As Introduced

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H. B. No. 478

Representative Yuko

Cosponsors: Representatives Hagan, Foley, Okey, Sykes, Stewart

A B I L L

To amend sections 2925.02, 2925.03, 2925.04, 2925.11, 2925.14, and 3781.32 and to enact sections 2925.43, 2925.44, 2925.45, 2925.46, 3728.01, 3728.02, 3728.03, 3728.04, 3728.05, 3728.06, 3728.07, 3728.08, 3728.10, 3728.11, 3728.12, 3728.13, 3728.14, 3728.15, 3728.16, 3728.17, 3728.18, 3728.20, 3728.21, 3728.22, 3728.23, 3728.25, 3728.26, 3728.27, 3728.28, 3728.29, 3728.30, 3728.31, 3728.35, 3728.351, 3728.37, 3728.38, 3728.381, 3728.40, 3728.41, 3728.42, 3728.43, 3728.45, 3728.47, and 3728.99 of the Revised Code regarding the medical use of cannabis.

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

Section 1. That sections 2925.02, 2925.03, 2925.04, 2925.11, 2925.14, and 3781.32 be amended and sections 2925.43, 2925.44, 2925.45, 2925.46, 3728.01, 3728.02, 3728.03, 3728.04, 3728.05, 3728.06, 3728.07, 3728.08, 3728.10, 3728.11, 3728.12, 3728.13, 3728.14, 3728.15, 3728.16, 3728.17, 3728.18, 3728.20, 3728.21, 3728.22, 3728.23, 3728.25, 3728.26, 3728.27, 3728.28, 3728.29, 3728.30, 3728.31, 3728.35, 3728.351, 3728.37, 3728.38, 3728.381, 3728.40, 3728.41, 3728.42, 3728.43, 3728.45, 3728.47, and 3728.99 of the Revised Code...
Revised Code be enacted to read as follows:

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

1. By force, threat, or deception, administer to another or induce or cause another to use a controlled substance;

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

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

4. By any means, do any of the following:
   a. Furnish or administer a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard;
   b. Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance, when the offender knows the age of the juvenile or is reckless in that regard;
   c. Induce or cause a juvenile who is at least two years the offender's junior to commit a felony drug abuse offense, when the offender knows the age of the juvenile or is reckless in that regard;
   d. Use a juvenile, whether or not the offender knows the age of the juvenile, to perform any surveillance activity that is intended to prevent the detection of the offender or any other person in the commission of a felony drug abuse offense or to
prevent the arrest of the offender or any other person for the commission of a felony drug abuse offense.

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

(2) Division (A)(4)(a) of this section does not apply when a cardholder, as defined in section 3728.01 of the Revised Code, provides cannabis to another cardholder pursuant to section 3728.06 of the Revised Code.

(3) Division (A)(4)(b) of this section does not apply when a practitioner, as defined in section 3728.01 of the Revised Code, signs a written certification under section 3728.08 of the Revised Code.

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

(1) Except as otherwise provided in this division, if the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, corrupting another with drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, and if the offense was committed in the vicinity of a school, corrupting another with drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a
mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(2) Except as otherwise provided in this division, if the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, corrupting another with drugs is a felony of the second degree, and there is a presumption for a prison term for the offense. If the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V and if the offense was committed in the vicinity of a school, corrupting another with drugs 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.

(3) Except as otherwise provided in this division, if the drug involved is marihuana, corrupting another with 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. If the drug involved is marihuana and if the offense was committed in the vicinity of a school, corrupting another with 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.

(D) 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 or the clerk of that court shall do all of the following that are applicable regarding the offender:

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

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

(2) The court shall suspend for not less than six months nor more than five years the offender's driver's or commercial driver's license or permit. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day 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 termination, the court may terminate the suspension.

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

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

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

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

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

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

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

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

(4) A holder of a valid registry identification card, as defined in section 3728.01 of the Revised Code, to the extent and under the circumstances described in Chapter 3728. of the Revised Code.

(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, and hashish, 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 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, aggravated trafficking in drugs 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.

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

(e) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether 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 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 one hundred times the bulk amount and regardless of whether 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 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 and may impose an additional prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

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

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

(b) Except as otherwise provided in division (C)(2)(c), (d), or (e) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, 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.

(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, trafficking in drugs is a felony of the fourth degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs 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 five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs 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 equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs 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.

(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 trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), or (g) of this section, trafficking in marihuana is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.
(b) Except as otherwise provided in division (C)(3)(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 marihuana 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 two hundred grams but is less than one thousand grams, trafficking in marihuana 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. 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 marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 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 marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

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

(f) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds twenty thousand
grams, trafficking in marihuana is a felony of the second degree,
and the court shall impose as a mandatory prison term the maximum
prison term prescribed for a felony of the second degree. If the
amount of the drug involved equals or exceeds twenty thousand
grams and if the offense was committed in the vicinity of a school
or in the vicinity of a juvenile, trafficking in marihuana is a
felony of the first degree, and the court shall impose as a
mandatory prison term the maximum prison term prescribed for a
felony of the first degree.

(g) Except as otherwise provided in this division, if the
offense involves a gift of twenty grams or less of marihuana,
trafficking in marihuana is a minor misdemeanor upon a first
offense and a misdemeanor of the third degree upon a subsequent
offense. If the offense involves a gift of twenty grams or less of
marihuana and if the offense was committed in the vicinity of a
school or in the vicinity of a juvenile, trafficking in marihuana
is a misdemeanor of the third degree.

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

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

(b) Except as otherwise provided in division (C)(4)(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 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 that is not crack cocaine or equals or exceeds one gram but is less than five grams of crack cocaine, trafficking in cocaine is a felony of the fourth degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within one of those ranges 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 one hundred grams of cocaine that is not crack cocaine or equals or exceeds five grams but is less than ten grams of crack cocaine, trafficking in cocaine is a felony of the third degree, and 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 one of those ranges 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 one hundred grams but is less than five hundred grams of cocaine that is not crack cocaine or equals or exceeds ten grams but is less than twenty-five grams of crack 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 one of those ranges 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 five hundred grams but is less than one thousand grams of cocaine that is not crack cocaine or equals or exceeds twenty-five grams but is less than one hundred grams of crack 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 thousand grams of cocaine that is not crack cocaine or equals or exceeds one hundred grams of crack 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 and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the
Revised Code.

(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:

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

(b) Except as otherwise provided in division (C)(5)(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 L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. 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 fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid...
form or equals or exceeds five grams but is less than twenty-five
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid
distillate form, trafficking in L.S.D. is a felony of the third
degree, and 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 L.S.D. 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 two hundred fifty
unit doses but is less than one thousand unit doses of L.S.D. in a
solid form or equals or exceeds twenty-five grams but is less than
one hundred grams of L.S.D. in a liquid concentrate, liquid
extract, or liquid distillate form, trafficking in L.S.D. 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
L.S.D. 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 one
thousand unit doses but is less than five thousand unit doses of
L.S.D. in a solid form or equals or exceeds one hundred grams but
is less than five hundred grams of L.S.D. in a liquid concentrate,
liquid extract, or liquid distillate form and regardless of
whether the offense was committed in the vicinity of a school or
in the vicinity of a juvenile, trafficking in L.S.D. 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 five
thousand unit doses of L.S.D. in a solid form or equals or exceeds
five hundred grams of L.S.D. in a liquid concentrate, liquid
extract, or liquid distillate form and regardless of whether the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in L.S.D. is a felony of the
first degree, the offender is a major drug offender, and the court
shall impose as a mandatory prison term the maximum prison term
prescribed for a felony of the first degree and may impose an
additional mandatory prison term prescribed for a major drug
offender under division (D)(3)(b) of section 2929.14 of the
Revised Code.

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

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

(b) Except as otherwise provided in division (C)(6)(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 heroin is a felony of the fourth degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.
(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin 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 fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin 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 heroin 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 five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin 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 two thousand five hundred unit doses or equals or exceeds two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin 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 and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

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

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

(b) Except as otherwise provided in division (C)(7)(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, trafficking in hashish is a felony of the fourth degree, and division (C) of
section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

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

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams of hashish in a solid form or equals or exceeds two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term 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 hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall
impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H)(2) and (3) of this section, as if that remaining amount was a fine imposed under division (H)(1) of this section.

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

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

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

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

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

(b) Each law enforcement agency that receives in any calendar year any fine moneys under division (F)(1) of this section or division (B) of section 2925.42 of the Revised Code shall prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the agency pursuant to division (F)(2)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(i) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the
speaker of the house of representatives upon request.

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

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

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

(G) When required under division (D)(2) of this section or any other provision of this chapter, the court shall suspend for not less than six months or more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section or any other specified provision of this chapter. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day 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 such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.

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

(2) The court that imposes a fine under division (H)(1) of this section shall specify in the judgment that imposes the fine one or more eligible alcohol and drug addiction programs for the support of which the fine money is to be used. No alcohol and drug addiction program shall receive or use money paid or collected in satisfaction of a fine imposed under division (H)(1) of this section unless the program is specified in the judgment that imposes the fine. No alcohol and drug addiction program shall be specified in the judgment unless the program is an eligible alcohol and drug addiction program and, except as otherwise provided in division (H)(2) of this section, unless the program is located in the county in which the court that imposes the fine is located or in a county that is immediately contiguous to the county in which that court is located. If no eligible alcohol and drug addiction program is located in any of those counties, the judgment may specify an eligible alcohol and drug addiction program that is located anywhere within this state.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay any fine imposed under division (H)(1) of this section to the eligible alcohol and drug addiction program specified pursuant to division (H)(2) of this section in the judgment. The eligible alcohol and drug addiction program that receives the fine moneys shall use the moneys only for the alcohol and drug addiction services identified in the application for certification under section 3793.06 of the Revised Code or in the application for a license under section 3793.11 of the Revised Code filed with the department of alcohol
and drug addiction services by the alcohol and drug addiction program specified in the judgment.

(4) Each alcohol and drug addiction program that receives in a calendar year any fine moneys under division (H)(3) of this section shall file an annual report covering that calendar year with the court of common pleas and the board of county commissioners of the county in which the program is located, with the court of common pleas and the board of county commissioners of each county from which the program received the moneys if that county is different from the county in which the program is located, and with the attorney general. The alcohol and drug addiction program shall file the report no later than the first day of March in the calendar year following the calendar year in which the program received the fine moneys. The report shall include statistics on the number of persons served by the alcohol and drug addiction program, identify the types of alcohol and drug addiction services provided to those persons, and include a specific accounting of the purposes for which the fine moneys received were used. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the alcohol and drug addiction program. Each report received by a court of common pleas, a board of county commissioners, or the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

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

(a) "Alcohol and drug addiction program" and "alcohol and drug addiction services" have the same meanings as in section 3793.01 of the Revised Code.

(b) "Eligible alcohol and drug addiction program" means an alcohol and drug addiction program that is certified under section 3793.06 of the Revised Code or licensed under section 3793.11 of the Revised Code by the department of alcohol and drug addiction...
services.

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

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

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

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

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

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

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

(a) Except as otherwise provided in division (C)(3)(b) of this section, if the drug involved in the violation is methamphetamine, illegal manufacture of drugs is a felony of the 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 substance included in schedule III, IV, or V, illegal manufacture of drugs is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense.

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

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

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

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

(d) If the amount of marihuana involved equals or exceeds one
thousand grams but is less than five thousand grams, illegal
cultivation of marihuana is a felony of the third degree or, if
the offense was committed in the vicinity of a school or in the
vicinity of a juvenile, a felony of the second degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

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

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

(D) 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 all of the following that are
applicable regarding the offender:

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

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

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

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

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

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

(G) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness.
Sec. 2925.11. (A) No person shall knowingly obtain, possess, or use a controlled substance.

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

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

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

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

(4) Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs;

(5) A holder of a valid registry identification card, as defined in section 3728.01 of the Revised Code, to the extent and under the circumstances described in Chapter 3728. of the Revised Code.

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

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

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

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

(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, aggravated possession of drugs 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.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount, aggravated possession of drugs 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.

(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs 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 and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.
Revised Code.

(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), (c), (d), (e), or (f) of this section, possession of marihuana is a
minor misdemeanor.

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

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

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

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

(f) If the amount of the drug involved equals or exceeds twenty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree.

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

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

(b) If the amount of the drug involved equals or exceeds five grams but is less than twenty-five grams of cocaine that is not crack cocaine or equals or exceeds one gram but is less than five grams of crack cocaine, possession of cocaine is a felony of the fourth degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds twenty-five grams but is less than one hundred grams of cocaine that is not crack cocaine or equals or exceeds five grams but is less than ten grams of crack cocaine, possession of cocaine is a felony of the third degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree.

(d) If the amount of the drug involved equals or exceeds one hundred grams but is less than five hundred grams of cocaine that is not crack cocaine or equals or exceeds ten grams but is less than twenty-five grams of crack cocaine, possession of 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) If the amount of the drug involved equals or exceeds five hundred grams but is less than one thousand grams of cocaine that is not crack cocaine or equals or exceeds twenty-five grams but is less than one hundred grams of crack cocaine, possession of 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 one thousand grams of cocaine that is not crack cocaine or equals or
exceeds one hundred grams of crack cocaine, possession of 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 and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

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

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

(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the 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 L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

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

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

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

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

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

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin 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 one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, possession of heroin 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) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams, possession of heroin 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 two thousand five hundred unit doses or equals or exceeds two hundred fifty grams, possession of heroin 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 and may impose an additional
mandatory prison term prescribed for a major drug offender under
division (D)(3)(b) of section 2929.14 of the Revised Code.

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

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

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

(c) 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, possession of 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.

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

(f) If the amount of the drug involved equals or exceeds one thousand grams of hashish in a solid form or equals or exceeds two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree.

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

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 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 all of the following that are applicable regarding the offender:

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

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

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

(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

(2) A kit for manufacturing, compounding, converting,
producing, processing, or preparing a controlled substance;

(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;

(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;

(6) A scale or balance for weighing or measuring a controlled substance;

(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;

(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;

(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;

(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;

(11) A container or device for storing or concealing a controlled substance;

(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;

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

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

1. Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;

2. The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;

3. The proximity of the equipment, product, or material to any controlled substance;

4. The existence of any residue of a controlled substance on the equipment, product, or material;

5. Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.

6. Any oral or written instruction provided with the equipment, product, or material concerning its use;

7. Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;
(8) National or local advertising concerning the use of the equipment, product, or material;

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

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

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

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

(C)(1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia.

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

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

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

(2) This section does not apply to a holder of a valid registry identification card, as defined in section 3728.01 of the Revised Code, to the extent and under the circumstances described in Chapter 3728. of the Revised Code.

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

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

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

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

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

(G) In addition to any other sanction imposed upon an offender for a violation of this section, 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. 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.
Sec. 2925.43. (A) As used in this section and in sections 2925.44 to 2925.46 of the Revised Code, "cannabis," "cannabis plant," "cardholder," "debilitating medical condition," "law enforcement officer," "licensing agency," "mature cannabis plant," "medical use of cannabis," "practitioner," "registered primary caregiver," "registered qualifying patient," "registry identification card," "valid registry identification card," and "usable cannabis" have the same meanings as in section 3728.01 of the Revised Code.

(B) The following persons are not subject to arrest, prosecution, or any criminal or civil penalty and shall not be denied any right or privilege for engaging in any of the following specified activities:

(1) A registered qualifying patient for engaging in the medical use of cannabis;

(2) A registered primary caregiver for engaging in an activity authorized by section 3728.03 of the Revised Code;

(3) A cardholder for engaging in an activity authorized by section 3728.06 of the Revised Code;

(4) Any person for engaging in an activity authorized by section 3728.07 of the Revised Code;

(5) A practitioner for engaging in an activity authorized by section 3728.08 of the Revised Code.

(C)(1) There is a presumption that a registered qualifying patient is engaged in the medical use of cannabis if the patient is in possession of a valid registry identification card and an amount of usable cannabis or number of mature cannabis plants that does not exceed the applicable limit established by division (B)(1) of section 3728.02 of the Revised Code. The presumption may be rebutted by evidence that conduct related to cannabis was not
for the purpose of treating or alleviating the registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(2) There is a presumption that a registered primary caregiver is engaging in an activity authorized by section 3728.03 of the Revised Code if the registered primary caregiver is in possession of a valid registry identification card and an amount of usable cannabis or number of mature cannabis plants that does not exceed the applicable limit established by division (B)(1) of section 3728.03 of the Revised Code. The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating the debilitating medical condition or symptoms associated with the debilitating medical condition of a registered qualifying patient for whom the registered primary caregiver was serving as a registered primary caregiver.

Sec. 2925.44. (A) Possession of a valid registry identification card or application for a registry identification card shall not constitute probable cause or reasonable suspicion to search or seize the person or property of the person possessing or applying for the card.

(B) No person shall be subject to arrest, prosecution, or any criminal or civil penalty or shall be denied any right or privilege solely for being in the presence or vicinity of a registered qualifying patient engaging in the medical use of cannabis or for assisting a registered qualifying patient's use or administration of cannabis, regardless of whether the person is a registered primary caregiver.

(C) No law enforcement officer or law enforcement agency shall seize any cannabis, cannabis paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in
connection with a registered qualifying patient's medical use of cannabis or in connection with acts incidental to a registered qualifying patient's medical use of cannabis. No court shall order the forfeiture of any cannabis, cannabis paraphernalia, licit property, or interest in licit property that is so possessed, owned, or used. If a law enforcement officer seizes and does not return cannabis that is possessed by a cardholder in accordance with section 3728.02 or 3728.03 of the Revised Code, the agency that employs the officer shall be liable to the cardholder for the value of the cannabis.

Sec. 2925.45. If an individual being investigated by a law enforcement officer employed by a state-funded or locally funded law enforcement agency credibly asserts during the course of the investigation that the individual is a registered qualifying patient or registered primary caregiver, neither the law enforcement officer nor the law enforcement agency shall provide any information, except as required by federal law or the United States Constitution, from any cannabis-related investigation of the individual to any law enforcement authority that does not recognize the protections of sections 2925.43 to 2925.45 of the Revised Code. Any prosecution of the individual for a violation of this chapter shall be conducted pursuant to the laws of this state.

Sec. 2925.46. (A) A person who is not a registered qualifying patient may assert the medical purpose for using cannabis as a defense to any prosecution involving cannabis unless the person is being prosecuted for an activity described in division (B) of section 3748.02 of the Revised Code, and this defense shall be presumed valid if the evidence shows that all of the following apply:

(1) At least thirty days before the date the charges against
the person are filed, a practitioner stated, after completing a full assessment of the person's medical history and current medical condition made in the course of a bona fide practitioner-patient relationship, that in the practitioner's professional opinion and scope of practice the person is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the person's serious or debilitating medical condition or symptoms associated with the person's serious or debilitating medical condition.

(2) The person was in possession of not more than two hundred grams of usable cannabis or twelve mature cannabis plants.

(3) The person was engaged in the acquisition, possession, cultivation, manufacture, use, delivery, transfer, or transportation of cannabis or paraphernalia necessary for the administration of cannabis to treat or alleviate the person's serious or debilitating medical condition or symptoms associated with the person's serious or debilitating medical condition.

(B) If a person who is not a registered qualifying patient demonstrates the person's medical purpose for using cannabis pursuant to this section, the person shall not be subject to either of the following:

(1) Disciplinary action by a business or licensing agency;

(2) Forfeiture of any interest in or right to property.

Sec. 3728.01. As used in this chapter:

(A) "Cannabis" means marihuana as defined in section 3719.01 of the Revised Code.

(B) "Cannabis plant" means female individuals of the cannabis genus or their cultivars.

(C) "Cardholder" means a registered qualifying patient or registered primary caregiver.
(D) "Debilitating medical condition" means one or more of the following:

(1) Cancer; glaucoma; positive status for human immunodeficiency virus; acquired immune deficiency syndrome; hepatitis C; amyotrophic lateral sclerosis; Crohn's disease; agitation of Alzheimer's disease; nail patella; multiple sclerosis; injury or disease to the spinal cord, spinal column, or vertebra; mylomalacia; celiac disease; sickle cell anemia; or the treatment of these conditions;

(2) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following:

(a) Cachexia or wasting syndrome;

(b) Severe or chronic pain;

(c) Severe or chronic nausea;

(d) Seizures, including those characteristic of epilepsy;

(e) Severe or persistent muscle spasms.

(3) Any other medical condition or its treatment added as a debilitating medical condition pursuant to section 3728.37 of the Revised Code.

(E) "Felony drug abuse offense" means both of the following:

(1) A violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code that is classified as a felony;

(2) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to the violations described in division (E)(1) of this section.

(F) "Immature cannabis plant" means a cannabis plant that has not undergone sexual differentiation to make the cannabis plant a mature cannabis plant.
(G) "Law enforcement officer" has the same meaning as in section 2901.01 of the Revised Code.

(H) "Licensing agency" means a department, division, board, section of a board, or other state governmental unit authorized by the Revised Code to issue a license, certificate, permit, card, or other authority to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

(I) "Mature cannabis plant" means a cannabis plant that has undergone sexual differentiation as shown by having flower buds that are readily observable by unaided visual examination or, in the case of an observer who relies on eyeglasses or contact lenses to see correctly, readily observable by examination aided solely by the observer's eyeglasses or contact lenses.

(J) "Medical use of cannabis" means the activities authorized by section 3728.02 of the Revised Code.

(K) "Practitioner" means any of the following:

(1) A dentist licensed under Chapter 4715. of the Revised Code;

(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;

(3) An optometrist who holds a therapeutic pharmaceutical agents certificate issued under section 4725.13 of the Revised Code;

(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(5) A physician assistant who holds a certificate to prescribe issued under section 4730.44 of the Revised Code.
(L) "Primary caregiver" means an individual who has agreed to assist with a registered qualifying patient's medical use of cannabis.

(M) "Qualifying patient" means a person who has been diagnosed by a practitioner acting within the practitioner's scope of practice as having a debilitating medical condition.

(N) "Registered cultivation sites" are the locations, if any, at which a cardholder may cultivate cannabis as specified in the cardholder's valid registry identification card.

(O) "Registered primary caregiver" means a primary caregiver who holds a valid registry identification card.

(P) "Registered qualifying patient" means a qualifying patient who holds a valid registry identification card.

(Q) "Registry identification card" means a document issued by the department of health under section 3728.13 of the Revised Code that identifies a person as a registered qualifying patient or registered primary caregiver.

(R) "Usable cannabis" means the dried flowers of the female cannabis plant and any mixture, tincture, oil, reduction, compound, or preparation thereof. "Usable cannabis" does not include the leaves, seeds, stalks, or roots of the female cannabis plant.

(S) "Valid registry identification card" means all of the following:

(1) A card issued by the department of health under section 3728.13 of the Revised Code that has neither expired under section 3728.17 of the Revised Code nor been revoked under section 3728.18, 3728.20, or 3728.21 of the Revised Code;

(2) A document that is deemed a registry identification card, as provided in sections 3728.14 to 3728.16 of the Revised Code;
(3) A document issued by another jurisdiction that has the same force and effect as a registry identification card, as provided in section 3728.47 of the Revised Code.

(T) "Visiting qualifying patient" means a qualifying patient who is not a resident of this state or who has been a resident of this state for less than thirty days.

(U) "Written certification" means a document signed by a practitioner under section 3728.08 of the Revised Code.

Sec. 3728.02. (A) Subject to division (B) of this section, a registered qualifying patient may do any of the following to treat or alleviate the registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition:

(1) Acquire, possess, transport, and use cannabis and paraphernalia relating to the administration of cannabis;

(2) Cultivate cannabis at the registered qualifying patient's registered cultivation sites;

(3) Manufacture paraphernalia relating to the administration of cannabis.

(B) A registered qualifying patient's possession of a valid registry identification card does not authorize the patient to do any of the following:

(1) Possess more than two hundred grams of usable cannabis or more than twelve mature cannabis plants;

(2) Undertake any task under the influence of cannabis when doing so would constitute negligence or professional malpractice;

(3) Possess cannabis or otherwise engage in the medical use of cannabis in a school bus, on the grounds of any preschool, primary school, or secondary school, or in any correctional
facility;

(4) Smoke cannabis on any form of public transportation or in any public place;

(5) Violate section 4511.19 or 4511.194 of the Revised Code;

(6) Transport cannabis into this state from outside this state.

(C) Neither of the following shall be included for purposes of determining whether a registered qualified patient possesses more usable cannabis or mature cannabis plants than permitted by division (B)(1) of this section:

(1) Immature cannabis plants;

(2) If the usable cannabis is added as an ingredient to food to be consumed by a registered qualifying patient, the weight of the other ingredients included in the food.

Sec. 3728.03. (A) Subject to division (B) of this section, a registered primary caregiver may do any of the following to assist a registered qualifying patient who is listed on the caregiver's registry identification card pursuant to division (B)(2) of section 3728.13 of the Revised Code:

(1) Acquire, possess, and transport cannabis and paraphernalia relating to the administration of cannabis;

(2) Cultivate cannabis at the registered primary caregiver's registered cultivation sites;

(3) Manufacture paraphernalia relating to the administration of cannabis.

(B) A registered primary caregiver's possession of a valid registry identification card does not authorize the caregiver to do any of the following:

(1) Possess more than one hundred ninety-nine grams of usable cannabis;
cannabis or more than twelve mature cannabis plants;

(2) Possess cannabis in a school bus, on the grounds of any preschool, primary school, or secondary school, or in any correctional facility;

(3) Transport cannabis into this state from outside this state.

(C) Neither of the following shall be included for purposes of determining whether a registered primary caregiver possesses more usable cannabis or mature cannabis plants than permitted by division (B)(1) of this section:

(1) Immature cannabis plants;

(2) If the usable cannabis is added as an ingredient to food to be consumed by a registered qualifying patient, the weight of the other ingredients included in the food.

Sec. 3728.04. A registered primary caregiver may receive compensation for costs associated with the activities the caregiver engages in pursuant to section 3728.03 of the Revised Code.

Sec. 3728.05. No individual under twenty-one years of age may become a registered primary caregiver.

Sec. 3728.06. A cardholder may deliver, transport, transfer, or otherwise provide cannabis to another cardholder if the transfer does not cause the other cardholder to possess more usable cannabis or mature cannabis plants than permitted by division (B)(1) of section 3728.02 or division (B)(1) of section 3728.03 of the Revised Code, as applicable.

Sec. 3728.07. Any person may deliver, transport, transfer, or otherwise provide paraphernalia relating to the administration of
cannabis for free or for a charge to a cardholder.

**Sec. 3728.08.** A practitioner may sign a written document certifying that in the practitioner's professional opinion a qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis. The practitioner shall sign the document only in the course of a bona fide practitioner-patient relationship with the qualifying patient and only after the practitioner has completed a full assessment of the qualifying patient's medical history. The practitioner shall specify in the document the qualifying patient's debilitating medical condition.

**Sec. 3728.10.** A qualifying patient who seeks an initial or renewed registry identification card shall submit all of the following to the department of health in accordance with the rules adopted under section 3728.35 of the Revised Code:

(A) A completed application for the registry identification card that shall include, at a minimum, all of the following information:

(1) The name, address, and date of birth of the qualifying patient, except that no address is required for an applicant who is homeless;

(2) The name, address, and telephone number of the practitioner who signed the written certification for the qualifying patient;

(3) The name, address, and telephone number of the qualifying patient's primary caregiver, if any;

(4) A specification as to whether the qualifying patient, the qualifying patient's primary caregiver (if any), both, or neither will cultivate cannabis once issued a registry identification card.
and, subject to section 3728.26 of the Revised Code, the address of each location, if any, at which the cannabis will be cultivated.

(B) The initial or renewal fee, as appropriate, established in rules adopted under section 3728.35 of the Revised Code;

(C) A written certification for the qualifying patient.

Sec. 3728.11. A primary caregiver who seeks an initial or renewed registry identification card shall submit all of the following to the department of health in accordance with the rules adopted under section 3728.35 of the Revised Code:

(A) A completed application for the registry identification card that shall include, at a minimum, all of the following information:

(1) The name, address, and date of birth of the primary caregiver;

(2) The name, address, and date of birth of each qualifying patient the primary caregiver seeks to serve as a registered primary caregiver, except that no address is required for a qualifying patient who is homeless;

(3) Subject to section 3728.26 of the Revised Code, the address of each location, if any, at which the primary caregiver will cultivate cannabis once issued a registry identification card;

(4) A list of each felony drug abuse offense for which the primary caregiver has been convicted or to which the primary caregiver has pleaded guilty.

(B) Evidence satisfactory to the department that the primary caregiver is at least twenty-one years of age;

(C) The initial or renewal fee, as appropriate, established
in rules adopted under section 3728.35 of the Revised Code.

Sec. 3728.12. (A) The department of health shall verify the information contained in each application for an initial or renewed registry identification card submitted under section 3728.10 or 3728.11 of the Revised Code. The department shall approve or deny each application in accordance with Chapter 119. of the Revised Code. Except as provided in division (B) of this section, the department shall approve or deny an application not later than fifteen days after it receives the application.

(B) If the application is not complete, the department shall notify the applicant that the application is not complete and that the department may deny the application if the applicant does not submit a complete application before the end of the ten-day period that commences when the applicant receives the notice. If a complete application is submitted, the department shall approve or deny the application not later than fifteen days after it receives the application.

(C) The department may deny an application if any of the following apply:

(1) The application as originally submitted is not complete and the applicant does not submit a complete application after receiving the notice required under division (B) of this section or within the time period specified in that division for submitting a complete application.

(2) In the case of an application from a qualifying patient, the applicant does not submit a written certification with the application.

(3) The department determines that the application or written certification was purposefully falsified.

(4) The applicant fails to pay the initial or renewal fee, as
appropriate.

(5) The applicant is a qualifying patient under eighteen years of age and either of the following applies:

(a) The practitioner who signed the written certification for the qualifying patient has not explained the potential risks and benefits of the medical use of cannabis to the applicant and to a parent, guardian, or legal custodian of the applicant.

(b) The parent, guardian, or legal custodian of the applicant has not consented in writing to all of the following:

(i) Allowing the applicant's medical use of cannabis in accordance with section 3728.02 of the Revised Code;

(ii) Becoming, and serving as, one of the applicant's registered primary caregivers;

(iii) Controlling the applicant's acquisition and dosage of cannabis and frequency of the medical use of cannabis.

(6) In the case of an application from a primary caregiver, the department determines that a felony drug abuse offense of the applicant listed in the application, if any, is sufficient grounds to deny the application.

(D) An applicant whose application is denied may not reapply under section 3728.10 or 3728.11 of the Revised Code, as appropriate, until at least thirty days after the department issues the denial.

**Sec. 3728.13.** The department of health shall issue a registry identification card to an applicant not later than five business days after approving the applicant's application under section 3728.12 of the Revised Code. The registry identification card shall contain all of the following:

(A) In the case of a registry identification card for a
qualifying patient, the name and date of birth of the qualifying patient:

(B) In the case of a registry identification card for a primary caregiver, both of the following:

(1) The name and date of birth of the primary caregiver;

(2) The name and date of birth of each registered qualifying patient for whom the registered primary caregiver is to serve as a registered primary caregiver as specified in the application for the registry identification card.

(C) The date of issuance and expiration date of the registry identification card;

(D) The address of each of the cardholder's registered cultivation sites, if any;

(E) A random identification number that is unique to the cardholder;

(F) At the option of the department, a photograph of the cardholder.

**Sec. 3728.14.** (A) An application for an initial or renewed registry identification card shall be deemed a registry identification card on the twentieth day after the date the application was submitted to the department of health if all of the requirements for approval of the application have been met and the department does either of the following:

(1) Fails to approve or deny the application within the applicable time period specified in division (A) or (B) of section 3728.12 of the Revised Code;

(2) Fails to issue the registry identification card within the time period specified in section 3728.13 of the Revised Code.

(B) An application that is deemed a registry identification
card remains valid as long as the requirements for approval of the application continue to be met.

**Sec. 3728.15.** (A) If, at any time after the date that is one hundred forty days after the effective date of this section, the department of health is not accepting applications from qualifying patients for a registry identification card for any reason, including failure to adopt rules under section 3728.35 of the Revised Code, a written certification for the qualifying patient together with a notarized statement by the qualifying patient of all of the following shall be deemed a registry identification card for the qualifying patient:

1. The name, address, and date of birth of the qualifying patient, except that no address is required if the qualifying patient is homeless;
2. The name, address, and telephone number of the practitioner who signed the written certification for the qualifying patient;
3. The address of each location, if any, at which the qualifying patient will cultivate cannabis.

(B) A written certification and notarized statement that are deemed a registry identification card remain valid as long as the holder remains a qualifying patient.

**Sec. 3728.16.** (A) If, at any time after the date that is one hundred forty days after the effective date of this section, the department of health is not accepting applications from primary caregivers for a registry identification card for any reason, including failure to adopt rules under section 3728.35 of the Revised Code, a notarized statement by the primary caregiver of all of the following shall be deemed a registry identification card for the primary caregiver:
(1) The name, address, and date of birth of the primary caregiver;

(2) The name, address, and date of birth of each qualifying patient the primary caregiver seeks to serve as a registered primary caregiver, except that no address is required for a qualifying patient who is homeless;

(3) The address of each location, if any, at which the primary caregiver will cultivate cannabis.

(B) A notarized statement that is deemed a registry identification card remains valid as long as the holder remains a primary caregiver.

Sec. 3728.17. A registry identification card shall expire one year after the date of issuance unless revoked earlier.

Sec. 3728.18. The department of health may revoke the registry identification card of a cardholder who does any of the following:

(A) Delivers, transports, transfers, or otherwise provides cannabis for free or for a charge to a person who is not a cardholder;

(B) Fails to comply with a requirement of this chapter;

(C) Violates a prohibition of this chapter.

Sec. 3728.20. A registered qualifying patient who ceases to have a debilitating medical condition shall notify the department of health of that fact not later than thirty days after ceasing to have the debilitating medical condition. Not later than ten days after receipt of the notice, the department shall revoke the patient's registry identification card.
Sec. 3728.21. A registered primary caregiver for a registered qualifying patient who ceases to have a debilitating medical condition shall notify the department of health of that fact not later than thirty days after the registered qualifying patient ceases to have the debilitating medical condition. If the patient who ceased to have a debilitating medical condition was the only patient for whom the caregiver was serving as a registered primary caregiver, the department shall revoke the caregiver's registry identification card not later than ten days after the department receives the caregiver's notice.

Sec. 3728.22. A cardholder whose name or address changes shall notify the department of health of the change not later than thirty days after the change occurs. The department shall issue a new registry identification card to the cardholder not later than ten business days after the department has received both of the following:

(A) The notice from the cardholder;

(B) A ten-dollar fee for the new registry identification card.

Sec. 3728.25. A cardholder who loses the cardholder's registry identification card shall notify the department of health of the loss not later than ten days after the loss occurs. The department shall issue a replacement registry identification card with a new random identification number to the cardholder not later than five business days after the date the department has received both of the following:

(A) The notice from the cardholder;

(B) A ten-dollar fee for the replacement registry identification card.
Sec. 3728.26. No cardholder may have more than two registered cultivation sites.

Sec. 3728.27. (A) Except as provided in division (B) of this section, a cardholder shall maintain cannabis plants in a room, greenhouse, garden, or other enclosed area that is kept locked whenever the cardholder is away and out of public view.

(B) Division (A) of this section does not apply whenever either of the following occurs:

(1) The plants are being transported because the cardholder is moving.

(2) The plants are being transported to the property of the cardholder or, in the case of a registered primary caregiver, to the property of the caregiver's registered qualifying patient.

Sec. 3728.28. (A) An employer or licensing agency shall not do any of the following:

(1) Take disciplinary action against a registered qualifying patient because the patient engages in the medical use of cannabis;

(2) Take disciplinary action against a registered primary caregiver because the caregiver engages in an activity authorized by section 3728.03 of the Revised Code;

(3) Take disciplinary action against a cardholder because the cardholder engages in an activity authorized by section 3728.06 of the Revised Code;

(4) Take disciplinary action against a person because the person engages in an activity authorized by section 3728.07 of the Revised Code;

(5) Take disciplinary action against a practitioner because
the practitioner engages in an activity authorized by section 3728.08 of the Revised Code;

(6) Take disciplinary action against a person because the person is in the presence or vicinity of a registered qualifying patient engaging in the medical use of cannabis;

(7) Take disciplinary action against a person because the person assists a registered qualifying patient's use or administration of cannabis, regardless of whether the person is a registered primary caregiver.

(B) Division (A)(5) of this section does not prohibit a licensing agency from taking disciplinary action against a practitioner for failing to properly evaluate a patient's medical condition or for otherwise violating the standard of care for evaluating medical conditions.

Sec. 3728.29. A school, employer, or landlord shall not refuse to enroll, employ, or lease to a person and shall not otherwise penalize a person because of the person's status as a cardholder, unless failing to do so would render the school, employer, or landlord in violation of federal law.

Sec. 3728.30. A person's status as a cardholder shall not be considered as a factor in any determination of the person's parental rights and responsibilities, parenting time, or companionship or visitation rights with a minor, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

Sec. 3728.31. Nothing in this chapter shall be construed to require either of the following:

(A) A government medical assistance program or private health insurer to reimburse a person for costs associated with the
medical use of cannabis;

(B) An employer to accommodate the use of cannabis in any workplace or any employee working while impaired, provided that a registered qualifying patient shall not be considered to be impaired solely because of the presence in the patient's body of metabolites or components of cannabis, if the metabolites or components are in a concentration insufficient to cause impairment.

Sec. 3728.35. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) For the purpose of sections 3728.10 and 3728.11 of the Revised Code, do both of the following:

(a) Govern the manner in which the department of health shall consider applications for initial and renewed registry identification cards;

(b) Subject to division (B) of this section, establish fees for initial and renewed registry identification cards.

(2) For the purpose of section 3728.37 of the Revised Code, govern the submission of petitions requesting that a medical condition or its treatment be added as a debilitating medical condition for the purpose of this chapter.

(B) The amount of the fees for initial and renewed registry identification cards may be established according to a sliding scale based on family income. The amount of the fees shall be sufficient to generate enough revenue to offset all expenses of implementing and administering this chapter. The department of health may accept donations from private sources to help offset the expenses in order to reduce the fees.
Sec. 3728.351. The director of health shall adopt the initial rules required by section 3728.35 of the Revised Code not later than one hundred twenty days after the effective date of that section. If the director fails to adopt the initial rules within that time period, a qualifying patient or primary caregiver may petition the Franklin county court of appeals for a writ of mandamus to compel the director to adopt the rules.

Sec. 3728.37. Any person may submit a petition to the director of health requesting that a medical condition or its treatment be added as a debilitating medical condition for the purpose of this chapter. All petitions shall be submitted in accordance with rules adopted under section 3728.35 of the Revised Code. The director shall conduct a hearing for each petition and may hear multiple petitions in one hearing. The director shall give public notice of each hearing and make each hearing open to the public. Any person may comment on a petition at a hearing. The director shall approve or deny a petition not later than one hundred eighty days after the date it is submitted to the director. In determining whether to approve or deny a petition, the director shall consider the petition, any comments regarding the petition made at the hearing, and the advice of the medical cannabis advisory council created under section 3728.38 of the Revised Code. The director's approval or denial shall be in the form of an adjudication issued in accordance with, and subject to, Chapter 119. of the Revised Code.

Sec. 3728.38. (A) There is hereby established the medical cannabis advisory council. The council shall consist of all of the following members appointed by the director of health:

(1) Four physicians who are certified by a national organization recognized by the state medical board as specializing
in family medicine or an area that focuses on pain management or clinical oncology;

(2) Three registered qualifying patients.

(B) The Ohio patients network, inc., may submit to the director of health recommendations regarding individuals to be appointed to the council. The director shall not appoint any individual to the council who is opposed to the legal use of cannabis to treat or alleviate a debilitating medical condition or symptoms associated with a debilitating medical condition.

(C) Members of the council shall serve two-year terms. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring before the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(D) Members of the council shall not receive compensation for their service on the council but shall be reimbursed for their actual and necessary expenses incurred in the performance of their service on the council.

(E) The council shall select one of the council members to serve as chairperson of the council.

(F) The chairperson shall call the council to meet at least quarterly and at other times as necessary.

(G) The department of health shall provide the council with support services as necessary for the council to perform its duties, including providing the council with a place to meet.
Sec. 3728.381. The medical cannabis advisory council shall provide outreach services regarding this chapter and provide the director of health advice regarding petitions submitted under section 3728.37 of the Revised Code.

Sec. 3728.40. The department of health shall maintain a list of the persons to whom the department has issued registry identification cards. All identifying information on the list is confidential and not subject to disclosure, except to authorized employees of the department as necessary to perform the department's official duties under this chapter or as authorized by sections 3728.42 and 3728.43 of the Revised Code.

Sec. 3728.41. No person or government entity shall disclose any information contained in an application for an initial or renewed registry identification card, a written certification submitted with an application, or a registry identification card except as necessary in the administration of this chapter or as authorized by sections 3728.42 and 3728.43 of the Revised Code.

Sec. 3728.42. An employee of the department of health may notify a law enforcement officer about falsified or fraudulent information submitted to the department in an application for an initial or renewed registry identification card or a written certification submitted with such an application if the employee first confers with the employee's supervisor or at least one other employee of the department and both agree that circumstances warranting notification exist.

Sec. 3728.43. The department of health shall operate an internet-based system for use by law enforcement officers to verify whether a person is a cardholder and whether the address of a location at which cannabis is being cultivated is a cardholder's
registered cultivation site. The department shall update the system and verify its accuracy weekly. The system shall be available for use by law enforcement officers twenty-four hours each day. A law enforcement officer shall use the system to verify the status of an individual or address before initiating an arrest, raid, or other law enforcement action concerning cannabis. If the person is a cardholder or the address of a location at which cannabis is being cultivated is a cardholder's registered cultivation site, no further action may be initiated except on issuance of a warrant.

**Sec. 3728.45.** (A) The department of health shall submit to the general assembly an annual report that contains, at a minimum, all of the following information for the previous year:

1. The number of applications that were submitted to the department for initial and renewed registry identification cards;
2. The number of applications that were denied and the reasons for the denials;
3. The number of registered qualifying patients and registered primary caregivers in each county;
4. The nature of the debilitating medical conditions of the registered qualifying patients;
5. The number of registry identification cards revoked;
6. The number of practitioners providing written certifications for qualifying patients.

(B) The report shall not disclose any identifying information about qualifying patients, primary caregivers, or practitioners.

**Sec. 3728.47.** A valid document issued to a visiting qualifying patient under the laws of another state, district,
territory, commonwealth, or insular possession of the United States that is the equivalent to a registry identification card shall have the same force and effect as a registry identification card issued to a registered qualifying patient.

Sec. 3728.99. Whoever violates section 3728.41 of the Revised Code is guilty of a misdemeanor of the first degree.

Sec. 3781.32. (A) Any connections or tie-ins to existing utility services within a public right-of-way shall comply with permit requirements of the public agency that has jurisdiction over that right-of-way.

(B) A developer shall not require, as a condition for entering into a contract for a project that will require excavation, that responsibility for performance of duties imposed under sections 3781.25 to 3781.32 of the Revised Code shall be assumed by a person other than the person on whom those duties are imposed under those sections. This division does not prohibit a utility from entering into any contract for the performance of duties that are imposed on a utility under those sections.

(C) Nothing in sections 3728.25, 3781.25 to 3728.32, 3781.32 of the Revised Code shall be construed to require a utility to relocate its underground utility facilities located at an excavation site.

Section 2. That existing sections 2925.02, 2925.03, 2925.04, 2925.11, 2925.14, and 3781.32 of the Revised Code are hereby repealed.

Section 3. The Director of Health shall make the initial appointments to the Medical Cannabis Advisory Council established under section 3728.38 of the Revised Code not later than one
hundred twenty days after the effective date of this act. Notwithstanding division (A)(2) of section 3728.38 of the Revised Code, the initial members who are to be registered qualifying patients shall be instead persons who suffer from a debilitating medical condition as defined in section 3728.01 of the Revised Code and are nominated by the Ohio Patients Network, Inc.