education, training, and experience in performing the type of 5731  
analysis involved and a certification that the laboratory 5732  
satisfies appropriate quality control standards in general and, 5733  
in this particular analysis, under rules of the department of 5734  
health. 5735

(2) Notwithstanding any other provision of law regarding 5736  
the admission of evidence, a report of the type described in 5737  
division (E)(1) of this section is not admissible against the 5738  
defendant to whom it pertains in any proceeding, other than a 5739  
preliminary hearing or a grand jury proceeding, unless the 5740  
prosecutor has served a copy of the report on the defendant's 5741  
attorney or, if the defendant has no attorney, on the defendant. 5742

(3) A report of the type described in division (E)(1) of 5743  
this section shall not be prima-facie evidence of the contents, 5744  
identity, or amount of any substance if, within seven days after 5745  
the defendant to whom the report pertains or the defendant's 5746  
attorney receives a copy of the report, the defendant or the 5747  
defendant's attorney demands the testimony of the person who 5748  
signed the report. The judge in the case may extend the seven- 5749  
day time limit in the interest of justice. 5750

(F) Except as otherwise provided in this division, any 5751  
physician, registered nurse, emergency medical technician- 5752  
intermediate, emergency medical technician-paramedic, or 5753  
qualified technician, chemist, or phlebotomist who withdraws 5754  
blood from a person pursuant to this section or section 4511.191 5755  
or 4511.192 of the Revised Code, and any hospital, first-aid 5756  
station, or clinic at which blood is withdrawn from a person 5757  
pursuant to this section or section 4511.191 or 4511.192 of the 5758  
Revised Code, is immune from criminal liability and civil 5759  
liability based upon a claim of assault and battery or any other 5760  
claim that is not a claim of malpractice, for any act performed 5761  
in withdrawing blood from the person. The immunity provided in 5762  
this division also extends to an emergency medical service 5763  
organization that employs an emergency medical technician- 5764  
intermediate or emergency medical technician-paramedic who 5765  
withdraws blood under this section. The immunity provided in 5766  
this division is not available to a person who withdraws blood 5767  
if the person engages in willful or wanton misconduct. 5768

As used in this division, "emergency medical technician- 5769  
intermediate" and "emergency medical technician-paramedic" have 5770  
the same meanings as in section 4765.01 of the Revised Code. 5771

(G) (1) Whoever violates any provision of divisions (A) (1) 5772  
(a) to (i) or (A) (2) of this section is guilty of operating a 5773  
vehicle under the influence of alcohol, a drug of abuse, or a 5774  
combination of them. Whoever violates division (A) (1) (j) of this 5775  
section is guilty of operating a vehicle while under the 5776  
influence of a listed controlled substance or a listed 5777  
metabolite of a controlled substance. The court shall sentence 5778  
the offender for either offense under Chapter 2929. of the 5779  
Revised Code, except as otherwise authorized or required by 5780  
divisions (G) (1) (a) to (e) of this section: 5781

(a) Except as otherwise provided in division (G) (1) (b), 5782  
(c), (d), or (e) of this section, the offender is guilty of a 5783  
misdemeanor of the first degree, and the court shall sentence 5784  
the offender to all of the following: 5785

(i) If the sentence is being imposed for a violation of 5786  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 5787  
a mandatory jail term of three consecutive days. As used in this 5788  
division, three consecutive days means seventy-two consecutive 5789  
hours. The court may sentence an offender to both an 5790  
intervention program and a jail term. The court may impose a 5791  
jail term in addition to the three-day mandatory jail term or 5792  
intervention program. However, in no case shall the cumulative 5793  
jail term imposed for the offense exceed six months. 5794

The court may suspend the execution of the three-day jail 5795  
term under this division if the court, in lieu of that suspended 5796  
term, places the offender under a community control sanction 5797  
pursuant to section 2929.25 of the Revised Code and requires the 5798  
offender to attend, for three consecutive days, a drivers' 5799  
intervention program certified under section 5119.38 of the 5800  
Revised Code. The court also may suspend the execution of any 5801  
part of the three-day jail term under this division if it places 5802  
the offender under a community control sanction pursuant to 5803  
section 2929.25 of the Revised Code for part of the three days, 5804  
requires the offender to attend for the suspended part of the 5805  
term a drivers' intervention program so certified, and sentences 5806  
the offender to a jail term equal to the remainder of the three 5807  
consecutive days that the offender does not spend attending the 5808  
program. The court may require the offender, as a condition of 5809  
community control and in addition to the required attendance at 5810  
a drivers' intervention program, to attend and satisfactorily 5811  
complete any treatment or education programs that comply with 5812

the minimum standards adopted pursuant to Chapter 5119. of the 5813  
Revised Code by the director of mental health and addiction 5814  
services that the operators of the drivers' intervention program 5815  
determine that the offender should attend and to report 5816  
periodically to the court on the offender's progress in the 5817  
programs. The court also may impose on the offender any other 5818  
conditions of community control that it considers necessary. 5819

If the court grants unlimited driving privileges to a 5820  
first-time offender under section 4510.022 of the Revised Code, 5821  
all penalties imposed upon the offender by the court under 5822  
division (G) (1) (a) (i) of this section for the offense apply, 5823  
except that the court shall suspend any mandatory or additional 5824  
jail term imposed by the court under division (G) (1) (a) (i) of 5825  
this section upon granting unlimited driving privileges in 5826  
accordance with section 4510.022 of the Revised Code. 5827

(ii) If the sentence is being imposed for a violation of 5828  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 5829  
section, except as otherwise provided in this division, a 5830  
mandatory jail term of at least three consecutive days and a 5831  
requirement that the offender attend, for three consecutive 5832  
days, a drivers' intervention program that is certified pursuant 5833  
to section 5119.38 of the Revised Code. As used in this 5834  
division, three consecutive days means seventy-two consecutive 5835  
hours. If the court determines that the offender is not 5836  
conducive to treatment in a drivers' intervention program, if 5837  
the offender refuses to attend a drivers' intervention program, 5838  
or if the jail at which the offender is to serve the jail term 5839  
imposed can provide a driver's intervention program, the court 5840  
shall sentence the offender to a mandatory jail term of at least 5841  
six consecutive days. 5842

If the court grants unlimited driving privileges to a 5843  
first-time offender under section 4510.022 of the Revised Code, 5844  
all penalties imposed upon the offender by the court under 5845  
division (G) (1) (a) (ii) of this section for the offense apply, 5846  
except that the court shall suspend any mandatory or additional 5847  
jail term imposed by the court under division (G) (1) (a) (ii) of 5848  
this section upon granting unlimited driving privileges in 5849  
accordance with section 4510.022 of the Revised Code. 5850

The court may require the offender, under a community 5851  
control sanction imposed under section 2929.25 of the Revised 5852  
Code, to attend and satisfactorily complete any treatment or 5853  
education programs that comply with the minimum standards 5854  
adopted pursuant to Chapter 5119. of the Revised Code by the 5855  
director of mental health and addiction services, in addition to 5856  
the required attendance at drivers' intervention program, that 5857  
the operators of the drivers' intervention program determine 5858  
that the offender should attend and to report periodically to 5859  
the court on the offender's progress in the programs. The court 5860  
also may impose any other conditions of community control on the 5861  
offender that it considers necessary. 5862

(iii) In all cases, a fine of not less than three hundred 5863  
seventy-five and not more than one thousand seventy-five 5864  
dollars; 5865

(iv) In all cases, a suspension of the offender's driver's 5866  
or commercial driver's license or permit or nonresident 5867  
operating privilege for a definite period of one to three years. 5868  
The court may grant limited driving privileges relative to the 5869  
suspension under sections 4510.021 and 4510.13 of the Revised 5870  
Code. The court may grant unlimited driving privileges with an 5871  
ignition interlock device relative to the suspension and may 5872

reduce the period of suspension as authorized under section 5873  
4510.022 of the Revised Code. 5874

(b) Except as otherwise provided in division (G)(1)(e) of 5875  
this section, an offender who, within ten years of the offense, 5876  
previously has been convicted of or pleaded guilty to one 5877  
violation of division (A) of this section or one other 5878  
equivalent offense is guilty of a misdemeanor of the first 5879  
degree. The court shall sentence the offender to all of the 5880  
following: 5881

(i) If the sentence is being imposed for a violation of 5882  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5883  
a mandatory jail term of ten consecutive days. The court shall 5884  
impose the ten-day mandatory jail term under this division 5885  
unless, subject to division (G)(3) of this section, it instead 5886  
imposes a sentence under that division consisting of both a jail 5887  
term and a term of house arrest with electronic monitoring, with 5888  
continuous alcohol monitoring, or with both electronic 5889  
monitoring and continuous alcohol monitoring. The court may 5890  
impose a jail term in addition to the ten-day mandatory jail 5891  
term. The cumulative jail term imposed for the offense shall not 5892  
exceed six months. 5893

In addition to the jail term or the term of house arrest 5894  
with electronic monitoring or continuous alcohol monitoring or 5895  
both types of monitoring and jail term, the court shall require 5896  
the offender to be assessed by a community addiction services 5897  
provider that is authorized by section 5119.21 of the Revised 5898  
Code, subject to division (I) of this section, and shall order 5899  
the offender to follow the treatment recommendations of the 5900  
services provider. The purpose of the assessment is to determine 5901  
the degree of the offender's alcohol usage and to determine 5902



whether or not treatment is warranted. Upon the request of the 5903  
court, the services provider shall submit the results of the 5904  
assessment to the court, including all treatment recommendations 5905  
and clinical diagnoses related to alcohol use. 5906

(ii) If the sentence is being imposed for a violation of 5907  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5908  
section, except as otherwise provided in this division, a 5909  
mandatory jail term of twenty consecutive days. The court shall 5910  
impose the twenty-day mandatory jail term under this division 5911  
unless, subject to division (G)(3) of this section, it instead 5912  
imposes a sentence under that division consisting of both a jail 5913  
term and a term of house arrest with electronic monitoring, with 5914  
continuous alcohol monitoring, or with both electronic 5915  
monitoring and continuous alcohol monitoring. The court may 5916  
impose a jail term in addition to the twenty-day mandatory jail 5917  
term. The cumulative jail term imposed for the offense shall not 5918  
exceed six months. 5919

In addition to the jail term or the term of house arrest 5920  
with electronic monitoring or continuous alcohol monitoring or 5921  
both types of monitoring and jail term, the court shall require 5922  
the offender to be assessed by a community addiction service 5923  
provider that is authorized by section 5119.21 of the Revised 5924  
Code, subject to division (I) of this section, and shall order 5925  
the offender to follow the treatment recommendations of the 5926  
services provider. The purpose of the assessment is to determine 5927  
the degree of the offender's alcohol usage and to determine 5928  
whether or not treatment is warranted. Upon the request of the 5929  
court, the services provider shall submit the results of the 5930  
assessment to the court, including all treatment recommendations 5931  
and clinical diagnoses related to alcohol use. 5932

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than five hundred twenty-five and not more than one thousand six hundred twenty-five dollars;

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

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

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

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The

court may impose a jail term in addition to the thirty-day 5963  
mandatory jail term. Notwithstanding the jail terms set forth in 5964  
sections 2929.21 to 2929.28 of the Revised Code, the additional 5965  
jail term shall not exceed one year, and the cumulative jail 5966  
term imposed for the offense shall not exceed one year. 5967

(ii) If the sentence is being imposed for a violation of 5968  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5969  
section, a mandatory jail term of sixty consecutive days. The 5970  
court shall impose the sixty-day mandatory jail term under this 5971  
division unless, subject to division (G)(3) of this section, it 5972  
instead imposes a sentence under that division consisting of 5973  
both a jail term and a term of house arrest with electronic 5974  
monitoring, with continuous alcohol monitoring, or with both 5975  
electronic monitoring and continuous alcohol monitoring. The 5976  
court may impose a jail term in addition to the sixty-day 5977  
mandatory jail term. Notwithstanding the jail terms set forth in 5978  
sections 2929.21 to 2929.28 of the Revised Code, the additional 5979  
jail term shall not exceed one year, and the cumulative jail 5980  
term imposed for the offense shall not exceed one year. 5981

(iii) In all cases, notwithstanding the fines set forth in 5982  
Chapter 2929. of the Revised Code, a fine of not less than eight 5983  
hundred fifty and not more than two thousand seven hundred fifty 5984  
dollars; 5985

(iv) In all cases, a suspension of the offender's driver's 5986  
license, commercial driver's license, temporary instruction 5987  
permit, probationary license, or nonresident operating privilege 5988  
for a definite period of two to twelve years. The court may 5989  
grant limited driving privileges relative to the suspension 5990  
under sections 4510.021 and 4510.13 of the Revised Code. 5991

(v) In all cases, if the vehicle is registered in the 5992

offender's name, criminal forfeiture of the vehicle involved in 5993  
the offense in accordance with section 4503.234 of the Revised 5994  
Code. Division (G) (6) of this section applies regarding any 5995  
vehicle that is subject to an order of criminal forfeiture under 5996  
this division. 5997

(vi) In all cases, the court shall order the offender to 5998  
participate with a community addiction services provider 5999  
authorized by section 5119.21 of the Revised Code, subject to 6000  
division (I) of this section, and shall order the offender to 6001  
follow the treatment recommendations of the services provider. 6002  
The operator of the services provider shall determine and assess 6003  
the degree of the offender's alcohol dependency and shall make 6004  
recommendations for treatment. Upon the request of the court, 6005  
the services provider shall submit the results of the assessment 6006  
to the court, including all treatment recommendations and 6007  
clinical diagnoses related to alcohol use. 6008

(d) Except as otherwise provided in division (G) (1) (e) of 6009  
this section, an offender who, within ten years of the offense, 6010  
previously has been convicted of or pleaded guilty to three or 6011  
four violations of division (A) of this section or other 6012  
equivalent offenses, an offender who, within twenty years of the 6013  
offense, previously has been convicted of or pleaded guilty to 6014  
five or more violations of that nature, or an offender who 6015  
previously has been convicted of or pleaded guilty to a 6016  
specification of the type described in section 2941.1413 of the 6017  
Revised Code is guilty of a felony of the fourth degree. The 6018  
court shall sentence the offender to all of the following: 6019

(i) If the sentence is being imposed for a violation of 6020  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 6021  
a mandatory prison term of one, two, three, four, or five years 6022

as required by and in accordance with division (G) (2) of section 6023  
2929.13 of the Revised Code if the offender also is convicted of 6024  
or also pleads guilty to a specification of the type described 6025  
in section 2941.1413 of the Revised Code or, in the discretion 6026  
of the court, either a mandatory term of local incarceration of 6027  
sixty consecutive days in accordance with division (G) (1) of 6028  
section 2929.13 of the Revised Code or a mandatory prison term 6029  
of sixty consecutive days in accordance with division (G) (2) of 6030  
that section if the offender is not convicted of and does not 6031  
plead guilty to a specification of that type. If the court 6032  
imposes a mandatory term of local incarceration, it may impose a 6033  
jail term in addition to the sixty-day mandatory term, the 6034  
cumulative total of the mandatory term and the jail term for the 6035  
offense shall not exceed one year, and, except as provided in 6036  
division (A) (1) of section 2929.13 of the Revised Code, no 6037  
prison term is authorized for the offense. If the court imposes 6038  
a mandatory prison term, notwithstanding division (A) (4) of 6039  
section 2929.14 of the Revised Code, it also may sentence the 6040  
offender to a definite prison term that shall be not less than 6041  
six months and not more than thirty months and the prison terms 6042  
shall be imposed as described in division (G) (2) of section 6043  
2929.13 of the Revised Code. If the court imposes a mandatory 6044  
prison term or mandatory prison term and additional prison term, 6045  
in addition to the term or terms so imposed, the court also may 6046  
sentence the offender to a community control sanction for the 6047  
offense, but the offender shall serve all of the prison terms so 6048  
imposed prior to serving the community control sanction. 6049

(ii) If the sentence is being imposed for a violation of 6050  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 6051  
section, a mandatory prison term of one, two, three, four, or 6052  
five years as required by and in accordance with division (G) (2) 6053

of section 2929.13 of the Revised Code if the offender also is 6054  
convicted of or also pleads guilty to a specification of the 6055  
type described in section 2941.1413 of the Revised Code or, in 6056  
the discretion of the court, either a mandatory term of local 6057  
incarceration of one hundred twenty consecutive days in 6058  
accordance with division (G) (1) of section 2929.13 of the 6059  
Revised Code or a mandatory prison term of one hundred twenty 6060  
consecutive days in accordance with division (G) (2) of that 6061  
section if the offender is not convicted of and does not plead 6062  
guilty to a specification of that type. If the court imposes a 6063  
mandatory term of local incarceration, it may impose a jail term 6064  
in addition to the one hundred twenty-day mandatory term, the 6065  
cumulative total of the mandatory term and the jail term for the 6066  
offense shall not exceed one year, and, except as provided in 6067  
division (A) (1) of section 2929.13 of the Revised Code, no 6068  
prison term is authorized for the offense. If the court imposes 6069  
a mandatory prison term, notwithstanding division (A) (4) of 6070  
section 2929.14 of the Revised Code, it also may sentence the 6071  
offender to a definite prison term that shall be not less than 6072  
six months and not more than thirty months and the prison terms 6073  
shall be imposed as described in division (G) (2) of section 6074  
2929.13 of the Revised Code. If the court imposes a mandatory 6075  
prison term or mandatory prison term and additional prison term, 6076  
in addition to the term or terms so imposed, the court also may 6077  
sentence the offender to a community control sanction for the 6078  
offense, but the offender shall serve all of the prison terms so 6079  
imposed prior to serving the community control sanction. 6080

(iii) In all cases, notwithstanding section 2929.18 of the 6081  
Revised Code, a fine of not less than one thousand three hundred 6082  
fifty nor more than ten thousand five hundred dollars; 6083

(iv) In all cases, a class two license suspension of the 6084

offender's driver's license, commercial driver's license, 6085  
temporary instruction permit, probationary license, or 6086  
nonresident operating privilege from the range specified in 6087  
division (A) (2) of section 4510.02 of the Revised Code. The 6088  
court may grant limited driving privileges relative to the 6089  
suspension under sections 4510.021 and 4510.13 of the Revised 6090  
Code. 6091

(v) In all cases, if the vehicle is registered in the 6092  
offender's name, criminal forfeiture of the vehicle involved in 6093  
the offense in accordance with section 4503.234 of the Revised 6094  
Code. Division (G) (6) of this section applies regarding any 6095  
vehicle that is subject to an order of criminal forfeiture under 6096  
this division. 6097

(vi) In all cases, the court shall order the offender to 6098  
participate with a community addiction services provider 6099  
authorized by section 5119.21 of the Revised Code, subject to 6100  
division (I) of this section, and shall order the offender to 6101  
follow the treatment recommendations of the services provider. 6102  
The operator of the services provider shall determine and assess 6103  
the degree of the offender's alcohol dependency and shall make 6104  
recommendations for treatment. Upon the request of the court, 6105  
the services provider shall submit the results of the assessment 6106  
to the court, including all treatment recommendations and 6107  
clinical diagnoses related to alcohol use. 6108

(vii) In all cases, if the court sentences the offender to 6109  
a mandatory term of local incarceration, in addition to the 6110  
mandatory term, the court, pursuant to section 2929.17 of the 6111  
Revised Code, may impose a term of house arrest with electronic 6112  
monitoring. The term shall not commence until after the offender 6113  
has served the mandatory term of local incarceration. 6114

(e) An offender who previously has been convicted of or  
pleaded guilty to a violation of division (A) of this section  
that was a felony, regardless of when the violation and the  
conviction or guilty plea occurred, is guilty of a felony of the  
third degree. The court shall sentence the offender to all of  
the following:

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

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



type described in section 2941.1413 of the Revised Code or a 6146  
mandatory prison term of one hundred twenty consecutive days in 6147  
accordance with division (G) (2) of section 2929.13 of the 6148  
Revised Code if the offender is not convicted of and does not 6149  
plead guilty to a specification of that type. The court may 6150  
impose a prison term in addition to the mandatory prison term. 6151  
The cumulative total of a one hundred twenty-day mandatory 6152  
prison term and the additional prison term for the offense shall 6153  
not exceed five years. In addition to the mandatory prison term 6154  
or mandatory prison term and additional prison term the court 6155  
imposes, the court also may sentence the offender to a community 6156  
control sanction for the offense, but the offender shall serve 6157  
all of the prison terms so imposed prior to serving the 6158  
community control sanction. 6159

(iii) In all cases, notwithstanding section 2929.18 of the 6160  
Revised Code, a fine of not less than one thousand three hundred 6161  
fifty nor more than ten thousand five hundred dollars; 6162

(iv) In all cases, a class two license suspension of the 6163  
offender's driver's license, commercial driver's license, 6164  
temporary instruction permit, probationary license, or 6165  
nonresident operating privilege from the range specified in 6166  
division (A) (2) of section 4510.02 of the Revised Code. The 6167  
court may grant limited driving privileges relative to the 6168  
suspension under sections 4510.021 and 4510.13 of the Revised 6169  
Code. 6170

(v) In all cases, if the vehicle is registered in the 6171  
offender's name, criminal forfeiture of the vehicle involved in 6172  
the offense in accordance with section 4503.234 of the Revised 6173  
Code. Division (G) (6) of this section applies regarding any 6174  
vehicle that is subject to an order of criminal forfeiture under 6175

this division. 6176

(vi) In all cases, the court shall order the offender to 6177  
participate with a community addiction services provider 6178  
authorized by section 5119.21 of the Revised Code, subject to 6179  
division (I) of this section, and shall order the offender to 6180  
follow the treatment recommendations of the services provider. 6181  
The operator of the services provider shall determine and assess 6182  
the degree of the offender's alcohol dependency and shall make 6183  
recommendations for treatment. Upon the request of the court, 6184  
the services provider shall submit the results of the assessment 6185  
to the court, including all treatment recommendations and 6186  
clinical diagnoses related to alcohol use. 6187

(2) An offender who is convicted of or pleads guilty to a 6188  
violation of division (A) of this section and who subsequently 6189  
seeks reinstatement of the driver's or occupational driver's 6190  
license or permit or nonresident operating privilege suspended 6191  
under this section as a result of the conviction or guilty plea 6192  
shall pay a reinstatement fee as provided in division (F) (2) of 6193  
section 4511.191 of the Revised Code. 6194

(3) If an offender is sentenced to a jail term under 6195  
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 6196  
section and if, within sixty days of sentencing of the offender, 6197  
the court issues a written finding on the record that, due to 6198  
the unavailability of space at the jail where the offender is 6199  
required to serve the term, the offender will not be able to 6200  
begin serving that term within the sixty-day period following 6201  
the date of sentencing, the court may impose an alternative 6202  
sentence under this division that includes a term of house 6203  
arrest with electronic monitoring, with continuous alcohol 6204  
monitoring, or with both electronic monitoring and continuous 6205

alcohol monitoring. 6206

As an alternative to a mandatory jail term of ten 6207  
consecutive days required by division (G)(1)(b)(i) of this 6208  
section, the court, under this division, may sentence the 6209  
offender to five consecutive days in jail and not less than 6210  
eighteen consecutive days of house arrest with electronic 6211  
monitoring, with continuous alcohol monitoring, or with both 6212  
electronic monitoring and continuous alcohol monitoring. The 6213  
cumulative total of the five consecutive days in jail and the 6214  
period of house arrest with electronic monitoring, continuous 6215  
alcohol monitoring, or both types of monitoring shall not exceed 6216  
six months. The five consecutive days in jail do not have to be 6217  
served prior to or consecutively to the period of house arrest. 6218

As an alternative to the mandatory jail term of twenty 6219  
consecutive days required by division (G)(1)(b)(ii) of this 6220  
section, the court, under this division, may sentence the 6221  
offender to ten consecutive days in jail and not less than 6222  
thirty-six consecutive days of house arrest with electronic 6223  
monitoring, with continuous alcohol monitoring, or with both 6224  
electronic monitoring and continuous alcohol monitoring. The 6225  
cumulative total of the ten consecutive days in jail and the 6226  
period of house arrest with electronic monitoring, continuous 6227  
alcohol monitoring, or both types of monitoring shall not exceed 6228  
six months. The ten consecutive days in jail do not have to be 6229  
served prior to or consecutively to the period of house arrest. 6230

As an alternative to a mandatory jail term of thirty 6231  
consecutive days required by division (G)(1)(c)(i) of this 6232  
section, the court, under this division, may sentence the 6233  
offender to fifteen consecutive days in jail and not less than 6234  
fifty-five consecutive days of house arrest with electronic 6235

monitoring, with continuous alcohol monitoring, or with both 6236  
electronic monitoring and continuous alcohol monitoring. The 6237  
cumulative total of the fifteen consecutive days in jail and the 6238  
period of house arrest with electronic monitoring, continuous 6239  
alcohol monitoring, or both types of monitoring shall not exceed 6240  
one year. The fifteen consecutive days in jail do not have to be 6241  
served prior to or consecutively to the period of house arrest. 6242

As an alternative to the mandatory jail term of sixty 6243  
consecutive days required by division (G) (1) (c) (ii) of this 6244  
section, the court, under this division, may sentence the 6245  
offender to thirty consecutive days in jail and not less than 6246  
one hundred ten consecutive days of house arrest with electronic 6247  
monitoring, with continuous alcohol monitoring, or with both 6248  
electronic monitoring and continuous alcohol monitoring. The 6249  
cumulative total of the thirty consecutive days in jail and the 6250  
period of house arrest with electronic monitoring, continuous 6251  
alcohol monitoring, or both types of monitoring shall not exceed 6252  
one year. The thirty consecutive days in jail do not have to be 6253  
served prior to or consecutively to the period of house arrest. 6254

(4) If an offender's driver's or occupational driver's 6255  
license or permit or nonresident operating privilege is 6256  
suspended under division (G) of this section and if section 6257  
4510.13 of the Revised Code permits the court to grant limited 6258  
driving privileges, the court may grant the limited driving 6259  
privileges in accordance with that section. If division (A) (7) 6260  
of that section requires that the court impose as a condition of 6261  
the privileges that the offender must display on the vehicle 6262  
that is driven subject to the privileges restricted license 6263  
plates that are issued under section 4503.231 of the Revised 6264  
Code, except as provided in division (B) of that section, the 6265  
court shall impose that condition as one of the conditions of 6266

the limited driving privileges granted to the offender, except 6267  
as provided in division (B) of section 4503.231 of the Revised 6268  
Code. 6269

(5) Fines imposed under this section for a violation of 6270  
division (A) of this section shall be distributed as follows: 6271

(a) Twenty-five dollars of the fine imposed under division 6272  
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 6273  
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 6274  
fine imposed under division (G) (1) (c) (iii), and two hundred ten 6275  
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 6276  
(iii) of this section shall be paid to an enforcement and 6277  
education fund established by the legislative authority of the 6278  
law enforcement agency in this state that primarily was 6279  
responsible for the arrest of the offender, as determined by the 6280  
court that imposes the fine. The agency shall use this share to 6281  
pay only those costs it incurs in enforcing this section or a 6282  
municipal OVI ordinance and in informing the public of the laws 6283  
governing the operation of a vehicle while under the influence 6284  
of alcohol, the dangers of the operation of a vehicle under the 6285  
influence of alcohol, and other information relating to the 6286  
operation of a vehicle under the influence of alcohol and the 6287  
consumption of alcoholic beverages. 6288

(b) Fifty dollars of the fine imposed under division (G) 6289  
(1) (a) (iii) of this section shall be paid to the political 6290  
subdivision that pays the cost of housing the offender during 6291  
the offender's term of incarceration. If the offender is being 6292  
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 6293  
(e), or (j) of this section and was confined as a result of the 6294  
offense prior to being sentenced for the offense but is not 6295  
sentenced to a term of incarceration, the fifty dollars shall be 6296

paid to the political subdivision that paid the cost of housing 6297  
the offender during that period of confinement. The political 6298  
subdivision shall use the share under this division to pay or 6299  
reimburse incarceration or treatment costs it incurs in housing 6300  
or providing drug and alcohol treatment to persons who violate 6301  
this section or a municipal OVI ordinance, costs of any 6302  
immobilizing or disabling device used on the offender's vehicle, 6303  
and costs of electronic house arrest equipment needed for 6304  
persons who violate this section. 6305

(c) Twenty-five dollars of the fine imposed under division 6306  
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 6307  
division (G) (1) (b) (iii) of this section shall be deposited into 6308  
the county or municipal indigent drivers' alcohol treatment fund 6309  
under the control of that court, as created by the county or 6310  
municipal corporation under division (F) of section 4511.191 of 6311  
the Revised Code. 6312

(d) One hundred fifteen dollars of the fine imposed under 6313  
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 6314  
the fine imposed under division (G) (1) (c) (iii), and four hundred 6315  
forty dollars of the fine imposed under division (G) (1) (d) (iii) 6316  
or (e) (iii) of this section shall be paid to the political 6317  
subdivision that pays the cost of housing the offender during 6318  
the offender's term of incarceration. The political subdivision 6319  
shall use this share to pay or reimburse incarceration or 6320  
treatment costs it incurs in housing or providing drug and 6321  
alcohol treatment to persons who violate this section or a 6322  
municipal OVI ordinance, costs for any immobilizing or disabling 6323  
device used on the offender's vehicle, and costs of electronic 6324  
house arrest equipment needed for persons who violate this 6325  
section. 6326

(e) Fifty dollars of the fine imposed under divisions (G) 6327  
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 6328  
(G) (1) (e) (iii) of this section shall be deposited into the 6329  
special projects fund of the court in which the offender was 6330  
convicted and that is established under division (E) (1) of 6331  
section 2303.201, division (B) (1) of section 1901.26, or 6332  
division (B) (1) of section 1907.24 of the Revised Code, to be 6333  
used exclusively to cover the cost of immobilizing or disabling 6334  
devices, including certified ignition interlock devices, and 6335  
remote alcohol monitoring devices for indigent offenders who are 6336  
required by a judge to use either of these devices. If the court 6337  
in which the offender was convicted does not have a special 6338  
projects fund that is established under division (E) (1) of 6339  
section 2303.201, division (B) (1) of section 1901.26, or 6340  
division (B) (1) of section 1907.24 of the Revised Code, the 6341  
fifty dollars shall be deposited into the indigent drivers 6342  
interlock and alcohol monitoring fund under division (I) of 6343  
section 4511.191 of the Revised Code. 6344

(f) Seventy-five dollars of the fine imposed under 6345  
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 6346  
fine imposed under division (G) (1) (b) (iii), two hundred fifty 6347  
dollars of the fine imposed under division (G) (1) (c) (iii), and 6348  
five hundred dollars of the fine imposed under division (G) (1) 6349  
(d) (iii) or (e) (iii) of this section shall be transmitted to the 6350  
treasurer of state for deposit into the indigent defense support 6351  
fund established under section 120.08 of the Revised Code. 6352

(g) The balance of the fine imposed under division (G) (1) 6353  
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 6354  
section shall be disbursed as otherwise provided by law. 6355

(6) If title to a motor vehicle that is subject to an 6356

order of criminal forfeiture under division (G) (1) (c), (d), or 6357  
(e) of this section is assigned or transferred and division (B) 6358  
(2) or (3) of section 4503.234 of the Revised Code applies, in 6359  
addition to or independent of any other penalty established by 6360  
law, the court may fine the offender the value of the vehicle as 6361  
determined by publications of the national automobile dealers 6362  
association. The proceeds of any fine so imposed shall be 6363  
distributed in accordance with division (C) (2) of that section. 6364

(7) In all cases in which an offender is sentenced under 6365  
division (G) of this section, the offender shall provide the 6366  
court with proof of financial responsibility as defined in 6367  
section 4509.01 of the Revised Code. If the offender fails to 6368  
provide that proof of financial responsibility, the court, in 6369  
addition to any other penalties provided by law, may order 6370  
restitution pursuant to section 2929.18 or 2929.28 of the 6371  
Revised Code in an amount not exceeding five thousand dollars 6372  
for any economic loss arising from an accident or collision that 6373  
was the direct and proximate result of the offender's operation 6374  
of the vehicle before, during, or after committing the offense 6375  
for which the offender is sentenced under division (G) of this 6376  
section. 6377

(8) A court may order an offender to reimburse a law 6378  
enforcement agency for any costs incurred by the agency with 6379  
respect to a chemical test or tests administered to the offender 6380  
if all of the following apply: 6381

(a) The offender is convicted of or pleads guilty to a 6382  
violation of division (A) of this section. 6383

(b) The test or tests were of the offender's whole blood, 6384  
blood serum or plasma, oral fluid, or urine. 6385



(c) The test or tests indicated that the offender had ~~a~~ 6386  
one of the following at the time of the offense: 6387

(i) A prohibited concentration of a controlled substance 6388  
or a metabolite of a controlled substance in the offender's 6389  
whole blood, blood serum or plasma, or urine ~~at the time of the~~ 6390  
~~offense;~~ 6391

(ii) A drug of abuse or a metabolite of a drug of abuse in 6392  
the offender's oral fluid. 6393

(9) As used in division (G) of this section, "electronic 6394  
monitoring," "mandatory prison term," and "mandatory term of 6395  
local incarceration" have the same meanings as in section 6396  
2929.01 of the Revised Code. 6397

(H) Whoever violates division (B) of this section is 6398  
guilty of operating a vehicle after underage alcohol consumption 6399  
and shall be punished as follows: 6400

(1) Except as otherwise provided in division (H)(2) of 6401  
this section, the offender is guilty of a misdemeanor of the 6402  
fourth degree. In addition to any other sanction imposed for the 6403  
offense, the court shall impose a class six suspension of the 6404  
offender's driver's license, commercial driver's license, 6405  
temporary instruction permit, probationary license, or 6406  
nonresident operating privilege from the range specified in 6407  
division (A)(6) of section 4510.02 of the Revised Code. The 6408  
court may grant limited driving privileges relative to the 6409  
suspension under sections 4510.021 and 4510.13 of the Revised 6410  
Code. The court may grant unlimited driving privileges with an 6411  
ignition interlock device relative to the suspension and may 6412  
reduce the period of suspension as authorized under section 6413  
4510.022 of the Revised Code. If the court grants unlimited 6414

driving privileges under section 4510.022 of the Revised Code, 6415  
the court shall suspend any jail term imposed under division (H) 6416  
(1) of this section as required under that section. 6417

(2) If, within one year of the offense, the offender 6418  
previously has been convicted of or pleaded guilty to one or 6419  
more violations of division (A) of this section or other 6420  
equivalent offenses, the offender is guilty of a misdemeanor of 6421  
the third degree. In addition to any other sanction imposed for 6422  
the offense, the court shall impose a class four suspension of 6423  
the offender's driver's license, commercial driver's license, 6424  
temporary instruction permit, probationary license, or 6425  
nonresident operating privilege from the range specified in 6426  
division (A)(4) of section 4510.02 of the Revised Code. The 6427  
court may grant limited driving privileges relative to the 6428  
suspension under sections 4510.021 and 4510.13 of the Revised 6429  
Code. 6430

(3) The offender shall provide the court with proof of 6431  
financial responsibility as defined in section 4509.01 of the 6432  
Revised Code. If the offender fails to provide that proof of 6433  
financial responsibility, then, in addition to any other 6434  
penalties provided by law, the court may order restitution 6435  
pursuant to section 2929.28 of the Revised Code in an amount not 6436  
exceeding five thousand dollars for any economic loss arising 6437  
from an accident or collision that was the direct and proximate 6438  
result of the offender's operation of the vehicle before, 6439  
during, or after committing the violation of division (B) of 6440  
this section. 6441

(I) (1) No court shall sentence an offender to an alcohol 6442  
treatment program under this section unless the treatment 6443  
program complies with the minimum standards for alcohol 6444

treatment programs adopted under Chapter 5119. of the Revised 6445  
Code by the director of mental health and addiction services. 6446

(2) An offender who stays in a drivers' intervention 6447  
program or in an alcohol treatment program under an order issued 6448  
under this section shall pay the cost of the stay in the 6449  
program. However, if the court determines that an offender who 6450  
stays in an alcohol treatment program under an order issued 6451  
under this section is unable to pay the cost of the stay in the 6452  
program, the court may order that the cost be paid from the 6453  
court's indigent drivers' alcohol treatment fund. 6454

(J) If a person whose driver's or commercial driver's 6455  
license or permit or nonresident operating privilege is 6456  
suspended under this section files an appeal regarding any 6457  
aspect of the person's trial or sentence, the appeal itself does 6458  
not stay the operation of the suspension. 6459

(K) Division (A)(1)(j) of this section does not apply to a 6460  
person who operates a vehicle, streetcar, or trackless trolley 6461  
while the person has a concentration of a listed controlled 6462  
substance or a listed metabolite of a controlled substance in 6463  
the person's whole blood, blood serum or plasma, or urine that 6464  
equals or exceeds the amount specified in that division, if both 6465  
of the following apply: 6466

(1) The person obtained the controlled substance pursuant 6467  
to a prescription issued by a licensed health professional 6468  
authorized to prescribe drugs. 6469

(2) The person injected, ingested, or inhaled the 6470  
controlled substance in accordance with the health 6471  
professional's directions. 6472

(L) The prohibited concentrations of a controlled 6473

substance or a metabolite of a controlled substance listed in 6474  
division (A) (1) (j) of this section also apply in a prosecution 6475  
of a violation of division (D) of section 2923.16 of the Revised 6476  
Code in the same manner as if the offender is being prosecuted 6477  
for a prohibited concentration of alcohol. 6478

(M) All terms defined in section 4510.01 of the Revised 6479  
Code apply to this section. If the meaning of a term defined in 6480  
section 4510.01 of the Revised Code conflicts with the meaning 6481  
of the same term as defined in section 4501.01 or 4511.01 of the 6482  
Revised Code, the term as defined in section 4510.01 of the 6483  
Revised Code applies to this section. 6484

(N) (1) The Ohio Traffic Rules in effect on January 1, 6485  
2004, as adopted by the supreme court under authority of section 6486  
2937.46 of the Revised Code, do not apply to felony violations 6487  
of this section. Subject to division (N) (2) of this section, the 6488  
Rules of Criminal Procedure apply to felony violations of this 6489  
section. 6490

(2) If, on or after January 1, 2004, the supreme court 6491  
modifies the Ohio Traffic Rules to provide procedures to govern 6492  
felony violations of this section, the modified rules shall 6493  
apply to felony violations of this section. 6494

**Sec. 4511.191.** (A) (1) As used in this section: 6495

(a) "Physical control" has the same meaning as in section 6496  
4511.194 of the Revised Code. 6497

(b) "Alcohol monitoring device" means any device that 6498  
provides for continuous alcohol monitoring, any ignition 6499  
interlock device, any immobilizing or disabling device other 6500  
than an ignition interlock device that is constantly available 6501  
to monitor the concentration of alcohol in a person's system, or 6502

any other device that provides for the automatic testing and 6503  
periodic reporting of alcohol consumption by a person and that a 6504  
court orders a person to use as a sanction imposed as a result 6505  
of the person's conviction of or plea of guilty to an offense. 6506

(c) "Community addiction services provider" has the same 6507  
meaning as in section 5119.01 of the Revised Code. 6508

(2) Any person who operates a vehicle, streetcar, or 6509  
trackless trolley upon a highway or any public or private 6510  
property used by the public for vehicular travel or parking 6511  
within this state or who is in physical control of a vehicle, 6512  
streetcar, or trackless trolley shall be deemed to have given 6513  
consent to a chemical test or tests of the person's whole blood, 6514  
blood serum or plasma, breath, oral fluid, or urine to determine 6515  
the alcohol, drug of abuse, controlled substance, metabolite of 6516  
a controlled substance, or combination content of the person's 6517  
whole blood, blood serum or plasma, breath, oral fluid, or urine 6518  
if arrested for a violation of division (A) or (B) of section 6519  
4511.19 of the Revised Code, section 4511.194 of the Revised 6520  
Code or a substantially equivalent municipal ordinance, or a 6521  
municipal OVI ordinance. 6522

(3) The chemical test or tests under division (A) (2) of 6523  
this section shall be administered at the request of a law 6524  
enforcement officer having reasonable grounds to believe the 6525  
person was operating or in physical control of a vehicle, 6526  
streetcar, or trackless trolley in violation of a division, 6527  
section, or ordinance identified in division (A) (2) of this 6528  
section. The law enforcement agency by which the officer is 6529  
employed shall designate which of the tests shall be 6530  
administered. 6531

(4) Any person who is dead or unconscious, or who 6532

otherwise is in a condition rendering the person incapable of 6533  
refusal, shall be deemed to have consented as provided in 6534  
division (A) (2) of this section, and the test or tests may be 6535  
administered, subject to sections 313.12 to 313.16 of the 6536  
Revised Code. 6537

(5) (a) If a law enforcement officer arrests a person for a 6538  
violation of division (A) or (B) of section 4511.19 of the 6539  
Revised Code, section 4511.194 of the Revised Code or a 6540  
substantially equivalent municipal ordinance, or a municipal OVI 6541  
ordinance and if the person if convicted would be required to be 6542  
sentenced under division (G) (1) (c), (d), or (e) of section 6543  
4511.19 of the Revised Code, the law enforcement officer shall 6544  
request the person to submit, and the person shall submit, to a 6545  
chemical test or tests of the person's whole blood, blood serum 6546  
or plasma, breath, oral fluid, or urine for the purpose of 6547  
determining the alcohol, drug of abuse, controlled substance, 6548  
metabolite of a controlled substance, or combination content of 6549  
the person's whole blood, blood serum or plasma, breath, oral 6550  
fluid, or urine. A law enforcement officer who makes a request 6551  
pursuant to this division that a person submit to a chemical 6552  
test or tests is not required to advise the person of the 6553  
consequences of submitting to, or refusing to submit to, the 6554  
test or tests and is not required to give the person the form 6555  
described in division (B) of section 4511.192 of the Revised 6556  
Code, but the officer shall advise the person at the time of the 6557  
arrest that if the person refuses to take a chemical test the 6558  
officer may employ whatever reasonable means are necessary to 6559  
ensure that the person submits to a chemical test of the 6560  
person's whole blood or blood serum or plasma. The officer shall 6561  
also advise the person at the time of the arrest that the person 6562  
may have an independent chemical test taken at the person's own 6563

expense. Divisions (A) (3) and (4) of this section apply to the 6564  
administration of a chemical test or tests pursuant to this 6565  
division. 6566

(b) If a person refuses to submit to a chemical test upon 6567  
a request made pursuant to division (A) (5) (a) of this section, 6568  
the law enforcement officer who made the request may employ 6569  
whatever reasonable means are necessary to ensure that the 6570  
person submits to a chemical test of the person's whole blood or 6571  
blood serum or plasma. A law enforcement officer who acts 6572  
pursuant to this division to ensure that a person submits to a 6573  
chemical test of the person's whole blood or blood serum or 6574  
plasma is immune from criminal and civil liability based upon a 6575  
claim for assault and battery or any other claim for the acts, 6576  
unless the officer so acted with malicious purpose, in bad 6577  
faith, or in a wanton or reckless manner. 6578

(B) (1) Upon receipt of the sworn report of a law 6579  
enforcement officer who arrested a person for a violation of 6580  
division (A) or (B) of section 4511.19 of the Revised Code, 6581  
section 4511.194 of the Revised Code or a substantially 6582  
equivalent municipal ordinance, or a municipal OVI ordinance 6583  
that was completed and sent to the registrar of motor vehicles 6584  
and a court pursuant to section 4511.192 of the Revised Code in 6585  
regard to a person who refused to take the designated chemical 6586  
test, the registrar shall enter into the registrar's records the 6587  
fact that the person's driver's or commercial driver's license 6588  
or permit or nonresident operating privilege was suspended by 6589  
the arresting officer under this division and that section and 6590  
the period of the suspension, as determined under this section. 6591  
The suspension shall be subject to appeal as provided in section 6592  
4511.197 of the Revised Code. The suspension shall be for 6593  
whichever of the following periods applies: 6594

(a) Except when division (B) (1) (b), (c), or (d) of this 6595  
section applies and specifies a different class or length of 6596  
suspension, the suspension shall be a class C suspension for the 6597  
period of time specified in division (B) (3) of section 4510.02 6598  
of the Revised Code. 6599

(b) If the arrested person, within ten years of the date 6600  
on which the person refused the request to consent to the 6601  
chemical test, had refused one previous request to consent to a 6602  
chemical test or had been convicted of or pleaded guilty to one 6603  
violation of division (A) of section 4511.19 of the Revised Code 6604  
or one other equivalent offense, the suspension shall be a class 6605  
B suspension imposed for the period of time specified in 6606  
division (B) (2) of section 4510.02 of the Revised Code. 6607

(c) If the arrested person, within ten years of the date 6608  
on which the person refused the request to consent to the 6609  
chemical test, had refused two previous requests to consent to a 6610  
chemical test, had been convicted of or pleaded guilty to two 6611  
violations of division (A) of section 4511.19 of the Revised 6612  
Code or other equivalent offenses, or had refused one previous 6613  
request to consent to a chemical test and also had been 6614  
convicted of or pleaded guilty to one violation of division (A) 6615  
of section 4511.19 of the Revised Code or other equivalent 6616  
offenses, which violation or offense arose from an incident 6617  
other than the incident that led to the refusal, the suspension 6618  
shall be a class A suspension imposed for the period of time 6619  
specified in division (B) (1) of section 4510.02 of the Revised 6620  
Code. 6621

(d) If the arrested person, within ten years of the date 6622  
on which the person refused the request to consent to the 6623  
chemical test, had refused three or more previous requests to 6624



consent to a chemical test, had been convicted of or pleaded 6625  
guilty to three or more violations of division (A) of section 6626  
4511.19 of the Revised Code or other equivalent offenses, or had 6627  
refused a number of previous requests to consent to a chemical 6628  
test and also had been convicted of or pleaded guilty to a 6629  
number of violations of division (A) of section 4511.19 of the 6630  
Revised Code or other equivalent offenses that cumulatively 6631  
total three or more such refusals, convictions, and guilty 6632  
pleas, the suspension shall be for five years. 6633

(2) The registrar shall terminate a suspension of the 6634  
driver's or commercial driver's license or permit of a resident 6635  
or of the operating privilege of a nonresident, or a denial of a 6636  
driver's or commercial driver's license or permit, imposed 6637  
pursuant to division (B)(1) of this section upon receipt of 6638  
notice that the person has entered a plea of guilty to, or that 6639  
the person has been convicted after entering a plea of no 6640  
contest to, operating a vehicle in violation of section 4511.19 6641  
of the Revised Code or in violation of a municipal OVI 6642  
ordinance, if the offense for which the conviction is had or the 6643  
plea is entered arose from the same incident that led to the 6644  
suspension or denial. 6645

The registrar shall credit against any judicial suspension 6646  
of a person's driver's or commercial driver's license or permit 6647  
or nonresident operating privilege imposed pursuant to section 6648  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 6649  
the Revised Code for a violation of a municipal OVI ordinance, 6650  
any time during which the person serves a related suspension 6651  
imposed pursuant to division (B)(1) of this section. 6652

(C)(1) Upon receipt of the sworn report of the law 6653  
enforcement officer who arrested a person for a violation of 6654

division (A) or (B) of section 4511.19 of the Revised Code or a 6655  
municipal OVI ordinance that was completed and sent to the 6656  
registrar and a court pursuant to section 4511.192 of the 6657  
Revised Code in regard to a person whose test results indicate 6658  
that the person's whole blood, blood serum or plasma, breath, or 6659  
urine contained at least the concentration of alcohol specified 6660  
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 6661  
the Revised Code or at least the concentration of a listed 6662  
controlled substance or a listed metabolite of a controlled 6663  
substance specified in division (A) (1) (j) of section 4511.19 of 6664  
the Revised Code, the registrar shall enter into the registrar's 6665  
records the fact that the person's driver's or commercial 6666  
driver's license or permit or nonresident operating privilege 6667  
was suspended by the arresting officer under this division and 6668  
section 4511.192 of the Revised Code and the period of the 6669  
suspension, as determined under divisions (C) (1) (a) to (d) of 6670  
this section. The suspension shall be subject to appeal as 6671  
provided in section 4511.197 of the Revised Code. The suspension 6672  
described in this division does not apply to, and shall not be 6673  
imposed upon, a person arrested for a violation of section 6674  
4511.194 of the Revised Code or a substantially equivalent 6675  
municipal ordinance who submits to a designated chemical test. 6676  
The suspension shall be for whichever of the following periods 6677  
applies: 6678

(a) Except when division (C) (1) (b), (c), or (d) of this 6679  
section applies and specifies a different period, the suspension 6680  
shall be a class E suspension imposed for the period of time 6681  
specified in division (B) (5) of section 4510.02 of the Revised 6682  
Code. 6683

(b) The suspension shall be a class C suspension for the 6684  
period of time specified in division (B) (3) of section 4510.02 6685

of the Revised Code if the person has been convicted of or 6686  
pleaded guilty to, within ten years of the date the test was 6687  
conducted, one violation of division (A) of section 4511.19 of 6688  
the Revised Code or one other equivalent offense. 6689

(c) If, within ten years of the date the test was 6690  
conducted, the person has been convicted of or pleaded guilty to 6691  
two violations of a statute or ordinance described in division 6692  
(C) (1) (b) of this section, the suspension shall be a class B 6693  
suspension imposed for the period of time specified in division 6694  
(B) (2) of section 4510.02 of the Revised Code. 6695

(d) If, within ten years of the date the test was 6696  
conducted, the person has been convicted of or pleaded guilty to 6697  
more than two violations of a statute or ordinance described in 6698  
division (C) (1) (b) of this section, the suspension shall be a 6699  
class A suspension imposed for the period of time specified in 6700  
division (B) (1) of section 4510.02 of the Revised Code. 6701

(2) The registrar shall terminate a suspension of the 6702  
driver's or commercial driver's license or permit of a resident 6703  
or of the operating privilege of a nonresident, or a denial of a 6704  
driver's or commercial driver's license or permit, imposed 6705  
pursuant to division (C) (1) of this section upon receipt of 6706  
notice that the person has entered a plea of guilty to, or that 6707  
the person has been convicted after entering a plea of no 6708  
contest to, operating a vehicle in violation of section 4511.19 6709  
of the Revised Code or in violation of a municipal OVI 6710  
ordinance, if the offense for which the conviction is had or the 6711  
plea is entered arose from the same incident that led to the 6712  
suspension or denial. 6713

The registrar shall credit against any judicial suspension 6714  
of a person's driver's or commercial driver's license or permit 6715

or nonresident operating privilege imposed pursuant to section 6716  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 6717  
the Revised Code for a violation of a municipal OVI ordinance, 6718  
any time during which the person serves a related suspension 6719  
imposed pursuant to division (C) (1) of this section. 6720

(D) (1) A suspension of a person's driver's or commercial 6721  
driver's license or permit or nonresident operating privilege 6722  
under this section for the time described in division (B) or (C) 6723  
of this section is effective immediately from the time at which 6724  
the arresting officer serves the notice of suspension upon the 6725  
arrested person. Any subsequent finding that the person is not 6726  
guilty of the charge that resulted in the person being requested 6727  
to take the chemical test or tests under division (A) of this 6728  
section does not affect the suspension. 6729

(2) If a person is arrested for operating a vehicle, 6730  
streetcar, or trackless trolley in violation of division (A) or 6731  
(B) of section 4511.19 of the Revised Code or a municipal OVI 6732  
ordinance, or for being in physical control of a vehicle, 6733  
streetcar, or trackless trolley in violation of section 4511.194 6734  
of the Revised Code or a substantially equivalent municipal 6735  
ordinance, regardless of whether the person's driver's or 6736  
commercial driver's license or permit or nonresident operating 6737  
privilege is or is not suspended under division (B) or (C) of 6738  
this section or Chapter 4510. of the Revised Code, the person's 6739  
initial appearance on the charge resulting from the arrest shall 6740  
be held within five days of the person's arrest or the issuance 6741  
of the citation to the person, subject to any continuance 6742  
granted by the court pursuant to section 4511.197 of the Revised 6743  
Code regarding the issues specified in that division. 6744

(E) When it finally has been determined under the 6745

procedures of this section and sections 4511.192 to 4511.197 of 6746  
the Revised Code that a nonresident's privilege to operate a 6747  
vehicle within this state has been suspended, the registrar 6748  
shall give information in writing of the action taken to the 6749  
motor vehicle administrator of the state of the person's 6750  
residence and of any state in which the person has a license. 6751

(F) At the end of a suspension period under this section, 6752  
under section 4511.194, section 4511.196, or division (G) of 6753  
section 4511.19 of the Revised Code, or under section 4510.07 of 6754  
the Revised Code for a violation of a municipal OVI ordinance 6755  
and upon the request of the person whose driver's or commercial 6756  
driver's license or permit was suspended and who is not 6757  
otherwise subject to suspension, cancellation, or 6758  
disqualification, the registrar shall return the driver's or 6759  
commercial driver's license or permit to the person upon the 6760  
occurrence of all of the conditions specified in divisions (F) 6761  
(1) and (2) of this section: 6762

(1) A showing that the person has proof of financial 6763  
responsibility, a policy of liability insurance in effect that 6764  
meets the minimum standards set forth in section 4509.51 of the 6765  
Revised Code, or proof, to the satisfaction of the registrar, 6766  
that the person is able to respond in damages in an amount at 6767  
least equal to the minimum amounts specified in section 4509.51 6768  
of the Revised Code. 6769

(2) Subject to the limitation contained in division (F) (3) 6770  
of this section, payment by the person to the registrar or an 6771  
eligible deputy registrar of a license reinstatement fee of four 6772  
hundred seventy-five dollars, which fee shall be deposited in 6773  
the state treasury and credited as follows: 6774

(a) One hundred twelve dollars and fifty cents shall be 6775

credited to the statewide treatment and prevention fund created 6776  
by section 4301.30 of the Revised Code. Money credited to the 6777  
fund under this section shall be used for purposes identified 6778  
under section 5119.22 of the Revised Code. 6779

(b) Seventy-five dollars shall be credited to the 6780  
reparations fund created by section 2743.191 of the Revised 6781  
Code. 6782

(c) Thirty-seven dollars and fifty cents shall be credited 6783  
to the indigent drivers alcohol treatment fund, which is hereby 6784  
established in the state treasury. The department of mental 6785  
health and addiction services shall distribute the moneys in 6786  
that fund to the county indigent drivers alcohol treatment 6787  
funds, the county juvenile indigent drivers alcohol treatment 6788  
funds, and the municipal indigent drivers alcohol treatment 6789  
funds that are required to be established by counties and 6790  
municipal corporations pursuant to division (H) of this section 6791  
to be used only as provided in division (H)(3) of this section. 6792  
Moneys in the fund that are not distributed to a county indigent 6793  
drivers alcohol treatment fund, a county juvenile indigent 6794  
drivers alcohol treatment fund, or a municipal indigent drivers 6795  
alcohol treatment fund under division (H) of this section 6796  
because the director of mental health and addiction services 6797  
does not have the information necessary to identify the county 6798  
or municipal corporation where the offender or juvenile offender 6799  
was arrested may be transferred by the director of budget and 6800  
management to the statewide treatment and prevention fund 6801  
created by section 4301.30 of the Revised Code, upon 6802  
certification of the amount by the director of mental health and 6803  
addiction services. 6804

(d) Seventy-five dollars shall be credited to the 6805

opportunities for Ohioans with disabilities agency established 6806  
by section 3304.15 of the Revised Code, to the services for 6807  
rehabilitation fund, which is hereby established. The fund shall 6808  
be used to match available federal matching funds where 6809  
appropriate or for any other purpose or program of the agency. 6810

(e) Seventy-five dollars shall be deposited into the state 6811  
treasury and credited to the drug abuse resistance education 6812  
programs fund, which is hereby established, to be used by the 6813  
attorney general for the purposes specified in division (F) (4) 6814  
of this section. 6815

(f) Thirty dollars shall be credited to the public safety 6816  
- highway purposes fund created by section 4501.06 of the 6817  
Revised Code. 6818

(g) Twenty dollars shall be credited to the trauma and 6819  
emergency medical services fund created by section 4513.263 of 6820  
the Revised Code. 6821

(h) Fifty dollars shall be credited to the indigent 6822  
drivers interlock and alcohol monitoring fund, which is hereby 6823  
established in the state treasury. Moneys in the fund shall be 6824  
distributed by the department of public safety to the county 6825  
indigent drivers interlock and alcohol monitoring funds, the 6826  
county juvenile indigent drivers interlock and alcohol 6827  
monitoring funds, and the municipal indigent drivers interlock 6828  
and alcohol monitoring funds that are required to be established 6829  
by counties and municipal corporations pursuant to this section, 6830  
and shall be used only to pay the cost of an immobilizing or 6831  
disabling device, including a certified ignition interlock 6832  
device, or an alcohol monitoring device used by an offender or 6833  
juvenile offender who is ordered to use the device by a county, 6834  
juvenile, or municipal court judge and who is determined by the 6835

county, juvenile, or municipal court judge not to have the means 6836  
to pay for the person's use of the device. 6837

(3) If a person's driver's or commercial driver's license 6838  
or permit is suspended under this section, under section 6839  
4511.196 or division (G) of section 4511.19 of the Revised Code, 6840  
under section 4510.07 of the Revised Code for a violation of a 6841  
municipal OVI ordinance or under any combination of the 6842  
suspensions described in division (F) (3) of this section, and if 6843  
the suspensions arise from a single incident or a single set of 6844  
facts and circumstances, the person is liable for payment of, 6845  
and shall be required to pay to the registrar or an eligible 6846  
deputy registrar, only one reinstatement fee of four hundred 6847  
seventy-five dollars. The reinstatement fee shall be distributed 6848  
by the bureau in accordance with division (F) (2) of this 6849  
section. 6850

(4) The attorney general shall use amounts in the drug 6851  
abuse resistance education programs fund to award grants to law 6852  
enforcement agencies to establish and implement drug abuse 6853  
resistance education programs in public schools. Grants awarded 6854  
to a law enforcement agency under this section shall be used by 6855  
the agency to pay for not more than fifty per cent of the amount 6856  
of the salaries of law enforcement officers who conduct drug 6857  
abuse resistance education programs in public schools. The 6858  
attorney general shall not use more than six per cent of the 6859  
amounts the attorney general's office receives under division 6860  
(F) (2) (e) of this section to pay the costs it incurs in 6861  
administering the grant program established by division (F) (2) 6862  
(e) of this section and in providing training and materials 6863  
relating to drug abuse resistance education programs. 6864

The attorney general shall report to the governor and the 6865



general assembly each fiscal year on the progress made in 6866  
establishing and implementing drug abuse resistance education 6867  
programs. These reports shall include an evaluation of the 6868  
effectiveness of these programs. 6869

(5) In addition to the reinstatement fee under this 6870  
section, if the person pays the reinstatement fee to a deputy 6871  
registrar, the deputy registrar shall collect a service fee of 6872  
ten dollars to compensate the deputy registrar for services 6873  
performed under this section. The deputy registrar shall retain 6874  
eight dollars of the service fee and shall transmit the 6875  
reinstatement fee, plus two dollars of the service fee, to the 6876  
registrar in the manner the registrar shall determine. 6877

(G) Suspension of a commercial driver's license under 6878  
division (B) or (C) of this section shall be concurrent with any 6879  
period of disqualification under section 3123.611 or 4506.16 of 6880  
the Revised Code or any period of suspension under section 6881  
3123.58 of the Revised Code. No person who is disqualified for 6882  
life from holding a commercial driver's license under section 6883  
4506.16 of the Revised Code shall be issued a driver's license 6884  
under Chapter 4507. of the Revised Code during the period for 6885  
which the commercial driver's license was suspended under 6886  
division (B) or (C) of this section. No person whose commercial 6887  
driver's license is suspended under division (B) or (C) of this 6888  
section shall be issued a driver's license under Chapter 4507. 6889  
of the Revised Code during the period of the suspension. 6890

(H) (1) Each county shall establish an indigent drivers 6891  
alcohol treatment fund and a juvenile indigent drivers alcohol 6892  
treatment fund. Each municipal corporation in which there is a 6893  
municipal court shall establish an indigent drivers alcohol 6894  
treatment fund. All revenue that the general assembly 6895

appropriates to the indigent drivers alcohol treatment fund for 6896  
transfer to a county indigent drivers alcohol treatment fund, a 6897  
county juvenile indigent drivers alcohol treatment fund, or a 6898  
municipal indigent drivers alcohol treatment fund, all portions 6899  
of fees that are paid under division (F) of this section and 6900  
that are credited under that division to the indigent drivers 6901  
alcohol treatment fund in the state treasury for a county 6902  
indigent drivers alcohol treatment fund, a county juvenile 6903  
indigent drivers alcohol treatment fund, or a municipal indigent 6904  
drivers alcohol treatment fund, all portions of additional costs 6905  
imposed under section 2949.094 of the Revised Code that are 6906  
specified for deposit into a county, county juvenile, or 6907  
municipal indigent drivers alcohol treatment fund by that 6908  
section, and all portions of fines that are specified for 6909  
deposit into a county or municipal indigent drivers alcohol 6910  
treatment fund by section 4511.193 of the Revised Code shall be 6911  
deposited into that county indigent drivers alcohol treatment 6912  
fund, county juvenile indigent drivers alcohol treatment fund, 6913  
or municipal indigent drivers alcohol treatment fund. The 6914  
portions of the fees paid under division (F) of this section 6915  
that are to be so deposited shall be determined in accordance 6916  
with division (H) (2) of this section. Additionally, all portions 6917  
of fines that are paid for a violation of section 4511.19 of the 6918  
Revised Code or of any prohibition contained in Chapter 4510. of 6919  
the Revised Code, and that are required under section 4511.19 or 6920  
any provision of Chapter 4510. of the Revised Code to be 6921  
deposited into a county indigent drivers alcohol treatment fund 6922  
or municipal indigent drivers alcohol treatment fund shall be 6923  
deposited into the appropriate fund in accordance with the 6924  
applicable division of the section or provision. 6925

(2) That portion of the license reinstatement fee that is 6926

paid under division (F) of this section and that is credited 6927  
under that division to the indigent drivers alcohol treatment 6928  
fund shall be deposited into a county indigent drivers alcohol 6929  
treatment fund, a county juvenile indigent drivers alcohol 6930  
treatment fund, or a municipal indigent drivers alcohol 6931  
treatment fund as follows: 6932

(a) Regarding a suspension imposed under this section, 6933  
that portion of the fee shall be deposited as follows: 6934

(i) If the fee is paid by a person who was charged in a 6935  
county court with the violation that resulted in the suspension 6936  
or in the imposition of the court costs, the portion shall be 6937  
deposited into the county indigent drivers alcohol treatment 6938  
fund under the control of that court; 6939

(ii) If the fee is paid by a person who was charged in a 6940  
juvenile court with the violation that resulted in the 6941  
suspension or in the imposition of the court costs, the portion 6942  
shall be deposited into the county juvenile indigent drivers 6943  
alcohol treatment fund established in the county served by the 6944  
court; 6945

(iii) If the fee is paid by a person who was charged in a 6946  
municipal court with the violation that resulted in the 6947  
suspension or in the imposition of the court costs, the portion 6948  
shall be deposited into the municipal indigent drivers alcohol 6949  
treatment fund under the control of that court. 6950

(b) Regarding a suspension imposed under section 4511.19 6951  
of the Revised Code or under section 4510.07 of the Revised Code 6952  
for a violation of a municipal OVI ordinance, that portion of 6953  
the fee shall be deposited as follows: 6954

(i) If the fee is paid by a person whose license or permit 6955

was suspended by a county court, the portion shall be deposited 6956  
into the county indigent drivers alcohol treatment fund under 6957  
the control of that court; 6958

(ii) If the fee is paid by a person whose license or 6959  
permit was suspended by a municipal court, the portion shall be 6960  
deposited into the municipal indigent drivers alcohol treatment 6961  
fund under the control of that court. 6962

(3) (a) As used in division (H) (3) of this section, 6963  
"indigent person" means a person who is convicted of a violation 6964  
of division (A) or (B) of section 4511.19 of the Revised Code or 6965  
a substantially similar municipal ordinance or found to be a 6966  
juvenile traffic offender by reason of a violation of division 6967  
(A) or (B) of section 4511.19 of the Revised Code or a 6968  
substantially similar municipal ordinance, who is ordered by the 6969  
court to attend an alcohol and drug addiction treatment program, 6970  
and who is determined by the court under division (H) (5) of this 6971  
section to be unable to pay the cost of the assessment or the 6972  
cost of attendance at the treatment program. 6973

(b) A county, juvenile, or municipal court judge, by 6974  
order, may make expenditures from a county indigent drivers 6975  
alcohol treatment fund, a county juvenile indigent drivers 6976  
alcohol treatment fund, or a municipal indigent drivers alcohol 6977  
treatment fund with respect to an indigent person for any of the 6978  
following: 6979

(i) To pay the cost of an assessment that is conducted by 6980  
an appropriately licensed clinician at either a driver 6981  
intervention program that is certified under section 5119.38 of 6982  
the Revised Code or at a community addiction services provider 6983  
whose alcohol and drug addiction services are certified under 6984  
section 5119.36 of the Revised Code; 6985

(ii) To pay the cost of alcohol addiction services, drug 6986  
addiction services, or integrated alcohol and drug addiction 6987  
services at a community addiction services provider whose 6988  
alcohol and drug addiction services are certified under section 6989  
5119.36 of the Revised Code; 6990

(iii) To pay the cost of transportation to attend an 6991  
assessment as provided under division (H) (3) (b) (i) of this 6992  
section or addiction services as provided under division (H) (3) 6993  
(b) (ii) of this section. 6994

The alcohol and drug addiction services board or the board 6995  
of alcohol, drug addiction, and mental health services 6996  
established pursuant to section 340.02 or 340.021 of the Revised 6997  
Code and serving the alcohol, drug addiction, and mental health 6998  
service district in which the court is located shall administer 6999  
the indigent drivers alcohol treatment program of the court. 7000  
When a court orders an offender or juvenile traffic offender to 7001  
obtain an assessment or attend an alcohol and drug addiction 7002  
treatment program, the board shall determine which program is 7003  
suitable to meet the needs of the offender or juvenile traffic 7004  
offender, and when a suitable program is located and space is 7005  
available at the program, the offender or juvenile traffic 7006  
offender shall attend the program designated by the board. A 7007  
reasonable amount not to exceed five per cent of the amounts 7008  
credited to and deposited into the county indigent drivers 7009  
alcohol treatment fund, the county juvenile indigent drivers 7010  
alcohol treatment fund, or the municipal indigent drivers 7011  
alcohol treatment fund serving every court whose program is 7012  
administered by that board shall be paid to the board to cover 7013  
the costs it incurs in administering those indigent drivers 7014  
alcohol treatment programs. 7015

(c) Upon exhaustion of moneys in the indigent drivers 7016  
interlock and alcohol monitoring fund for the use of an alcohol 7017  
monitoring device, a county, juvenile, or municipal court judge 7018  
may use moneys in the county indigent drivers alcohol treatment 7019  
fund, county juvenile indigent drivers alcohol treatment fund, 7020  
or municipal indigent drivers alcohol treatment fund in either 7021  
of the following manners: 7022

(i) If the source of the moneys was an appropriation of 7023  
the general assembly, a portion of a fee that was paid under 7024  
division (F) of this section, a portion of a fine that was 7025  
specified for deposit into the fund by section 4511.193 of the 7026  
Revised Code, or a portion of a fine that was paid for a 7027  
violation of section 4511.19 of the Revised Code or of a 7028  
provision contained in Chapter 4510. of the Revised Code that 7029  
was required to be deposited into the fund, to pay for the 7030  
continued use of an alcohol monitoring device by an offender or 7031  
juvenile traffic offender, in conjunction with a treatment 7032  
program approved by the department of mental health and 7033  
addiction services, when such use is determined clinically 7034  
necessary by the treatment program and when the court determines 7035  
that the offender or juvenile traffic offender is unable to pay 7036  
all or part of the daily monitoring or cost of the device; 7037

(ii) If the source of the moneys was a portion of an 7038  
additional court cost imposed under section 2949.094 of the 7039  
Revised Code, to pay for the continued use of an alcohol 7040  
monitoring device by an offender or juvenile traffic offender 7041  
when the court determines that the offender or juvenile traffic 7042  
offender is unable to pay all or part of the daily monitoring or 7043  
cost of the device. The moneys may be used for a device as 7044  
described in this division if the use of the device is in 7045  
conjunction with a treatment program approved by the department 7046

of mental health and addiction services, when the use of the 7047  
device is determined clinically necessary by the treatment 7048  
program, but the use of a device is not required to be in 7049  
conjunction with a treatment program approved by the department 7050  
in order for the moneys to be used for the device as described 7051  
in this division. 7052

(4) If a county, juvenile, or municipal court determines, 7053  
in consultation with the alcohol and drug addiction services 7054  
board or the board of alcohol, drug addiction, and mental health 7055  
services established pursuant to section 340.02 or 340.021 of 7056  
the Revised Code and serving the alcohol, drug addiction, and 7057  
mental health district in which the court is located, that the 7058  
funds in the county indigent drivers alcohol treatment fund, the 7059  
county juvenile indigent drivers alcohol treatment fund, or the 7060  
municipal indigent drivers alcohol treatment fund under the 7061  
control of the court are more than sufficient to satisfy the 7062  
purpose for which the fund was established, as specified in 7063  
divisions (H) (1) to (3) of this section, the court may declare a 7064  
surplus in the fund. If the court declares a surplus in the 7065  
fund, the court may take one or more of the following actions 7066  
with regard to the amount of the surplus in the fund: 7067

(a) Expend any of the surplus amount for alcohol and drug 7068  
abuse assessment and treatment, and for the cost of 7069  
transportation related to assessment and treatment, of persons 7070  
who are charged in the court with committing a criminal offense 7071  
or with being a delinquent child or juvenile traffic offender 7072  
and in relation to whom both of the following apply: 7073

(i) The court determines that substance abuse was a 7074  
contributing factor leading to the criminal or delinquent 7075  
activity or the juvenile traffic offense with which the person 7076

is charged. 7077

(ii) The court determines that the person is unable to pay 7078  
the cost of the alcohol and drug abuse assessment and treatment 7079  
for which the surplus money will be used. 7080

(b) Expend any of the surplus amount to pay all or part of 7081  
the cost of purchasing alcohol monitoring devices to be used in 7082  
conjunction with division (H) (3) (c) of this section, upon 7083  
exhaustion of moneys in the indigent drivers interlock and 7084  
alcohol monitoring fund for the use of an alcohol monitoring 7085  
device. 7086

(c) Transfer to another court in the same county any of 7087  
the surplus amount to be utilized in a manner consistent with 7088  
division (H) (3) of this section. If surplus funds are 7089  
transferred to another court, the court that transfers the funds 7090  
shall notify the alcohol and drug addiction services board or 7091  
the board of alcohol, drug addiction, and mental health services 7092  
that serves the alcohol, drug addiction, and mental health 7093  
service district in which that court is located. 7094

(d) Transfer to the alcohol and drug addiction services 7095  
board or the board of alcohol, drug addiction, and mental health 7096  
services that serves the alcohol, drug addiction, and mental 7097  
health service district in which the court is located any of the 7098  
surplus amount to be utilized in a manner consistent with 7099  
division (H) (3) of this section or for board contracted recovery 7100  
support services. 7101

(e) Expend any of the surplus amount for the cost of 7102  
staffing, equipment, training, drug testing, supplies, and other 7103  
expenses of any specialized docket program established within 7104  
the court and certified by the supreme court. 7105



(5) In order to determine if an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program for purposes of division (H) (3) of this section or if an alleged offender or delinquent child is unable to pay the costs specified in division (H) (4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination.

(6) The court shall identify and refer any community addiction services provider that intends to provide alcohol and drug addiction services and has not had its alcohol and drug addiction services certified under section 5119.36 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H) (4) of this section to the department of mental health and addiction services in order for the community addiction services provider to have its alcohol and drug addiction services certified by the department. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a community addiction services provider interested in having its alcohol and drug addiction services certified makes an application pursuant to section 5119.36 of the Revised Code, the community addiction services provider is eligible to receive surplus funds as long as the application is pending with the department. The department of mental health and addiction services must offer technical assistance to the applicant. If the interested community addiction services provider withdraws the certification application, the department must notify the court, and the court shall not provide the interested community addiction services provider with any further surplus funds.

(7) (a) Each alcohol and drug addiction services board and 7137  
board of alcohol, drug addiction, and mental health services 7138  
established pursuant to section 340.02 or 340.021 of the Revised 7139  
Code shall submit to the department of mental health and 7140  
addiction services an annual report for each indigent drivers 7141  
alcohol treatment fund in that board's area. 7142

(b) The report, which shall be submitted not later than 7143  
sixty days after the end of the state fiscal year, shall provide 7144  
the total payment that was made from the fund, including the 7145  
number of indigent consumers that received treatment services 7146  
and the number of indigent consumers that received an alcohol 7147  
monitoring device. The report shall identify the treatment 7148  
program and expenditure for an alcohol monitoring device for 7149  
which that payment was made. The report shall include the fiscal 7150  
year balance of each indigent drivers alcohol treatment fund 7151  
located in that board's area. In the event that a surplus is 7152  
declared in the fund pursuant to division (H) (4) of this 7153  
section, the report also shall provide the total payment that 7154  
was made from the surplus moneys and identify the authorized 7155  
purpose for which that payment was made. 7156

(c) If a board is unable to obtain adequate information to 7157  
develop the report to submit to the department for a particular 7158  
indigent drivers alcohol treatment fund, the board shall submit 7159  
a report detailing the effort made in obtaining the information. 7160

(I) (1) Each county shall establish an indigent drivers 7161  
interlock and alcohol monitoring fund and a juvenile indigent 7162  
drivers interlock and alcohol treatment fund. Each municipal 7163  
corporation in which there is a municipal court shall establish 7164  
an indigent drivers interlock and alcohol monitoring fund. All 7165  
revenue that the general assembly appropriates to the indigent 7166

drivers interlock and alcohol monitoring fund for transfer to a 7167  
county indigent drivers interlock and alcohol monitoring fund, a 7168  
county juvenile indigent drivers interlock and alcohol 7169  
monitoring fund, or a municipal indigent drivers interlock and 7170  
alcohol monitoring fund, all portions of license reinstatement 7171  
fees that are paid under division (F) (2) of this section and 7172  
that are credited under that division to the indigent drivers 7173  
interlock and alcohol monitoring fund in the state treasury, and 7174  
all portions of fines that are paid under division (G) of 7175  
section 4511.19 of the Revised Code and that are credited by 7176  
division (G) (5) (e) of that section to the indigent drivers 7177  
interlock and alcohol monitoring fund in the state treasury 7178  
shall be deposited in the appropriate fund in accordance with 7179  
division (I) (2) of this section. 7180

(2) That portion of the license reinstatement fee that is 7181  
paid under division (F) of this section and that portion of the 7182  
fine paid under division (G) of section 4511.19 of the Revised 7183  
Code and that is credited under either division to the indigent 7184  
drivers interlock and alcohol monitoring fund shall be deposited 7185  
into a county indigent drivers interlock and alcohol monitoring 7186  
fund, a county juvenile indigent drivers interlock and alcohol 7187  
monitoring fund, or a municipal indigent drivers interlock and 7188  
alcohol monitoring fund as follows: 7189

(a) If the fee or fine is paid by a person who was charged 7190  
in a county court with the violation that resulted in the 7191  
suspension or fine, the portion shall be deposited into the 7192  
county indigent drivers interlock and alcohol monitoring fund 7193  
under the control of that court. 7194

(b) If the fee or fine is paid by a person who was charged 7195  
in a juvenile court with the violation that resulted in the 7196

suspension or fine, the portion shall be deposited into the 7197  
county juvenile indigent drivers interlock and alcohol 7198  
monitoring fund established in the county served by the court. 7199

(c) If the fee or fine is paid by a person who was charged 7200  
in a municipal court with the violation that resulted in the 7201  
suspension, the portion shall be deposited into the municipal 7202  
indigent drivers interlock and alcohol monitoring fund under the 7203  
control of that court. 7204

(3) If a county, juvenile, or municipal court determines 7205  
that the funds in the county indigent drivers interlock and 7206  
alcohol monitoring fund, the county juvenile indigent drivers 7207  
interlock and alcohol monitoring fund, or the municipal indigent 7208  
drivers interlock and alcohol monitoring fund under the control 7209  
of that court are more than sufficient to satisfy the purpose 7210  
for which the fund was established as specified in division (F) 7211  
(2) (h) of this section, the court may declare a surplus in the 7212  
fund. The court then may order the transfer of a specified 7213  
amount into the county indigent drivers alcohol treatment fund, 7214  
the county juvenile indigent drivers alcohol treatment fund, or 7215  
the municipal indigent drivers alcohol treatment fund under the 7216  
control of that court to be utilized in accordance with division 7217  
(H) of this section. 7218

**Sec. 4511.192.** (A) Except as provided in division (A) (5) 7219  
of section 4511.191 of the Revised Code, the arresting law 7220  
enforcement officer shall give advice in accordance with this 7221  
section to any person under arrest for a violation of division 7222  
(A) or (B) of section 4511.19 of the Revised Code, section 7223  
4511.194 of the Revised Code or a substantially equivalent 7224  
municipal ordinance, or a municipal OVI ordinance. The officer 7225  
shall give that advice in a written form that contains the 7226

information described in division (B) of this section and shall 7227  
read the advice to the person. The form shall contain a 7228  
statement that the form was shown to the person under arrest and 7229  
read to the person by the arresting officer. One or more persons 7230  
shall witness the arresting officer's reading of the form, and 7231  
the witnesses shall certify to this fact by signing the form. 7232  
The person must submit to the chemical test or tests, subsequent 7233  
to the request of the arresting officer, within two hours of the 7234  
time of the alleged violation and, if the person does not submit 7235  
to the test or tests within that two-hour time limit, the 7236  
failure to submit automatically constitutes a refusal to submit 7237  
to the test or tests. 7238

(B) Except as provided in division (A) (5) of section 7239  
4511.191 of the Revised Code, if a person is under arrest as 7240  
described in division (A) of this section, before the person may 7241  
be requested to submit to a chemical test or tests to determine 7242  
the alcohol, drug of abuse, controlled substance, metabolite of 7243  
a controlled substance, or combination content of the person's 7244  
whole blood, blood serum or plasma, breath, oral fluid, or 7245  
urine, the arresting officer shall read the following form to 7246  
the person: 7247

"You now are under arrest for (specifically state the 7248  
offense under state law or a substantially equivalent municipal 7249  
ordinance for which the person was arrested - operating a 7250  
vehicle under the influence of alcohol, a drug, or a combination 7251  
of them; operating a vehicle while under the influence of a 7252  
listed controlled substance or a listed metabolite of a 7253  
controlled substance; operating a vehicle after underage alcohol 7254  
consumption; or having physical control of a vehicle while under 7255  
the influence). 7256

If you refuse to take any chemical test required by law, 7257  
your Ohio driving privileges will be suspended immediately, and 7258  
you will have to pay a fee to have the privileges reinstated. If 7259  
you have a prior conviction of OVI or operating a vehicle while 7260  
under the influence of a listed controlled substance or a listed 7261  
metabolite of a controlled substance under state or municipal 7262  
law within the preceding twenty years, you now are under arrest 7263  
for state OVI, and, if you refuse to take a chemical test, you 7264  
will face increased penalties if you subsequently are convicted 7265  
of the state OVI. 7266

(Read this part unless the person is under arrest for 7267  
solely having physical control of a vehicle while under the 7268  
influence.) If you take any chemical test required by law and 7269  
are found to be at or over the prohibited amount of alcohol, a 7270  
controlled substance, or a metabolite of a controlled substance 7271  
in your whole blood, blood serum or plasma, breath, or urine as 7272  
set by law, your Ohio driving privileges will be suspended 7273  
immediately, and you will have to pay a fee to have the 7274  
privileges reinstated. 7275

If you take a chemical test, you may have an independent 7276  
chemical test taken at your own expense." 7277

(C) If the arresting law enforcement officer does not ask 7278  
a person under arrest as described in division (A) of this 7279  
section or division (A) (5) of section 4511.191 of the Revised 7280  
Code to submit to a chemical test or tests under section 7281  
4511.191 of the Revised Code, the arresting officer shall seize 7282  
the Ohio or out-of-state driver's or commercial driver's license 7283  
or permit of the person and immediately forward it to the court 7284  
in which the arrested person is to appear on the charge. If the 7285  
arrested person is not in possession of the person's license or 7286

permit or it is not in the person's vehicle, the officer shall 7287  
order the person to surrender it to the law enforcement agency 7288  
that employs the officer within twenty-four hours after the 7289  
arrest, and, upon the surrender, the agency immediately shall 7290  
forward the license or permit to the court in which the person 7291  
is to appear on the charge. Upon receipt of the license or 7292  
permit, the court shall retain it pending the arrested person's 7293  
initial appearance and any action taken under section 4511.196 7294  
of the Revised Code. 7295

(D) (1) If a law enforcement officer asks a person under 7296  
arrest as described in division (A) (5) of section 4511.191 of 7297  
the Revised Code to submit to a chemical test or tests under 7298  
that section and the test results indicate a prohibited 7299  
concentration of alcohol, a controlled substance, or a 7300  
metabolite of a controlled substance in the person's whole 7301  
blood, blood serum or plasma, breath, or urine at the time of 7302  
the alleged offense, or if a law enforcement officer asks a 7303  
person under arrest as described in division (A) of this section 7304  
to submit to a chemical test or tests under section 4511.191 of 7305  
the Revised Code, the officer advises the person in accordance 7306  
with this section of the consequences of the person's refusal or 7307  
submission, and either the person refuses to submit to the test 7308  
or tests or, unless the arrest was for a violation of section 7309  
4511.194 of the Revised Code or a substantially equivalent 7310  
municipal ordinance, the person submits to the test or tests and 7311  
the test results indicate a prohibited concentration of alcohol, 7312  
a controlled substance, or a metabolite of a controlled 7313  
substance in the person's whole blood, blood serum or plasma, 7314  
breath, or urine at the time of the alleged offense, the 7315  
arresting officer shall do all of the following: 7316

(a) On behalf of the registrar of motor vehicles, notify 7317

the person that, independent of any penalties or sanctions 7318  
imposed upon the person, the person's Ohio driver's or 7319  
commercial driver's license or permit or nonresident operating 7320  
privilege is suspended immediately, that the suspension will 7321  
last at least until the person's initial appearance on the 7322  
charge, which will be held within five days after the date of 7323  
the person's arrest or the issuance of a citation to the person, 7324  
and that the person may appeal the suspension at the initial 7325  
appearance or during the period of time ending thirty days after 7326  
that initial appearance; 7327

(b) Seize the driver's or commercial driver's license or 7328  
permit of the person and immediately forward it to the 7329  
registrar. If the arrested person is not in possession of the 7330  
person's license or permit or it is not in the person's vehicle, 7331  
the officer shall order the person to surrender it to the law 7332  
enforcement agency that employs the officer within twenty-four 7333  
hours after the person is given notice of the suspension, and, 7334  
upon the surrender, the officer's employing agency immediately 7335  
shall forward the license or permit to the registrar. 7336

(c) Verify the person's current residence and, if it 7337  
differs from that on the person's driver's or commercial 7338  
driver's license or permit, notify the registrar of the change; 7339

(d) Send to the registrar, within forty-eight hours after 7340  
the arrest of the person, a sworn report that includes all of 7341  
the following statements: 7342

(i) That the officer had reasonable grounds to believe 7343  
that, at the time of the arrest, the arrested person was 7344  
operating a vehicle, streetcar, or trackless trolley in 7345  
violation of division (A) or (B) of section 4511.19 of the 7346  
Revised Code or a municipal OVI ordinance or for being in 7347



physical control of a stationary vehicle, streetcar, or 7348  
trackless trolley in violation of section 4511.194 of the 7349  
Revised Code or a substantially equivalent municipal ordinance; 7350

(ii) That the person was arrested and charged with a 7351  
violation of division (A) or (B) of section 4511.19 of the 7352  
Revised Code, section 4511.194 of the Revised Code or a 7353  
substantially equivalent municipal ordinance, or a municipal OVI 7354  
ordinance; 7355

(iii) Unless division (D) (1) (d) (v) of this section 7356  
applies, that the officer asked the person to take the 7357  
designated chemical test or tests, advised the person in 7358  
accordance with this section of the consequences of submitting 7359  
to, or refusing to take, the test or tests, and gave the person 7360  
the form described in division (B) of this section; 7361

(iv) Unless division (D) (1) (d) (v) of this section applies, 7362  
that either the person refused to submit to the chemical test or 7363  
tests or, unless the arrest was for a violation of section 7364  
4511.194 of the Revised Code or a substantially equivalent 7365  
municipal ordinance, the person submitted to the chemical test 7366  
or tests and the test results indicate a prohibited 7367  
concentration of alcohol, a controlled substance, or a 7368  
metabolite of a controlled substance in the person's whole 7369  
blood, blood serum or plasma, breath, or urine at the time of 7370  
the alleged offense; 7371

(v) If the person was under arrest as described in 7372  
division (A) (5) of section 4511.191 of the Revised Code and the 7373  
chemical test or tests were performed in accordance with that 7374  
division, that the person was under arrest as described in that 7375  
division, that the chemical test or tests were performed in 7376  
accordance with that division, and that test results indicated a 7377

prohibited concentration of alcohol, a controlled substance, or 7378  
a metabolite of a controlled substance in the person's whole 7379  
blood, blood serum or plasma, breath, or urine at the time of 7380  
the alleged offense. 7381

(2) Division (D)(1) of this section does not apply to a 7382  
person who is arrested for a violation of section 4511.194 of 7383  
the Revised Code or a substantially equivalent municipal 7384  
ordinance, who is asked by a law enforcement officer to submit 7385  
to a chemical test or tests under section 4511.191 of the 7386  
Revised Code, and who submits to the test or tests, regardless 7387  
of the amount of alcohol, a controlled substance, or a 7388  
metabolite of a controlled substance that the test results 7389  
indicate is present in the person's whole blood, blood serum or 7390  
plasma, breath, oral fluid, or urine. 7391

(E) The arresting officer shall give the officer's sworn 7392  
report that is completed under this section to the arrested 7393  
person at the time of the arrest, or the registrar of motor 7394  
vehicles shall send the report to the person by regular first 7395  
class mail as soon as possible after receipt of the report, but 7396  
not later than fourteen days after receipt of it. An arresting 7397  
officer may give an unsworn report to the arrested person at the 7398  
time of the arrest provided the report is complete when given to 7399  
the arrested person and subsequently is sworn to by the 7400  
arresting officer. As soon as possible, but not later than 7401  
forty-eight hours after the arrest of the person, the arresting 7402  
officer shall send a copy of the sworn report to the court in 7403  
which the arrested person is to appear on the charge for which 7404  
the person was arrested. 7405

(F) The sworn report of an arresting officer completed 7406  
under this section is prima-facie proof of the information and 7407

statements that it contains. It shall be admitted and considered 7408  
as prima-facie proof of the information and statements that it 7409  
contains in any appeal under section 4511.197 of the Revised 7410  
Code relative to any suspension of a person's driver's or 7411  
commercial driver's license or permit or nonresident operating 7412  
privilege that results from the arrest covered by the report. 7413

**Section 2.** That existing sections 1547.11, 1547.111, 7414  
2317.02, 2317.022, 2925.01, 2925.03, 2925.11, 2929.14, 7415  
2941.1422, 3313.60, 3314.03, 3326.11, 3328.24, 3701.143, 7416  
3705.08, 4506.17, 4511.19, 4511.191, and 4511.192 of the Revised 7417  
Code are hereby repealed. 7418

**Section 3.** That the version of section 3314.03 of the 7419  
Revised Code that is scheduled to take effect January 1, 2025, 7420  
be amended to read as follows: 7421

**Sec. 3314.03.** A copy of every contract entered into under 7422  
this section shall be filed with the director of education and 7423  
workforce. The department of education and workforce shall make 7424  
available on its web site a copy of every approved, executed 7425  
contract filed with the director under this section. 7426

(A) Each contract entered into between a sponsor and the 7427  
governing authority of a community school shall specify the 7428  
following: 7429

(1) That the school shall be established as either of the 7430  
following: 7431

(a) A nonprofit corporation established under Chapter 7432  
1702. of the Revised Code, if established prior to April 8, 7433  
2003; 7434

(b) A public benefit corporation established under Chapter 7435  
1702. of the Revised Code, if established after April 8, 2003. 7436

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6) (a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section

117.10 of the Revised Code.	7466
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	7467
(a) A detailed description of each facility used for instructional purposes;	7468
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	7469
(c) The annual mortgage principal and interest payments that are paid by the school;	7470
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	7471
(10) Qualifications of employees, including both of the following:	7472
(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code;	7473
(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.	7474
(11) That the school will comply with the following requirements:	7475
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	7476
	7477
	7478
	7479
	7480
	7481
	7482
	7483
	7484
	7485
	7486
	7487
	7488
	7489
	7490
	7491
	7492

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.6030, 3313.6031, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section

2921.42 of the Revised Code. 7523

(f) The school will comply with sections 3313.61, 7524  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 7525  
Revised Code, except that for students who enter ninth grade for 7526  
the first time before July 1, 2010, the requirement in sections 7527  
3313.61 and 3313.611 of the Revised Code that a person must 7528  
successfully complete the curriculum in any high school prior to 7529  
receiving a high school diploma may be met by completing the 7530  
curriculum adopted by the governing authority of the community 7531  
school rather than the curriculum specified in Title XXXIII of 7532  
the Revised Code or any rules of the department. Beginning with 7533  
students who enter ninth grade for the first time on or after 7534  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 7535  
of the Revised Code that a person must successfully complete the 7536  
curriculum of a high school prior to receiving a high school 7537  
diploma shall be met by completing the requirements prescribed 7538  
in section 3313.6027 and division (C) of section 3313.603 of the 7539  
Revised Code, unless the person qualifies under division (D) or 7540  
(F) of that section. Each school shall comply with the plan for 7541  
awarding high school credit based on demonstration of subject 7542  
area competency, and beginning with the 2017-2018 school year, 7543  
with the updated plan that permits students enrolled in seventh 7544  
and eighth grade to meet curriculum requirements based on 7545  
subject area competency adopted by the department under 7546  
divisions (J) (1) and (2) of section 3313.603 of the Revised 7547  
Code. Beginning with the 2018-2019 school year, the school shall 7548  
comply with the framework for granting units of high school 7549  
credit to students who demonstrate subject area competency 7550  
through work-based learning experiences, internships, or 7551  
cooperative education developed by the department under division 7552  
(J) (3) of section 3313.603 of the Revised Code. 7553

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A) (3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the department of children and youth under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code.



(1) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining

agreement applicable to such employees; 7612

(18) Provisions establishing procedures for resolving 7613  
disputes or differences of opinion between the sponsor and the 7614  
governing authority of the community school; 7615

(19) A provision requiring the governing authority to 7616  
adopt a policy regarding the admission of students who reside 7617  
outside the district in which the school is located. That policy 7618  
shall comply with the admissions procedures specified in 7619  
sections 3314.06 and 3314.061 of the Revised Code and, at the 7620  
sole discretion of the authority, shall do one of the following: 7621

(a) Prohibit the enrollment of students who reside outside 7622  
the district in which the school is located; 7623

(b) Permit the enrollment of students who reside in 7624  
districts adjacent to the district in which the school is 7625  
located; 7626

(c) Permit the enrollment of students who reside in any 7627  
other district in the state. 7628

(20) A provision recognizing the authority of the 7629  
department to take over the sponsorship of the school in 7630  
accordance with the provisions of division (C) of section 7631  
3314.015 of the Revised Code; 7632

(21) A provision recognizing the sponsor's authority to 7633  
assume the operation of a school under the conditions specified 7634  
in division (B) of section 3314.073 of the Revised Code; 7635

(22) A provision recognizing both of the following: 7636

(a) The authority of public health and safety officials to 7637  
inspect the facilities of the school and to order the facilities 7638  
closed if those officials find that the facilities are not in 7639

compliance with health and safety laws and regulations; 7640

(b) The authority of the department as the community 7641  
school oversight body to suspend the operation of the school 7642  
under section 3314.072 of the Revised Code if the department has 7643  
evidence of conditions or violations of law at the school that 7644  
pose an imminent danger to the health and safety of the school's 7645  
students and employees and the sponsor refuses to take such 7646  
action. 7647

(23) A description of the learning opportunities that will 7648  
be offered to students including both classroom-based and non- 7649  
classroom-based learning opportunities that is in compliance 7650  
with criteria for student participation established by the 7651  
department under division (H) (2) of section 3314.08 of the 7652  
Revised Code; 7653

(24) The school will comply with sections 3302.04 and 7654  
3302.041 of the Revised Code, except that any action required to 7655  
be taken by a school district pursuant to those sections shall 7656  
be taken by the sponsor of the school. 7657

(25) Beginning in the 2006-2007 school year, the school 7658  
will open for operation not later than the thirtieth day of 7659  
September each school year, unless the mission of the school as 7660  
specified under division (A) (2) of this section is solely to 7661  
serve dropouts. In its initial year of operation, if the school 7662  
fails to open by the thirtieth day of September, or within one 7663  
year after the adoption of the contract pursuant to division (D) 7664  
of section 3314.02 of the Revised Code if the mission of the 7665  
school is solely to serve dropouts, the contract shall be void. 7666

(26) Whether the school's governing authority is planning 7667  
to seek designation for the school as a STEM school equivalent 7668

under section 3326.032 of the Revised Code; 7669

(27) That the school's attendance and participation 7670  
policies will be available for public inspection; 7671

(28) That the school's attendance and participation 7672  
records shall be made available to the department, auditor of 7673  
state, and school's sponsor to the extent permitted under and in 7674  
accordance with the "Family Educational Rights and Privacy Act 7675  
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 7676  
regulations promulgated under that act, and section 3319.321 of 7677  
the Revised Code; 7678

(29) If a school operates using the blended learning 7679  
model, as defined in section 3301.079 of the Revised Code, all 7680  
of the following information: 7681

(a) An indication of what blended learning model or models 7682  
will be used; 7683

(b) A description of how student instructional needs will 7684  
be determined and documented; 7685

(c) The method to be used for determining competency, 7686  
granting credit, and promoting students to a higher grade level; 7687

(d) The school's attendance requirements, including how 7688  
the school will document participation in learning 7689  
opportunities; 7690

(e) A statement describing how student progress will be 7691  
monitored; 7692

(f) A statement describing how private student data will 7693  
be protected; 7694

(g) A description of the professional development 7695

activities that will be offered to teachers. 7696

(30) A provision requiring that all moneys the school's 7697  
operator loans to the school, including facilities loans or cash 7698  
flow assistance, must be accounted for, documented, and bear 7699  
interest at a fair market rate; 7700

(31) A provision requiring that, if the governing 7701  
authority contracts with an attorney, accountant, or entity 7702  
specializing in audits, the attorney, accountant, or entity 7703  
shall be independent from the operator with which the school has 7704  
contracted. 7705

(32) A provision requiring the governing authority to 7706  
adopt an enrollment and attendance policy that requires a 7707  
student's parent to notify the community school in which the 7708  
student is enrolled when there is a change in the location of 7709  
the parent's or student's primary residence. 7710

(33) A provision requiring the governing authority to 7711  
adopt a student residence and address verification policy for 7712  
students enrolling in or attending the school. 7713

(B) The community school shall also submit to the sponsor 7714  
a comprehensive plan for the school. The plan shall specify the 7715  
following: 7716

(1) The process by which the governing authority of the 7717  
school will be selected in the future; 7718

(2) The management and administration of the school; 7719

(3) If the community school is a currently existing public 7720  
school or educational service center building, alternative 7721  
arrangements for current public school students who choose not 7722  
to attend the converted school and for teachers who choose not 7723

to teach in the school or building after conversion; 7724

(4) The instructional program and educational philosophy 7725  
of the school; 7726

(5) Internal financial controls. 7727

When submitting the plan under this division, the school 7728  
shall also submit copies of all policies and procedures 7729  
regarding internal financial controls adopted by the governing 7730  
authority of the school. 7731

(C) A contract entered into under section 3314.02 of the 7732  
Revised Code between a sponsor and the governing authority of a 7733  
community school may provide for the community school governing 7734  
authority to make payments to the sponsor, which is hereby 7735  
authorized to receive such payments as set forth in the contract 7736  
between the governing authority and the sponsor. The total 7737  
amount of such payments for monitoring, oversight, and technical 7738  
assistance of the school shall not exceed three per cent of the 7739  
total amount of payments for operating expenses that the school 7740  
receives from the state. 7741

(D) The contract shall specify the duties of the sponsor 7742  
which shall be in accordance with the written agreement entered 7743  
into with the department under division (B) of section 3314.015 7744  
of the Revised Code and shall include the following: 7745

(1) Monitor the community school's compliance with all 7746  
laws applicable to the school and with the terms of the 7747  
contract; 7748

(2) Monitor and evaluate the academic and fiscal 7749  
performance and the organization and operation of the community 7750  
school on at least an annual basis; 7751

(3) Report on an annual basis the results of the 7752  
evaluation conducted under division (D) (2) of this section to 7753  
the department and to the parents of students enrolled in the 7754  
community school; 7755

(4) Provide technical assistance to the community school 7756  
in complying with laws applicable to the school and terms of the 7757  
contract; 7758

(5) Take steps to intervene in the school's operation to 7759  
correct problems in the school's overall performance, declare 7760  
the school to be on probationary status pursuant to section 7761  
3314.073 of the Revised Code, suspend the operation of the 7762  
school pursuant to section 3314.072 of the Revised Code, or 7763  
terminate the contract of the school pursuant to section 3314.07 7764  
of the Revised Code as determined necessary by the sponsor; 7765

(6) Have in place a plan of action to be undertaken in the 7766  
event the community school experiences financial difficulties or 7767  
closes prior to the end of a school year. 7768

(E) Upon the expiration of a contract entered into under 7769  
this section, the sponsor of a community school may, with the 7770  
approval of the governing authority of the school, renew that 7771  
contract for a period of time determined by the sponsor, but not 7772  
ending earlier than the end of any school year, if the sponsor 7773  
finds that the school's compliance with applicable laws and 7774  
terms of the contract and the school's progress in meeting the 7775  
academic goals prescribed in the contract have been 7776  
satisfactory. Any contract that is renewed under this division 7777  
remains subject to the provisions of sections 3314.07, 3314.072, 7778  
and 3314.073 of the Revised Code. 7779

(F) If a community school fails to open for operation 7780

within one year after the contract entered into under this 7781  
section is adopted pursuant to division (D) of section 3314.02 7782  
of the Revised Code or permanently closes prior to the 7783  
expiration of the contract, the contract shall be void and the 7784  
school shall not enter into a contract with any other sponsor. A 7785  
school shall not be considered permanently closed because the 7786  
operations of the school have been suspended pursuant to section 7787  
3314.072 of the Revised Code. 7788

**Section 4.** That the existing version of section 3314.03 of 7789  
the Revised Code that is scheduled to take effect January 1, 7790  
2025, is hereby repealed. 7791

**Section 5.** Sections 3 and 4 of this act take effect on 7792  
January 1, 2025. 7793

**Section 6.** Section 2925.01 of the Revised Code is 7794  
presented in this act as a composite of the section as amended 7795  
by H.B. 281, H.B. 509, and S.B. 25, all of the 134th General 7796  
Assembly. The General Assembly, applying the principle stated in 7797  
division (B) of section 1.52 of the Revised Code that amendments 7798  
are to be harmonized if reasonably capable of simultaneous 7799  
operation, finds that the composite is the resulting version of 7800  
the section in effect prior to the effective date of the section 7801  
as presented in this act. 7802