

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 204**

**Senator Seitz**

**Cosponsors: Senators Eklund, Thomas, Uecker**

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**A BILL**

To amend sections 2925.02, 2925.03, 2925.04, 1  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 3  
2925.31, 2925.32, 2925.33, 2925.36, 2925.37, 4  
4510.021, 4510.17, and 4510.31 of the Revised 5  
Code to make the suspension of an offender's 6  
driver's license for a violation of specified 7  
drug offenses discretionary rather than 8  
mandatory, to authorize a court to terminate a 9  
driver's license suspension imposed for 10  
specified drug offenses committed out-of-state, 11  
to generally authorize a court to terminate a 12  
previously imposed mandatory suspension for 13  
specified drug offenses, to provide for the 14  
discretionary suspension of an offender's 15  
driver's license for possessing nitrous oxide in 16  
a motor vehicle, and to make consistent the 17  
provisions of law governing the ability of a 18  
court to grant limited driving privileges. 19

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

**Section 1.** That sections 2925.02, 2925.03, 2925.04, 20  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 21  
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.33, 2925.36, 22  
2925.37, 4510.021, 4510.17, and 4510.31 of the Revised Code be 23  
amended to read as follows: 24

**Sec. 2925.02.** (A) No person shall knowingly do any of the 25  
following: 26

(1) By force, threat, or deception, administer to another 27  
or induce or cause another to use a controlled substance; 28

(2) By any means, administer or furnish to another or 29  
induce or cause another to use a controlled substance with 30  
purpose to cause serious physical harm to the other person, or 31  
with purpose to cause the other person to become drug dependent; 32

(3) By any means, administer or furnish to another or 33  
induce or cause another to use a controlled substance, and 34  
thereby cause serious physical harm to the other person, or 35  
cause the other person to become drug dependent; 36

(4) By any means, do any of the following: 37

(a) Furnish or administer a controlled substance to a 38  
juvenile who is at least two years the offender's junior, when 39  
the offender knows the age of the juvenile or is reckless in 40  
that regard; 41

(b) Induce or cause a juvenile who is at least two years 42  
the offender's junior to use a controlled substance, when the 43  
offender knows the age of the juvenile or is reckless in that 44  
regard; 45

(c) Induce or cause a juvenile who is at least two years 46  
the offender's junior to commit a felony drug abuse offense, 47

when the offender knows the age of the juvenile or is reckless 48  
in that regard; 49

(d) Use a juvenile, whether or not the offender knows the 50  
age of the juvenile, to perform any surveillance activity that 51  
is intended to prevent the detection of the offender or any 52  
other person in the commission of a felony drug abuse offense or 53  
to prevent the arrest of the offender or any other person for 54  
the commission of a felony drug abuse offense. 55

(5) By any means, furnish or administer a controlled 56  
substance to a pregnant woman or induce or cause a pregnant 57  
woman to use a controlled substance, when the offender knows 58  
that the woman is pregnant or is reckless in that regard. 59

(B) Division (A) (1), (3), (4), or (5) of this section does 60  
not apply to manufacturers, wholesalers, licensed health 61  
professionals authorized to prescribe drugs, pharmacists, owners 62  
of pharmacies, and other persons whose conduct is in accordance 63  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 64  
4741. of the Revised Code. 65

(C) Whoever violates this section is guilty of corrupting 66  
another with drugs. The penalty for the offense shall be 67  
determined as follows: 68

(1) If the offense is a violation of division (A) (1), (2), 69  
(3), or (4) of this section and the drug involved is any 70  
compound, mixture, preparation, or substance included in 71  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 72  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 73  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 74  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 75  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 76

offender shall be punished as follows: 77

(a) Except as otherwise provided in division (C) (1) (b) of 78  
this section, corrupting another with drugs committed in those 79  
circumstances is a felony of the second degree and, subject to 80  
division (E) of this section, the court shall impose as a 81  
mandatory prison term one of the prison terms prescribed for a 82  
felony of the second degree. 83

(b) If the offense was committed in the vicinity of a 84  
school, corrupting another with drugs committed in those 85  
circumstances is a felony of the first degree, and, subject to 86  
division (E) of this section, the court shall impose as a 87  
mandatory prison term one of the prison terms prescribed for a 88  
felony of the first degree. 89

(2) If the offense is a violation of division (A) (1), (2), 90  
(3), or (4) of this section and the drug involved is any 91  
compound, mixture, preparation, or substance included in 92  
schedule III, IV, or V, the offender shall be punished as 93  
follows: 94

(a) Except as otherwise provided in division (C) (2) (b) of 95  
this section, corrupting another with drugs committed in those 96  
circumstances is a felony of the second degree and there is a 97  
presumption for a prison term for the offense. 98

(b) If the offense was committed in the vicinity of a 99  
school, corrupting another with drugs committed in those 100  
circumstances is a felony of the second degree and the court 101  
shall impose as a mandatory prison term one of the prison terms 102  
prescribed for a felony of the second degree. 103

(3) If the offense is a violation of division (A) (1), (2), 104  
(3), or (4) of this section and the drug involved is marihuana, 105

1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 106  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 107  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 108  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 109  
offender shall be punished as follows: 110

(a) Except as otherwise provided in division (C) (3) (b) of 111  
this section, corrupting another with drugs committed in those 112  
circumstances is a felony of the fourth degree and division (C) 113  
of section 2929.13 of the Revised Code applies in determining 114  
whether to impose a prison term on the offender. 115

(b) If the offense was committed in the vicinity of a 116  
school, corrupting another with drugs committed in those 117  
circumstances is a felony of the third degree and division (C) 118  
of section 2929.13 of the Revised Code applies in determining 119  
whether to impose a prison term on the offender. 120

(4) If the offense is a violation of division (A) (5) of 121  
this section and the drug involved is any compound, mixture, 122  
preparation, or substance included in schedule I or II, with the 123  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 124  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 125  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 126  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 127  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 128  
felony of the first degree and, subject to division (E) of this 129  
section, the court shall impose as a mandatory prison term one 130  
of the prison terms prescribed for a felony of the first degree. 131

(5) If the offense is a violation of division (A) (5) of 132  
this section and the drug involved is any compound, mixture, 133  
preparation, or substance included in schedule III, IV, or V, 134  
corrupting another with drugs is a felony of the second degree 135

and the court shall impose as a mandatory prison term one of the 136  
prison terms prescribed for a felony of the second degree. 137

(6) If the offense is a violation of division (A) (5) of 138  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 139  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 140  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 141  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 142  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 143  
corrupting another with drugs is a felony of the third degree 144  
and division (C) of section 2929.13 of the Revised Code applies 145  
in determining whether to impose a prison term on the offender. 146

(D) In addition to any prison term authorized or required 147  
by division (C) or (E) of this section and sections 2929.13 and 148  
2929.14 of the Revised Code and in addition to any other 149  
sanction imposed for the offense under this section or sections 150  
2929.11 to 2929.18 of the Revised Code, the court that sentences 151  
an offender who is convicted of or pleads guilty to a violation 152  
of division (A) of this section ~~or the clerk of that court may~~ 153  
suspend for not more than five years the offender's driver's or 154  
commercial driver's license or permit and, if applicable, shall 155  
do all of the following that are applicable regarding the 156  
offender: 157

(1) (a) If the violation is a felony of the first, second, 158  
or third degree, the court shall impose upon the offender the 159  
mandatory fine specified for the offense under division (B) (1) 160  
of section 2929.18 of the Revised Code unless, as specified in 161  
that division, the court determines that the offender is 162  
indigent. 163

(b) Notwithstanding any contrary provision of section 164  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 165

to division (D) (1) (a) of this section and any fine imposed for a 166  
violation of this section pursuant to division (A) of section 167  
2929.18 of the Revised Code shall be paid by the clerk of the 168  
court in accordance with and subject to the requirements of, and 169  
shall be used as specified in, division (F) of section 2925.03 170  
of the Revised Code. 171

(c) If a person is charged with any violation of this 172  
section that is a felony of the first, second, or third degree, 173  
posts bail, and forfeits the bail, the forfeited bail shall be 174  
paid by the clerk of the court pursuant to division (D) (1) (b) of 175  
this section as if it were a fine imposed for a violation of 176  
this section. 177

~~(2) The court shall suspend for not less than six months 178  
nor more than five years the offender's driver's or commercial 179  
driver's license or permit. If an offender's driver's or 180  
commercial driver's license or permit is suspended pursuant to 181  
this division, the offender, at any time after the expiration of 182  
two years from the day on which the offender's sentence was 183  
imposed or from the day on which the offender finally was 184  
released from a prison term under the sentence, whichever is 185  
later, may file a motion with the sentencing court requesting 186  
termination of the suspension. Upon the filing of the motion and 187  
the court's finding of good cause for the termination, the court 188  
may terminate the suspension. 189~~

~~(3) If the offender is a professionally licensed person, 190  
in addition to any other sanction imposed for a violation of 191  
this section, the court immediately shall comply with section 192  
2925.38 of the Revised Code. 193~~

(E) Notwithstanding the prison term otherwise authorized 194  
or required for the offense under division (C) of this section 195

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

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

(2) Any offender who received a mandatory suspension of  
the offender's driver's or commercial driver's license or permit  
under this section prior to the effective date of this amendment  
may file a motion with the sentencing court requesting the  
termination of the suspension unless either the offender used a  
motor vehicle in the commission of the underlying offense or the



offender also pleaded guilty to or was convicted of a violation 227  
of section 4511.19 of the Revised Code or a substantially 228  
similar municipal ordinance or the law of another state or the 229  
United States arising out of the same set of circumstances as 230  
the offense under this section. The sentencing court, in its 231  
discretion, may terminate the suspension. 232

**Sec. 2925.03.** (A) No person shall knowingly do any of the 233  
following: 234

(1) Sell or offer to sell a controlled substance or a 235  
controlled substance analog; 236

(2) Prepare for shipment, ship, transport, deliver, 237  
prepare for distribution, or distribute a controlled substance 238  
or a controlled substance analog, when the offender knows or has 239  
reasonable cause to believe that the controlled substance or a 240  
controlled substance analog is intended for sale or resale by 241  
the offender or another person. 242

(B) This section does not apply to any of the following: 243

(1) Manufacturers, licensed health professionals 244  
authorized to prescribe drugs, pharmacists, owners of 245  
pharmacies, and other persons whose conduct is in accordance 246  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 247  
4741. of the Revised Code; 248

(2) If the offense involves an anabolic steroid, any 249  
person who is conducting or participating in a research project 250  
involving the use of an anabolic steroid if the project has been 251  
approved by the United States food and drug administration; 252

(3) Any person who sells, offers for sale, prescribes, 253  
dispenses, or administers for livestock or other nonhuman 254  
species an anabolic steroid that is expressly intended for 255

administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act.

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

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

(a) Except as otherwise provided in division (C) (1) (b), (c), (d), (e), or (f) of this section, aggravated trafficking in drugs 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.

(b) Except as otherwise provided in division (C) (1) (c), (d), (e), or (f) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs 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.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated

trafficking in drugs is a felony of the third degree, and, 285  
except as otherwise provided in this division, there is a 286  
presumption for a prison term for the offense. If aggravated 287  
trafficking in drugs is a felony of the third degree under this 288  
division and if the offender two or more times previously has 289  
been convicted of or pleaded guilty to a felony drug abuse 290  
offense, the court shall impose as a mandatory prison term one 291  
of the prison terms prescribed for a felony of the third degree. 292  
If the amount of the drug involved is within that range and if 293  
the offense was committed in the vicinity of a school or in the 294  
vicinity of a juvenile, aggravated trafficking in drugs is a 295  
felony of the second degree, and the court shall impose as a 296  
mandatory prison term one of the prison terms prescribed for a 297  
felony of the second degree. 298

(d) Except as otherwise provided in this division, if the 299  
amount of the drug involved equals or exceeds five times the 300  
bulk amount but is less than fifty times the bulk amount, 301  
aggravated trafficking in drugs is a felony of the second 302  
degree, and the court shall impose as a mandatory prison term 303  
one of the prison terms prescribed for a felony of the second 304  
degree. If the amount of the drug involved is within that range 305  
and if the offense was committed in the vicinity of a school or 306  
in the vicinity of a juvenile, aggravated trafficking in drugs 307  
is a felony of the first degree, and the court shall impose as a 308  
mandatory prison term one of the prison terms prescribed for a 309  
felony of the first degree. 310

(e) If the amount of the drug involved equals or exceeds 311  
fifty times the bulk amount but is less than one hundred times 312  
the bulk amount and regardless of whether the offense was 313  
committed in the vicinity of a school or in the vicinity of a 314  
juvenile, aggravated trafficking in drugs is a felony of the 315

first degree, and the court shall impose as a mandatory prison 316  
term one of the prison terms prescribed for a felony of the 317  
first degree. 318

(f) If the amount of the drug involved equals or exceeds 319  
one hundred times the bulk amount and regardless of whether the 320  
offense was committed in the vicinity of a school or in the 321  
vicinity of a juvenile, aggravated trafficking in drugs is a 322  
felony of the first degree, the offender is a major drug 323  
offender, and the court shall impose as a mandatory prison term 324  
the maximum prison term prescribed for a felony of the first 325  
degree. 326

(2) If the drug involved in the violation is any compound, 327  
mixture, preparation, or substance included in schedule III, IV, 328  
or V, whoever violates division (A) of this section is guilty of 329  
trafficking in drugs. The penalty for the offense shall be 330  
determined as follows: 331

(a) Except as otherwise provided in division (C) (2) (b), 332  
(c), (d), or (e) of this section, trafficking in drugs is a 333  
felony of the fifth degree, and division (B) of section 2929.13 334  
of the Revised Code applies in determining whether to impose a 335  
prison term on the offender. 336

(b) Except as otherwise provided in division (C) (2) (c), 337  
(d), or (e) of this section, if the offense was committed in the 338  
vicinity of a school or in the vicinity of a juvenile, 339  
trafficking in drugs is a felony of the fourth degree, and 340  
division (C) of section 2929.13 of the Revised Code applies in 341  
determining whether to impose a prison term on the offender. 342

(c) Except as otherwise provided in this division, if the 343  
amount of the drug involved equals or exceeds the bulk amount 344

but is less than five times the bulk amount, trafficking in 345  
drugs is a felony of the fourth degree, and division (B) of 346  
section 2929.13 of the Revised Code applies in determining 347  
whether to impose a prison term for the offense. If the amount 348  
of the drug involved is within that range and if the offense was 349  
committed in the vicinity of a school or in the vicinity of a 350  
juvenile, trafficking in drugs is a felony of the third degree, 351  
and there is a presumption for a prison term for the offense. 352

(d) Except as otherwise provided in this division, if the 353  
amount of the drug involved equals or exceeds five times the 354  
bulk amount but is less than fifty times the bulk amount, 355  
trafficking in drugs is a felony of the third degree, and there 356  
is a presumption for a prison term for the offense. If the 357  
amount of the drug involved is within that range and if the 358  
offense was committed in the vicinity of a school or in the 359  
vicinity of a juvenile, trafficking in drugs is a felony of the 360  
second degree, and there is a presumption for a prison term for 361  
the offense. 362

(e) Except as otherwise provided in this division, if the 363  
amount of the drug involved equals or exceeds fifty times the 364  
bulk amount, trafficking in drugs is a felony of the second 365  
degree, and the court shall impose as a mandatory prison term 366  
one of the prison terms prescribed for a felony of the second 367  
degree. If the amount of the drug involved equals or exceeds 368  
fifty times the bulk amount and if the offense was committed in 369  
the vicinity of a school or in the vicinity of a juvenile, 370  
trafficking in drugs is a felony of the first degree, and the 371  
court shall impose as a mandatory prison term one of the prison 372  
terms prescribed for a felony of the first degree. 373

(3) If the drug involved in the violation is marihuana or 374

a compound, mixture, preparation, or substance containing 375  
marihuana other than hashish, whoever violates division (A) of 376  
this section is guilty of trafficking in marihuana. The penalty 377  
for the offense shall be determined as follows: 378

(a) Except as otherwise provided in division (C) (3) (b), 379  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 380  
marihuana is a felony of the fifth degree, and division (B) of 381  
section 2929.13 of the Revised Code applies in determining 382  
whether to impose a prison term on the offender. 383

(b) Except as otherwise provided in division (C) (3) (c), 384  
(d), (e), (f), (g), or (h) of this section, if the offense was 385  
committed in the vicinity of a school or in the vicinity of a 386  
juvenile, trafficking in marihuana is a felony of the fourth 387  
degree, and division (B) of section 2929.13 of the Revised Code 388  
applies in determining whether to impose a prison term on the 389  
offender. 390

(c) Except as otherwise provided in this division, if the 391  
amount of the drug involved equals or exceeds two hundred grams 392  
but is less than one thousand grams, trafficking in marihuana is 393  
a felony of the fourth degree, and division (B) of section 394  
2929.13 of the Revised Code applies in determining whether to 395  
impose a prison term on the offender. If the amount of the drug 396  
involved is within that range and if the offense was committed 397  
in the vicinity of a school or in the vicinity of a juvenile, 398  
trafficking in marihuana is a felony of the third degree, and 399  
division (C) of section 2929.13 of the Revised Code applies in 400  
determining whether to impose a prison term on the offender. 401

(d) Except as otherwise provided in this division, if the 402  
amount of the drug involved equals or exceeds one thousand grams 403  
but is less than five thousand grams, trafficking in marihuana 404

is a felony of the third degree, and division (C) of section 405  
2929.13 of the Revised Code applies in determining whether to 406  
impose a prison term on the offender. If the amount of the drug 407  
involved is within that range and if the offense was committed 408  
in the vicinity of a school or in the vicinity of a juvenile, 409  
trafficking in marihuana is a felony of the second degree, and 410  
there is a presumption that a prison term shall be imposed for 411  
the offense. 412

(e) Except as otherwise provided in this division, if the 413  
amount of the drug involved equals or exceeds five thousand 414  
grams but is less than twenty thousand grams, trafficking in 415  
marihuana is a felony of the third degree, and there is a 416  
presumption that a prison term shall be imposed for the offense. 417  
If the amount of the drug involved is within that range and if 418  
the offense was committed in the vicinity of a school or in the 419  
vicinity of a juvenile, trafficking in marihuana is a felony of 420  
the second degree, and there is a presumption that a prison term 421  
shall be imposed for the offense. 422

(f) Except as otherwise provided in this division, if the 423  
amount of the drug involved equals or exceeds twenty thousand 424  
grams but is less than forty thousand grams, trafficking in 425  
marihuana is a felony of the second degree, and the court shall 426  
impose a mandatory prison term of five, six, seven, or eight 427  
years. If the amount of the drug involved is within that range 428  
and if the offense was committed in the vicinity of a school or 429  
in the vicinity of a juvenile, trafficking in marihuana is a 430  
felony of the first degree, and the court shall impose as a 431  
mandatory prison term the maximum prison term prescribed for a 432  
felony of the first degree. 433

(g) Except as otherwise provided in this division, if the 434

amount of the drug involved equals or exceeds forty thousand 435  
grams, trafficking in marihuana is a felony of the second 436  
degree, and the court shall impose as a mandatory prison term 437  
the maximum prison term prescribed for a felony of the second 438  
degree. If the amount of the drug involved equals or exceeds 439  
forty thousand grams and if the offense was committed in the 440  
vicinity of a school or in the vicinity of a juvenile, 441  
trafficking in marihuana is a felony of the first degree, and 442  
the court shall impose as a mandatory prison term the maximum 443  
prison term prescribed for a felony of the first degree. 444

(h) Except as otherwise provided in this division, if the 445  
offense involves a gift of twenty grams or less of marihuana, 446  
trafficking in marihuana is a minor misdemeanor upon a first 447  
offense and a misdemeanor of the third degree upon a subsequent 448  
offense. If the offense involves a gift of twenty grams or less 449  
of marihuana and if the offense was committed in the vicinity of 450  
a school or in the vicinity of a juvenile, trafficking in 451  
marihuana is a misdemeanor of the third degree. 452

(4) If the drug involved in the violation is cocaine or a 453  
compound, mixture, preparation, or substance containing cocaine, 454  
whoever violates division (A) of this section is guilty of 455  
trafficking in cocaine. The penalty for the offense shall be 456  
determined as follows: 457

(a) Except as otherwise provided in division (C) (4) (b), 458  
(c), (d), (e), (f), or (g) of this section, trafficking in 459  
cocaine is a felony of the fifth degree, and division (B) of 460  
section 2929.13 of the Revised Code applies in determining 461  
whether to impose a prison term on the offender. 462

(b) Except as otherwise provided in division (C) (4) (c), 463  
(d), (e), (f), or (g) of this section, if the offense was 464



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

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

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine 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.

(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine 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.

(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

determined as follows: 526

(a) Except as otherwise provided in division (C) (5) (b), 527  
(c), (d), (e), (f), or (g) of this section, trafficking in 528  
L.S.D. is a felony of the fifth degree, and division (B) of 529  
section 2929.13 of the Revised Code applies in determining 530  
whether to impose a prison term on the offender. 531

(b) Except as otherwise provided in division (C) (5) (c), 532  
(d), (e), (f), or (g) of this section, if the offense was 533  
committed in the vicinity of a school or in the vicinity of a 534  
juvenile, trafficking in L.S.D. is a felony of the fourth 535  
degree, and division (C) of section 2929.13 of the Revised Code 536  
applies in determining whether to impose a prison term on the 537  
offender. 538

(c) Except as otherwise provided in this division, if the 539  
amount of the drug involved equals or exceeds ten unit doses but 540  
is less than fifty unit doses of L.S.D. in a solid form or 541  
equals or exceeds one gram but is less than five grams of L.S.D. 542  
in a liquid concentrate, liquid extract, or liquid distillate 543  
form, trafficking in L.S.D. is a felony of the fourth degree, 544  
and division (B) of section 2929.13 of the Revised Code applies 545  
in determining whether to impose a prison term for the offense. 546  
If the amount of the drug involved is within that range and if 547  
the offense was committed in the vicinity of a school or in the 548  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 549  
third degree, and there is a presumption for a prison term for 550  
the offense. 551

(d) Except as otherwise provided in this division, if the 552  
amount of the drug involved equals or exceeds fifty unit doses 553  
but is less than two hundred fifty unit doses of L.S.D. in a 554  
solid form or equals or exceeds five grams but is less than 555

twenty-five grams of L.S.D. in a liquid concentrate, liquid 556  
extract, or liquid distillate form, trafficking in L.S.D. is a 557  
felony of the third degree, and, except as otherwise provided in 558  
this division, there is a presumption for a prison term for the 559  
offense. If trafficking in L.S.D. is a felony of the third 560  
degree under this division and if the offender two or more times 561  
previously has been convicted of or pleaded guilty to a felony 562  
drug abuse offense, the court shall impose as a mandatory prison 563  
term one of the prison terms prescribed for a felony of the 564  
third degree. If the amount of the drug involved is within that 565  
range and if the offense was committed in the vicinity of a 566  
school or in the vicinity of a juvenile, trafficking in L.S.D. 567  
is a felony of the second degree, and the court shall impose as 568  
a mandatory prison term one of the prison terms prescribed for a 569  
felony of the second degree. 570

(e) Except as otherwise provided in this division, if the 571  
amount of the drug involved equals or exceeds two hundred fifty 572  
unit doses but is less than one thousand unit doses of L.S.D. in 573  
a solid form or equals or exceeds twenty-five grams but is less 574  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 575  
extract, or liquid distillate form, trafficking in L.S.D. is a 576  
felony of the second degree, and the court shall impose as a 577  
mandatory prison term one of the prison terms prescribed for a 578  
felony of the second degree. If the amount of the drug involved 579  
is within that range and if the offense was committed in the 580  
vicinity of a school or in the vicinity of a juvenile, 581  
trafficking in L.S.D. is a felony of the first degree, and the 582  
court shall impose as a mandatory prison term one of the prison 583  
terms prescribed for a felony of the first degree. 584

(f) If the amount of the drug involved equals or exceeds 585  
one thousand unit doses but is less than five thousand unit 586

doses of L.S.D. in a solid form or equals or exceeds one hundred 587  
grams but is less than five hundred grams of L.S.D. in a liquid 588  
concentrate, liquid extract, or liquid distillate form and 589  
regardless of whether the offense was committed in the vicinity 590  
of a school or in the vicinity of a juvenile, trafficking in 591  
L.S.D. is a felony of the first degree, and the court shall 592  
impose as a mandatory prison term one of the prison terms 593  
prescribed for a felony of the first degree. 594

(g) If the amount of the drug involved equals or exceeds 595  
five thousand unit doses of L.S.D. in a solid form or equals or 596  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 597  
liquid extract, or liquid distillate form and regardless of 598  
whether the offense was committed in the vicinity of a school or 599  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 600  
of the first degree, the offender is a major drug offender, and 601  
the court shall impose as a mandatory prison term the maximum 602  
prison term prescribed for a felony of the first degree. 603

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

(a) Except as otherwise provided in division (C) (6) (b), 609  
(c), (d), (e), (f), or (g) of this section, trafficking in 610  
heroin is a felony of the fifth degree, and division (B) of 611  
section 2929.13 of the Revised Code applies in determining 612  
whether to impose a prison term on the offender. 613

(b) Except as otherwise provided in division (C) (6) (c), 614  
(d), (e), (f), or (g) of this section, if the offense was 615  
committed in the vicinity of a school or in the vicinity of a 616

juvenile, trafficking in heroin is a felony of the fourth 617  
degree, and division (C) of section 2929.13 of the Revised Code 618  
applies in determining whether to impose a prison term on the 619  
offender. 620

(c) Except as otherwise provided in this division, if the 621  
amount of the drug involved equals or exceeds ten unit doses but 622  
is less than fifty unit doses or equals or exceeds one gram but 623  
is less than five grams, trafficking in heroin is a felony of 624  
the fourth degree, and division (B) of section 2929.13 of the 625  
Revised Code applies in determining whether to impose a prison 626  
term for the offense. If the amount of the drug involved is 627  
within that range and if the offense was committed in the 628  
vicinity of a school or in the vicinity of a juvenile, 629  
trafficking in heroin is a felony of the third degree, and there 630  
is a presumption for a prison term for the offense. 631

(d) Except as otherwise provided in this division, if the 632  
amount of the drug involved equals or exceeds fifty unit doses 633  
but is less than one hundred unit doses or equals or exceeds 634  
five grams but is less than ten grams, trafficking in heroin is 635  
a felony of the third degree, and there is a presumption for a 636  
prison term for the offense. If the amount of the drug involved 637  
is within that range and if the offense was committed in the 638  
vicinity of a school or in the vicinity of a juvenile, 639  
trafficking in heroin is a felony of the second degree, and 640  
there is a presumption for a prison term for the offense. 641

(e) Except as otherwise provided in this division, if the 642  
amount of the drug involved equals or exceeds one hundred unit 643  
doses but is less than five hundred unit doses or equals or 644  
exceeds ten grams but is less than fifty grams, trafficking in 645  
heroin is a felony of the second degree, and the court shall 646

impose as a mandatory prison term one of the prison terms 647  
prescribed for a felony of the second degree. If the amount of 648  
the drug involved is within that range and if the offense was 649  
committed in the vicinity of a school or in the vicinity of a 650  
juvenile, trafficking in heroin is a felony of the first degree, 651  
and the court shall impose as a mandatory prison term one of the 652  
prison terms prescribed for a felony of the first degree. 653

(f) If the amount of the drug involved equals or exceeds 654  
five hundred unit doses but is less than two thousand five 655  
hundred unit doses or equals or exceeds fifty grams but is less 656  
than two hundred fifty grams and regardless of whether the 657  
offense was committed in the vicinity of a school or in the 658  
vicinity of a juvenile, trafficking in heroin is a felony of the 659  
first degree, and the court shall impose as a mandatory prison 660  
term one of the prison terms prescribed for a felony of the 661  
first degree. 662

(g) If the amount of the drug involved equals or exceeds 663  
two thousand five hundred unit doses or equals or exceeds two 664  
hundred fifty grams and regardless of whether the offense was 665  
committed in the vicinity of a school or in the vicinity of a 666  
juvenile, trafficking in heroin is a felony of the first degree, 667  
the offender is a major drug offender, and the court shall 668  
impose as a mandatory prison term the maximum prison term 669  
prescribed for a felony of the first degree. 670

(7) If the drug involved in the violation is hashish or a 671  
compound, mixture, preparation, or substance containing hashish, 672  
whoever violates division (A) of this section is guilty of 673  
trafficking in hashish. The penalty for the offense shall be 674  
determined as follows: 675

(a) Except as otherwise provided in division (C) (7) (b), 676

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

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



distillate form, trafficking in hashish is a felony of the third 707  
degree, and division (C) of section 2929.13 of the Revised Code 708  
applies in determining whether to impose a prison term on the 709  
offender. If the amount of the drug involved is within that 710  
range and if the offense was committed in the vicinity of a 711  
school or in the vicinity of a juvenile, trafficking in hashish 712  
is a felony of the second degree, and there is a presumption 713  
that a prison term shall be imposed for the offense. 714

(e) Except as otherwise provided in this division, if the 715  
amount of the drug involved equals or exceeds two hundred fifty 716  
grams but is less than one thousand grams of hashish in a solid 717  
form or equals or exceeds fifty grams but is less than two 718  
hundred grams of hashish in a liquid concentrate, liquid 719  
extract, or liquid distillate form, trafficking in hashish is a 720  
felony of the third degree, and there is a presumption that a 721  
prison term shall be imposed for the offense. If the amount of 722  
the drug involved is within that range and if the offense was 723  
committed in the vicinity of a school or in the vicinity of a 724  
juvenile, trafficking in hashish is a felony of the second 725  
degree, and there is a presumption that a prison term shall be 726  
imposed for the offense. 727

(f) Except as otherwise provided in this division, if the 728  
amount of the drug involved equals or exceeds one thousand grams 729  
but is less than two thousand grams of hashish in a solid form 730  
or equals or exceeds two hundred grams but is less than four 731  
hundred grams of hashish in a liquid concentrate, liquid 732  
extract, or liquid distillate form, trafficking in hashish is a 733  
felony of the second degree, and the court shall impose a 734  
mandatory prison term of five, six, seven, or eight years. If 735  
the amount of the drug involved is within that range and if the 736  
offense was committed in the vicinity of a school or in the 737

vicinity of a juvenile, trafficking in hashish is a felony of 738  
the first degree, and the court shall impose as a mandatory 739  
prison term the maximum prison term prescribed for a felony of 740  
the first degree. 741

(g) Except as otherwise provided in this division, if the 742  
amount of the drug involved equals or exceeds two thousand grams 743  
of hashish in a solid form or equals or exceeds four hundred 744  
grams of hashish in a liquid concentrate, liquid extract, or 745  
liquid distillate form, trafficking in hashish is a felony of 746  
the second degree, and the court shall impose as a mandatory 747  
prison term the maximum prison term prescribed for a felony of 748  
the second degree. If the amount of the drug involved equals or 749  
exceeds two thousand grams of hashish in a solid form or equals 750  
or exceeds four hundred grams of hashish in a liquid 751  
concentrate, liquid extract, or liquid distillate form and if 752  
the offense was committed in the vicinity of a school or in the 753  
vicinity of a juvenile, trafficking in hashish is a felony of 754  
the first degree, and the court shall impose as a mandatory 755  
prison term the maximum prison term prescribed for a felony of 756  
the first degree. 757

(8) If the drug involved in the violation is a controlled 758  
substance analog or compound, mixture, preparation, or substance 759  
that contains a controlled substance analog, whoever violates 760  
division (A) of this section is guilty of trafficking in a 761  
controlled substance analog. The penalty for the offense shall 762  
be determined as follows: 763

(a) Except as otherwise provided in division (C) (8) (b), 764  
(c), (d), (e), (f), or (g) of this section, trafficking in a 765  
controlled substance analog is a felony of the fifth degree, and 766  
division (C) of section 2929.13 of the Revised Code applies in 767

determining whether to impose a prison term on the offender. 768

(b) Except as otherwise provided in division (C) (8) (c), 769  
(d), (e), (f), or (g) of this section, if the offense was 770  
committed in the vicinity of a school or in the vicinity of a 771  
juvenile, trafficking in a controlled substance analog is a 772  
felony of the fourth degree, and division (C) of section 2929.13 773  
of the Revised Code applies in determining whether to impose a 774  
prison term on the offender. 775

(c) Except as otherwise provided in this division, if the 776  
amount of the drug involved equals or exceeds ten grams but is 777  
less than twenty grams, trafficking in a controlled substance 778  
analog is a felony of the fourth degree, and division (B) of 779  
section 2929.13 of the Revised Code applies in determining 780  
whether to impose a prison term for the offense. If the amount 781  
of the drug involved is within that range and if the offense was 782  
committed in the vicinity of a school or in the vicinity of a 783  
juvenile, trafficking in a controlled substance analog is a 784  
felony of the third degree, and there is a presumption for a 785  
prison term for the offense. 786

(d) Except as otherwise provided in this division, if the 787  
amount of the drug involved equals or exceeds twenty grams but 788  
is less than thirty grams, trafficking in a controlled substance 789  
analog is a felony of the third degree, and there is a 790  
presumption for a prison term for the offense. If the amount of 791  
the drug involved is within that range and if the offense was 792  
committed in the vicinity of a school or in the vicinity of a 793  
juvenile, trafficking in a controlled substance analog is a 794  
felony of the second degree, and there is a presumption for a 795  
prison term for the offense. 796

(e) Except as otherwise provided in this division, if the 797

amount of the drug involved equals or exceeds thirty grams but 798  
is less than forty grams, trafficking in a controlled substance 799  
analog is a felony of the second degree, and the court shall 800  
impose as a mandatory prison term one of the prison terms 801  
prescribed for a felony of the second degree. If the amount of 802  
the drug involved is within that range and if the offense was 803  
committed in the vicinity of a school or in the vicinity of a 804  
juvenile, trafficking in a controlled substance analog is a 805  
felony of the first degree, and the court shall impose as a 806  
mandatory prison term one of the prison terms prescribed for a 807  
felony of the first degree. 808

(f) If the amount of the drug involved equals or exceeds 809  
forty grams but is less than fifty grams and regardless of 810  
whether the offense was committed in the vicinity of a school or 811  
in the vicinity of a juvenile, trafficking in a controlled 812  
substance analog is a felony of the first degree, and the court 813  
shall impose as a mandatory prison term one of the prison terms 814  
prescribed for a felony of the first degree. 815

(g) If the amount of the drug involved equals or exceeds 816  
fifty grams and regardless of whether the offense was committed 817  
in the vicinity of a school or in the vicinity of a juvenile, 818  
trafficking in a controlled substance analog is a felony of the 819  
first degree, the offender is a major drug offender, and the 820  
court shall impose as a mandatory prison term the maximum prison 821  
term prescribed for a felony of the first degree. 822

(D) In addition to any prison term authorized or required 823  
by division (C) of this section and sections 2929.13 and 2929.14 824  
of the Revised Code, and in addition to any other sanction 825  
imposed for the offense under this section or sections 2929.11 826  
to 2929.18 of the Revised Code, the court that sentences an 827

offender who is convicted of or pleads guilty to a violation of 828  
division (A) of this section may suspend the driver's or 829  
commercial driver's license or permit of the offender in 830  
accordance with division (G) of this section and, if applicable, 831  
shall do ~~all of the following that are applicable regarding the~~ 832  
~~offender:~~ 833

(1) If the violation of division (A) of this section is a 834  
felony of the first, second, or third degree, the court shall 835  
impose upon the offender the mandatory fine specified for the 836  
offense under division (B) (1) of section 2929.18 of the Revised 837  
Code unless, as specified in that division, the court determines 838  
that the offender is indigent. Except as otherwise provided in 839  
division (H) (1) of this section, a mandatory fine or any other 840  
fine imposed for a violation of this section is subject to 841  
division (F) of this section. If a person is charged with a 842  
violation of this section that is a felony of the first, second, 843  
or third degree, posts bail, and forfeits the bail, the clerk of 844  
the court shall pay the forfeited bail pursuant to divisions (D) 845  
(1) and (F) of this section, as if the forfeited bail was a fine 846  
imposed for a violation of this section. If any amount of the 847  
forfeited bail remains after that payment and if a fine is 848  
imposed under division (H) (1) of this section, the clerk of the 849  
court shall pay the remaining amount of the forfeited bail 850  
pursuant to divisions (H) (2) and (3) of this section, as if that 851  
remaining amount was a fine imposed under division (H) (1) of 852  
this section. 853

~~(2) The court shall suspend the driver's or commercial~~ 854  
~~driver's license or permit of the offender in accordance with~~ 855  
~~division (G) of this section.~~ 856

~~(3) If the offender is a professionally licensed person,~~ 857

the court immediately shall comply with section 2925.38 of the Revised Code. 858  
859

(E) When a person is charged with the sale of or offer to 860  
sell a bulk amount or a multiple of a bulk amount of a 861  
controlled substance, the jury, or the court trying the accused, 862  
shall determine the amount of the controlled substance involved 863  
at the time of the offense and, if a guilty verdict is returned, 864  
shall return the findings as part of the verdict. In any such 865  
case, it is unnecessary to find and return the exact amount of 866  
the controlled substance involved, and it is sufficient if the 867  
finding and return is to the effect that the amount of the 868  
controlled substance involved is the requisite amount, or that 869  
the amount of the controlled substance involved is less than the 870  
requisite amount. 871

(F) (1) Notwithstanding any contrary provision of section 872  
3719.21 of the Revised Code and except as provided in division 873  
(H) of this section, the clerk of the court shall pay any 874  
mandatory fine imposed pursuant to division (D) (1) of this 875  
section and any fine other than a mandatory fine that is imposed 876  
for a violation of this section pursuant to division (A) or (B) 877  
(5) of section 2929.18 of the Revised Code to the county, 878  
township, municipal corporation, park district, as created 879  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 880  
state law enforcement agencies in this state that primarily were 881  
responsible for or involved in making the arrest of, and in 882  
prosecuting, the offender. However, the clerk shall not pay a 883  
mandatory fine so imposed to a law enforcement agency unless the 884  
agency has adopted a written internal control policy under 885  
division (F) (2) of this section that addresses the use of the 886  
fine moneys that it receives. Each agency shall use the 887  
mandatory fines so paid to subsidize the agency's law 888

enforcement efforts that pertain to drug offenses, in accordance 889  
with the written internal control policy adopted by the 890  
recipient agency under division (F) (2) of this section. 891

(2) Prior to receiving any fine moneys under division (F) 892  
(1) of this section or division (B) of section 2925.42 of the 893  
Revised Code, a law enforcement agency shall adopt a written 894  
internal control policy that addresses the agency's use and 895  
disposition of all fine moneys so received and that provides for 896  
the keeping of detailed financial records of the receipts of 897  
those fine moneys, the general types of expenditures made out of 898  
those fine moneys, and the specific amount of each general type 899  
of expenditure. The policy shall not provide for or permit the 900  
identification of any specific expenditure that is made in an 901  
ongoing investigation. All financial records of the receipts of 902  
those fine moneys, the general types of expenditures made out of 903  
those fine moneys, and the specific amount of each general type 904  
of expenditure by an agency are public records open for 905  
inspection under section 149.43 of the Revised Code. 906  
Additionally, a written internal control policy adopted under 907  
this division is such a public record, and the agency that 908  
adopted it shall comply with it. 909

(3) As used in division (F) of this section: 910

(a) "Law enforcement agencies" includes, but is not 911  
limited to, the state board of pharmacy and the office of a 912  
prosecutor. 913

(b) "Prosecutor" has the same meaning as in section 914  
2935.01 of the Revised Code. 915

(G) (1) ~~When required~~ If the sentencing court suspends the 916  
offender's driver's or commercial driver's license or permit 917

under division (D) ~~(2)~~ of this section or any other provision of 918  
this chapter, the court shall ~~suspend~~ ensure that the suspension 919  
is for not less than six months or more than five years ~~the~~ 920  
~~driver's or commercial driver's license or permit of any person~~ 921  
~~who is convicted of or pleads guilty to any violation of this~~ 922  
~~section or any other specified provision of this chapter.~~ If an 923  
offender's driver's or commercial driver's license or permit is 924  
suspended pursuant to this division, the offender, at any time 925  
after the expiration of two years from the day on which the 926  
offender's sentence was imposed or from the day on which the 927  
offender finally was released from a prison term under the 928  
sentence, whichever is later, may file a motion with the 929  
sentencing court requesting termination of the suspension; upon 930  
the filing of such a motion and the court's finding of good 931  
cause for the termination, the court may terminate the 932  
suspension. 933

(2) Any offender who received a mandatory suspension of 934  
the offender's driver's or commercial driver's license or permit 935  
under this section prior to the effective date of this amendment 936  
may file a motion with the sentencing court requesting the 937  
termination of the suspension unless either the offender used a 938  
motor vehicle in the commission of the underlying offense or the 939  
offender also pleaded guilty to or was convicted of a violation 940  
of section 4511.19 of the Revised Code or a substantially 941  
similar municipal ordinance or the law of another state or the 942  
United States arising out of the same set of circumstances as 943  
the offense under this section. The sentencing court, in its 944  
discretion, may terminate the suspension. 945

(H) (1) In addition to any prison term authorized or 946  
required by division (C) of this section and sections 2929.13 947  
and 2929.14 of the Revised Code, in addition to any other 948



penalty or sanction imposed for the offense under this section 949  
or sections 2929.11 to 2929.18 of the Revised Code, and in 950  
addition to the forfeiture of property in connection with the 951  
offense as prescribed in Chapter 2981. of the Revised Code, the 952  
court that sentences an offender who is convicted of or pleads 953  
guilty to a violation of division (A) of this section may impose 954  
upon the offender an additional fine specified for the offense 955  
in division (B)(4) of section 2929.18 of the Revised Code. A 956  
fine imposed under division (H)(1) of this section is not 957  
subject to division (F) of this section and shall be used solely 958  
for the support of one or more eligible community addiction 959  
services ~~provider~~ providers in accordance with divisions (H)(2) 960  
and (3) of this section. 961

(2) The court that imposes a fine under division (H)(1) of 962  
this section shall specify in the judgment that imposes the fine 963  
one or more eligible community addiction services ~~provider~~ 964  
providers for the support of which the fine money is to be used. 965  
No community addiction services provider shall receive or use 966  
money paid or collected in satisfaction of a fine imposed under 967  
division (H)(1) of this section unless the services provider is 968  
specified in the judgment that imposes the fine. No community 969  
addiction services provider shall be specified in the judgment 970  
unless the services provider is an eligible community addiction 971  
services provider and, except as otherwise provided in division 972  
(H)(2) of this section, unless the services provider is located 973  
in the county in which the court that imposes the fine is 974  
located or in a county that is immediately contiguous to the 975  
county in which that court is located. If no eligible community 976  
addiction services provider is located in any of those counties, 977  
the judgment may specify an eligible community addiction 978  
services provider that is located anywhere within this state. 979

(3) Notwithstanding any contrary provision of section 980  
3719.21 of the Revised Code, the clerk of the court shall pay 981  
any fine imposed under division (H) (1) of this section to the 982  
eligible community addiction services provider specified 983  
pursuant to division (H) (2) of this section in the judgment. The 984  
eligible community addiction services provider that receives the 985  
fine moneys shall use the moneys only for the alcohol and drug 986  
addiction services identified in the application for 987  
certification under section 5119.36 of the Revised Code or in 988  
the application for a license under section 5119.391 of the 989  
Revised Code filed with the department of mental health and 990  
addiction services by the community addiction services provider 991  
specified in the judgment. 992

(4) Each community addiction services provider that 993  
receives in a calendar year any fine moneys under division (H) 994  
(3) of this section shall file an annual report covering that 995  
calendar year with the court of common pleas and the board of 996  
county commissioners of the county in which the services 997  
provider is located, with the court of common pleas and the 998  
board of county commissioners of each county from which the 999  
services provider received the moneys if that county is 1000  
different from the county in which the services provider is 1001  
located, and with the attorney general. The community addiction 1002  
services provider shall file the report no later than the first 1003  
day of March in the calendar year following the calendar year in 1004  
which the services provider received the fine moneys. The report 1005  
shall include statistics on the number of persons served by the 1006  
community addiction services provider, identify the types of 1007  
alcohol and drug addiction services provided to those persons, 1008  
and include a specific accounting of the purposes for which the 1009  
fine moneys received were used. No information contained in the 1010

report shall identify, or enable a person to determine the 1011  
identity of, any person served by the community addiction 1012  
services provider. Each report received by a court of common 1013  
pleas, a board of county commissioners, or the attorney general 1014  
is a public record open for inspection under section 149.43 of 1015  
the Revised Code. 1016

(5) As used in divisions (H) (1) to (5) of this section: 1017

(a) "Community addiction services provider" and "alcohol 1018  
and drug addiction services" have the same meanings as in 1019  
section 5119.01 of the Revised Code. 1020

(b) "Eligible community addiction services provider" means 1021  
a community addiction services provider that is certified under 1022  
section 5119.36 of the Revised Code or licensed under section 1023  
5119.391 of the Revised Code by the department of mental health 1024  
and addiction services. 1025

(I) As used in this section, "drug" includes any substance 1026  
that is represented to be a drug. 1027

(J) It is an affirmative defense to a charge of 1028  
trafficking in a controlled substance analog under division (C) 1029  
(8) of this section that the person charged with violating that 1030  
offense sold or offered to sell, or prepared for shipment, 1031  
shipped, transported, delivered, prepared for distribution, or 1032  
distributed an item described in division (HH) (2) (a), (b), or 1033  
(c) of section 3719.01 of the Revised Code. 1034

**Sec. 2925.04.** (A) No person shall knowingly cultivate 1035  
marihuana or knowingly manufacture or otherwise engage in any 1036  
part of the production of a controlled substance. 1037

(B) This section does not apply to any person listed in 1038  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1039

Code to the extent and under the circumstances described in 1040  
those divisions. 1041

(C) (1) Whoever commits a violation of division (A) of this 1042  
section that involves any drug other than marihuana is guilty of 1043  
illegal manufacture of drugs, and whoever commits a violation of 1044  
division (A) of this section that involves marihuana is guilty 1045  
of illegal cultivation of marihuana. 1046

(2) Except as otherwise provided in this division, if the 1047  
drug involved in the violation of division (A) of this section 1048  
is any compound, mixture, preparation, or substance included in 1049  
schedule I or II, with the exception of methamphetamine or 1050  
marihuana, illegal manufacture of drugs is a felony of the 1051  
second degree, and, subject to division (E) of this section, the 1052  
court shall impose as a mandatory prison term one of the prison 1053  
terms prescribed for a felony of the second degree. 1054

If the drug involved in the violation is any compound, 1055  
mixture, preparation, or substance included in schedule I or II, 1056  
with the exception of methamphetamine or marihuana, and if the 1057  
offense was committed in the vicinity of a juvenile or in the 1058  
vicinity of a school, illegal manufacture of drugs is a felony 1059  
of the first degree, and, subject to division (E) of this 1060  
section, the court shall impose as a mandatory prison term one 1061  
of the prison terms prescribed for a felony of the first degree. 1062

(3) If the drug involved in the violation of division (A) 1063  
of this section is methamphetamine, the penalty for the 1064  
violation shall be determined as follows: 1065

(a) Except as otherwise provided in division (C) (3) (b) of 1066  
this section, if the drug involved in the violation is 1067  
methamphetamine, illegal manufacture of drugs is a felony of the 1068

second degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree that is not less than three years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, a violation of division (B) (6) of section 2919.22 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree that is not less than five years.

(b) If the drug involved in the violation is methamphetamine and if the offense was committed in the vicinity of a juvenile, in the vicinity of a school, or on public premises, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree that is not less than four years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, a violation of division (B) (6) of section 2919.22 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree that is not less than five years.

(4) If the drug involved in the violation of division (A)

of this section is any compound, mixture, preparation, or 1100  
substance included in schedule III, IV, or V, illegal 1101  
manufacture of drugs is a felony of the third degree or, if the 1102  
offense was committed in the vicinity of a school or in the 1103  
vicinity of a juvenile, a felony of the second degree, and there 1104  
is a presumption for a prison term for the offense. 1105

(5) If the drug involved in the violation is marihuana, 1106  
the penalty for the offense shall be determined as follows: 1107

(a) Except as otherwise provided in division (C) (5) (b), 1108  
(c), (d), (e), or (f) of this section, illegal cultivation of 1109  
marihuana is a minor misdemeanor or, if the offense was 1110  
committed in the vicinity of a school or in the vicinity of a 1111  
juvenile, a misdemeanor of the fourth degree. 1112

(b) If the amount of marihuana involved equals or exceeds 1113  
one hundred grams but is less than two hundred grams, illegal 1114  
cultivation of marihuana is a misdemeanor of the fourth degree 1115  
or, if the offense was committed in the vicinity of a school or 1116  
in the vicinity of a juvenile, a misdemeanor of the third 1117  
degree. 1118

(c) If the amount of marihuana involved equals or exceeds 1119  
two hundred grams but is less than one thousand grams, illegal 1120  
cultivation of marihuana is a felony of the fifth degree or, if 1121  
the offense was committed in the vicinity of a school or in the 1122  
vicinity of a juvenile, a felony of the fourth degree, and 1123  
division (B) of section 2929.13 of the Revised Code applies in 1124  
determining whether to impose a prison term on the offender. 1125

(d) If the amount of marihuana involved equals or exceeds 1126  
one thousand grams but is less than five thousand grams, illegal 1127  
cultivation of marihuana is a felony of the third degree or, if 1128

the offense was committed in the vicinity of a school or in the 1129  
vicinity of a juvenile, a felony of the second degree, and 1130  
division (C) of section 2929.13 of the Revised Code applies in 1131  
determining whether to impose a prison term on the offender. 1132

(e) If the amount of marihuana involved equals or exceeds 1133  
five thousand grams but is less than twenty thousand grams, 1134  
illegal cultivation of marihuana is a felony of the third degree 1135  
or, if the offense was committed in the vicinity of a school or 1136  
in the vicinity of a juvenile, a felony of the second degree, 1137  
and there is a presumption for a prison term for the offense. 1138

(f) Except as otherwise provided in this division, if the 1139  
amount of marihuana involved equals or exceeds twenty thousand 1140  
grams, illegal cultivation of marihuana is a felony of the 1141  
second degree, and the court shall impose as a mandatory prison 1142  
term the maximum prison term prescribed for a felony of the 1143  
second degree. If the amount of the drug involved equals or 1144  
exceeds twenty thousand grams and if the offense was committed 1145  
in the vicinity of a school or in the vicinity of a juvenile, 1146  
illegal cultivation of marihuana is a felony of the first 1147  
degree, and the court shall impose as a mandatory prison term 1148  
the maximum prison term prescribed for a felony of the first 1149  
degree. 1150

(D) In addition to any prison term authorized or required 1151  
by division (C) or (E) of this section and sections 2929.13 and 1152  
2929.14 of the Revised Code and in addition to any other 1153  
sanction imposed for the offense under this section or sections 1154  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1155  
an offender who is convicted of or pleads guilty to a violation 1156  
of division (A) of this section may suspend the offender's 1157  
driver's or commercial driver's license or permit in accordance 1158

with division (G) of section 2925.03 of the Revised Code and, if 1159  
applicable, shall do all of the following that are applicable 1160  
regarding the offender: 1161

(1) If the violation of division (A) of this section is a 1162  
felony of the first, second, or third degree, the court shall 1163  
impose upon the offender the mandatory fine specified for the 1164  
offense under division (B)(1) of section 2929.18 of the Revised 1165  
Code unless, as specified in that division, the court determines 1166  
that the offender is indigent. The clerk of the court shall pay 1167  
a mandatory fine or other fine imposed for a violation of this 1168  
section pursuant to division (A) of section 2929.18 of the 1169  
Revised Code in accordance with and subject to the requirements 1170  
of division (F) of section 2925.03 of the Revised Code. The 1171  
agency that receives the fine shall use the fine as specified in 1172  
division (F) of section 2925.03 of the Revised Code. If a person 1173  
is charged with a violation of this section that is a felony of 1174  
the first, second, or third degree, posts bail, and forfeits the 1175  
bail, the clerk shall pay the forfeited bail as if the forfeited 1176  
bail were a fine imposed for a violation of this section. 1177

~~(2) The court shall suspend the offender's driver's or~~ 1178  
~~commercial driver's license or permit in accordance with~~ 1179  
~~division (G) of section 2925.03 of the Revised Code. If an~~ 1180  
~~offender's driver's or commercial driver's license or permit is~~ 1181  
~~suspended in accordance with that division, the offender may~~ 1182  
~~request termination of, and the court may terminate, the~~ 1183  
~~suspension in accordance with that division.~~ 1184

~~(3)~~ If the offender is a professionally licensed person, 1185  
the court immediately shall comply with section 2925.38 of the 1186  
Revised Code. 1187

(E) Notwithstanding the prison term otherwise authorized 1188



or required for the offense under division (C) of this section 1189  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1190  
violation of division (A) of this section involves the sale, 1191  
offer to sell, or possession of a schedule I or II controlled 1192  
substance, with the exception of marihuana, and if the court 1193  
imposing sentence upon the offender finds that the offender as a 1194  
result of the violation is a major drug offender and is guilty 1195  
of a specification of the type described in section 2941.1410 of 1196  
the Revised Code, the court, in lieu of the prison term 1197  
otherwise authorized or required, shall impose upon the offender 1198  
the mandatory prison term specified in division (B) (3) of 1199  
section 2929.14 of the Revised Code. 1200

(F) It is an affirmative defense, as provided in section 1201  
2901.05 of the Revised Code, to a charge under this section for 1202  
a fifth degree felony violation of illegal cultivation of 1203  
marihuana that the marihuana that gave rise to the charge is in 1204  
an amount, is in a form, is prepared, compounded, or mixed with 1205  
substances that are not controlled substances in a manner, or is 1206  
possessed or cultivated under any other circumstances that 1207  
indicate that the marihuana was solely for personal use. 1208

Notwithstanding any contrary provision of division (F) of 1209  
this section, if, in accordance with section 2901.05 of the 1210  
Revised Code, a person who is charged with a violation of 1211  
illegal cultivation of marihuana that is a felony of the fifth 1212  
degree sustains the burden of going forward with evidence of and 1213  
establishes by a preponderance of the evidence the affirmative 1214  
defense described in this division, the person may be prosecuted 1215  
for and may be convicted of or plead guilty to a misdemeanor 1216  
violation of illegal cultivation of marihuana. 1217

(G) Arrest or conviction for a minor misdemeanor violation 1218

of this section does not constitute a criminal record and need 1219  
not be reported by the person so arrested or convicted in 1220  
response to any inquiries about the person's criminal record, 1221  
including any inquiries contained in an application for 1222  
employment, a license, or any other right or privilege or made 1223  
in connection with the person's appearance as a witness. 1224

(H) (1) If the sentencing court suspends the offender's 1225  
driver's or commercial driver's license or permit under this 1226  
section in accordance with division (G) of section 2925.03 of 1227  
the Revised Code, the offender may request termination of, and 1228  
the court may terminate, the suspension of the offender in 1229  
accordance with that division. 1230

(2) Any offender who received a mandatory suspension of 1231  
the offender's driver's or commercial driver's license or permit 1232  
under this section prior to the effective date of this amendment 1233  
may file a motion with the sentencing court requesting the 1234  
termination of the suspension unless either the offender used a 1235  
motor vehicle in the commission of the underlying offense or the 1236  
offender also pleaded guilty to or was convicted of a violation 1237  
of section 4511.19 of the Revised Code or a substantially 1238  
similar municipal ordinance or the law of another state or the 1239  
United States arising out of the same set of circumstances as 1240  
the offense under this section. The sentencing court, in its 1241  
discretion, may terminate the suspension. 1242

**Sec. 2925.041.** (A) No person shall knowingly assemble or 1243  
possess one or more chemicals that may be used to manufacture a 1244  
controlled substance in schedule I or II with the intent to 1245  
manufacture a controlled substance in schedule I or II in 1246  
violation of section 2925.04 of the Revised Code. 1247

(B) In a prosecution under this section, it is not 1248

necessary to allege or prove that the offender assembled or 1249  
possessed all chemicals necessary to manufacture a controlled 1250  
substance in schedule I or II. The assembly or possession of a 1251  
single chemical that may be used in the manufacture of a 1252  
controlled substance in schedule I or II, with the intent to 1253  
manufacture a controlled substance in either schedule, is 1254  
sufficient to violate this section. 1255

(C) Whoever violates this section is guilty of illegal 1256  
assembly or possession of chemicals for the manufacture of 1257  
drugs. Except as otherwise provided in this division, illegal 1258  
assembly or possession of chemicals for the manufacture of drugs 1259  
is a felony of the third degree, and, except as otherwise 1260  
provided in division (C)(1) or (2) of this section, division (C) 1261  
of section 2929.13 of the Revised Code applies in determining 1262  
whether to impose a prison term on the offender. If the offense 1263  
was committed in the vicinity of a juvenile or in the vicinity 1264  
of a school, illegal assembly or possession of chemicals for the 1265  
manufacture of drugs is a felony of the second degree, and, 1266  
except as otherwise provided in division (C)(1) or (2) of this 1267  
section, division (C) of section 2929.13 of the Revised Code 1268  
applies in determining whether to impose a prison term on the 1269  
offender. If the violation of division (A) of this section is a 1270  
felony of the third degree under this division and if the 1271  
chemical or chemicals assembled or possessed in violation of 1272  
division (A) of this section may be used to manufacture 1273  
methamphetamine, there either is a presumption for a prison term 1274  
for the offense or the court shall impose a mandatory prison 1275  
term on the offender, determined as follows: 1276

(1) Except as otherwise provided in this division, there 1277  
is a presumption for a prison term for the offense. If the 1278  
offender two or more times previously has been convicted of or 1279

pleaded guilty to a felony drug abuse offense, except as 1280  
otherwise provided in this division, the court shall impose as a 1281  
mandatory prison term one of the prison terms prescribed for a 1282  
felony of the third degree that is not less than two years. If 1283  
the offender two or more times previously has been convicted of 1284  
or pleaded guilty to a felony drug abuse offense and if at least 1285  
one of those previous convictions or guilty pleas was to a 1286  
violation of division (A) of this section, a violation of 1287  
division (B) (6) of section 2919.22 of the Revised Code, or a 1288  
violation of division (A) of section 2925.04 of the Revised 1289  
Code, the court shall impose as a mandatory prison term one of 1290  
the prison terms prescribed for a felony of the third degree 1291  
that is not less than five years. 1292

(2) If the violation of division (A) of this section is a 1293  
felony of the second degree under division (C) of this section 1294  
and the chemical or chemicals assembled or possessed in 1295  
committing the violation may be used to manufacture 1296  
methamphetamine, the court shall impose as a mandatory prison 1297  
term one of the prison terms prescribed for a felony of the 1298  
second degree that is not less than three years. If the 1299  
violation of division (A) of this section is a felony of the 1300  
second degree under division (C) of this section, if the 1301  
chemical or chemicals assembled or possessed in committing the 1302  
violation may be used to manufacture methamphetamine, and if the 1303  
offender previously has been convicted of or pleaded guilty to a 1304  
violation of division (A) of this section, a violation of 1305  
division (B) (6) of section 2919.22 of the Revised Code, or a 1306  
violation of division (A) of section 2925.04 of the Revised 1307  
Code, the court shall impose as a mandatory prison term one of 1308  
the prison terms prescribed for a felony of the second degree 1309  
that is not less than five years. 1310

(D) In addition to any prison term authorized by division 1311  
(C) of this section and sections 2929.13 and 2929.14 of the 1312  
Revised Code and in addition to any other sanction imposed for 1313  
the offense under this section or sections 2929.11 to 2929.18 of 1314  
the Revised Code, the court that sentences an offender who is 1315  
convicted of or pleads guilty to a violation of this section may 1316  
suspend the offender's driver's or commercial driver's license 1317  
or permit in accordance with division (G) of section 2925.03 of 1318  
the Revised Code and, if applicable, shall do all of the 1319  
following that are applicable regarding the offender: 1320

(1) The court shall impose upon the offender the mandatory 1321  
fine specified for the offense under division (B) (1) of section 1322  
2929.18 of the Revised Code unless, as specified in that 1323  
division, the court determines that the offender is indigent. 1324  
The clerk of the court shall pay a mandatory fine or other fine 1325  
imposed for a violation of this section under division (A) of 1326  
section 2929.18 of the Revised Code in accordance with and 1327  
subject to the requirements of division (F) of section 2925.03 1328  
of the Revised Code. The agency that receives the fine shall use 1329  
the fine as specified in division (F) of section 2925.03 of the 1330  
Revised Code. If a person charged with a violation of this 1331  
section posts bail and forfeits the bail, the clerk shall pay 1332  
the forfeited bail as if the forfeited bail were a fine imposed 1333  
for a violation of this section. 1334

~~(2) The court shall revoke or suspend the offender's~~ 1335  
~~driver's or commercial driver's license or permit in accordance~~ 1336  
~~with division (G) of section 2925.03 of the Revised Code. If an~~ 1337  
~~offender's driver's or commercial driver's license or permit is~~ 1338  
~~revoked in accordance with that division, the offender may~~ 1339  
~~request termination of, and the court may terminate, the~~ 1340  
~~revocation in accordance with that division.~~ 1341

~~(3)~~—If the offender is a professionally licensed person or  
a person who has been admitted to the bar by order of the  
supreme court in compliance with its prescribed and published  
rules, the court shall comply with section 2925.38 of the  
Revised Code.

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

(2) Any offender who received a mandatory suspension of  
the offender's driver's or commercial driver's license or permit  
under this section prior to the effective date of this amendment  
may file a motion with the sentencing court requesting the  
termination of the suspension unless either the offender used a  
motor vehicle in the commission of the underlying offense or the  
offender also pleaded guilty to or was convicted of a violation  
of section 4511.19 of the Revised Code or a substantially  
similar municipal ordinance or the law of another state or the  
United States arising out of the same set of circumstances as  
the offense under this section. The sentencing court, in its  
discretion, may terminate the suspension.

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

(1) If the drug to be sold or offered for sale is any 1372  
compound, mixture, preparation, or substance included in 1373  
schedule I or II, with the exception of marihuana, cocaine, 1374  
L.S.D., heroin, and hashish, or schedule III, IV, or V, an 1375  
amount of the drug that equals or exceeds the bulk amount of the 1376  
drug; 1377

(2) If the drug to be sold or offered for sale is 1378  
marihuana or a compound, mixture, preparation, or substance 1379  
other than hashish containing marihuana, an amount of the 1380  
marihuana that equals or exceeds two hundred grams; 1381

(3) If the drug to be sold or offered for sale is cocaine 1382  
or a compound, mixture, preparation, or substance containing 1383  
cocaine, an amount of the cocaine that equals or exceeds five 1384  
grams; 1385

(4) If the drug to be sold or offered for sale is L.S.D. 1386  
or a compound, mixture, preparation, or substance containing 1387  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1388  
doses if the L.S.D. is in a solid form or equals or exceeds one 1389  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1390  
or liquid distillate form; 1391

(5) If the drug to be sold or offered for sale is heroin 1392  
or a compound, mixture, preparation, or substance containing 1393  
heroin, an amount of the heroin that equals or exceeds ten unit 1394  
doses or equals or exceeds one gram; 1395

(6) If the drug to be sold or offered for sale is hashish 1396  
or a compound, mixture, preparation, or substance containing 1397  
hashish, an amount of the hashish that equals or exceeds ten 1398  
grams if the hashish is in a solid form or equals or exceeds two 1399  
grams if the hashish is in a liquid concentrate, liquid extract, 1400

or liquid distillate form. 1401

(B) This section does not apply to any person listed in 1402  
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1403  
Code to the extent and under the circumstances described in 1404  
those divisions. 1405

(C)(1) If the drug involved in the violation is any 1406  
compound, mixture, preparation, or substance included in 1407  
schedule I or II, with the exception of marihuana, whoever 1408  
violates division (A) of this section is guilty of aggravated 1409  
funding of drug trafficking, a felony of the first degree, and, 1410  
subject to division (E) of this section, the court shall impose 1411  
as a mandatory prison term one of the prison terms prescribed 1412  
for a felony of the first degree. 1413

(2) If the drug involved in the violation is any compound, 1414  
mixture, preparation, or substance included in schedule III, IV, 1415  
or V, whoever violates division (A) of this section is guilty of 1416  
funding of drug trafficking, a felony of the second degree, and 1417  
the court shall impose as a mandatory prison term one of the 1418  
prison terms prescribed for a felony of the second degree. 1419

(3) If the drug involved in the violation is marihuana, 1420  
whoever violates division (A) of this section is guilty of 1421  
funding of marihuana trafficking, a felony of the third degree, 1422  
and, except as otherwise provided in this division, there is a 1423  
presumption for a prison term for the offense. If funding of 1424  
marihuana trafficking is a felony of the third degree under this 1425  
division and if the offender two or more times previously has 1426  
been convicted of or pleaded guilty to a felony drug abuse 1427  
offense, the court shall impose as a mandatory prison term one 1428  
of the prison terms prescribed for a felony of the third degree. 1429



(D) In addition to any prison term authorized or required 1430  
by division (C) or (E) of this section and sections 2929.13 and 1431  
2929.14 of the Revised Code and in addition to any other 1432  
sanction imposed for the offense under this section or sections 1433  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1434  
an offender who is convicted of or pleads guilty to a violation 1435  
of division (A) of this section may suspend the offender's 1436  
driver's or commercial driver's license or permit in accordance 1437  
with division (G) of section 2925.03 of the Revised Code and, if 1438  
applicable, shall do all of the following that are applicable 1439  
regarding the offender: 1440

(1) The court shall impose the mandatory fine specified 1441  
for the offense under division (B)(1) of section 2929.18 of the 1442  
Revised Code unless, as specified in that division, the court 1443  
determines that the offender is indigent. The clerk of the court 1444  
shall pay a mandatory fine or other fine imposed for a violation 1445  
of this section pursuant to division (A) of section 2929.18 of 1446  
the Revised Code in accordance with and subject to the 1447  
requirements of division (F) of section 2925.03 of the Revised 1448  
Code. The agency that receives the fine shall use the fine in 1449  
accordance with division (F) of section 2925.03 of the Revised 1450  
Code. If a person is charged with a violation of this section, 1451  
posts bail, and forfeits the bail, the forfeited bail shall be 1452  
paid as if the forfeited bail were a fine imposed for a 1453  
violation of this section. 1454

~~(2) The court shall suspend the offender's driver's or~~ 1455  
~~commercial driver's license or permit in accordance with~~ 1456  
~~division (G) of section 2925.03 of the Revised Code. If an~~ 1457  
~~offender's driver's or commercial driver's license or permit is~~ 1458  
~~suspended in accordance with that division, the offender may~~ 1459  
~~request termination of, and the court may terminate, the~~ 1460

~~suspension in accordance with that division.~~ 1461

~~(3) If the offender is a professionally licensed person,~~ 1462  
the court immediately shall comply with section 2925.38 of the 1463  
Revised Code. 1464

(E) Notwithstanding the prison term otherwise authorized 1465  
or required for the offense under division (C) of this section 1466  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1467  
violation of division (A) of this section involves the sale, 1468  
offer to sell, or possession of a schedule I or II controlled 1469  
substance, with the exception of marihuana, and if the court 1470  
imposing sentence upon the offender finds that the offender as a 1471  
result of the violation is a major drug offender and is guilty 1472  
of a specification of the type described in section 2941.1410 of 1473  
the Revised Code, the court, in lieu of the prison term 1474  
otherwise authorized or required, shall impose upon the offender 1475  
the mandatory prison term specified in division (B) (3) of 1476  
section 2929.14 of the Revised Code. 1477

(F) (1) If the sentencing court suspends the offender's 1478  
driver's or commercial driver's license or permit under this 1479  
section in accordance with division (G) of section 2925.03 of 1480  
the Revised Code, the offender may request termination of, and 1481  
the court may terminate, the suspension in accordance with that 1482  
division. 1483

(2) Any offender who received a mandatory suspension of 1484  
the offender's driver's or commercial driver's license or permit 1485  
under this section prior to the effective date of this amendment 1486  
may file a motion with the sentencing court requesting the 1487  
termination of the suspension unless either the offender used a 1488  
motor vehicle in the commission of the underlying offense or the 1489  
offender also pleaded guilty to or was convicted of a violation 1490

of section 4511.19 of the Revised Code or a substantially 1491  
similar municipal ordinance or the law of another state or the 1492  
United States arising out of the same set of circumstances as 1493  
the offense under this section. The sentencing court, in its 1494  
discretion, may terminate the suspension. 1495

**Sec. 2925.06.** (A) No person shall knowingly administer to 1496  
a human being, or prescribe or dispense for administration to a 1497  
human being, any anabolic steroid not approved by the United 1498  
States food and drug administration for administration to human 1499  
beings. 1500

(B) This section does not apply to any person listed in 1501  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1502  
Code to the extent and under the circumstances described in 1503  
those divisions. 1504

(C) Whoever violates division (A) of this section is 1505  
guilty of illegal administration or distribution of anabolic 1506  
steroids, a felony of the fourth degree, and division (C) of 1507  
section 2929.13 of the Revised Code applies in determining 1508  
whether to impose a prison term on the offender. 1509

(D) (1) In addition to any prison term authorized or 1510  
required by division (C) of this section and sections 2929.13 1511  
and 2929.14 of the Revised Code and in addition to any other 1512  
sanction imposed for the offense under this section or sections 1513  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1514  
an offender who is convicted of or pleads guilty to a violation 1515  
of division (A) of this section ~~shall do both of the following:~~ 1516

~~(1) The court shall~~ may suspend the offender's driver's or 1517  
commercial driver's license or permit in accordance with 1518  
division (G) of section 2925.03 of the Revised Code. If an 1519

offender's driver's or commercial driver's license or permit is 1520  
suspended in accordance with that division, the offender may 1521  
request termination of, and the court may terminate, the 1522  
suspension in accordance with that division. 1523

~~(2)~~—If the offender is a professionally licensed person, 1524  
the court immediately shall comply with section 2925.38 of the 1525  
Revised Code. 1526

(2) Any offender who received a mandatory suspension of 1527  
the offender's driver's or commercial driver's license or permit 1528  
under this section prior to the effective date of this amendment 1529  
may file a motion with the sentencing court requesting the 1530  
termination of the suspension unless either the offender used a 1531  
motor vehicle in the commission of the underlying offense or the 1532  
offender also pleaded guilty to or was convicted of a violation 1533  
of section 4511.19 of the Revised Code or a substantially 1534  
similar municipal ordinance or the law of another state or the 1535  
United States arising out of the same set of circumstances as 1536  
the offense under this section. The sentencing court, in its 1537  
discretion, may terminate the suspension. 1538

(E) If a person commits any act that constitutes a 1539  
violation of division (A) of this section and that also 1540  
constitutes a violation of any other provision of the Revised 1541  
Code, the prosecutor, as defined in section 2935.01 of the 1542  
Revised Code, using customary prosecutorial discretion, may 1543  
prosecute the person for a violation of the appropriate 1544  
provision of the Revised Code. 1545

**Sec. 2925.11.** (A) No person shall knowingly obtain, 1546  
possess, or use a controlled substance or a controlled substance 1547  
analog. 1548

(B) This section does not apply to any of the following:	1549
(1) Manufacturers, licensed health professionals	1550
authorized to prescribe drugs, pharmacists, owners of	1551
pharmacies, and other persons whose conduct was in accordance	1552
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	1553
4741. of the Revised Code;	1554
(2) If the offense involves an anabolic steroid, any	1555
person who is conducting or participating in a research project	1556
involving the use of an anabolic steroid if the project has been	1557
approved by the United States food and drug administration;	1558
(3) Any person who sells, offers for sale, prescribes,	1559
dispenses, or administers for livestock or other nonhuman	1560
species an anabolic steroid that is expressly intended for	1561
administration through implants to livestock or other nonhuman	1562
species and approved for that purpose under the "Federal Food,	1563
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	1564
as amended, and is sold, offered for sale, prescribed,	1565
dispensed, or administered for that purpose in accordance with	1566
that act;	1567
(4) Any person who obtained the controlled substance	1568
pursuant to a lawful prescription issued by a licensed health	1569
professional authorized to prescribe drugs.	1570
(C) Whoever violates division (A) of this section is	1571
guilty of one of the following:	1572
(1) If the drug involved in the violation is a compound,	1573
mixture, preparation, or substance included in schedule I or II,	1574
with the exception of marihuana, cocaine, L.S.D., heroin,	1575
hashish, and controlled substance analogs, whoever violates	1576
division (A) of this section is guilty of aggravated possession	1577

of drugs. The penalty for the offense shall be determined as 1578  
follows: 1579

(a) Except as otherwise provided in division (C) (1) (b), 1580  
(c), (d), or (e) of this section, aggravated possession of drugs 1581  
is a felony of the fifth degree, and division (B) of section 1582  
2929.13 of the Revised Code applies in determining whether to 1583  
impose a prison term on the offender. 1584

(b) If the amount of the drug involved equals or exceeds 1585  
the bulk amount but is less than five times the bulk amount, 1586  
aggravated possession of drugs is a felony of the third degree, 1587  
and there is a presumption for a prison term for the offense. 1588

(c) If the amount of the drug involved equals or exceeds 1589  
five times the bulk amount but is less than fifty times the bulk 1590  
amount, aggravated possession of drugs is a felony of the second 1591  
degree, and the court shall impose as a mandatory prison term 1592  
one of the prison terms prescribed for a felony of the second 1593  
degree. 1594

(d) If the amount of the drug involved equals or exceeds 1595  
fifty times the bulk amount but is less than one hundred times 1596  
the bulk amount, aggravated possession of drugs is a felony of 1597  
the first degree, and the court shall impose as a mandatory 1598  
prison term one of the prison terms prescribed for a felony of 1599  
the first degree. 1600

(e) If the amount of the drug involved equals or exceeds 1601  
one hundred times the bulk amount, aggravated possession of 1602  
drugs is a felony of the first degree, the offender is a major 1603  
drug offender, and the court shall impose as a mandatory prison 1604  
term the maximum prison term prescribed for a felony of the 1605  
first degree. 1606

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

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

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

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

(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 one of the prison terms prescribed for a felony of the second degree.

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

(a) Except as otherwise provided in division (C) (3) (b), 1636  
(c), (d), (e), (f), or (g) of this section, possession of 1637  
marihuana is a minor misdemeanor. 1638

(b) If the amount of the drug involved equals or exceeds 1639  
one hundred grams but is less than two hundred grams, possession 1640  
of marihuana is a misdemeanor of the fourth degree. 1641

(c) If the amount of the drug involved equals or exceeds 1642  
two hundred grams but is less than one thousand grams, 1643  
possession of marihuana is a felony of the fifth degree, and 1644  
division (B) of section 2929.13 of the Revised Code applies in 1645  
determining whether to impose a prison term on the offender. 1646

(d) If the amount of the drug involved equals or exceeds 1647  
one thousand grams but is less than five thousand grams, 1648  
possession of marihuana is a felony of the third degree, and 1649  
division (C) of section 2929.13 of the Revised Code applies in 1650  
determining whether to impose a prison term on the offender. 1651

(e) If the amount of the drug involved equals or exceeds 1652  
five thousand grams but is less than twenty thousand grams, 1653  
possession of marihuana is a felony of the third degree, and 1654  
there is a presumption that a prison term shall be imposed for 1655  
the offense. 1656

(f) If the amount of the drug involved equals or exceeds 1657  
twenty thousand grams but is less than forty thousand grams, 1658  
possession of marihuana is a felony of the second degree, and 1659  
the court shall impose a mandatory prison term of five, six, 1660  
seven, or eight years. 1661

(g) If the amount of the drug involved equals or exceeds 1662  
forty thousand grams, possession of marihuana is a felony of the 1663  
second degree, and the court shall impose as a mandatory prison 1664



term the maximum prison term prescribed for a felony of the 1665  
second degree. 1666

(4) If the drug involved in the violation is cocaine or a 1667  
compound, mixture, preparation, or substance containing cocaine, 1668  
whoever violates division (A) of this section is guilty of 1669  
possession of cocaine. The penalty for the offense shall be 1670  
determined as follows: 1671

(a) Except as otherwise provided in division (C) (4) (b), 1672  
(c), (d), (e), or (f) of this section, possession of cocaine is 1673  
a felony of the fifth degree, and division (B) of section 1674  
2929.13 of the Revised Code applies in determining whether to 1675  
impose a prison term on the offender. 1676

(b) If the amount of the drug involved equals or exceeds 1677  
five grams but is less than ten grams of cocaine, possession of 1678  
cocaine is a felony of the fourth degree, and division (B) of 1679  
section 2929.13 of the Revised Code applies in determining 1680  
whether to impose a prison term on the offender. 1681

(c) If the amount of the drug involved equals or exceeds 1682  
ten grams but is less than twenty grams of cocaine, possession 1683  
of cocaine is a felony of the third degree, and, except as 1684  
otherwise provided in this division, there is a presumption for 1685  
a prison term for the offense. If possession of cocaine is a 1686  
felony of the third degree under this division and if the 1687  
offender two or more times previously has been convicted of or 1688  
pleaded guilty to a felony drug abuse offense, the court shall 1689  
impose as a mandatory prison term one of the prison terms 1690  
prescribed for a felony of the third degree. 1691

(d) If the amount of the drug involved equals or exceeds 1692  
twenty grams but is less than twenty-seven grams of cocaine, 1693

possession of cocaine is a felony of the second degree, and the 1694  
court shall impose as a mandatory prison term one of the prison 1695  
terms prescribed for a felony of the second degree. 1696

(e) If the amount of the drug involved equals or exceeds 1697  
twenty-seven grams but is less than one hundred grams of 1698  
cocaine, possession of cocaine is a felony of the first degree, 1699  
and the court shall impose as a mandatory prison term one of the 1700  
prison terms prescribed for a felony of the first degree. 1701

(f) If the amount of the drug involved equals or exceeds 1702  
one hundred grams of cocaine, possession of cocaine is a felony 1703  
of the first degree, the offender is a major drug offender, and 1704  
the court shall impose as a mandatory prison term the maximum 1705  
prison term prescribed for a felony of the first degree. 1706

(5) If the drug involved in the violation is L.S.D., 1707  
whoever violates division (A) of this section is guilty of 1708  
possession of L.S.D. The penalty for the offense shall be 1709  
determined as follows: 1710

(a) Except as otherwise provided in division (C) (5) (b), 1711  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1712  
felony of the fifth degree, and division (B) of section 2929.13 1713  
of the Revised Code applies in determining whether to impose a 1714  
prison term on the offender. 1715

(b) If the amount of L.S.D. involved equals or exceeds ten 1716  
unit doses but is less than fifty unit doses of L.S.D. in a 1717  
solid form or equals or exceeds one gram but is less than five 1718  
grams of L.S.D. in a liquid concentrate, liquid extract, or 1719  
liquid distillate form, possession of L.S.D. is a felony of the 1720  
fourth degree, and division (C) of section 2929.13 of the 1721  
Revised Code applies in determining whether to impose a prison 1722

term on the offender. 1723

(c) If the amount of L.S.D. involved equals or exceeds 1724  
fifty unit doses, but is less than two hundred fifty unit doses 1725  
of L.S.D. in a solid form or equals or exceeds five grams but is 1726  
less than twenty-five grams of L.S.D. in a liquid concentrate, 1727  
liquid extract, or liquid distillate form, possession of L.S.D. 1728  
is a felony of the third degree, and there is a presumption for 1729  
a prison term for the offense. 1730

(d) If the amount of L.S.D. involved equals or exceeds two 1731  
hundred fifty unit doses but is less than one thousand unit 1732  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 1733  
grams but is less than one hundred grams of L.S.D. in a liquid 1734  
concentrate, liquid extract, or liquid distillate form, 1735  
possession of L.S.D. is a felony of the second degree, and the 1736  
court shall impose as a mandatory prison term one of the prison 1737  
terms prescribed for a felony of the second degree. 1738

(e) If the amount of L.S.D. involved equals or exceeds one 1739  
thousand unit doses but is less than five thousand unit doses of 1740  
L.S.D. in a solid form or equals or exceeds one hundred grams 1741  
but is less than five hundred grams of L.S.D. in a liquid 1742  
concentrate, liquid extract, or liquid distillate form, 1743  
possession of L.S.D. is a felony of the first degree, and the 1744  
court shall impose as a mandatory prison term one of the prison 1745  
terms prescribed for a felony of the first degree. 1746

(f) If the amount of L.S.D. involved equals or exceeds 1747  
five thousand unit doses of L.S.D. in a solid form or equals or 1748  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1749  
liquid extract, or liquid distillate form, possession of L.S.D. 1750  
is a felony of the first degree, the offender is a major drug 1751  
offender, and the court shall impose as a mandatory prison term 1752

the maximum prison term prescribed for a felony of the first 1753  
degree. 1754

(6) If the drug involved in the violation is heroin or a 1755  
compound, mixture, preparation, or substance containing heroin, 1756  
whoever violates division (A) of this section is guilty of 1757  
possession of heroin. The penalty for the offense shall be 1758  
determined as follows: 1759

(a) Except as otherwise provided in division (C) (6) (b), 1760  
(c), (d), (e), or (f) of this section, possession of heroin is a 1761  
felony of the fifth degree, and division (B) of section 2929.13 1762  
of the Revised Code applies in determining whether to impose a 1763  
prison term on the offender. 1764

(b) If the amount of the drug involved equals or exceeds 1765  
ten unit doses but is less than fifty unit doses or equals or 1766  
exceeds one gram but is less than five grams, possession of 1767  
heroin is a felony of the fourth degree, and division (C) of 1768  
section 2929.13 of the Revised Code applies in determining 1769  
whether to impose a prison term on the offender. 1770

(c) If the amount of the drug involved equals or exceeds 1771  
fifty unit doses but is less than one hundred unit doses or 1772  
equals or exceeds five grams but is less than ten grams, 1773  
possession of heroin is a felony of the third degree, and there 1774  
is a presumption for a prison term for the offense. 1775

(d) If the amount of the drug involved equals or exceeds 1776  
one hundred unit doses but is less than five hundred unit doses 1777  
or equals or exceeds ten grams but is less than fifty grams, 1778  
possession of heroin is a felony of the second degree, and the 1779  
court shall impose as a mandatory prison term one of the prison 1780  
terms prescribed for a felony of the second degree. 1781

(e) If the amount of the drug involved equals or exceeds 1782  
five hundred unit doses but is less than two thousand five 1783  
hundred unit doses or equals or exceeds fifty grams but is less 1784  
than two hundred fifty grams, possession of heroin is a felony 1785  
of the first degree, and the court shall impose as a mandatory 1786  
prison term one of the prison terms prescribed for a felony of 1787  
the first degree. 1788

(f) If the amount of the drug involved equals or exceeds 1789  
two thousand five hundred unit doses or equals or exceeds two 1790  
hundred fifty grams, possession of heroin is a felony of the 1791  
first degree, the offender is a major drug offender, and the 1792  
court shall impose as a mandatory prison term the maximum prison 1793  
term prescribed for a felony of the first degree. 1794

(7) If the drug involved in the violation is hashish or a 1795  
compound, mixture, preparation, or substance containing hashish, 1796  
whoever violates division (A) of this section is guilty of 1797  
possession of hashish. The penalty for the offense shall be 1798  
determined as follows: 1799

(a) Except as otherwise provided in division (C) (7) (b), 1800  
(c), (d), (e), (f), or (g) of this section, possession of 1801  
hashish is a minor misdemeanor. 1802

(b) If the amount of the drug involved equals or exceeds 1803  
five grams but is less than ten grams of hashish in a solid form 1804  
or equals or exceeds one gram but is less than two grams of 1805  
hashish in a liquid concentrate, liquid extract, or liquid 1806  
distillate form, possession of hashish is a misdemeanor of the 1807  
fourth degree. 1808

(c) If the amount of the drug involved equals or exceeds 1809  
ten grams but is less than fifty grams of hashish in a solid 1810

form or equals or exceeds two grams but is less than ten grams 1811  
of hashish in a liquid concentrate, liquid extract, or liquid 1812  
distillate form, possession of hashish is a felony of the fifth 1813  
degree, and division (B) of section 2929.13 of the Revised Code 1814  
applies in determining whether to impose a prison term on the 1815  
offender. 1816

(d) If the amount of the drug involved equals or exceeds 1817  
fifty grams but is less than two hundred fifty grams of hashish 1818  
in a solid form or equals or exceeds ten grams but is less than 1819  
fifty grams of hashish in a liquid concentrate, liquid extract, 1820  
or liquid distillate form, possession of hashish is a felony of 1821  
the third degree, and division (C) of section 2929.13 of the 1822  
Revised Code applies in determining whether to impose a prison 1823  
term on the offender. 1824

(e) If the amount of the drug involved equals or exceeds 1825  
two hundred fifty grams but is less than one thousand grams of 1826  
hashish in a solid form or equals or exceeds fifty grams but is 1827  
less than two hundred grams of hashish in a liquid concentrate, 1828  
liquid extract, or liquid distillate form, possession of hashish 1829  
is a felony of the third degree, and there is a presumption that 1830  
a prison term shall be imposed for the offense. 1831

(f) If the amount of the drug involved equals or exceeds 1832  
one thousand grams but is less than two thousand grams of 1833  
hashish in a solid form or equals or exceeds two hundred grams 1834  
but is less than four hundred grams of hashish in a liquid 1835  
concentrate, liquid extract, or liquid distillate form, 1836  
possession of hashish is a felony of the second degree, and the 1837  
court shall impose a mandatory prison term of five, six, seven, 1838  
or eight years. 1839

(g) If the amount of the drug involved equals or exceeds 1840

two thousand grams of hashish in a solid form or equals or 1841  
exceeds four hundred grams of hashish in a liquid concentrate, 1842  
liquid extract, or liquid distillate form, possession of hashish 1843  
is a felony of the second degree, and the court shall impose as 1844  
a mandatory prison term the maximum prison term prescribed for a 1845  
felony of the second degree. 1846

(8) If the drug involved is a controlled substance analog 1847  
or compound, mixture, preparation, or substance that contains a 1848  
controlled substance analog, whoever violates division (A) of 1849  
this section is guilty of possession of a controlled substance 1850  
analog. The penalty for the offense shall be determined as 1851  
follows: 1852

(a) Except as otherwise provided in division (C) (8) (b), 1853  
(c), (d), (e), or (f) of this section, possession of a 1854  
controlled substance analog is a felony of the fifth degree, and 1855  
division (B) of section 2929.13 of the Revised Code applies in 1856  
determining whether to impose a prison term on the offender. 1857

(b) If the amount of the drug involved equals or exceeds 1858  
ten grams but is less than twenty grams, possession of a 1859  
controlled substance analog is a felony of the fourth degree, 1860  
and there is a presumption for a prison term for the offense. 1861

(c) If the amount of the drug involved equals or exceeds 1862  
twenty grams but is less than thirty grams, possession of a 1863  
controlled substance analog is a felony of the third degree, and 1864  
there is a presumption for a prison term for the offense. 1865

(d) If the amount of the drug involved equals or exceeds 1866  
thirty grams but is less than forty grams, possession of a 1867  
controlled substance analog is a felony of the second degree, 1868  
and the court shall impose as a mandatory prison term one of the 1869

prison terms prescribed for a felony of the second degree. 1870

(e) If the amount of the drug involved equals or exceeds 1871  
forty grams but is less than fifty grams, possession of a 1872  
controlled substance analog is a felony of the first degree, and 1873  
the court shall impose as a mandatory prison term one of the 1874  
prison terms prescribed for a felony of the first degree. 1875

(f) If the amount of the drug involved equals or exceeds 1876  
fifty grams, possession of a controlled substance analog is a 1877  
felony of the first degree, the offender is a major drug 1878  
offender, and the court shall impose as a mandatory prison term 1879  
the maximum prison term prescribed for a felony of the first 1880  
degree. 1881

(D) Arrest or conviction for a minor misdemeanor violation 1882  
of this section does not constitute a criminal record and need 1883  
not be reported by the person so arrested or convicted in 1884  
response to any inquiries about the person's criminal record, 1885  
including any inquiries contained in any application for 1886  
employment, license, or other right or privilege, or made in 1887  
connection with the person's appearance as a witness. 1888

(E) In addition to any prison term or jail term authorized 1889  
or required by division (C) of this section and sections 1890  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1891  
Code and in addition to any other sanction that is imposed for 1892  
the offense under this section, sections 2929.11 to 2929.18, or 1893  
sections 2929.21 to 2929.28 of the Revised Code, the court that 1894  
sentences an offender who is convicted of or pleads guilty to a 1895  
violation of division (A) of this section may suspend for not 1896  
more than five years the offender's driver's or commercial 1897  
driver's license or permit and, if applicable, shall do all of 1898  
the following that are applicable regarding the offender: 1899



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

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

(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) The court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.~~

~~(3)~~ 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 1929  
substance that gave rise to the charge is in an amount, is in a 1930  
form, is prepared, compounded, or mixed with substances that are 1931  
not controlled substances in a manner, or is possessed under any 1932  
other circumstances, that indicate that the substance was 1933  
possessed solely for personal use. Notwithstanding any contrary 1934  
provision of this section, if, in accordance with section 1935  
2901.05 of the Revised Code, an accused who is charged with a 1936  
fourth degree felony violation of division (C) (2), (4), (5), or 1937  
(6) of this section sustains the burden of going forward with 1938  
evidence of and establishes by a preponderance of the evidence 1939  
the affirmative defense described in this division, the accused 1940  
may be prosecuted for and may plead guilty to or be convicted of 1941  
a misdemeanor violation of division (C) (2) of this section or a 1942  
fifth degree felony violation of division (C) (4), (5), or (6) of 1943  
this section respectively. 1944

(G) When a person is charged with possessing a bulk amount 1945  
or multiple of a bulk amount, division (E) of section 2925.03 of 1946  
the Revised Code applies regarding the determination of the 1947  
amount of the controlled substance involved at the time of the 1948  
offense. 1949

(H) It is an affirmative defense to a charge of possession 1950  
of a controlled substance analog under division (C) (8) of this 1951  
section that the person charged with violating that offense 1952  
obtained, possessed, or used an item described in division (HH) 1953  
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 1954

(I) Any offender who received a mandatory suspension of 1955  
the offender's driver's or commercial driver's license or permit 1956  
under this section prior to the effective date of this amendment 1957  
may file a motion with the sentencing court requesting the 1958

termination of the suspension unless either the offender used a 1959  
motor vehicle in the commission of the underlying offense or the 1960  
offender also pleaded guilty to or was convicted of a violation 1961  
of section 4511.19 of the Revised Code or a substantially 1962  
similar municipal ordinance or the law of another state or the 1963  
United States arising out of the same set of circumstances as 1964  
the offense under this section. The sentencing court, in its 1965  
discretion, may terminate the suspension. 1966

**Sec. 2925.12.** (A) No person shall knowingly make, obtain, 1967  
possess, or use any instrument, article, or thing the customary 1968  
and primary purpose of which is for the administration or use of 1969  
a dangerous drug, other than marihuana, when the instrument 1970  
involved is a hypodermic or syringe, whether or not of crude or 1971  
extemporized manufacture or assembly, and the instrument, 1972  
article, or thing involved has been used by the offender to 1973  
unlawfully administer or use a dangerous drug, other than 1974  
marihuana, or to prepare a dangerous drug, other than marihuana, 1975  
for unlawful administration or use. 1976

(B) This section does not apply to manufacturers, licensed 1977  
health professionals authorized to prescribe drugs, pharmacists, 1978  
owners of pharmacies, and other persons whose conduct was in 1979  
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 1980  
4731., and 4741. of the Revised Code. 1981

(C) Whoever violates this section is guilty of possessing 1982  
drug abuse instruments, a misdemeanor of the second degree. If 1983  
the offender previously has been convicted of a drug abuse 1984  
offense, a violation of this section is a misdemeanor of the 1985  
first degree. 1986

(D) (1) In addition to any other sanction imposed upon an 1987  
offender for a violation of this section, the court ~~shall~~may 1988

suspend for not ~~less than six months or~~ more than five years the  
offender's driver's or commercial driver's license or permit. If  
the offender is a professionally licensed person, in addition to  
any other sanction imposed for a violation of this section, the  
court immediately shall comply with section 2925.38 of the  
Revised Code.

(2) Any offender who received a mandatory suspension of  
the offender's driver's or commercial driver's license or permit  
under this section prior to the effective date of this amendment  
may file a motion with the sentencing court requesting the  
termination of the suspension unless either the offender used a  
motor vehicle in the commission of the underlying offense or the  
offender also pleaded guilty to or was convicted of a violation  
of section 4511.19 of the Revised Code or a substantially  
similar municipal ordinance or the law of another state or the  
United States arising out of the same set of circumstances as  
the offense under this section. The sentencing court, in its  
discretion, may terminate the suspension.

**Sec. 2925.13.** (A) No person who is the owner, operator, or  
person in charge of a locomotive, watercraft, aircraft, or other  
vehicle, as defined in division (A) of section 4501.01 of the  
Revised Code, shall knowingly permit the vehicle to be used for  
the commission of a felony drug abuse offense.

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

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

(2) Except as provided in division (C) (3) of this section, 2019  
permitting drug abuse is a misdemeanor of the first degree. 2020

(3) Permitting drug abuse is a felony of the fifth degree, 2021  
and division (C) of section 2929.13 of the Revised Code applies 2022  
in determining whether to impose a prison term on the offender, 2023  
if the felony drug abuse offense in question is a violation of 2024  
section 2925.02 or 2925.03 of the Revised Code. 2025

(D) (1) In addition to any prison term authorized or 2026  
required by division (C) of this section and sections 2929.13 2027  
and 2929.14 of the Revised Code and in addition to any other 2028  
sanction imposed for the offense under this section or sections 2029  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2030  
a person who is convicted of or pleads guilty to a violation of 2031  
division (A) of this section ~~shall do all of the following that~~ 2032  
~~are applicable regarding the offender:~~ 2033

~~(1) The court shall may suspend for not less than six~~ 2034  
~~months or more than five years the offender's driver's or~~ 2035  
~~commercial driver's license or permit.~~ 2036

~~(2)~~ If the offender is a professionally licensed person, 2037  
in addition to any other sanction imposed for a violation of 2038  
this section, the court immediately shall comply with section 2039  
2925.38 of the Revised Code. 2040

(2) Any offender who received a mandatory suspension of 2041  
the offender's driver's or commercial driver's license or permit 2042  
under this section prior to the effective date of this amendment 2043  
may file a motion with the sentencing court requesting the 2044  
termination of the suspension unless either the offender used a 2045  
motor vehicle in the commission of the underlying offense or the 2046  
offender also pleaded guilty to or was convicted of a violation 2047

of section 4511.19 of the Revised Code or a substantially 2048  
similar municipal ordinance or the law of another state or the 2049  
United States arising out of the same set of circumstances as 2050  
the offense under this section. The sentencing court, in its 2051  
discretion, may terminate the suspension. 2052

(E) Notwithstanding any contrary provision of section 2053  
3719.21 of the Revised Code, the clerk of the court shall pay a 2054  
fine imposed for a violation of this section pursuant to 2055  
division (A) of section 2929.18 of the Revised Code in 2056  
accordance with and subject to the requirements of division (F) 2057  
of section 2925.03 of the Revised Code. The agency that receives 2058  
the fine shall use the fine as specified in division (F) of 2059  
section 2925.03 of the Revised Code. 2060

(F) Any premises or real estate that is permitted to be 2061  
used in violation of division (B) of this section constitutes a 2062  
nuisance subject to abatement pursuant to Chapter 3767. of the 2063  
Revised Code. 2064

**Sec. 2925.14.** (A) As used in this section, "drug 2065  
paraphernalia" means any equipment, product, or material of any 2066  
kind that is used by the offender, intended by the offender for 2067  
use, or designed for use, in propagating, cultivating, growing, 2068  
harvesting, manufacturing, compounding, converting, producing, 2069  
processing, preparing, testing, analyzing, packaging, 2070  
repackaging, storing, containing, concealing, injecting, 2071  
ingesting, inhaling, or otherwise introducing into the human 2072  
body, a controlled substance in violation of this chapter. "Drug 2073  
paraphernalia" includes, but is not limited to, any of the 2074  
following equipment, products, or materials that are used by the 2075  
offender, intended by the offender for use, or designed by the 2076  
offender for use, in any of the following manners: 2077

- |  |      |
|--|------|
| (1) A kit for propagating, cultivating, growing, or              | 2078 |
| harvesting any species of a plant that is a controlled substance | 2079 |
| or from which a controlled substance can be derived;             | 2080 |
| (2) A kit for manufacturing, compounding, converting,            | 2081 |
| producing, processing, or preparing a controlled substance;      | 2082 |
| (3) Any object, instrument, or device for manufacturing,         | 2083 |
| compounding, converting, producing, processing, or preparing     | 2084 |
| methamphetamine;   | 2085 |
| (4) An isomerization device for increasing the potency of        | 2086 |
| any species of a plant that is a controlled substance;           | 2087 |
| (5) Testing equipment for identifying, or analyzing the          | 2088 |
| strength, effectiveness, or purity of, a controlled substance;   | 2089 |
| (6) A scale or balance for weighing or measuring a               | 2090 |
| controlled substance;  | 2091 |
| (7) A diluent or adulterant, such as quinine                     | 2092 |
| hydrochloride, mannitol, mannite, dextrose, or lactose, for      | 2093 |
| cutting a controlled substance;                                  | 2094 |
| (8) A separation gin or sifter for removing twigs and            | 2095 |
| seeds from, or otherwise cleaning or refining, marihuana;        | 2096 |
| (9) A blender, bowl, container, spoon, or mixing device          | 2097 |
| for compounding a controlled substance;                          | 2098 |
| (10) A capsule, balloon, envelope, or container for              | 2099 |
| packaging small quantities of a controlled substance;            | 2100 |
| (11) A container or device for storing or concealing a           | 2101 |
| controlled substance;  | 2102 |
| (12) A hypodermic syringe, needle, or instrument for             | 2103 |
| parenterally injecting a controlled substance into the human     | 2104 |

body; 2105

(13) An object, instrument, or device for ingesting, 2106  
inhaling, or otherwise introducing into the human body, 2107  
marihuana, cocaine, hashish, or hashish oil, such as a metal, 2108  
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 2109  
without a screen, permanent screen, hashish head, or punctured 2110  
metal bowl; water pipe; carburetion tube or device; smoking or 2111  
carburetion mask; roach clip or similar object used to hold 2112  
burning material, such as a marihuana cigarette, that has become 2113  
too small or too short to be held in the hand; miniature cocaine 2114  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2115  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2116

(B) In determining if any equipment, product, or material 2117  
is drug paraphernalia, a court or law enforcement officer shall 2118  
consider, in addition to other relevant factors, the following: 2119

(1) Any statement by the owner, or by anyone in control, 2120  
of the equipment, product, or material, concerning its use; 2121

(2) The proximity in time or space of the equipment, 2122  
product, or material, or of the act relating to the equipment, 2123  
product, or material, to a violation of any provision of this 2124  
chapter; 2125

(3) The proximity of the equipment, product, or material 2126  
to any controlled substance; 2127

(4) The existence of any residue of a controlled substance 2128  
on the equipment, product, or material; 2129

(5) Direct or circumstantial evidence of the intent of the 2130  
owner, or of anyone in control, of the equipment, product, or 2131  
material, to deliver it to any person whom the owner or person 2132  
in control of the equipment, product, or material knows intends 2133



to use the object to facilitate a violation of any provision of 2134  
this chapter. A finding that the owner, or anyone in control, of 2135  
the equipment, product, or material, is not guilty of a 2136  
violation of any other provision of this chapter does not 2137  
prevent a finding that the equipment, product, or material was 2138  
intended or designed by the offender for use as drug 2139  
paraphernalia. 2140

(6) Any oral or written instruction provided with the 2141  
equipment, product, or material concerning its use; 2142

(7) Any descriptive material accompanying the equipment, 2143  
product, or material and explaining or depicting its use; 2144

(8) National or local advertising concerning the use of 2145  
the equipment, product, or material; 2146

(9) The manner and circumstances in which the equipment, 2147  
product, or material is displayed for sale; 2148

(10) Direct or circumstantial evidence of the ratio of the 2149  
sales of the equipment, product, or material to the total sales 2150  
of the business enterprise; 2151

(11) The existence and scope of legitimate uses of the 2152  
equipment, product, or material in the community; 2153

(12) Expert testimony concerning the use of the equipment, 2154  
product, or material. 2155

(C) (1) Subject to division (D) (2) of this section, no 2156  
person shall knowingly use, or possess with purpose to use, drug 2157  
paraphernalia. 2158

(2) No person shall knowingly sell, or possess or 2159  
manufacture with purpose to sell, drug paraphernalia, if the 2160  
person knows or reasonably should know that the equipment, 2161

product, or material will be used as drug paraphernalia. 2162

(3) No person shall place an advertisement in any 2163  
newspaper, magazine, handbill, or other publication that is 2164  
published and printed and circulates primarily within this 2165  
state, if the person knows that the purpose of the advertisement 2166  
is to promote the illegal sale in this state of the equipment, 2167  
product, or material that the offender intended or designed for 2168  
use as drug paraphernalia. 2169

(D) (1) This section does not apply to manufacturers, 2170  
licensed health professionals authorized to prescribe drugs, 2171  
pharmacists, owners of pharmacies, and other persons whose 2172  
conduct is in accordance with Chapters 3719., 4715., 4723., 2173  
4729., 4730., 4731., and 4741. of the Revised Code. This section 2174  
shall not be construed to prohibit the possession or use of a 2175  
hypodermic as authorized by section 3719.172 of the Revised 2176  
Code. 2177

(2) Division (C) (1) of this section does not apply to a 2178  
person's use, or possession with purpose to use, any drug 2179  
paraphernalia that is equipment, a product, or material of any 2180  
kind that is used by the person, intended by the person for use, 2181  
or designed for use in storing, containing, concealing, 2182  
injecting, ingesting, inhaling, or otherwise introducing into 2183  
the human body marihuana. 2184

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2185  
drug paraphernalia that was used, possessed, sold, or 2186  
manufactured in a violation of this section shall be seized, 2187  
after a conviction for that violation shall be forfeited, and 2188  
upon forfeiture shall be disposed of pursuant to division (B) of 2189  
section 2981.12 of the Revised Code. 2190

(F) (1) Whoever violates division (C) (1) of this section is 2191  
guilty of illegal use or possession of drug paraphernalia, a 2192  
misdemeanor of the fourth degree. 2193

(2) Except as provided in division (F) (3) of this section, 2194  
whoever violates division (C) (2) of this section is guilty of 2195  
dealing in drug paraphernalia, a misdemeanor of the second 2196  
degree. 2197

(3) Whoever violates division (C) (2) of this section by 2198  
selling drug paraphernalia to a juvenile is guilty of selling 2199  
drug paraphernalia to juveniles, a misdemeanor of the first 2200  
degree. 2201

(4) Whoever violates division (C) (3) of this section is 2202  
guilty of illegal advertising of drug paraphernalia, a 2203  
misdemeanor of the second degree. 2204

(G) (1) In addition to any other sanction imposed upon an 2205  
offender for a violation of this section, the court ~~shall~~ may 2206  
suspend for not ~~less than six months or more~~ than five years the 2207  
offender's driver's or commercial driver's license or permit. If 2208  
the offender is a professionally licensed person, in addition to 2209  
any other sanction imposed for a violation of this section, the 2210  
court immediately shall comply with section 2925.38 of the 2211  
Revised Code. 2212

(2) Any offender who received a mandatory suspension of 2213  
the offender's driver's or commercial driver's license or permit 2214  
under this section prior to the effective date of this amendment 2215  
may file a motion with the sentencing court requesting the 2216  
termination of the suspension unless either the offender used a 2217  
motor vehicle in the commission of the underlying offense or the 2218  
offender also pleaded guilty to or was convicted of a violation 2219

of section 4511.19 of the Revised Code or a substantially 2220  
similar municipal ordinance or the law of another state or the 2221  
United States arising out of the same set of circumstances as 2222  
the offense under this section. The sentencing court, in its 2223  
discretion, may terminate the suspension. 2224

**Sec. 2925.141.** (A) As used in this section, "drug 2225  
paraphernalia" has the same meaning as in section 2925.14 of the 2226  
Revised Code. 2227

(B) In determining if any equipment, product, or material 2228  
is drug paraphernalia, a court or law enforcement officer shall 2229  
consider, in addition to other relevant factors, all factors 2230  
identified in division (B) of section 2925.14 of the Revised 2231  
Code. 2232

(C) No person shall knowingly use, or possess with purpose 2233  
to use, any drug paraphernalia that is equipment, a product, or 2234  
material of any kind that is used by the person, intended by the 2235  
person for use, or designed for use in storing, containing, 2236  
concealing, injecting, ingesting, inhaling, or otherwise 2237  
introducing into the human body marihuana. 2238

(D) This section does not apply to any person identified 2239  
in division (D)(1) of section 2925.14 of the Revised Code, and 2240  
it shall not be construed to prohibit the possession or use of a 2241  
hypodermic as authorized by section 3719.172 of the Revised 2242  
Code. 2243

(E) Division (E) of section 2925.14 of the Revised Code 2244  
applies with respect to any drug paraphernalia that was used or 2245  
possessed in violation of this section. 2246

(F) Whoever violates division (C) of this section is 2247  
guilty of illegal use or possession of marihuana drug 2248

paraphernalia, a minor misdemeanor. 2249

(G) (1) In addition to any other sanction imposed upon an 2250  
offender for a violation of this section, the court ~~shall~~ may 2251  
suspend for not ~~less than six months or more than five years~~ the 2252  
offender's driver's or commercial driver's license or permit. If 2253  
the offender is a professionally licensed person, in addition to 2254  
any other sanction imposed for a violation of this section, the 2255  
court immediately shall comply with section 2925.38 of the 2256  
Revised Code. 2257

(2) Any offender who received a mandatory suspension of 2258  
the offender's driver's or commercial driver's license or permit 2259  
under this section prior to the effective date of this amendment 2260  
may file a motion with the sentencing court requesting the 2261  
termination of the suspension unless either the offender used a 2262  
motor vehicle in the commission of the underlying offense or the 2263  
offender also pleaded guilty to or was convicted of a violation 2264  
of section 4511.19 of the Revised Code or a substantially 2265  
similar municipal ordinance or the law of another state or the 2266  
United States arising out of the same set of circumstances as 2267  
the offense under this section. The sentencing court, in its 2268  
discretion, may terminate the suspension. 2269

**Sec. 2925.22.** (A) No person, by deception, shall procure 2270  
the administration of, a prescription for, or the dispensing of, 2271  
a dangerous drug or shall possess an uncompleted preprinted 2272  
prescription blank used for writing a prescription for a 2273  
dangerous drug. 2274

(B) Whoever violates this section is guilty of deception 2275  
to obtain a dangerous drug. The penalty for the offense shall be 2276  
determined as follows: 2277

(1) If the person possesses an uncompleted preprinted 2278  
prescription blank used for writing a prescription for a 2279  
dangerous drug or if the drug involved is a dangerous drug, 2280  
except as otherwise provided in division (B) (2) or (3) of this 2281  
section, deception to obtain a dangerous drug is a felony of the 2282  
fifth degree or, if the offender previously has been convicted 2283  
of or pleaded guilty to a drug abuse offense, a felony of the 2284  
fourth degree. Division (C) of section 2929.13 of the Revised 2285  
Code applies in determining whether to impose a prison term on 2286  
the offender pursuant to this division. 2287

(2) If the drug involved is a compound, mixture, 2288  
preparation, or substance included in schedule I or II, with the 2289  
exception of marihuana, the penalty for deception to obtain 2290  
drugs is one of the following: 2291

(a) Except as otherwise provided in division (B) (2) (b), 2292  
(c), or (d) of this section, it is a felony of the fourth 2293  
degree, and division (C) of section 2929.13 of the Revised Code 2294  
applies in determining whether to impose a prison term on the 2295  
offender. 2296

(b) If the amount of the drug involved equals or exceeds 2297  
the bulk amount but is less than five times the bulk amount, or 2298  
if the amount of the drug involved that could be obtained 2299  
pursuant to the prescription would equal or exceed the bulk 2300  
amount but would be less than five times the bulk amount, it is 2301  
a felony of the third degree, and there is a presumption for a 2302  
prison term for the offense. 2303

(c) If the amount of the drug involved equals or exceeds 2304  
five times the bulk amount but is less than fifty times the bulk 2305  
amount, or if the amount of the drug involved that could be 2306  
obtained pursuant to the prescription would equal or exceed five 2307

times the bulk amount but would be less than fifty times the 2308  
bulk amount, it is a felony of the second degree, and there is a 2309  
presumption for a prison term for the offense. 2310

(d) If the amount of the drug involved equals or exceeds 2311  
fifty times the bulk amount, or if the amount of the drug 2312  
involved that could be obtained pursuant to the prescription 2313  
would equal or exceed fifty times the bulk amount, it is a 2314  
felony of the first degree, and there is a presumption for a 2315  
prison term for the offense. 2316

(3) If the drug involved is a compound, mixture, 2317  
preparation, or substance included in schedule III, IV, or V or 2318  
is marihuana, the penalty for deception to obtain a dangerous 2319  
drug is one of the following: 2320

(a) Except as otherwise provided in division (B) (3) (b), 2321  
(c), or (d) of this section, it is a felony of the fifth degree, 2322  
and division (C) of section 2929.13 of the Revised Code applies 2323  
in determining whether to impose a prison term on the offender. 2324

(b) If the amount of the drug involved equals or exceeds 2325  
the bulk amount but is less than five times the bulk amount, or 2326  
if the amount of the drug involved that could be obtained 2327  
pursuant to the prescription would equal or exceed the bulk 2328  
amount but would be less than five times the bulk amount, it is 2329  
a felony of the fourth degree, and division (C) of section 2330  
2929.13 of the Revised Code applies in determining whether to 2331  
impose a prison term on the offender. 2332

(c) If the amount of the drug involved equals or exceeds 2333  
five times the bulk amount but is less than fifty times the bulk 2334  
amount, or if the amount of the drug involved that could be 2335  
obtained pursuant to the prescription would equal or exceed five 2336

times the bulk amount but would be less than fifty times the 2337  
bulk amount, it is a felony of the third degree, and there is a 2338  
presumption for a prison term for the offense. 2339

(d) If the amount of the drug involved equals or exceeds 2340  
fifty times the bulk amount, or if the amount of the drug 2341  
involved that could be obtained pursuant to the prescription 2342  
would equal or exceed fifty times the bulk amount, it is a 2343  
felony of the second degree, and there is a presumption for a 2344  
prison term for the offense. 2345

(C) (1) In addition to any prison term authorized or 2346  
required by division (B) of this section and sections 2929.13 2347  
and 2929.14 of the Revised Code and in addition to any other 2348  
sanction imposed for the offense under this section or sections 2349  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2350  
an offender who is convicted of or pleads guilty to a violation 2351  
of division (A) of this section ~~shall do both of the following:~~ 2352

~~(1) The court shall may suspend for not less than six~~ 2353  
~~months or more than five years the offender's driver's or~~ 2354  
commercial driver's license or permit. 2355

~~(2) If the offender is a professionally licensed person,~~ 2356  
in addition to any other sanction imposed for a violation of 2357  
this section, the court immediately shall comply with section 2358  
2925.38 of the Revised Code. 2359

(2) Any offender who received a mandatory suspension of 2360  
the offender's driver's or commercial driver's license or permit 2361  
under this section prior to the effective date of this amendment 2362  
may file a motion with the sentencing court requesting the 2363  
termination of the suspension unless either the offender used a 2364  
motor vehicle in the commission of the underlying offense or the 2365



offender also pleaded guilty to or was convicted of a violation 2366  
of section 4511.19 of the Revised Code or a substantially 2367  
similar municipal ordinance or the law of another state or the 2368  
United States arising out of the same set of circumstances as 2369  
the offense under this section. The sentencing court, in its 2370  
discretion, may terminate the suspension. 2371

(D) Notwithstanding any contrary provision of section 2372  
3719.21 of the Revised Code, the clerk of the court shall pay a 2373  
fine imposed for a violation of this section pursuant to 2374  
division (A) of section 2929.18 of the Revised Code in 2375  
accordance with and subject to the requirements of division (F) 2376  
of section 2925.03 of the Revised Code. The agency that receives 2377  
the fine shall use the fine as specified in division (F) of 2378  
section 2925.03 of the Revised Code. 2379

**Sec. 2925.23.** (A) No person shall knowingly make a false 2380  
statement in any prescription, order, report, or record required 2381  
by Chapter 3719. or 4729. of the Revised Code. 2382

(B) No person shall intentionally make, utter, or sell, or 2383  
knowingly possess any of the following that is a false or 2384  
forged: 2385

(1) Prescription; 2386

(2) Uncompleted preprinted prescription blank used for 2387  
writing a prescription; 2388

(3) Official written order; 2389

(4) License for a terminal distributor of dangerous drugs 2390  
as required in section 4729.60 of the Revised Code; 2391

(5) Registration certificate for a wholesale distributor 2392  
of dangerous drugs as required in section 4729.60 of the Revised 2393

Code.	2394
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	2395 2396
(1) A prescription;	2397
(2) An uncompleted preprinted prescription blank used for writing a prescription;	2398 2399
(3) An official written order;	2400
(4) A blank official written order;	2401
(5) A license or blank license for a terminal distributor of dangerous drugs as required in section 4729.60 of the Revised Code;	2402 2403 2404
(6) A registration certificate or blank registration certificate for a wholesale distributor of dangerous drugs as required in section 4729.60 of the Revised Code.	2405 2406 2407
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	2408 2409 2410
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	2411 2412 2413 2414 2415
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division	2416 2417 2418 2419 2420

(B) (1) or (3), division (C) (1) or (3), or division (D) of this 2421  
section, the penalty for illegal processing of drug documents 2422  
shall be determined as follows: 2423

(1) If the drug involved is a compound, mixture, 2424  
preparation, or substance included in schedule I or II, with the 2425  
exception of marihuana, illegal processing of drug documents is 2426  
a felony of the fourth degree, and division (C) of section 2427  
2929.13 of the Revised Code applies in determining whether to 2428  
impose a prison term on the offender. 2429

(2) If the drug involved is a dangerous drug or a 2430  
compound, mixture, preparation, or substance included in 2431  
schedule III, IV, or V or is marihuana, illegal processing of 2432  
drug documents is a felony of the fifth degree, and division (C) 2433  
of section 2929.13 of the Revised Code applies in determining 2434  
whether to impose a prison term on the offender. 2435

(G) (1) In addition to any prison term authorized or 2436  
required by division (F) of this section and sections 2929.13 2437  
and 2929.14 of the Revised Code and in addition to any other 2438  
sanction imposed for the offense under this section or sections 2439  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2440  
an offender who is convicted of or pleads guilty to any 2441  
violation of divisions (A) to (D) of this section ~~shall do both~~ 2442  
~~of the following:~~ 2443

~~(1) The court shall may suspend for not less than six-~~ 2444  
~~months or more than five years the offender's driver's or~~ 2445  
~~commercial driver's license or permit.~~ 2446

~~(2)~~ If the offender is a professionally licensed person, 2447  
in addition to any other sanction imposed for a violation of 2448  
this section, the court immediately shall comply with section 2449

2925.38 of the Revised Code. 2450

(2) Any offender who received a mandatory suspension of 2451  
the offender's driver's or commercial driver's license or permit 2452  
under this section prior to the effective date of this amendment 2453  
may file a motion with the sentencing court requesting the 2454  
termination of the suspension unless either the offender used a 2455  
motor vehicle in the commission of the underlying offense or the 2456  
offender also pleaded guilty to or was convicted of a violation 2457  
of section 4511.19 of the Revised Code or a substantially 2458  
similar municipal ordinance or the law of another state or the 2459  
United States arising out of the same set of circumstances as 2460  
the offense under this section. The sentencing court, in its 2461  
discretion, may terminate the suspension. 2462

(H) Notwithstanding any contrary provision of section 2463  
3719.21 of the Revised Code, the clerk of court shall pay a fine 2464  
imposed for a violation of this section pursuant to division (A) 2465  
of section 2929.18 of the Revised Code in accordance with and 2466  
subject to the requirements of division (F) of section 2925.03 2467  
of the Revised Code. The agency that receives the fine shall use 2468  
the fine as specified in division (F) of section 2925.03 of the 2469  
Revised Code. 2470

**Sec. 2925.31.** (A) Except for lawful research, clinical, 2471  
medical, dental, or veterinary purposes, no person, with purpose 2472  
to induce intoxication or similar physiological effects, shall 2473  
obtain, possess, or use a harmful intoxicant. 2474

(B) Whoever violates this section is guilty of abusing 2475  
harmful intoxicants, a misdemeanor of the first degree. If the 2476  
offender previously has been convicted of a drug abuse offense, 2477  
abusing harmful intoxicants is a felony of the fifth degree. 2478

(C) (1) In addition to any other sanction imposed upon an 2479  
offender for a violation of this section, the court ~~shall~~may 2480  
suspend for not ~~less than six months or~~ more than five years the 2481  
offender's driver's or commercial driver's license or permit. If 2482  
the offender is a professionally licensed person, in addition to 2483  
any other sanction imposed for a violation of this section, the 2484  
court immediately shall comply with section 2925.38 of the 2485  
Revised Code. 2486

(2) Any offender who received a mandatory suspension of 2487  
the offender's driver's or commercial driver's license or permit 2488  
under this section prior to the effective date of this amendment 2489  
may file a motion with the sentencing court requesting the 2490  
termination of the suspension unless either the offender used a 2491  
motor vehicle in the commission of the underlying offense or the 2492  
offender also pleaded guilty to or was convicted of a violation 2493  
of section 4511.19 of the Revised Code or a substantially 2494  
similar municipal ordinance or the law of another state or the 2495  
United States arising out of the same set of circumstances as 2496  
the offense under this section. The sentencing court, in its 2497  
discretion, may terminate the suspension. 2498

**Sec. 2925.32.** (A) Divisions (A) (1) and (2) of this section 2499  
do not apply to the dispensing or distributing of nitrous oxide. 2500

(1) No person shall knowingly dispense or distribute a 2501  
harmful intoxicant to a person age eighteen or older if the 2502  
person who dispenses or distributes it knows or has reason to 2503  
believe that the harmful intoxicant will be used in violation of 2504  
section 2925.31 of the Revised Code. 2505

(2) No person shall knowingly dispense or distribute a 2506  
harmful intoxicant to a person under age eighteen if the person 2507  
who dispenses or distributes it knows or has reason to believe 2508

that the harmful intoxicant will be used in violation of section 2509  
2925.31 of the Revised Code. Division (A) (2) of this section 2510  
does not prohibit either of the following: 2511

(a) Dispensing or distributing a harmful intoxicant to a 2512  
person under age eighteen if a written order from the juvenile's 2513  
parent or guardian is provided to the dispenser or distributor; 2514

(b) Dispensing or distributing gasoline or diesel fuel to 2515  
a person under age eighteen if the dispenser or distributor does 2516  
not know or have reason to believe the product will be used in 2517  
violation of section 2925.31 of the Revised Code. Division (A) 2518  
(2) (a) of this section does not require a person to obtain a 2519  
written order from the parent or guardian of a person under age 2520  
eighteen in order to distribute or dispense gasoline or diesel 2521  
fuel to the person. 2522

(B) (1) No person shall knowingly dispense or distribute 2523  
nitrous oxide to a person age twenty-one or older if the person 2524  
who dispenses or distributes it knows or has reason to believe 2525  
the nitrous oxide will be used in violation of section 2925.31 2526  
of the Revised Code. 2527

(2) Except for lawful medical, dental, or clinical 2528  
purposes, no person shall knowingly dispense or distribute 2529  
nitrous oxide to a person under age twenty-one. 2530

(3) No person, at the time a cartridge of nitrous oxide is 2531  
sold to another person, shall sell a device that allows the 2532  
purchaser to inhale nitrous oxide from cartridges or to hold 2533  
nitrous oxide released from cartridges for purposes of 2534  
inhalation. The sale of any such device constitutes a rebuttable 2535  
presumption that the person knew or had reason to believe that 2536  
the purchaser intended to abuse the nitrous oxide. 2537

(4) No person who dispenses or distributes nitrous oxide 2538  
in cartridges shall fail to comply with either of the following: 2539

(a) The record-keeping requirements established under 2540  
division (F) of this section; 2541

(b) The labeling and transaction identification 2542  
requirements established under division (G) of this section. 2543

(C) This section does not apply to products used in 2544  
making, fabricating, assembling, transporting, or constructing a 2545  
product or structure by manual labor or machinery for sale or 2546  
lease to another person, or to the mining, refining, or 2547  
processing of natural deposits. 2548

(D) (1) (a) Whoever violates division (A) (1) or (2) or 2549  
division (B) (1), (2), or (3) of this section is guilty of 2550  
trafficking in harmful intoxicants, a felony of the fifth 2551  
degree. If the offender previously has been convicted of a drug 2552  
abuse offense, trafficking in harmful intoxicants is a felony of 2553  
the fourth degree. In addition to any other sanction imposed 2554  
upon an offender for trafficking in harmful intoxicants, the 2555  
court ~~shall~~ may suspend for not ~~less than six months or more~~ 2556  
than five years the offender's driver's or commercial driver's 2557  
license or permit. If the offender is a professionally licensed 2558  
person, in addition to any other sanction imposed for 2559  
trafficking in harmful intoxicants, the court immediately shall 2560  
comply with section 2925.38 of the Revised Code. 2561

(b) Any offender who received a mandatory suspension of 2562  
the offender's driver's or commercial driver's license or permit 2563  
under this section prior to the effective date of this amendment 2564  
may file a motion with the sentencing court requesting the 2565  
termination of the suspension unless either the offender used a 2566

motor vehicle in the commission of the underlying offense or the 2567  
offender also pleaded guilty to or was convicted of a violation 2568  
of section 4511.19 of the Revised Code or a substantially 2569  
similar municipal ordinance or the law of another state or the 2570  
United States arising out of the same set of circumstances as 2571  
the offense under this section. The sentencing court, in its 2572  
discretion, may terminate the suspension. 2573

(2) Whoever violates division (B) (4) (a) or (b) of this 2574  
section is guilty of improperly dispensing or distributing 2575  
nitrous oxide, a misdemeanor of the fourth degree. 2576

(E) It is an affirmative defense to a charge of a 2577  
violation of division (A) (2) or (B) (2) of this section that: 2578

(1) An individual exhibited to the defendant or an officer 2579  
or employee of the defendant, for purposes of establishing the 2580  
individual's age, a driver's license or permit issued by this 2581  
state, a commercial driver's license or permit issued by this 2582  
state, an identification card issued pursuant to section 4507.50 2583  
of the Revised Code, for another document that purports to be a 2584  
license, permit, or identification card described in this 2585  
division; 2586

(2) The document exhibited appeared to be a genuine, 2587  
unaltered document, to pertain to the individual, and to 2588  
establish the individual's age; 2589

(3) The defendant or the officer or employee of the 2590  
defendant otherwise did not have reasonable cause to believe 2591  
that the individual was under the age represented. 2592

(F) Beginning July 1, 2001, a person who dispenses or 2593  
distributes nitrous oxide shall record each transaction 2594  
involving the dispensing or distributing of the nitrous oxide on 2595



a separate card. The person shall require the purchaser to sign 2596  
the card and provide a complete residence address. The person 2597  
dispensing or distributing the nitrous oxide shall sign and date 2598  
the card. The person shall retain the card recording a 2599  
transaction for one year from the date of the transaction. The 2600  
person shall maintain the cards at the person's business address 2601  
and make them available during normal business hours for 2602  
inspection and copying by officers or employees of the state 2603  
board of pharmacy or of other law enforcement agencies of this 2604  
state or the United States that are authorized to investigate 2605  
violations of Chapter 2925., 3719., or 4729. of the Revised Code 2606  
or the federal drug abuse control laws. 2607

The cards used to record each transaction shall inform the 2608  
purchaser of the following: 2609

(1) That nitrous oxide cartridges are to be used only for 2610  
purposes of preparing food; 2611

(2) That inhalation of nitrous oxide can have dangerous 2612  
health effects; 2613

(3) That it is a violation of state law to distribute or 2614  
dispense cartridges of nitrous oxide to any person under age 2615  
twenty-one, punishable as a felony of the fifth degree. 2616

(G) (1) Each cartridge of nitrous oxide dispensed or 2617  
distributed in this state shall bear the following printed 2618  
warning: 2619

"Nitrous oxide cartridges are to be used only for purposes 2620  
of preparing food. Nitrous oxide cartridges may not be sold to 2621  
persons under age twenty-one. Do not inhale contents. Misuse can 2622  
be dangerous to your health." 2623

(2) Each time a person dispenses or distributes one or 2624

more cartridges of nitrous oxide, the person shall mark the 2625  
packaging containing the cartridges with a label or other device 2626  
that identifies the person who dispensed or distributed the 2627  
nitrous oxide and the person's business address. 2628

**Sec. 2925.33.** (A) As used in this section, "motor 2629  
vehicle," "street," and "highway" have the same meanings as in 2630  
section 4511.01 of the Revised Code. 2631

(B) Unless authorized under Chapter 3719., 4715., 4729., 2632  
4731., 4741., or 4765. of the Revised Code, no person shall 2633  
possess an open cartridge of nitrous oxide in either of the 2634  
following circumstances: 2635

(1) While operating or being a passenger in or on a motor 2636  
vehicle on a street, highway, or other public or private 2637  
property open to the public for purposes of vehicular traffic or 2638  
parking; 2639

(2) While being in or on a stationary motor vehicle on a 2640  
street, highway, or other public or private property open to the 2641  
public for purposes of vehicular traffic or parking. 2642

(C) Whoever violates this section is guilty of possessing 2643  
nitrous oxide in a motor vehicle, a misdemeanor of the fourth 2644  
degree. 2645

(D) In addition to any other sanction imposed upon an 2646  
offender for possessing nitrous oxide in a motor vehicle, the 2647  
court may suspend for not more than five years the offender's 2648  
driver's or commercial driver's license or permit. 2649

**Sec. 2925.36.** (A) No person shall knowingly furnish 2650  
another a sample drug. 2651

(B) Division (A) of this section does not apply to 2652

manufacturers, wholesalers, pharmacists, owners of pharmacies, 2653  
licensed health professionals authorized to prescribe drugs, and 2654  
other persons whose conduct is in accordance with Chapters 2655  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2656  
the Revised Code. 2657

(C) (1) Whoever violates this section is guilty of illegal 2658  
dispensing of drug samples. 2659

(2) If the drug involved in the offense is a compound, 2660  
mixture, preparation, or substance included in schedule I or II, 2661  
with the exception of marihuana, the penalty for the offense 2662  
shall be determined as follows: 2663

(a) Except as otherwise provided in division (C) (2) (b) of 2664  
this section, illegal dispensing of drug samples is a felony of 2665  
the fifth degree, and, subject to division (E) of this section, 2666  
division (C) of section 2929.13 of the Revised Code applies in 2667  
determining whether to impose a prison term on the offender. 2668

(b) If the offense was committed in the vicinity of a 2669  
school or in the vicinity of a juvenile, illegal dispensing of 2670  
drug samples is a felony of the fourth degree, and, subject to 2671  
division (E) of this section, division (C) of section 2929.13 of 2672  
the Revised Code applies in determining whether to impose a 2673  
prison term on the offender. 2674

(3) If the drug involved in the offense is a dangerous 2675  
drug or a compound, mixture, preparation, or substance included 2676  
in schedule III, IV, or V, or is marihuana, the penalty for the 2677  
offense shall be determined as follows: 2678

(a) Except as otherwise provided in division (C) (3) (b) of 2679  
this section, illegal dispensing of drug samples is a 2680  
misdemeanor of the second degree. 2681

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

(D) ~~(1)~~ In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section ~~shall do both of the following:~~

~~(1) The court shall may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.~~

~~(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.~~

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to the effective date of this amendment may file a motion with the sentencing court requesting the termination of the suspension unless either the offender used a motor vehicle in the commission of the underlying offense or the offender also pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the offense under this section. The sentencing court, in its discretion, may terminate the suspension.

(E) Notwithstanding the prison term authorized or required 2712  
by division (C) of this section and sections 2929.13 and 2929.14 2713  
of the Revised Code, if the violation of division (A) of this 2714  
section involves the sale, offer to sell, or possession of a 2715  
schedule I or II controlled substance, with the exception of 2716  
marihuana, and if the court imposing sentence upon the offender 2717  
finds that the offender as a result of the violation is a major 2718  
drug offender and is guilty of a specification of the type 2719  
described in section 2941.1410 of the Revised Code, the court, 2720  
in lieu of the prison term otherwise authorized or required, 2721  
shall impose upon the offender the mandatory prison term 2722  
specified in division (B) (3) (a) of section 2929.14 of the 2723  
Revised Code. 2724

(F) Notwithstanding any contrary provision of section 2725  
3719.21 of the Revised Code, the clerk of the court shall pay a 2726  
fine imposed for a violation of this section pursuant to 2727  
division (A) of section 2929.18 of the Revised Code in 2728  
accordance with and subject to the requirements of division (F) 2729  
of section 2925.03 of the Revised Code. The agency that receives 2730  
the fine shall use the fine as specified in division (F) of 2731  
section 2925.03 of the Revised Code. 2732

**Sec. 2925.37.** (A) No person shall knowingly possess any 2733  
counterfeit controlled substance. 2734

(B) No person shall knowingly make, sell, offer to sell, 2735  
or deliver any substance that the person knows is a counterfeit 2736  
controlled substance. 2737

(C) No person shall make, possess, sell, offer to sell, or 2738  
deliver any punch, die, plate, stone, or other device knowing or 2739  
having reason to know that it will be used to print or reproduce 2740  
a trademark, trade name, or other identifying mark upon a 2741

counterfeit controlled substance. 2742

(D) No person shall sell, offer to sell, give, or deliver 2743  
any counterfeit controlled substance to a juvenile. 2744

(E) No person shall directly or indirectly represent a 2745  
counterfeit controlled substance as a controlled substance by 2746  
describing its effects as the physical or psychological effects 2747  
associated with use of a controlled substance. 2748

(F) No person shall directly or indirectly falsely 2749  
represent or advertise a counterfeit controlled substance as a 2750  
controlled substance. As used in this division, "advertise" 2751  
means engaging in "advertisement," as defined in section 3715.01 2752  
of the Revised Code. 2753

(G) Whoever violates division (A) of this section is 2754  
guilty of possession of counterfeit controlled substances, a 2755  
misdemeanor of the first degree. 2756

(H) Whoever violates division (B) or (C) of this section 2757  
is guilty of trafficking in counterfeit controlled substances. 2758  
Except as otherwise provided in this division, trafficking in 2759  
counterfeit controlled substances is a felony of the fifth 2760  
degree, and division (C) of section 2929.13 of the Revised Code 2761  
applies in determining whether to impose a prison term on the 2762  
offender. If the offense was committed in the vicinity of a 2763  
school or in the vicinity of a juvenile, trafficking in 2764  
counterfeit controlled substances is a felony of the fourth 2765  
degree, and division (C) of section 2929.13 of the Revised Code 2766  
applies in determining whether to impose a prison term on the 2767  
offender. 2768

(I) Whoever violates division (D) of this section is 2769  
guilty of aggravated trafficking in counterfeit controlled 2770

substances. Except as otherwise provided in this division, 2771  
aggravated trafficking in counterfeit controlled substances is a 2772  
felony of the fourth degree, and division (C) of section 2929.13 2773  
of the Revised Code applies in determining whether to impose a 2774  
prison term on the offender. 2775

(J) Whoever violates division (E) of this section is 2776  
guilty of promoting and encouraging drug abuse. Except as 2777  
otherwise provided in this division, promoting and encouraging 2778  
drug abuse is a felony of the fifth degree, and division (C) of 2779  
section 2929.13 of the Revised Code applies in determining 2780  
whether to impose a prison term on the offender. If the offense 2781  
was committed in the vicinity of a school or in the vicinity of 2782  
a juvenile, promoting and encouraging drug abuse is a felony of 2783  
the fourth degree, and division (C) of section 2929.13 of the 2784  
Revised Code applies in determining whether to impose a prison 2785  
term on the offender. 2786

(K) Whoever violates division (F) of this section is 2787  
guilty of fraudulent drug advertising. Except as otherwise 2788  
provided in this division, fraudulent drug advertising is a 2789  
felony of the fifth degree, and division (C) of section 2929.13 2790  
of the Revised Code applies in determining whether to impose a 2791  
prison term on the offender. If the offense was committed in the 2792  
vicinity of a school or in the vicinity of a juvenile, 2793  
fraudulent drug advertising is a felony of the fourth degree, 2794  
and division (C) of section 2929.13 of the Revised Code applies 2795  
in determining whether to impose a prison term on the offender. 2796

(L) (1) In addition to any prison term authorized or 2797  
required by divisions (H) to (K) of this section and sections 2798  
2929.13 and 2929.14 of the Revised Code and in addition to any 2799  
other sanction imposed for the offense under this section or 2800

sections 2929.11 to 2929.18 of the Revised Code, the court that 2801  
sentences an offender who is convicted of or pleads guilty to a 2802  
violation of division (B), (C), (D), (E), or (F) of this section 2803  
~~shall do both of the following:~~ 2804

~~(1) The court shall may suspend for not less than six~~ 2805  
~~months or more than five years the offender's driver's or~~ 2806  
~~commercial driver's license or permit.~~ 2807

~~(2) If the offender is a professionally licensed person,~~ 2808  
in addition to any other sanction imposed for a violation of 2809  
this section, the court immediately shall comply with section 2810  
2925.38 of the Revised Code. 2811

(2) Any offender who received a mandatory suspension of 2812  
the offender's driver's or commercial driver's license or permit 2813  
under this section prior to the effective date of this amendment 2814  
may file a motion with the sentencing court requesting the 2815  
termination of the suspension unless either the offender used a 2816  
motor vehicle in the commission of the underlying offense or the 2817  
offender also pleaded guilty to or was convicted of a violation 2818  
of section 4511.19 of the Revised Code or a substantially 2819  
similar municipal ordinance or the law of another state or the 2820  
United States arising out of the same set of circumstances as 2821  
the offense under this section. The sentencing court, in its 2822  
discretion, may terminate the suspension. 2823

(M) Notwithstanding any contrary provision of section 2824  
3719.21 of the Revised Code, the clerk of the court shall pay a 2825  
fine imposed for a violation of this section pursuant to 2826  
division (A) of section 2929.18 of the Revised Code in 2827  
accordance with and subject to the requirements of division (F) 2828  
of section 2925.03 of the Revised Code. The agency that receives 2829  
the fine shall use the fine as specified in division (F) of 2830



section 2925.03 of the Revised Code. 2831

**Sec. 4510.021.** (A) Unless expressly prohibited by section 2832  
2919.22, section 4510.13, or any other section of the Revised 2833  
Code, a court may grant limited driving privileges for any 2834  
purpose described in division (A) ~~(1), (2), or (3)~~ of this 2835  
section during any suspension imposed by the court. In granting 2836  
the privileges, the court shall specify the purposes, times, and 2837  
places of the privileges and may impose any other reasonable 2838  
conditions on the person's driving of a motor vehicle. The 2839  
privileges shall be for any of the following limited purposes: 2840

(1) Occupational, educational, vocational, or medical 2841  
purposes; 2842

(2) Taking the driver's or commercial driver's license 2843  
examination; 2844

(3) Attending court-ordered treatment; 2845

(4) Any other purpose the court determines to be 2846  
appropriate. 2847

(B) Unless expressly authorized by a section of the 2848  
Revised Code, a court may not grant limited driving privileges 2849  
during any suspension imposed by the bureau of motor vehicles. 2850  
To obtain limited driving privileges during a suspension imposed 2851  
by the bureau, the person under suspension may file a petition 2852  
in a court of record in the county in which the person resides. 2853  
A person who is not a resident of this state shall file any 2854  
petition for privileges either in the Franklin county municipal 2855  
court or in the municipal or county court located in the county 2856  
where the offense occurred. If the person who is not a resident 2857  
of this state is a minor, the person may file the petition 2858  
either in the Franklin county juvenile court or in the juvenile 2859

court with jurisdiction over the offense. If a court grants 2860  
limited driving privileges as described in this division, the 2861  
privileges shall be for any of the limited purposes identified 2862  
in division (A) of this section. 2863

(C) When the use of an immobilizing or disabling device is 2864  
not otherwise required by law, the court, as a condition of 2865  
granting limited driving privileges, may require that the 2866  
person's vehicle be equipped with an immobilizing or disabling 2867  
device, except as provided in division (C) of section 4510.43 of 2868  
the Revised Code. When the use of restricted license plates 2869  
issued under section 4503.231 of the Revised Code is not 2870  
otherwise required by law, the court, as a condition of granting 2871  
limited driving privileges, may require that the person's 2872  
vehicle be equipped with restricted license plates of that 2873  
nature, except as provided in division (B) of that section. 2874

(D) When the court grants limited driving privileges under 2875  
section 4510.31 of the Revised Code or any other provision of 2876  
law during the suspension of the temporary instruction permit or 2877  
probationary driver's license of a person who is under eighteen 2878  
years of age, the court may include as a purpose of the 2879  
privilege the person's practicing of driving with the person's 2880  
parent, guardian, or other custodian during the period of the 2881  
suspension. If the court grants limited driving privileges for 2882  
this purpose, the court, in addition to all other conditions it 2883  
imposes, shall impose as a condition that the person exercise 2884  
the privilege only when a parent, guardian, or custodian of the 2885  
person who holds a current valid driver's or commercial driver's 2886  
license issued by this state actually occupies the seat beside 2887  
the person in the vehicle the person is operating. 2888

(E) Before granting limited driving privileges under this 2889

section, the court shall require the offender to provide proof 2890  
of financial responsibility pursuant to section 4509.45 of the 2891  
Revised Code. 2892

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 2893  
impose a class D suspension of the person's driver's license, 2894  
commercial driver's license, temporary instruction permit, 2895  
probationary license, or nonresident operating privilege for the 2896  
period of time specified in division (B) (4) of section 4510.02 2897  
of the Revised Code on any person who is a resident of this 2898  
state and is convicted of or pleads guilty to a violation of a 2899  
statute of any other state or any federal statute that is 2900  
substantially similar to section 2925.02, 2925.03, 2925.04, 2901  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2902  
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2903  
2925.37 of the Revised Code. Upon receipt of a report from a 2904  
court, court clerk, or other official of any other state or from 2905  
any federal authority that a resident of this state was 2906  
convicted of or pleaded guilty to an offense described in this 2907  
division, the registrar shall send a notice by regular first 2908  
class mail to the person, at the person's last known address as 2909  
shown in the records of the bureau of motor vehicles, informing 2910  
the person of the suspension, that the suspension will take 2911  
effect twenty-one days from the date of the notice, and that, if 2912  
the person wishes to appeal the suspension or denial, the person 2913  
must file a notice of appeal within twenty-one days of the date 2914  
of the notice requesting a hearing on the matter. If the person 2915  
requests a hearing, the registrar shall hold the hearing not 2916  
more than forty days after receipt by the registrar of the 2917  
notice of appeal. The filing of a notice of appeal does not stay 2918  
the operation of the suspension that must be imposed pursuant to 2919  
this division. The scope of the hearing shall be limited to 2920

whether the person actually was convicted of or pleaded guilty 2921  
to the offense for which the suspension is to be imposed. 2922

The suspension the registrar is required to impose under 2923  
this division shall end either on the last day of the class D 2924  
suspension period or of the suspension of the person's 2925  
nonresident operating privilege imposed by the state or federal 2926  
court, whichever is earlier. 2927

The registrar shall subscribe to or otherwise participate 2928  
in any information system or register, or enter into reciprocal 2929  
and mutual agreements with other states and federal authorities, 2930  
in order to facilitate the exchange of information with other 2931  
states and the United States government regarding persons who 2932  
plead guilty to or are convicted of offenses described in this 2933  
division and therefore are subject to the suspension or denial 2934  
described in this division. 2935

(B) The registrar shall impose a class D suspension of the 2936  
person's driver's license, commercial driver's license, 2937  
temporary instruction permit, probationary license, or 2938  
nonresident operating privilege for the period of time specified 2939  
in division (B) (4) of section 4510.02 of the Revised Code on any 2940  
person who is a resident of this state and is convicted of or 2941  
pleads guilty to a violation of a statute of any other state or 2942  
a municipal ordinance of a municipal corporation located in any 2943  
other state that is substantially similar to section 4511.19 of 2944  
the Revised Code. Upon receipt of a report from another state 2945  
made pursuant to section 4510.61 of the Revised Code indicating 2946  
that a resident of this state was convicted of or pleaded guilty 2947  
to an offense described in this division, the registrar shall 2948  
send a notice by regular first class mail to the person, at the 2949  
person's last known address as shown in the records of the 2950

bureau of motor vehicles, informing the person of the 2951  
suspension, that the suspension or denial will take effect 2952  
twenty-one days from the date of the notice, and that, if the 2953  
person wishes to appeal the suspension, the person must file a 2954  
notice of appeal within twenty-one days of the date of the 2955  
notice requesting a hearing on the matter. If the person 2956  
requests a hearing, the registrar shall hold the hearing not 2957  
more than forty days after receipt by the registrar of the 2958  
notice of appeal. The filing of a notice of appeal does not stay 2959  
the operation of the suspension that must be imposed pursuant to 2960  
this division. The scope of the hearing shall be limited to 2961  
whether the person actually was convicted of or pleaded guilty 2962  
to the offense for which the suspension is to be imposed. 2963

The suspension the registrar is required to impose under 2964  
this division shall end either on the last day of the class D 2965  
suspension period or of the suspension of the person's 2966  
nonresident operating privilege imposed by the state or federal 2967  
court, whichever is earlier. 2968

(C) The registrar shall impose a class D suspension of the 2969  
child's driver's license, commercial driver's license, temporary 2970  
instruction permit, or nonresident operating privilege for the 2971  
period of time specified in division (B) (4) of section 4510.02 2972  
of the Revised Code on any child who is a resident of this state 2973  
and is convicted of or pleads guilty to a violation of a statute 2974  
of any other state or any federal statute that is substantially 2975  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2976  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2977  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 2978  
Code. Upon receipt of a report from a court, court clerk, or 2979  
other official of any other state or from any federal authority 2980  
that a child who is a resident of this state was convicted of or 2981

pleaded guilty to an offense described in this division, the 2982  
registrar shall send a notice by regular first class mail to the 2983  
child, at the child's last known address as shown in the records 2984  
of the bureau of motor vehicles, informing the child of the 2985  
suspension, that the suspension or denial will take effect 2986  
twenty-one days from the date of the notice, and that, if the 2987  
child wishes to appeal the suspension, the child must file a 2988  
notice of appeal within twenty-one days of the date of the 2989  
notice requesting a hearing on the matter. If the child requests 2990  
a hearing, the registrar shall hold the hearing not more than 2991  
forty days after receipt by the registrar of the notice of 2992  
appeal. The filing of a notice of appeal does not stay the 2993  
operation of the suspension that must be imposed pursuant to 2994  
this division. The scope of the hearing shall be limited to 2995  
whether the child actually was convicted of or pleaded guilty to 2996  
the offense for which the suspension is to be imposed. 2997

The suspension the registrar is required to impose under 2998  
this division shall end either on the last day of the class D 2999  
suspension period or of the suspension of the child's 3000  
nonresident operating privilege imposed by the state or federal 3001  
court, whichever is earlier. If the child is a resident of this 3002  
state who is sixteen years of age or older and does not have a 3003  
current, valid Ohio driver's or commercial driver's license or 3004  
permit, the notice shall inform the child that the child will be 3005  
denied issuance of a driver's or commercial driver's license or 3006  
permit for six months beginning on the date of the notice. If 3007  
the child has not attained the age of sixteen years on the date 3008  
of the notice, the notice shall inform the child that the period 3009  
of denial of six months shall commence on the date the child 3010  
attains the age of sixteen years. 3011

The registrar shall subscribe to or otherwise participate 3012

in any information system or register, or enter into reciprocal 3013  
and mutual agreements with other states and federal authorities, 3014  
in order to facilitate the exchange of information with other 3015  
states and the United States government regarding children who 3016  
are residents of this state and plead guilty to or are convicted 3017  
of offenses described in this division and therefore are subject 3018  
to the suspension or denial described in this division. 3019

(D) The registrar shall impose a class D suspension of the 3020  
child's driver's license, commercial driver's license, temporary 3021  
instruction permit, probationary license, or nonresident 3022  
operating privilege for the period of time specified in division 3023  
(B) (4) of section 4510.02 of the Revised Code on any child who 3024  
is a resident of this state and is convicted of or pleads guilty 3025  
to a violation of a statute of any other state or a municipal 3026  
ordinance of a municipal corporation located in any other state 3027  
that is substantially similar to section 4511.19 of the Revised 3028  
Code. Upon receipt of a report from another state made pursuant 3029  
to section 4510.61 of the Revised Code indicating that a child 3030  
who is a resident of this state was convicted of or pleaded 3031  
guilty to an offense described in this division, the registrar 3032  
shall send a notice by regular first class mail to the child, at 3033  
the child's last known address as shown in the records of the 3034  
bureau of motor vehicles, informing the child of the suspension, 3035  
that the suspension will take effect twenty-one days from the 3036  
date of the notice, and that, if the child wishes to appeal the 3037  
suspension, the child must file a notice of appeal within 3038  
twenty-one days of the date of the notice requesting a hearing 3039  
on the matter. If the child requests a hearing, the registrar 3040  
shall hold the hearing not more than forty days after receipt by 3041  
the registrar of the notice of appeal. The filing of a notice of 3042  
appeal does not stay the operation of the suspension that must 3043

be imposed pursuant to this division. The scope of the hearing 3044  
shall be limited to whether the child actually was convicted of 3045  
or pleaded guilty to the offense for which the suspension is to 3046  
be imposed. 3047

The suspension the registrar is required to impose under 3048  
this division shall end either on the last day of the class D 3049  
suspension period or of the suspension of the child's 3050  
nonresident operating privilege imposed by the state or federal 3051  
court, whichever is earlier. If the child is a resident of this 3052  
state who is sixteen years of age or older and does not have a 3053  
current, valid Ohio driver's or commercial driver's license or 3054  
permit, the notice shall inform the child that the child will be 3055  
denied issuance of a driver's or commercial driver's license or 3056  
permit for six months beginning on the date of the notice. If 3057  
the child has not attained the age of sixteen years on the date 3058  
of the notice, the notice shall inform the child that the period 3059  
of denial of six months shall commence on the date the child 3060  
attains the age of sixteen years. 3061

(E) (1) Any person whose license or permit has been 3062  
suspended pursuant to this section may file a petition in the 3063  
municipal or county court, or in case the person is under 3064  
eighteen years of age, the juvenile court, in whose jurisdiction 3065  
the person resides, requesting limited driving privileges and 3066  
~~agreeing to pay the cost of the proceedings and alleging that~~ 3067  
~~the suspension would seriously affect the person's ability to~~ 3068  
~~continue the person's employment. Upon satisfactory proof that~~ 3069  
~~there is reasonable cause to believe that the suspension would~~ 3070  
~~seriously affect the person's ability to continue the person's~~ 3071  
~~employment, the~~. Except as provided in division (E) (2) of this 3072  
section, the judge may grant the person limited driving 3073  
privileges during the period during which the suspension 3074



otherwise would be imposed, ~~except that the~~ for any of the 3075  
purposes set forth in division (A) of section 4510.021 of the 3076  
Revised Code. 3077

(2) No judge shall not grant limited driving privileges 3078  
for employment as a driver of a commercial motor vehicle to any 3079  
person who would be disqualified from operating a commercial 3080  
motor vehicle under section 4506.16 of the Revised Code if the 3081  
violation had occurred in this state, ~~or~~. Further, no judge 3082  
shall grant limited driving privileges during any of the 3083  
following periods of time: 3084

~~(1)~~ (a) The first fifteen days of a suspension under 3085  
division (B) or (D) of this section, if the person has not been 3086  
convicted within six years of the date of the offense giving 3087  
rise to the suspension under this section of a violation of any 3088  
of the following: 3089

~~(a)~~ (i) Section 4511.19 of the Revised Code, or a 3090  
municipal ordinance relating to operating a vehicle while under 3091  
the influence of alcohol, a drug of abuse, or alcohol and a drug 3092  
of abuse; 3093

~~(b)~~ (ii) A municipal ordinance relating to operating a 3094  
motor vehicle with a prohibited concentration of alcohol, a 3095  
controlled substance, or a metabolite of a controlled substance 3096  
in the whole blood, blood serum or plasma, breath, or urine; 3097

~~(c)~~ (iii) Section 2903.04 of the Revised Code in a case in 3098  
which the person was subject to the sanctions described in 3099  
division (D) of that section; 3100

~~(d)~~ (iv) Division (A) (1) of section 2903.06 or division 3101  
(A) (1) of section 2903.08 of the Revised Code or a municipal 3102  
ordinance that is substantially similar to either of those 3103

divisions; 3104

~~(e)~~(v) Division (A) (2), (3), or (4) of section 2903.06, 3105  
division (A) (2) of section 2903.08, or as it existed prior to 3106  
March 23, 2000, section 2903.07 of the Revised Code, or a 3107  
municipal ordinance that is substantially similar to any of 3108  
those divisions or that former section, in a case in which the 3109  
jury or judge found that the person was under the influence of 3110  
alcohol, a drug of abuse, or alcohol and a drug of abuse. 3111

~~(2)~~(b) The first thirty days of a suspension under 3112  
division (B) or (D) of this section, if the person has been 3113  
convicted one time within six years of the date of the offense 3114  
giving rise to the suspension under this section of any 3115  
violation identified in division (E) (1) of this section. 3116

~~(3)~~(c) The first one hundred eighty days of a suspension 3117  
under division (B) or (D) of this section, if the person has 3118  
been convicted two times within six years of the date of the 3119  
offense giving rise to the suspension under this section of any 3120  
violation identified in division (E) (1) of this section. 3121

~~(4)~~(d) No limited driving privileges may be granted if 3122  
the person has been convicted three or more times within five 3123  
years of the date of the offense giving rise to a suspension 3124  
under division (B) or (D) of this section of any violation 3125  
identified in division (E) (1) of this section. 3126

(3) If a person petitions for limited driving privileges 3127  
under division (E) (1) of this section, the registrar shall be 3128  
represented by the county prosecutor of the county in which the 3129  
person resides if the petition is filed in a juvenile court or 3130  
county court, except that if the person resides within a city or 3131  
village that is located within the jurisdiction of the county in 3132

which the petition is filed, the city director of law or village 3133  
solicitor of that city or village shall represent the registrar. 3134  
If the petition is filed in a municipal court, the registrar 3135  
shall be represented as provided in section 1901.34 of the 3136  
Revised Code. 3137

(4) In granting limited driving privileges under division 3138  
(E) of this section, the court may impose any condition it 3139  
considers reasonable and necessary to limit the use of a vehicle 3140  
by the person. The court shall deliver to the person a permit 3141  
card, in a form to be prescribed by the court, setting forth the 3142  
time, place, and other conditions limiting the person's use of a 3143  
motor vehicle. The grant of limited driving privileges shall be 3144  
conditioned upon the person's having the permit in the person's 3145  
possession at all times during which the person is operating a 3146  
vehicle. 3147

(5) A person granted limited driving privileges who 3148  
operates a vehicle for other than limited purposes, in violation 3149  
of any condition imposed by the court or without having the 3150  
permit in the person's possession, is guilty of a violation of 3151  
section 4510.11 of the Revised Code. 3152

(F) Any person whose license or permit has been suspended 3153  
under division (A) or (C) of this section may file a petition in 3154  
the municipal or county court, or in case the person is under 3155  
eighteen years of age, the juvenile court, in whose jurisdiction 3156  
the person resides, requesting the termination of the suspension 3157  
and agreeing to pay the cost of the proceedings. If the court, 3158  
in its discretion, determines that a termination of the 3159  
suspension is appropriate, the court shall issue an order to the 3160  
registrar to terminate the suspension. Upon receiving such an 3161  
order, the registrar shall reinstate the license. 3162

(G) As used in divisions (C) and (D) of this section: 3163

(1) "Child" means a person who is under the age of 3164  
eighteen years, except that any person who violates a statute or 3165  
ordinance described in division (C) or (D) of this section prior 3166  
to attaining eighteen years of age shall be deemed a "child" 3167  
irrespective of the person's age at the time the complaint or 3168  
other equivalent document is filed in the other state or a 3169  
hearing, trial, or other proceeding is held in the other state 3170  
on the complaint or other equivalent document, and irrespective 3171  
of the person's age when the period of license suspension or 3172  
denial prescribed in division (C) or (D) of this section is 3173  
imposed. 3174

(2) "Is convicted of or pleads guilty to" means, as it 3175  
relates to a child who is a resident of this state, that in a 3176  
proceeding conducted in a state or federal court located in 3177  
another state for a violation of a statute or ordinance 3178  
described in division (C) or (D) of this section, the result of 3179  
the proceeding is any of the following: 3180

(a) Under the laws that govern the proceedings of the 3181  
court, the child is adjudicated to be or admits to being a 3182  
delinquent child or a juvenile traffic offender for a violation 3183  
described in division (C) or (D) of this section that would be a 3184  
crime if committed by an adult; 3185

(b) Under the laws that govern the proceedings of the 3186  
court, the child is convicted of or pleads guilty to a violation 3187  
described in division (C) or (D) of this section; 3188

(c) Under the laws that govern the proceedings of the 3189  
court, irrespective of the terminology utilized in those laws, 3190  
the result of the court's proceedings is the functional 3191

equivalent of division ~~(F)~~(G) (2) (a) or (b) of this section. 3192

**Sec. 4510.31.** (A) (1) Except as provided in division (C) (1) 3193  
or (2) of this section, the registrar of motor vehicles shall 3194  
suspend the probationary driver's license, restricted license, 3195  
or temporary instruction permit issued to any person when the 3196  
person has been convicted of, pleaded guilty to, or been 3197  
adjudicated in juvenile court of having committed, prior to the 3198  
person's eighteenth birthday, any of the following: 3199

(a) Three separate violations of section 2903.06, 2903.08, 3200  
2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201, 3201  
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 3202  
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 3203  
Revised Code, section 4510.14 of the Revised Code involving a 3204  
suspension imposed under section 4511.191 or 4511.196 of the 3205  
Revised Code, section 2903.04 of the Revised Code in a case in 3206  
which the person would have been subject to the sanctions 3207  
described in division (D) of that section had the person been 3208  
convicted of the violation of that section, former section 3209  
2903.07 of the Revised Code, or any municipal ordinances 3210  
similarly relating to the offenses referred to in those 3211  
sections; 3212

(b) One violation of section 4511.19 of the Revised Code 3213  
or a substantially similar municipal ordinance; 3214

(c) Two separate violations of any of the Revised Code 3215  
sections referred to in division (A) (1) (a) of this section, or 3216  
any municipal ordinance that is substantially similar to any of 3217  
those sections. 3218

(2) Any person whose license or permit is suspended under 3219  
division (A) (1) (a), (b), or (c) of this section shall mail or 3220

deliver the person's probationary driver's license, restricted 3221  
license, or temporary instruction permit to the registrar within 3222  
fourteen days of notification of the suspension. The registrar 3223  
shall retain the license or permit during the period of the 3224  
suspension. A suspension pursuant to division (A)(1)(a) of this 3225  
section shall be a class C suspension, a suspension pursuant to 3226  
division (A)(1)(b) of this section shall be a class D 3227  
suspension, and a suspension pursuant to division (A)(1)(c) of 3228  
this section shall be a class E suspension, all for the periods 3229  
of time specified in division (B) of section 4510.02 of the 3230  
Revised Code. If the person's probationary driver's license, 3231  
restricted license, or temporary instruction permit is under 3232  
suspension on the date the court imposes sentence upon the 3233  
person for a violation described in division (A)(1)(b) of this 3234  
section, the suspension shall take effect on the next day 3235  
immediately following the end of that period of suspension. If 3236  
the person is sixteen years of age or older and pleads guilty to 3237  
or is convicted of a violation described in division (A)(1)(b) 3238  
of this section and the person does not have a current, valid 3239  
probationary driver's license, restricted license, or temporary 3240  
instruction permit, the registrar shall deny the issuance to the 3241  
person of a probationary driver's license, restricted license, 3242  
driver's license, commercial driver's license, or temporary 3243  
instruction permit, as the case may be, for six months beginning 3244  
on the date the court imposes sentence upon the person for the 3245  
violation. If the person has not attained the age of sixteen 3246  
years on the date the court imposes sentence upon the person for 3247  
the violation, the period of denial shall commence on the date 3248  
the person attains the age of sixteen years. 3249

(3) The registrar shall suspend the person's license or 3250  
permit under division (A) of this section regardless of whether 3251

the disposition of the case in juvenile court occurred after the 3252  
person's eighteenth birthday. 3253

(B) The registrar also shall impose a class D suspension 3254  
for the period of time specified in division (B) (4) of section 3255  
4510.02 of the Revised Code of the temporary instruction permit 3256  
or probationary driver's license of any person under the age of 3257  
eighteen who has been adjudicated an unruly child, delinquent 3258  
child, or juvenile traffic offender for having committed any act 3259  
that if committed by an adult would be a drug abuse offense or a 3260  
violation of division (B) of section 2917.11 of the Revised 3261  
Code. The registrar, in the registrar's discretion, may 3262  
terminate the suspension if the child, at the discretion of the 3263  
court, attends and satisfactorily completes a drug abuse or 3264  
alcohol abuse education, intervention, or treatment program 3265  
specified by the court. Any person whose temporary instruction 3266  
permit or probationary driver's license is suspended under this 3267  
division shall mail or deliver the person's permit or license to 3268  
the registrar within fourteen days of notification of the 3269  
suspension. The registrar shall retain the permit or license 3270  
during the period of the suspension. 3271

(C) (1) (a) Except as provided in division (C) (1) (c) of this 3272  
section, for any person who is convicted of, pleads guilty to, 3273  
or is adjudicated in juvenile court of having committed a second 3274  
or third violation of section 4511.12, 4511.13, 4511.20 to 3275  
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 3276  
4511.75 of the Revised Code or any similar municipal ordinances 3277  
and whose license or permit is suspended under division (A) (1) 3278  
(a) or (c) of this section, the court in which the second or 3279  
third conviction, finding, plea, or adjudication resulting in 3280  
the suspension was made, upon petition of the person, may grant 3281  
the person limited driving privileges during the period during 3282

which the suspension otherwise would be imposed under division 3283  
(A) (1) (a) or (c) of this section ~~if the court finds reasonable~~ 3284  
~~cause to believe that the suspension will seriously affect the~~ 3285  
~~person's ability to continue in employment, educational~~ 3286  
~~training, vocational training, or treatment for any of the~~ 3287  
purposes set forth in division (A) of section 4510.021 of the 3288  
Revised Code. In granting the limited driving privileges, the 3289  
court shall specify the purposes, times, and places of the 3290  
privileges and may impose any other conditions upon the person's 3291  
driving a motor vehicle that the court considers reasonable and 3292  
necessary. 3293

A court that grants limited driving privileges to a person 3294  
under this division shall retain the person's probationary 3295  
driver's license, restricted license, or temporary instruction 3296  
permit during the period the license or permit is suspended and 3297  
also during the period for which limited driving privileges are 3298  
granted, and shall deliver to the person a permit card, in a 3299  
form to be prescribed by the court, setting forth the date on 3300  
which the limited driving privileges will become effective, the 3301  
purposes for which the person may drive, the times and places at 3302  
which the person may drive, and any other conditions imposed 3303  
upon the person's use of a motor vehicle. 3304

The court immediately shall notify the registrar, in 3305  
writing, of a grant of limited driving privileges under this 3306  
division. The notification shall specify the date on which the 3307  
limited driving privileges will become effective, the purposes 3308  
for which the person may drive, the times and places at which 3309  
the person may drive, and any other conditions imposed upon the 3310  
person's use of a motor vehicle. The registrar shall not suspend 3311  
the probationary driver's license, restricted license, or 3312  
temporary instruction permit of any person pursuant to division 3313



(A) of this section during any period for which the person has 3314  
been granted limited driving privileges as provided in this 3315  
division, if the registrar has received the notification 3316  
described in this division from the court. 3317

(b) Except as provided in division (C) (1) (c) of this 3318  
section, in any case in which the temporary instruction permit 3319  
or probationary driver's license of a person under eighteen 3320  
years of age has been suspended under division (A) or (B) of 3321  
this section or any other provision of law, the court may grant 3322  
the person limited driving privileges for the purpose of the 3323  
person's practicing of driving with the person's parent, 3324  
guardian, or other custodian during the period of the 3325  
suspension. Any grant of limited driving privileges under this 3326  
division shall comply with division (D) of section 4510.021 of 3327  
the Revised Code. 3328

(c) A court shall not grant limited driving privileges to 3329  
a person identified in division (C) (1) (a) or (b) of this section 3330  
if the person, within the preceding six years, has been 3331  
convicted of, pleaded guilty to, or adjudicated in juvenile 3332  
court of having committed three or more violations of one or 3333  
more of the divisions or sections set forth in divisions (G) (2) 3334  
(b) to (g) of section 2919.22 of the Revised Code. 3335

(2) (a) In a case in which a person is convicted of, pleads 3336  
guilty to, or is adjudicated in juvenile court of having 3337  
committed, prior to the person's eighteenth birthday, a second 3338  
or third violation of section 4511.12, 4511.13, 4511.20 to 3339  
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 3340  
4511.75 of the Revised Code or any similar municipal ordinances 3341  
and division (A) (1) (a) or (c) of this section requires the 3342  
registrar of motor vehicles to suspend the person's license or 3343

permit, the court in which the person is convicted of, pleads 3344  
guilty to, or is adjudicated of having committed the second or 3345  
third violation may elect to order the registrar of motor 3346  
vehicles to waive the suspension if all of the following apply: 3347

(i) Prior to the date on which the court imposes sentence 3348  
upon, or makes an order of disposition for, the person for the 3349  
second or third violation, the person submits to the court a 3350  
petition requesting the court to order the registrar to waive 3351  
the prescribed suspension and describing the reasons why the 3352  
person believes the suspension, if imposed, would seriously 3353  
affect the person's ability to continue in employment, 3354  
educational training, vocational training, or treatment. 3355

(ii) Prior to the date specified in division (C) (2) (a) (i) 3356  
of this section, the person submits to the court satisfactory 3357  
proof showing that the person successfully completed an advanced 3358  
juvenile driver improvement program approved by the director of 3359  
public safety under division (B) of section 4510.311 of the 3360  
Revised Code after the date the person committed that second or 3361  
third violation. 3362

(iii) Prior to imposing sentence upon, or making an order 3363  
of disposition for, the person for the second or third 3364  
violation, the court finds reasonable cause to believe that the 3365  
suspension, if imposed, would seriously affect the person's 3366  
ability to continue in employment, educational training, 3367  
vocational training, or treatment. 3368

(iv) If the court is imposing sentence upon, or making an 3369  
order of disposition for, the person for a third violation, the 3370  
person did not submit to the court that imposed sentence upon, 3371  
or made an order of disposition for, the person for the second 3372  
violation a petition of the type described in division (C) (2) (a) 3373

(i) of this section, and the court that imposed sentence upon, 3374  
or made an order of disposition for, the person for that second 3375  
violation did not order the registrar of motor vehicles to waive 3376  
the suspension of the person's license or permit required under 3377  
division (A)(1)(c) of this section for the conviction of, plea 3378  
of guilty to, or adjudication in juvenile court of having 3379  
committed that second violation. 3380

(b) If a court elects pursuant to division (C)(2)(a) of 3381  
this section to order the registrar of motor vehicles to waive a 3382  
suspension that otherwise is required under division (A)(1)(a) 3383  
or (c) of this section, the court immediately shall send a 3384  
written copy of the order to the registrar. Upon receipt of the 3385  
written copy of the order, the registrar shall not suspend 3386  
pursuant to division (A)(1)(a) or (c) of this section the 3387  
probationary driver's license, restricted license, or temporary 3388  
instruction permit of the person who is the subject of the order 3389  
for the second or third violation for which the suspension 3390  
otherwise would be imposed under that division. 3391

(D) If a person who has been granted limited driving 3392  
privileges under division (C)(1) of this section is convicted 3393  
of, pleads guilty to, or is adjudicated in juvenile court of 3394  
having committed, a violation of Chapter 4510. of the Revised 3395  
Code, or a subsequent violation of any of the sections of the 3396  
Revised Code listed in division (A)(1)(a) of this section or any 3397  
similar municipal ordinance during the period for which the 3398  
person was granted limited driving privileges, the court that 3399  
granted the limited driving privileges shall suspend the 3400  
person's permit card. The court or the clerk of the court 3401  
immediately shall forward the person's probationary driver's 3402  
license, restricted license, or temporary instruction permit 3403  
together with written notification of the court's action to the 3404

registrar. Upon receipt of the license or permit and 3405  
notification, the registrar shall impose a class C suspension of 3406  
the person's probationary driver's license, restricted license, 3407  
or temporary instruction permit for the period of time specified 3408  
in division (B) (3) of section 4510.02 of the Revised Code. The 3409  
registrar shall retain the license or permit during the period 3410  
of suspension, and no further limited driving privileges shall 3411  
be granted during that period. 3412

(E) No application for a driver's or commercial driver's 3413  
license shall be received from any person whose probationary 3414  
driver's license, restricted license, or temporary instruction 3415  
permit has been suspended under this section until each of the 3416  
following has occurred: 3417

(1) The suspension period has expired; 3418

(2) A temporary instruction permit or commercial driver's 3419  
license temporary instruction permit has been issued; 3420

(3) The person successfully completes a juvenile driver 3421  
improvement program approved by the director of public safety 3422  
under division (A) of section 4510.311 of the Revised Code; 3423

(4) The applicant has submitted to the examination for a 3424  
driver's license as provided for in section 4507.11 or a 3425  
commercial driver's license as provided in Chapter 4506. of the 3426  
Revised Code. 3427

**Section 2.** That existing sections 2925.02, 2925.03, 3428  
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 3429  
2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.33, 3430  
2925.36, 2925.37, 4510.021, 4510.17, and 4510.31 of the Revised 3431  
Code are hereby repealed. 3432