

As Introduced

**129th General Assembly
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H. B. No. 214

Representatives Yuko, Hagan, R.

Cosponsors: Representatives Ramos, Foley, Okey, Antonio, Young

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A B I L L

To amend sections 2925.02, 2925.03, 2925.04, 2925.11, 1
2925.14, and 3781.32 and to enact sections 2
2925.43, 2925.44, 2925.45, 2925.46, 3728.01, 3
3728.02, 3728.03, 3728.04, 3728.05, 3728.06, 4
3728.07, 3728.08, 3728.09, 3728.10, 3728.11, 5
3728.12, 3728.13, 3728.14, 3728.15, 3728.16, 6
3728.17, 3728.18, 3728.20, 3728.21, 3728.22, 7
3728.25, 3728.26, 3728.27, 3728.28, 3728.29, 8
3728.30, 3728.31, 3728.35, 3728.351, 3728.37, 9
3728.38, 3728.381, 3728.40, 3728.41, 3728.42, 10
3728.43, 3728.45, and 3728.99 of the Revised Code 11
regarding the medical use of cannabis. 12

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

Section 1. That sections 2925.02, 2925.03, 2925.04, 2925.11, 13
2925.14, and 3781.32 be amended and sections 2925.43, 2925.44, 14
2925.45, 2925.46, 3728.01, 3728.02, 3728.03, 3728.04, 3728.05, 15
3728.06, 3728.07, 3728.08, 3728.09, 3728.10, 3728.11, 3728.12, 16
3728.13, 3728.14, 3728.15, 3728.16, 3728.17, 3728.18, 3728.20, 17
3728.21, 3728.22, 3728.25, 3728.26, 3728.27, 3728.28, 3728.29, 18
3728.30, 3728.31, 3728.35, 3728.351, 3728.37, 3728.38, 3728.381, 19
3728.40, 3728.41, 3728.42, 3728.43, 3728.45, and 3728.99 of the 20

Revised Code be enacted to read as follows: 21

Sec. 2925.02. (A) No person shall knowingly do any of the 22
following: 23

(1) By force, threat, or deception, administer to another or 24
induce or cause another to use a controlled substance; 25

(2) By any means, administer or furnish to another or induce 26
or cause another to use a controlled substance with purpose to 27
cause serious physical harm to the other person, or with purpose 28
to cause the other person to become drug dependent; 29

(3) By any means, administer or furnish to another or induce 30
or cause another to use a controlled substance, and thereby cause 31
serious physical harm to the other person, or cause the other 32
person to become drug dependent; 33

(4) By any means, do any of the following: 34

(a) Furnish or administer a controlled substance to a 35
juvenile who is at least two years the offender's junior, when the 36
offender knows the age of the juvenile or is reckless in that 37
regard; 38

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

(c) Induce or cause a juvenile who is at least two years the 42
offender's junior to commit a felony drug abuse offense, when the 43
offender knows the age of the juvenile or is reckless in that 44
regard; 45

(d) Use a juvenile, whether or not the offender knows the age 46
of the juvenile, to perform any surveillance activity that is 47
intended to prevent the detection of the offender or any other 48
person in the commission of a felony drug abuse offense or to 49

prevent the arrest of the offender or any other person for the 50
commission of a felony drug abuse offense. 51

(B)(1) Division (A)(1), (3), or (4) of this section does not 52
apply to manufacturers, wholesalers, licensed health professionals 53
authorized to prescribe drugs, pharmacists, owners of pharmacies, 54
and other persons whose conduct is in accordance with Chapters 55
3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 56
Code. 57

(2) Division (A)(4)(a) of this section does not apply when a 58
cardholder, as defined in section 3728.01 of the Revised Code, 59
provides cannabis to another cardholder pursuant to section 60
3728.05 of the Revised Code. 61

(3) Division (A)(4)(b) of this section does not apply when a 62
practitioner, as defined in section 3728.01 of the Revised Code, 63
signs a written certification under section 3728.07 of the Revised 64
Code. 65

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

(1) Except as otherwise provided in this division, if the 69
drug involved is any compound, mixture, preparation, or substance 70
included in schedule I or II, with the exception of marihuana, 71
corrupting another with drugs is a felony of the second degree, 72
and, subject to division (E) of this section, the court shall 73
impose as a mandatory prison term one of the prison terms 74
prescribed for a felony of the second degree. If the drug involved 75
is any compound, mixture, preparation, or substance included in 76
schedule I or II, with the exception of marihuana, and if the 77
offense was committed in the vicinity of a school, corrupting 78
another with drugs is a felony of the first degree, and, subject 79
to division (E) of this section, the court shall impose as a 80

mandatory prison term one of the prison terms prescribed for a 81
felony of the first degree. 82

(2) Except as otherwise provided in this division, if the 83
drug involved is any compound, mixture, preparation, or substance 84
included in schedule III, IV, or V, corrupting another with drugs 85
is a felony of the second degree, and there is a presumption for a 86
prison term for the offense. If the drug involved is any compound, 87
mixture, preparation, or substance included in schedule III, IV, 88
or V and if the offense was committed in the vicinity of a school, 89
corrupting another with drugs is a felony of the second degree, 90
and the court shall impose as a mandatory prison term one of the 91
prison terms prescribed for a felony of the second degree. 92

(3) Except as otherwise provided in this division, if the 93
drug involved is marihuana, corrupting another with drugs is a 94
felony of the fourth degree, and division (C) of section 2929.13 95
of the Revised Code applies in determining whether to impose a 96
prison term on the offender. If the drug involved is marihuana and 97
if the offense was committed in the vicinity of a school, 98
corrupting another with drugs is a felony of the third degree, and 99
division (C) of section 2929.13 of the Revised Code applies in 100
determining whether to impose a prison term on the offender. 101

(D) In addition to any prison term authorized or required by 102
division (C) or (E) of this section and sections 2929.13 and 103
2929.14 of the Revised Code and in addition to any other sanction 104
imposed for the offense under this section or sections 2929.11 to 105
2929.18 of the Revised Code, the court that sentences an offender 106
who is convicted of or pleads guilty to a violation of division 107
(A) of this section or the clerk of that court shall do all of the 108
following that are applicable regarding the offender: 109

(1)(a) If the violation is a felony of the first, second, or 110
third degree, the court shall impose upon the offender the 111
mandatory fine specified for the offense under division (B)(1) of 112

section 2929.18 of the Revised Code unless, as specified in that 113
division, the court determines that the offender is indigent. 114

(b) Notwithstanding any contrary provision of section 3719.21 115
of the Revised Code, any mandatory fine imposed pursuant to 116
division (D)(1)(a) of this section and any fine imposed for a 117
violation of this section pursuant to division (A) of section 118
2929.18 of the Revised Code shall be paid by the clerk of the 119
court in accordance with and subject to the requirements of, and 120
shall be used as specified in, division (F) of section 2925.03 of 121
the Revised Code. 122

(c) If a person is charged with any violation of this section 123
that is a felony of the first, second, or third degree, posts 124
bail, and forfeits the bail, the forfeited bail shall be paid by 125
the clerk of the court pursuant to division (D)(1)(b) of this 126
section as if it were a fine imposed for a violation of this 127
section. 128

(2) The court shall suspend for not less than six months nor 129
more than five years the offender's driver's or commercial 130
driver's license or permit. If an offender's driver's or 131
commercial driver's license or permit is suspended pursuant to 132
this division, the offender, at any time after the expiration of 133
two years from the day on which the offender's sentence was 134
imposed or from the day on which the offender finally was released 135
from a prison term under the sentence, whichever is later, may 136
file a motion with the sentencing court requesting termination of 137
the suspension. Upon the filing of the motion and the court's 138
finding of good cause for the termination, the court may terminate 139
the suspension. 140

(3) If the offender is a professionally licensed person, in 141
addition to any other sanction imposed for a violation of this 142
section, the court immediately shall comply with section 2925.38 143
of the Revised Code. 144

(E) Notwithstanding the prison term otherwise authorized or 145
required for the offense under division (C) of this section and 146
sections 2929.13 and 2929.14 of the Revised Code, if the violation 147
of division (A) of this section involves the sale, offer to sell, 148
or possession of a schedule I or II controlled substance, with the 149
exception of marihuana, and if the court imposing sentence upon 150
the offender finds that the offender as a result of the violation 151
is a major drug offender and is guilty of a specification of the 152
type described in section 2941.1410 of the Revised Code, the 153
court, in lieu of the prison term that otherwise is authorized or 154
required, shall impose upon the offender the mandatory prison term 155
specified in division (D)(3)(a) of section 2929.14 of the Revised 156
Code and may impose an additional prison term under division 157
(D)(3)(b) of that section. 158

Sec. 2925.03. (A) No person shall knowingly do any of the 159
following: 160

(1) Sell or offer to sell a controlled substance; 161

(2) Prepare for shipment, ship, transport, deliver, prepare 162
for distribution, or distribute a controlled substance, when the 163
offender knows or has reasonable cause to believe that the 164
controlled substance is intended for sale or resale by the 165
offender or another person. 166

(B) This section does not apply to any of the following: 167

(1) Manufacturers, licensed health professionals authorized 168
to prescribe drugs, pharmacists, owners of pharmacies, and other 169
persons whose conduct is in accordance with Chapters 3719., 4715., 170
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 171

(2) If the offense involves an anabolic steroid, any person 172
who is conducting or participating in a research project involving 173
the use of an anabolic steroid if the project has been approved by 174

the United States food and drug administration; 175

(3) Any person who sells, offers for sale, prescribes, 176
dispenses, or administers for livestock or other nonhuman species 177
an anabolic steroid that is expressly intended for administration 178
through implants to livestock or other nonhuman species and 179
approved for that purpose under the "Federal Food, Drug, and 180
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 181
and is sold, offered for sale, prescribed, dispensed, or 182
administered for that purpose in accordance with that act; 183

(4) A cardholder, as defined in section 3728.01 of the 184
Revised Code, to the extent and under the circumstances described 185
in Chapter 3728. of the Revised Code. 186

(C) Whoever violates division (A) of this section is guilty 187
of one of the following: 188

(1) If the drug involved in the violation is any compound, 189
mixture, preparation, or substance included in schedule I or 190
schedule II, with the exception of marihuana, cocaine, L.S.D., 191
heroin, and hashish, whoever violates division (A) of this section 192
is guilty of aggravated trafficking in drugs. The penalty for the 193
offense shall be determined as follows: 194

(a) Except as otherwise provided in division (C)(1)(b), (c), 195
(d), (e), or (f) of this section, aggravated trafficking in drugs 196
is a felony of the fourth degree, and division (C) of section 197
2929.13 of the Revised Code applies in determining whether to 198
impose a prison term on the offender. 199

(b) Except as otherwise provided in division (C)(1)(c), (d), 200
(e), or (f) of this section, if the offense was committed in the 201
vicinity of a school or in the vicinity of a juvenile, aggravated 202
trafficking in drugs is a felony of the third degree, and division 203
(C) of section 2929.13 of the Revised Code applies in determining 204
whether to impose a prison term on the offender. 205

(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 238
felony of the first degree, the offender is a major drug offender, 239
and the court shall impose as a mandatory prison term the maximum 240
prison term prescribed for a felony of the first degree and may 241
impose an additional prison term prescribed for a major drug 242
offender under division (D)(3)(b) of section 2929.14 of the 243
Revised Code. 244

(2) If the drug involved in the violation is any compound, 245
mixture, preparation, or substance included in schedule III, IV, 246
or V, whoever violates division (A) of this section is guilty of 247
trafficking in drugs. The penalty for the offense shall be 248
determined as follows: 249

(a) Except as otherwise provided in division (C)(2)(b), (c), 250
(d), or (e) of this section, trafficking in drugs is a felony of 251
the fifth degree, and division (C) of section 2929.13 of the 252
Revised Code applies in determining whether to impose a prison 253
term on the offender. 254

(b) Except as otherwise provided in division (C)(2)(c), (d), 255
or (e) of this section, if the offense was committed in the 256
vicinity of a school or in the vicinity of a juvenile, trafficking 257
in drugs is a felony of the fourth degree, and division (C) of 258
section 2929.13 of the Revised Code applies in determining whether 259
to impose a prison term on the offender. 260

(c) Except as otherwise provided in this division, if the 261
amount of the drug involved equals or exceeds the bulk amount but 262
is less than five times the bulk amount, trafficking in drugs is a 263
felony of the fourth degree, and there is a presumption for a 264
prison term for the offense. If the amount of the drug involved is 265
within that range and if the offense was committed in the vicinity 266
of a school or in the vicinity of a juvenile, trafficking in drugs 267
is a felony of the third degree, and there is a presumption for a 268
prison term for the offense. 269

(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, 302
trafficking in marihuana is a felony of the fourth degree, and 303
division (C) of section 2929.13 of the Revised Code applies in 304
determining whether to impose a prison term on the offender. 305

(c) Except as otherwise provided in this division, if the 306
amount of the drug involved equals or exceeds two hundred grams 307
but is less than one thousand grams, trafficking in marihuana is a 308
felony of the fourth degree, and division (C) of section 2929.13 309
of the Revised Code applies in determining whether to impose a 310
prison term on the offender. If the amount of the drug involved is 311
within that range and if the offense was committed in the vicinity 312
of a school or in the vicinity of a juvenile, trafficking in 313
marihuana is a felony of the third degree, and division (C) of 314
section 2929.13 of the Revised Code applies in determining whether 315
to impose a prison term on the offender. 316

(d) Except as otherwise provided in this division, if the 317
amount of the drug involved equals or exceeds one thousand grams 318
but is less than five thousand grams, trafficking in marihuana is 319
a felony of the third degree, and division (C) of section 2929.13 320
of the Revised Code applies in determining whether to impose a 321
prison term on the offender. If the amount of the drug involved is 322
within that range and if the offense was committed in the vicinity 323
of a school or in the vicinity of a juvenile, trafficking in 324
marihuana is a felony of the second degree, and there is a 325
presumption that a prison term shall be imposed for the offense. 326

(e) Except as otherwise provided in this division, if the 327
amount of the drug involved equals or exceeds five thousand grams 328
but is less than twenty thousand grams, trafficking in marihuana 329
is a felony of the third degree, and there is a presumption that a 330
prison term shall be imposed for the offense. If the amount of the 331
drug involved is within that range and if the offense was 332
committed in the vicinity of a school or in the vicinity of a 333

juvenile, trafficking in marihuana is a felony of the second 334
degree, and there is a presumption that a prison term shall be 335
imposed for the offense. 336

(f) Except as otherwise provided in this division, if the 337
amount of the drug involved equals or exceeds twenty thousand 338
grams, trafficking in marihuana is a felony of the second degree, 339
and the court shall impose as a mandatory prison term the maximum 340
prison term prescribed for a felony of the second degree. If the 341
amount of the drug involved equals or exceeds twenty thousand 342
grams and if the offense was committed in the vicinity of a school 343
or in the vicinity of a juvenile, trafficking in marihuana is a 344
felony of the first degree, and the court shall impose as a 345
mandatory prison term the maximum prison term prescribed for a 346
felony of the first degree. 347

(g) Except as otherwise provided in this division, if the 348
offense involves a gift of twenty grams or less of marihuana, 349
trafficking in marihuana is a minor misdemeanor upon a first 350
offense and a misdemeanor of the third degree upon a subsequent 351
offense. If the offense involves a gift of twenty grams or less of 352
marihuana and if the offense was committed in the vicinity of a 353
school or in the vicinity of a juvenile, trafficking in marihuana 354
is a misdemeanor of the third degree. 355

(4) If the drug involved in the violation is cocaine or a 356
compound, mixture, preparation, or substance containing cocaine, 357
whoever violates division (A) of this section is guilty of 358
trafficking in cocaine. The penalty for the offense shall be 359
determined as follows: 360

(a) Except as otherwise provided in division (C)(4)(b), (c), 361
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 362
felony of the fifth degree, and division (C) of section 2929.13 of 363
the Revised Code applies in determining whether to impose a prison 364
term on the offender. 365

(b) Except as otherwise provided in division (C)(4)(c), (d), 366
(e), (f), or (g) of this section, if the offense was committed in 367
the vicinity of a school or in the vicinity of a juvenile, 368
trafficking in cocaine is a felony of the fourth degree, and 369
division (C) of section 2929.13 of the Revised Code applies in 370
determining whether to impose a prison term on the offender. 371

(c) Except as otherwise provided in this division, if the 372
amount of the drug involved equals or exceeds five grams but is 373
less than ten grams of cocaine that is not crack cocaine or equals 374
or exceeds one gram but is less than five grams of crack cocaine, 375
trafficking in cocaine is a felony of the fourth degree, and there 376
is a presumption for a prison term for the offense. If the amount 377
of the drug involved is within one of those ranges and if the 378
offense was committed in the vicinity of a school or in the 379
vicinity of a juvenile, trafficking in cocaine is a felony of the 380
third degree, and there is a presumption for a prison term for the 381
offense. 382

(d) Except as otherwise provided in this division, if the 383
amount of the drug involved equals or exceeds ten grams but is 384
less than one hundred grams of cocaine that is not crack cocaine 385
or equals or exceeds five grams but is less than ten grams of 386
crack cocaine, trafficking in cocaine is a felony of the third 387
degree, and the court shall impose as a mandatory prison term one 388
of the prison terms prescribed for a felony of the third degree. 389
If the amount of the drug involved is within one of those ranges 390
and if the offense was committed in the vicinity of a school or in 391
the vicinity of a juvenile, trafficking in cocaine is a felony of 392
the second degree, and the court shall impose as a mandatory 393
prison term one of the prison terms prescribed for a felony of the 394
second degree. 395

(e) Except as otherwise provided in this division, if the 396
amount of the drug involved equals or exceeds one hundred grams 397

but is less than five hundred grams of cocaine that is not crack 398
cocaine or equals or exceeds ten grams but is less than 399
twenty-five grams of crack cocaine, trafficking in cocaine is a 400
felony of the second degree, and the court shall impose as a 401
mandatory prison term one of the prison terms prescribed for a 402
felony of the second degree. If the amount of the drug involved is 403
within one of those ranges and if the offense was committed in the 404
vicinity of a school or in the vicinity of a juvenile, trafficking 405
in cocaine is a felony of the first degree, and the court shall 406
impose as a mandatory prison term one of the prison terms 407
prescribed for a felony of the first degree. 408

(f) If the amount of the drug involved equals or exceeds five 409
hundred grams but is less than one thousand grams of cocaine that 410
is not crack cocaine or equals or exceeds twenty-five grams but is 411
less than one hundred grams of crack cocaine and regardless of 412
whether the offense was committed in the vicinity of a school or 413
in the vicinity of a juvenile, trafficking in cocaine is a felony 414
of the first degree, and the court shall impose as a mandatory 415
prison term one of the prison terms prescribed for a felony of the 416
first degree. 417

(g) If the amount of the drug involved equals or exceeds one 418
thousand grams of cocaine that is not crack cocaine or equals or 419
exceeds one hundred grams of crack cocaine and regardless of 420
whether the offense was committed in the vicinity of a school or 421
in the vicinity of a juvenile, trafficking in cocaine is a felony 422
of the first degree, the offender is a major drug offender, and 423
the court shall impose as a mandatory prison term the maximum 424
prison term prescribed for a felony of the first degree and may 425
impose an additional mandatory prison term prescribed for a major 426
drug offender under division (D)(3)(b) of section 2929.14 of the 427
Revised Code. 428

(5) If the drug involved in the violation is L.S.D. or a 429

compound, mixture, preparation, or substance containing L.S.D., 430
whoever violates division (A) of this section is guilty of 431
trafficking in L.S.D. The penalty for the offense shall be 432
determined as follows: 433

(a) Except as otherwise provided in division (C)(5)(b), (c), 434
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 435
felony of the fifth degree, and division (C) of section 2929.13 of 436
the Revised Code applies in determining whether to impose a prison 437
term on the offender. 438

(b) Except as otherwise provided in division (C)(5)(c), (d), 439
(e), (f), or (g) of this section, if the offense was committed in 440
the vicinity of a school or in the vicinity of a juvenile, 441
trafficking in L.S.D. is a felony of the fourth degree, and 442
division (C) of section 2929.13 of the Revised Code applies in 443
determining whether to impose a prison term on the offender. 444

(c) Except as otherwise provided in this division, if the 445
amount of the drug involved equals or exceeds ten unit doses but 446
is less than fifty unit doses of L.S.D. in a solid form or equals 447
or exceeds one gram but is less than five grams of L.S.D. in a 448
liquid concentrate, liquid extract, or liquid distillate form, 449
trafficking in L.S.D. is a felony of the fourth degree, and there 450
is a presumption for a prison term for the offense. If the amount 451
of the drug involved is within that range and if the offense was 452
committed in the vicinity of a school or in the vicinity of a 453
juvenile, trafficking in L.S.D. is a felony of the third degree, 454
and there is a presumption for a prison term for the offense. 455

(d) Except as otherwise provided in this division, if the 456
amount of the drug involved equals or exceeds fifty unit doses but 457
is less than two hundred fifty unit doses of L.S.D. in a solid 458
form or equals or exceeds five grams but is less than twenty-five 459
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 460
distillate form, trafficking in L.S.D. is a felony of the third 461

degree, and the court shall impose as a mandatory prison term one 462
of the prison terms prescribed for a felony of the third degree. 463
If the amount of the drug involved is within that range and if the 464
offense was committed in the vicinity of a school or in the 465
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 466
second degree, and the court shall impose as a mandatory prison 467
term one of the prison terms prescribed for a felony of the second 468
degree. 469

(e) Except as otherwise provided in this division, if the 470
amount of the drug involved equals or exceeds two hundred fifty 471
unit doses but is less than one thousand unit doses of L.S.D. in a 472
solid form or equals or exceeds twenty-five grams but is less than 473
one hundred grams of L.S.D. in a liquid concentrate, liquid 474
extract, or liquid distillate form, trafficking in L.S.D. is a 475
felony of the second degree, and the court shall impose as a 476
mandatory prison term one of the prison terms prescribed for a 477
felony of the second degree. If the amount of the drug involved is 478
within that range and if the offense was committed in the vicinity 479
of a school or in the vicinity of a juvenile, trafficking in 480
L.S.D. is a felony of the first degree, and the court shall impose 481
as a mandatory prison term one of the prison terms prescribed for 482
a felony of the first degree. 483

(f) If the amount of the drug involved equals or exceeds one 484
thousand unit doses but is less than five thousand unit doses of 485
L.S.D. in a solid form or equals or exceeds one hundred grams but 486
is less than five hundred grams of L.S.D. in a liquid concentrate, 487
liquid extract, or liquid distillate form and regardless of 488
whether the offense was committed in the vicinity of a school or 489
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 490
of the first degree, and the court shall impose as a mandatory 491
prison term one of the prison terms prescribed for a felony of the 492
first degree. 493

(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 526
the offense. If the amount of the drug involved is within that 527
range and if the offense was committed in the vicinity of a school 528
or in the vicinity of a juvenile, trafficking in heroin is a 529
felony of the third degree, and there is a presumption for a 530
prison term for the offense. 531

(d) Except as otherwise provided in this division, if the 532
amount of the drug involved equals or exceeds fifty unit doses but 533
is less than one hundred unit doses or equals or exceeds five 534
grams but is less than ten grams, trafficking in heroin is a 535
felony of the third degree, and there is a presumption for a 536
prison term for the offense. If the amount of the drug involved is 537
within that range and if the offense was committed in the vicinity 538
of a school or in the vicinity of a juvenile, trafficking in 539
heroin is a felony of the second degree, and there is a 540
presumption for a prison term for the offense. 541

(e) Except as otherwise provided in this division, if the 542
amount of the drug involved equals or exceeds one hundred unit 543
doses but is less than five hundred unit doses or equals or 544
exceeds ten grams but is less than fifty grams, trafficking in 545
heroin is a felony of the second degree, and the court shall 546
impose as a mandatory prison term one of the prison terms 547
prescribed for a felony of the second degree. If the amount of the 548
drug involved is within that range and if the offense was 549
committed in the vicinity of a school or in the vicinity of a 550
juvenile, trafficking in heroin is a felony of the first degree, 551
and the court shall impose as a mandatory prison term one of the 552
prison terms prescribed for a felony of the first degree. 553

(f) If the amount of the drug involved equals or exceeds five 554
hundred unit doses but is less than two thousand five hundred unit 555
doses or equals or exceeds fifty grams but is less than two 556
hundred fifty grams and regardless of whether the offense was 557

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 589
less than fifty grams of hashish in a solid form or equals or 590
exceeds two grams but is less than ten grams of hashish in a 591
liquid concentrate, liquid extract, or liquid distillate form, 592
trafficking in hashish is a felony of the fourth degree, and 593
division (C) of section 2929.13 of the Revised Code applies in 594
determining whether to impose a prison term on the offender. If 595
the amount of the drug involved is within that range and if the 596
offense was committed in the vicinity of a school or in the 597
vicinity of a juvenile, trafficking in hashish is a felony of the 598
third degree, and division (C) of section 2929.13 of the Revised 599
Code applies in determining whether to impose a prison term on the 600
offender. 601

(d) Except as otherwise provided in this division, if the 602
amount of the drug involved equals or exceeds fifty grams but is 603
less than two hundred fifty grams of hashish in a solid form or 604
equals or exceeds ten grams but is less than fifty grams of 605
hashish in a liquid concentrate, liquid extract, or liquid 606
distillate form, trafficking in hashish is a felony of the third 607
degree, and division (C) of section 2929.13 of the Revised Code 608
applies in determining whether to impose a prison term on the 609
offender. If the amount of the drug involved is within that range 610
and if the offense was committed in the vicinity of a school or in 611
the vicinity of a juvenile, trafficking in hashish is a felony of 612
the second degree, and there is a presumption that a prison term 613
shall be imposed for the offense. 614

(e) Except as otherwise provided in this division, if the 615
amount of the drug involved equals or exceeds two hundred fifty 616
grams but is less than one thousand grams of hashish in a solid 617
form or equals or exceeds fifty grams but is less than two hundred 618
grams of hashish in a liquid concentrate, liquid extract, or 619
liquid distillate form, trafficking in hashish is a felony of the 620

third degree, and there is a presumption that a prison term shall 621
be imposed for the offense. If the amount of the drug involved is 622
within that range and if the offense was committed in the vicinity 623
of a school or in the vicinity of a juvenile, trafficking in 624
hashish is a felony of the second degree, and there is a 625
presumption that a prison term shall be imposed for the offense. 626

(f) Except as otherwise provided in this division, if the 627
amount of the drug involved equals or exceeds one thousand grams 628
of hashish in a solid form or equals or exceeds two hundred grams 629
of hashish in a liquid concentrate, liquid extract, or liquid 630
distillate form, trafficking in hashish is a felony of the second 631
degree, and the court shall impose as a mandatory prison term the 632
maximum prison term prescribed for a felony of the second degree. 633
If the amount of the drug involved is within that range and if the 634
offense was committed in the vicinity of a school or in the 635
vicinity of a juvenile, trafficking in hashish is a felony of the 636
first degree, and the court shall impose as a mandatory prison 637
term the maximum prison term prescribed for a felony of the first 638
degree. 639

(D) In addition to any prison term authorized or required by 640
division (C) of this section and sections 2929.13 and 2929.14 of 641
the Revised Code, and in addition to any other sanction imposed 642
for the offense under this section or sections 2929.11 to 2929.18 643
of the Revised Code, the court that sentences an offender who is 644
convicted of or pleads guilty to a violation of division (A) of 645
this section shall do all of the following that are applicable 646
regarding the offender: 647

(1) If the violation of division (A) of this section is a 648
felony of the first, second, or third degree, the court shall 649
impose upon the offender the mandatory fine specified for the 650
offense under division (B)(1) of section 2929.18 of the Revised 651
Code unless, as specified in that division, the court determines 652

that the offender is indigent. Except as otherwise provided in 653
division (H)(1) of this section, a mandatory fine or any other 654
fine imposed for a violation of this section is subject to 655
division (F) of this section. If a person is charged with a 656
violation of this section that is a felony of the first, second, 657
or third degree, posts bail, and forfeits the bail, the clerk of 658
the court shall pay the forfeited bail pursuant to divisions 659
(D)(1) and (F) of this section, as if the forfeited bail was a 660
fine imposed for a violation of this section. If any amount of the 661
forfeited bail remains after that payment and if a fine is imposed 662
under division (H)(1) of this section, the clerk of the court 663
shall pay the remaining amount of the forfeited bail pursuant to 664
divisions (H)(2) and (3) of this section, as if that remaining 665
amount was a fine imposed under division (H)(1) of this section. 666

(2) The court shall suspend the driver's or commercial 667
driver's license or permit of the offender in accordance with 668
division (G) of this section. 669

(3) If the offender is a professionally licensed person, the 670
court immediately shall comply with section 2925.38 of the Revised 671
Code. 672

(E) When a person is charged with the sale of or offer to 673
sell a bulk amount or a multiple of a bulk amount of a controlled 674
substance, the jury, or the court trying the accused, shall 675
determine the amount of the controlled substance involved at the 676
time of the offense and, if a guilty verdict is returned, shall 677
return the findings as part of the verdict. In any such case, it 678
is unnecessary to find and return the exact amount of the 679
controlled substance involved, and it is sufficient if the finding 680
and return is to the effect that the amount of the controlled 681
substance involved is the requisite amount, or that the amount of 682
the controlled substance involved is less than the requisite 683
amount. 684

(F)(1) Notwithstanding any contrary provision of section 685
3719.21 of the Revised Code and except as provided in division (H) 686
of this section, the clerk of the court shall pay any mandatory 687
fine imposed pursuant to division (D)(1) of this section and any 688
fine other than a mandatory fine that is imposed for a violation 689
of this section pursuant to division (A) or (B)(5) of section 690
2929.18 of the Revised Code to the county, township, municipal 691
corporation, park district, as created pursuant to section 511.18 692
or 1545.04 of the Revised Code, or state law enforcement agencies 693
in this state that primarily were responsible for or involved in 694
making the arrest of, and in prosecuting, the offender. However, 695
the clerk shall not pay a mandatory fine so imposed to a law 696
enforcement agency unless the agency has adopted a written 697
internal control policy under division (F)(2) of this section that 698
addresses the use of the fine moneys that it receives. Each agency 699
shall use the mandatory fines so paid to subsidize the agency's 700
law enforcement efforts that pertain to drug offenses, in 701
accordance with the written internal control policy adopted by the 702
recipient agency under division (F)(2) of this section. 703

(2)(a) Prior to receiving any fine moneys under division 704
(F)(1) of this section or division (B) of section 2925.42 of the 705
Revised Code, a law enforcement agency shall adopt a written 706
internal control policy that addresses the agency's use and 707
disposition of all fine moneys so received and that provides for 708
the keeping of detailed financial records of the receipts of those 709
fine moneys, the general types of expenditures made out of those 710
fine moneys, and the specific amount of each general type of 711
expenditure. The policy shall not provide for or permit the 712
identification of any specific expenditure that is made in an 713
ongoing investigation. All financial records of the receipts of 714
those fine moneys, the general types of expenditures made out of 715
those fine moneys, and the specific amount of each general type of 716
expenditure by an agency are public records open for inspection 717

under section 149.43 of the Revised Code. Additionally, a written 718
internal control policy adopted under this division is such a 719
public record, and the agency that adopted it shall comply with 720
it. 721

(b) Each law enforcement agency that receives in any calendar 722
year any fine moneys under division (F)(1) of this section or 723
division (B) of section 2925.42 of the Revised Code shall prepare 724
a report covering the calendar year that cumulates all of the 725
information contained in all of the public financial records kept 726
by the agency pursuant to division (F)(2)(a) of this section for 727
that calendar year, and shall send a copy of the cumulative 728
report, no later than the first day of March in the calendar year 729
following the calendar year covered by the report, to the attorney 730
general. Each report received by the attorney general is a public 731
record open for inspection under section 149.43 of the Revised 732
Code. Not later than the fifteenth day of April in the calendar 733
year in which the reports are received, the attorney general shall 734
send to the president of the senate and the speaker of the house 735
of representatives a written notification that does all of the 736
following: 737

(i) Indicates that the attorney general has received from law 738
enforcement agencies reports of the type described in this 739
division that cover the previous calendar year and indicates that 740
the reports were received under this division; 741

(ii) Indicates that the reports are open for inspection under 742
section 149.43 of the Revised Code; 743

(iii) Indicates that the attorney general will provide a copy 744
of any or all of the reports to the president of the senate or the 745
speaker of the house of representatives upon request. 746

(3) As used in division (F) of this section: 747

(a) "Law enforcement agencies" includes, but is not limited 748

to, the state board of pharmacy and the office of a prosecutor. 749

(b) "Prosecutor" has the same meaning as in section 2935.01 750
of the Revised Code. 751

(G) When required under division (D)(2) of this section or 752
any other provision of this chapter, the court shall suspend for 753
not less than six months or more than five years the driver's or 754
commercial driver's license or permit of any person who is 755
convicted of or pleads guilty to any violation of this section or 756
any other specified provision of this chapter. If an offender's 757
driver's or commercial driver's license or permit is suspended 758
pursuant to this division, the offender, at any time after the 759
expiration of two years from the day on which the offender's 760
sentence was imposed or from the day on which the offender finally 761
was released from a prison term under the sentence, whichever is 762
later, may file a motion with the sentencing court requesting 763
termination of the suspension; upon the filing of such a motion 764
and the court's finding of good cause for the termination, the 765
court may terminate the suspension. 766

(H)(1) In addition to any prison term authorized or required 767
by division (C) of this section and sections 2929.13 and 2929.14 768
of the Revised Code, in addition to any other penalty or sanction 769
imposed for the offense under this section or sections 2929.11 to 770
2929.18 of the Revised Code, and in addition to the forfeiture of 771
property in connection with the offense as prescribed in Chapter 772
2981. of the Revised Code, the court that sentences an offender 773
who is convicted of or pleads guilty to a violation of division 774
(A) of this section may impose upon the offender an additional 775
fine specified for the offense in division (B)(4) of section 776
2929.18 of the Revised Code. A fine imposed under division (H)(1) 777
of this section is not subject to division (F) of this section and 778
shall be used solely for the support of one or more eligible 779
alcohol and drug addiction programs in accordance with divisions 780

(H)(2) and (3) of this section. 781

(2) The court that imposes a fine under division (H)(1) of 782
this section shall specify in the judgment that imposes the fine 783
one or more eligible alcohol and drug addiction programs for the 784
support of which the fine money is to be used. No alcohol and drug 785
addiction program shall receive or use money paid or collected in 786
satisfaction of a fine imposed under division (H)(1) of this 787
section unless the program is specified in the judgment that 788
imposes the fine. No alcohol and drug addiction program shall be 789
specified in the judgment unless the program is an eligible 790
alcohol and drug addiction program and, except as otherwise 791
provided in division (H)(2) of this section, unless the program is 792
located in the county in which the court that imposes the fine is 793
located or in a county that is immediately contiguous to the 794
county in which that court is located. If no eligible alcohol and 795
drug addiction program is located in any of those counties, the 796
judgment may specify an eligible alcohol and drug addiction 797
program that is located anywhere within this state. 798

(3) Notwithstanding any contrary provision of section 3719.21 799
of the Revised Code, the clerk of the court shall pay any fine 800
imposed under division (H)(1) of this section to the eligible 801
alcohol and drug addiction program specified pursuant to division 802
(H)(2) of this section in the judgment. The eligible alcohol and 803
drug addiction program that receives the fine moneys shall use the 804
moneys only for the alcohol and drug addiction services identified 805
in the application for certification under section 3793.06 of the 806
Revised Code or in the application for a license under section 807
3793.11 of the Revised Code filed with the department of alcohol 808
and drug addiction services by the alcohol and drug addiction 809
program specified in the judgment. 810

(4) Each alcohol and drug addiction program that receives in 811
a calendar year any fine moneys under division (H)(3) of this 812

section shall file an annual report covering that calendar year 813
with the court of common pleas and the board of county 814
commissioners of the county in which the program is located, with 815
the court of common pleas and the board of county commissioners of 816
each county from which the program received the moneys if that 817
county is different from the county in which the program is 818
located, and with the attorney general. The alcohol and drug 819
addiction program shall file the report no later than the first 820
day of March in the calendar year following the calendar year in 821
which the program received the fine moneys. The report shall 822
include statistics on the number of persons served by the alcohol 823
and drug addiction program, identify the types of alcohol and drug 824
addiction services provided to those persons, and include a 825
specific accounting of the purposes for which the fine moneys 826
received were used. No information contained in the report shall 827
identify, or enable a person to determine the identity of, any 828
person served by the alcohol and drug addiction program. Each 829
report received by a court of common pleas, a board of county 830
commissioners, or the attorney general is a public record open for 831
inspection under section 149.43 of the Revised Code. 832

(5) As used in divisions (H)(1) to (5) of this section: 833

(a) "Alcohol and drug addiction program" and "alcohol and 834
drug addiction services" have the same meanings as in section 835
3793.01 of the Revised Code. 836

(b) "Eligible alcohol and drug addiction program" means an 837
alcohol and drug addiction program that is certified under section 838
3793.06 of the Revised Code or licensed under section 3793.11 of 839
the Revised Code by the department of alcohol and drug addiction 840
services. 841

(I) As used in this section, "drug" includes any substance 842
that is represented to be a drug. 843

Sec. 2925.04. (A) No person shall knowingly cultivate 844
marihuana or knowingly manufacture or otherwise engage in any part 845
of the production of a controlled substance. 846

(B) This section does not apply to any person listed in 847
division (B)(1), (2), ~~or (3)~~, or (4) of section 2925.03 of the 848
Revised Code to the extent and under the circumstances described 849
in those divisions. 850

(C)(1) Whoever commits a violation of division (A) of this 851
section that involves any drug other than marihuana is guilty of 852
illegal manufacture of drugs, and whoever commits a violation of 853
division (A) of this section that involves marihuana is guilty of 854
illegal cultivation of marihuana. 855

(2) Except as otherwise provided in this division, if the 856
drug involved in the violation of division (A) of this section is 857
any compound, mixture, preparation, or substance included in 858
schedule I or II, with the exception of methamphetamine or 859
marihuana, illegal manufacture of drugs is a felony of the second 860
degree, and, subject to division (E) of this section, the court 861
shall impose as a mandatory prison term one of the prison terms 862
prescribed for a felony of the second degree. 863

If the drug involved in the violation is any compound, 864
mixture, preparation, or substance included in schedule I or II, 865
with the exception of methamphetamine or marihuana, and if the 866
offense was committed in the vicinity of a juvenile or in the 867
vicinity of a school, illegal manufacture of drugs is a felony of 868
the first degree, and, subject to division (E) of this section, 869
the court shall impose as a mandatory prison term one of the 870
prison terms prescribed for a felony of the first degree. 871

(3) If the drug involved in the violation of division (A) of 872
this section is methamphetamine, the penalty for the violation 873
shall be determined as follows: 874

(a) Except as otherwise provided in division (C)(3)(b) of 875
this section, if the drug involved in the violation is 876
methamphetamine, illegal manufacture of drugs is a felony of the 877
second degree, and, subject to division (E) of this section, the 878
court shall impose a mandatory prison term on the offender 879
determined in accordance with this division. Except as otherwise 880
provided in this division, the court shall impose as a mandatory 881
prison term one of the prison terms prescribed for a felony of the 882
second degree that is not less than three years. If the offender 883
previously has been convicted of or pleaded guilty to a violation 884
of division (A) of this section, a violation of division (B)(6) of 885
section 2919.22 of the Revised Code, or a violation of division 886
(A) of section 2925.041 of the Revised Code, the court shall 887
impose as a mandatory prison term one of the prison terms 888
prescribed for a felony of the second degree that is not less than 889
five years. 890

(b) If the drug involved in the violation is methamphetamine 891
and if the offense was committed in the vicinity of a juvenile, in 892
the vicinity of a school, or on public premises, illegal 893
manufacture of drugs is a felony of the first degree, and, subject 894
to division (E) of this section, the court shall impose a 895
mandatory prison term on the offender determined in accordance 896
with this division. Except as otherwise provided in this division, 897
the court shall impose as a mandatory prison term one of the 898
prison terms prescribed for a felony of the first degree that is 899
not less than four years. If the offender previously has been 900
convicted of or pleaded guilty to a violation of division (A) of 901
this section, a violation of division (B)(6) of section 2919.22 of 902
the Revised Code, or a violation of division (A) of section 903
2925.041 of the Revised Code, the court shall impose as a 904
mandatory prison term one of the prison terms prescribed for a 905
felony of the first degree that is not less than five years. 906

(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 938
determining whether to impose a prison term on the offender. 939

(e) If the amount of marihuana involved equals or exceeds 940
five thousand grams but is less than twenty thousand grams, 941
illegal cultivation of marihuana is a felony of the third degree 942
or, if the offense was committed in the vicinity of a school or in 943
the vicinity of a juvenile, a felony of the second degree, and 944
there is a presumption for a prison term for the offense. 945

(f) Except as otherwise provided in this division, if the 946
amount of marihuana involved equals or exceeds twenty thousand 947
grams, illegal cultivation of marihuana is a felony of the second 948
degree, and the court shall impose as a mandatory prison term the 949
maximum prison term prescribed for a felony of the second degree. 950
If the amount of the drug involved equals or exceeds twenty 951
thousand grams and if the offense was committed in the vicinity of 952
a school or in the vicinity of a juvenile, illegal cultivation of 953
marihuana is a felony of the first degree, and the court shall 954
impose as a mandatory prison term the maximum prison term 955
prescribed for a felony of the first degree. 956

(D) In addition to any prison term authorized or required by 957
division (C) or (E) of this section and sections 2929.13 and 958
2929.14 of the Revised Code and in addition to any other sanction 959
imposed for the offense under this section or sections 2929.11 to 960
2929.18 of the Revised Code, the court that sentences an offender 961
who is convicted of or pleads guilty to a violation of division 962
(A) of this section shall do all of the following that are 963
applicable regarding the offender: 964

(1) If the violation of division (A) of this section is a 965
felony of the first, second, or third degree, the court shall 966
impose upon the offender the mandatory fine specified for the 967
offense under division (B)(1) of section 2929.18 of the Revised 968
Code unless, as specified in that division, the court determines 969

that the offender is indigent. The clerk of the court shall pay a 970
mandatory fine or other fine imposed for a violation of this 971
section pursuant to division (A) of section 2929.18 of the Revised 972
Code in accordance with and subject to the requirements of 973
division (F) of section 2925.03 of the Revised Code. The agency 974
that receives the fine shall use the fine as specified in division 975
(F) of section 2925.03 of the Revised Code. If a person is charged 976
with a violation of this section that is a felony of the first, 977
second, or third degree, posts bail, and forfeits the bail, the 978
clerk shall pay the forfeited bail as if the forfeited bail were a 979
fine imposed for a violation of this section. 980

(2) The court shall suspend the offender's driver's or 981
commercial driver's license or permit in accordance with division 982
(G) of section 2925.03 of the Revised Code. If an offender's 983
driver's or commercial driver's license or permit is suspended in 984
accordance with that division, the offender may request 985
termination of, and the court may terminate, the suspension in 986
accordance with that division. 987

(3) If the offender is a professionally licensed person, the 988
court immediately shall comply with section 2925.38 of the Revised 989
Code. 990

(E) Notwithstanding the prison term otherwise authorized or 991
required for the offense under division (C) of this section and 992
sections 2929.13 and 2929.14 of the Revised Code, if the violation 993
of division (A) of this section involves the sale, offer to sell, 994
or possession of a schedule I or II controlled substance, with the 995
exception of marihuana, and if the court imposing sentence upon 996
the offender finds that the offender as a result of the violation 997
is a major drug offender and is guilty of a specification of the 998
type described in section 2941.1410 of the Revised Code, the 999
court, in lieu of the prison term otherwise authorized or 1000
required, shall impose upon the offender the mandatory prison term 1001

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 1032
to prescribe drugs, pharmacists, owners of pharmacies, and other 1033
persons whose conduct was in accordance with Chapters 3719., 1034
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1035

(2) If the offense involves an anabolic steroid, any person 1036
who is conducting or participating in a research project involving 1037
the use of an anabolic steroid if the project has been approved by 1038
the United States food and drug administration; 1039

(3) Any person who sells, offers for sale, prescribes, 1040
dispenses, or administers for livestock or other nonhuman species 1041
an anabolic steroid that is expressly intended for administration 1042
through implants to livestock or other nonhuman species and 1043
approved for that purpose under the "Federal Food, Drug, and 1044
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1045
and is sold, offered for sale, prescribed, dispensed, or 1046
administered for that purpose in accordance with that act; 1047

(4) Any person who obtained the controlled substance pursuant 1048
to a lawful prescription issued by a licensed health professional 1049
authorized to prescribe drugs; 1050

(5) A cardholder, as defined in section 3728.01 of the 1051
Revised Code, to the extent and under the circumstances described 1052
in Chapter 3728. of the Revised Code. 1053

(C) Whoever violates division (A) of this section is guilty 1054
of one of the following: 1055

(1) If the drug involved in the violation is a compound, 1056
mixture, preparation, or substance included in schedule I or II, 1057
with the exception of marihuana, cocaine, L.S.D., heroin, and 1058
hashish, whoever violates division (A) of this section is guilty 1059
of aggravated possession of drugs. The penalty for the offense 1060
shall be determined as follows: 1061

(a) Except as otherwise provided in division (C)(1)(b), (c), 1062

(d), or (e) of this section, aggravated possession of drugs is a 1063
felony of the fifth degree, and division (B) of section 2929.13 of 1064
the Revised Code applies in determining whether to impose a prison 1065
term on the offender. 1066

(b) If the amount of the drug involved equals or exceeds the 1067
bulk amount but is less than five times the bulk amount, 1068
aggravated possession of drugs is a felony of the third degree, 1069
and there is a presumption for a prison term for the offense. 1070

(c) If the amount of the drug involved equals or exceeds five 1071
times the bulk amount but is less than fifty times the bulk 1072
amount, aggravated possession of drugs is a felony of the second 1073
degree, and the court shall impose as a mandatory prison term one 1074
of the prison terms prescribed for a felony of the second degree. 1075

(d) If the amount of the drug involved equals or exceeds 1076
fifty times the bulk amount but is less than one hundred times the 1077
bulk amount, aggravated possession of drugs is a felony of the 1078
first degree, and the court shall impose as a mandatory prison 1079
term one of the prison terms prescribed for a felony of the first 1080
degree. 1081

(e) If the amount of the drug involved equals or exceeds one 1082
hundred times the bulk amount, aggravated possession of drugs is a 1083
felony of the first degree, the offender is a major drug offender, 1084
and the court shall impose as a mandatory prison term the maximum 1085
prison term prescribed for a felony of the first degree and may 1086
impose an additional mandatory prison term prescribed for a major 1087
drug offender under division (D)(3)(b) of section 2929.14 of the 1088
Revised Code. 1089

(2) If the drug involved in the violation is a compound, 1090
mixture, preparation, or substance included in schedule III, IV, 1091
or V, whoever violates division (A) of this section is guilty of 1092
possession of drugs. The penalty for the offense shall be 1093

determined as follows: 1094

(a) Except as otherwise provided in division (C)(2)(b), (c), 1095
or (d) of this section, possession of drugs is a misdemeanor of 1096
the first degree or, if the offender previously has been convicted 1097
of a drug abuse offense, a felony of the fifth degree. 1098

(b) If the amount of the drug involved equals or exceeds the 1099
bulk amount but is less than five times the bulk amount, 1100
possession of drugs is a felony of the fourth degree, and division 1101
(C) of section 2929.13 of the Revised Code applies in determining 1102
whether to impose a prison term on the offender. 1103

(c) If the amount of the drug involved equals or exceeds five 1104
times the bulk amount but is less than fifty times the bulk 1105
amount, possession of drugs is a felony of the third degree, and 1106
there is a presumption for a prison term for the offense. 1107

(d) If the amount of the drug involved equals or exceeds 1108
fifty times the bulk amount, possession of drugs is a felony of 1109
the second degree, and the court shall impose upon the offender as 1110
a mandatory prison term one of the prison terms prescribed for a 1111
felony of the second degree. 1112

(3) If the drug involved in the violation is marihuana or a 1113
compound, mixture, preparation, or substance containing marihuana 1114
other than hashish, whoever violates division (A) of this section 1115
is guilty of possession of marihuana. The penalty for the offense 1116
shall be determined as follows: 1117

(a) Except as otherwise provided in division (C)(3)(b), (c), 1118
(d), (e), or (f) of this section, possession of marihuana is a 1119
minor misdemeanor. 1120

(b) If the amount of the drug involved equals or exceeds one 1121
hundred grams but is less than two hundred grams, possession of 1122
marihuana is a misdemeanor of the fourth degree. 1123

(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 1155
grams of crack cocaine, possession of cocaine is a felony of the 1156
fourth degree, and there is a presumption for a prison term for 1157
the offense. 1158

(c) If the amount of the drug involved equals or exceeds 1159
twenty-five grams but is less than one hundred grams of cocaine 1160
that is not crack cocaine or equals or exceeds five grams but is 1161
less than ten grams of crack cocaine, possession of cocaine is a 1162
felony of the third degree, and the court shall impose as a 1163
mandatory prison term one of the prison terms prescribed for a 1164
felony of the third degree. 1165

(d) If the amount of the drug involved equals or exceeds one 1166
hundred grams but is less than five hundred grams of cocaine that 1167
is not crack cocaine or equals or exceeds ten grams but is less 1168
than twenty-five grams of crack cocaine, possession of cocaine is 1169
a felony of the second degree, and the court shall impose as a 1170
mandatory prison term one of the prison terms prescribed for a 1171
felony of the second degree. 1172

(e) If the amount of the drug involved equals or exceeds five 1173
hundred grams but is less than one thousand grams of cocaine that 1174
is not crack cocaine or equals or exceeds twenty-five grams but is 1175
less than one hundred grams of crack cocaine, possession of 1176
cocaine is a felony of the first degree, and the court shall 1177
impose as a mandatory prison term one of the prison terms 1178
prescribed for a felony of the first degree. 1179

(f) If the amount of the drug involved equals or exceeds one 1180
thousand grams of cocaine that is not crack cocaine or equals or 1181
exceeds one hundred grams of crack cocaine, possession of cocaine 1182
is a felony of the first degree, the offender is a major drug 1183
offender, and the court shall impose as a mandatory prison term 1184
the maximum prison term prescribed for a felony of the first 1185
degree and may impose an additional mandatory prison term 1186

prescribed for a major drug offender under division (D)(3)(b) of 1187
section 2929.14 of the Revised Code. 1188

(5) If the drug involved in the violation is L.S.D., whoever 1189
violates division (A) of this section is guilty of possession of 1190
L.S.D. The penalty for the offense shall be determined as follows: 1191

(a) Except as otherwise provided in division (C)(5)(b), (c), 1192
(d), (e), or (f) of this section, possession of L.S.D. is a felony 1193
of the fifth degree, and division (B) of section 2929.13 of the 1194
Revised Code applies in determining whether to impose a prison 1195
term on the offender. 1196

(b) If the amount of L.S.D. involved equals or exceeds ten 1197
unit doses but is less than fifty unit doses of L.S.D. in a solid 1198
form or equals or exceeds one gram but is less than five grams of 1199
L.S.D. in a liquid concentrate, liquid extract, or liquid 1200
distillate form, possession of L.S.D. is a felony of the fourth 1201
degree, and division (C) of section 2929.13 of the Revised Code 1202
applies in determining whether to impose a prison term on the 1203
offender. 1204

(c) If the amount of L.S.D. involved equals or exceeds fifty 1205
unit doses, but is less than two hundred fifty unit doses of 1206
L.S.D. in a solid form or equals or exceeds five grams but is less 1207
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 1208
extract, or liquid distillate form, possession of L.S.D. is a 1209
felony of the third degree, and there is a presumption for a 1210
prison term for the offense. 1211

(d) If the amount of L.S.D. involved equals or exceeds two 1212
hundred fifty unit doses but is less than one thousand unit doses 1213
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1214
but is less than one hundred grams of L.S.D. in a liquid 1215
concentrate, liquid extract, or liquid distillate form, possession 1216
of L.S.D. is a felony of the second degree, and the court shall 1217

impose as a mandatory prison term one of the prison terms 1218
prescribed for a felony of the second degree. 1219

(e) If the amount of L.S.D. involved equals or exceeds one 1220
thousand unit doses but is less than five thousand unit doses of 1221
L.S.D. in a solid form or equals or exceeds one hundred grams but 1222
is less than five hundred grams of L.S.D. in a liquid concentrate, 1223
liquid extract, or liquid distillate form, possession of L.S.D. is 1224
a felony of the first degree, and the court shall impose as a 1225
mandatory prison term one of the prison terms prescribed for a 1226
felony of the first degree. 1227

(f) If the amount of L.S.D. involved equals or exceeds five 1228
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1229
five hundred grams of L.S.D. in a liquid concentrate, liquid 1230
extract, or liquid distillate form, possession of L.S.D. is a 1231
felony of the first degree, the offender is a major drug offender, 1232
and the court shall impose as a mandatory prison term the maximum 1233
prison term prescribed for a felony of the first degree and may 1234
impose an additional mandatory prison term prescribed for a major 1235
drug offender under division (D)(3)(b) of section 2929.14 of the 1236
Revised Code. 1237

(6) If the drug involved in the violation is heroin or a 1238
compound, mixture, preparation, or substance containing heroin, 1239
whoever violates division (A) of this section is guilty of 1240
possession of heroin. The penalty for the offense shall be 1241
determined as follows: 1242

(a) Except as otherwise provided in division (C)(6)(b), (c), 1243
(d), (e), or (f) of this section, possession of heroin is a felony 1244
of the fifth degree, and division (B) of section 2929.13 of the 1245
Revised Code applies in determining whether to impose a prison 1246
term on the offender. 1247

(b) If the amount of the drug involved equals or exceeds ten 1248

unit doses but is less than fifty unit doses or equals or exceeds 1249
one gram but is less than five grams, possession of heroin is a 1250
felony of the fourth degree, and division (C) of section 2929.13 1251
of the Revised Code applies in determining whether to impose a 1252
prison term on the offender. 1253

(c) If the amount of the drug involved equals or exceeds 1254
fifty unit doses but is less than one hundred unit doses or equals 1255
or exceeds five grams but is less than ten grams, possession of 1256
heroin is a felony of the third degree, and there is a presumption 1257
for a prison term for the offense. 1258

(d) If the amount of the drug involved equals or exceeds one 1259
hundred unit doses but is less than five hundred unit doses or 1260
equals or exceeds ten grams but is less than fifty grams, 1261
possession of heroin is a felony of the second degree, and the 1262
court shall impose as a mandatory prison term one of the prison 1263
terms prescribed for a felony of the second degree. 1264

(e) If the amount of the drug involved equals or exceeds five 1265
hundred unit doses but is less than two thousand five hundred unit 1266
doses or equals or exceeds fifty grams but is less than two 1267
hundred fifty grams, possession of heroin is a felony of the first 1268
degree, and the court shall impose as a mandatory prison term one 1269
of the prison terms prescribed for a felony of the first degree. 1270

(f) If the amount of the drug involved equals or exceeds two 1271
thousand five hundred unit doses or equals or exceeds two hundred 1272
fifty grams, possession of heroin is a felony of the first degree, 1273
the offender is a major drug offender, and the court shall impose 1274
as a mandatory prison term the maximum prison term prescribed for 1275
a felony of the first degree and may impose an additional 1276
mandatory prison term prescribed for a major drug offender under 1277
division (D)(3)(b) of section 2929.14 of the Revised Code. 1278

(7) If the drug involved in the violation is hashish or a 1279

compound, mixture, preparation, or substance containing hashish, 1280
whoever violates division (A) of this section is guilty of 1281
possession of hashish. The penalty for the offense shall be 1282
determined as follows: 1283

(a) Except as otherwise provided in division (C)(7)(b), (c), 1284
(d), (e), or (f) of this section, possession of hashish is a minor 1285
misdemeanor. 1286

(b) If the amount of the drug involved equals or exceeds five 1287
grams but is less than ten grams of hashish in a solid form or 1288
equals or exceeds one gram but is less than two grams of hashish 1289
in a liquid concentrate, liquid extract, or liquid distillate 1290
form, possession of hashish is a misdemeanor of the fourth degree. 1291

(c) If the amount of the drug involved equals or exceeds ten 1292
grams but is less than fifty grams of hashish in a solid form or 1293
equals or exceeds two grams but is less than ten grams of hashish 1294
in a liquid concentrate, liquid extract, or liquid distillate 1295
form, possession of hashish is a felony of the fifth degree, and 1296
division (B) of section 2929.13 of the Revised Code applies in 1297
determining whether to impose a prison term on the offender. 1298

(d) If the amount of the drug involved equals or exceeds 1299
fifty grams but is less than two hundred fifty grams of hashish in 1300
a solid form or equals or exceeds ten grams but is less than fifty 1301
grams of hashish in a liquid concentrate, liquid extract, or 1302
liquid distillate form, possession of hashish is a felony of the 1303
third degree, and division (C) of section 2929.13 of the Revised 1304
Code applies in determining whether to impose a prison term on the 1305
offender. 1306

(e) If the amount of the drug involved equals or exceeds two 1307
hundred fifty grams but is less than one thousand grams of hashish 1308
in a solid form or equals or exceeds fifty grams but is less than 1309
two hundred grams of hashish in a liquid concentrate, liquid 1310

extract, or liquid distillate form, possession of hashish is a 1311
felony of the third degree, and there is a presumption that a 1312
prison term shall be imposed for the offense. 1313

(f) If the amount of the drug involved equals or exceeds one 1314
thousand grams of hashish in a solid form or equals or exceeds two 1315
hundred grams of hashish in a liquid concentrate, liquid extract, 1316
or liquid distillate form, possession of hashish is a felony of 1317
the second degree, and the court shall impose as a mandatory 1318
prison term the maximum prison term prescribed for a felony of the 1319
second degree. 1320

(D) Arrest or conviction for a minor misdemeanor violation of 1321
this section does not constitute a criminal record and need not be 1322
reported by the person so arrested or convicted in response to any 1323
inquiries about the person's criminal record, including any 1324
inquiries contained in any application for employment, license, or 1325
other right or privilege, or made in connection with the person's 1326
appearance as a witness. 1327

(E) In addition to any prison term or jail term authorized or 1328
required by division (C) of this section and sections 2929.13, 1329
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 1330
addition to any other sanction that is imposed for the offense 1331
under this section, sections 2929.11 to 2929.18, or sections 1332
2929.21 to 2929.28 of the Revised Code, the court that sentences 1333
an offender who is convicted of or pleads guilty to a violation of 1334
division (A) of this section shall do all of the following that 1335
are applicable regarding the offender: 1336

(1)(a) If the violation is a felony of the first, second, or 1337
third degree, the court shall impose upon the offender the 1338
mandatory fine specified for the offense under division (B)(1) of 1339
section 2929.18 of the Revised Code unless, as specified in that 1340
division, the court determines that the offender is indigent. 1341

(b) Notwithstanding any contrary provision of section 3719.21 1342
of the Revised Code, the clerk of the court shall pay a mandatory 1343
fine or other fine imposed for a violation of this section 1344
pursuant to division (A) of section 2929.18 of the Revised Code in 1345
accordance with and subject to the requirements of division (F) of 1346
section 2925.03 of the Revised Code. The agency that receives the 1347
fine shall use the fine as specified in division (F) of section 1348
2925.03 of the Revised Code. 1349

(c) If a person is charged with a violation of this section 1350
that is a felony of the first, second, or third degree, posts 1351
bail, and forfeits the bail, the clerk shall pay the forfeited 1352
bail pursuant to division (E)(1)(b) of this section as if it were 1353
a mandatory fine imposed under division (E)(1)(a) of this section. 1354

(2) The court shall suspend for not less than six months or 1355
more than five years the offender's driver's or commercial 1356
driver's license or permit. 1357

(3) If the offender is a professionally licensed person, in 1358
addition to any other sanction imposed for a violation of this 1359
section, the court immediately shall comply with section 2925.38 1360
of the Revised Code. 1361

(F) It is an affirmative defense, as provided in section 1362
2901.05 of the Revised Code, to a charge of a fourth degree felony 1363
violation under this section that the controlled substance that 1364
gave rise to the charge is in an amount, is in a form, is 1365
prepared, compounded, or mixed with substances that are not 1366
controlled substances in a manner, or is possessed under any other 1367
circumstances, that indicate that the substance was possessed 1368
solely for personal use. Notwithstanding any contrary provision of 1369
this section, if, in accordance with section 2901.05 of the 1370
Revised Code, an accused who is charged with a fourth degree 1371
felony violation of division (C)(2), (4), (5), or (6) of this 1372
section sustains the burden of going forward with evidence of and 1373

establishes by a preponderance of the evidence the affirmative 1374
defense described in this division, the accused may be prosecuted 1375
for and may plead guilty to or be convicted of a misdemeanor 1376
violation of division (C)(2) of this section or a fifth degree 1377
felony violation of division (C)(4), (5), or (6) of this section 1378
respectively. 1379

(G) When a person is charged with possessing a bulk amount or 1380
multiple of a bulk amount, division (E) of section 2925.03 of the 1381
Revised Code applies regarding the determination of the amount of 1382
the controlled substance involved at the time of the offense. 1383

Sec. 2925.14. (A) As used in this section, "drug 1384
paraphernalia" means any equipment, product, or material of any 1385
kind that is used by the offender, intended by the offender for 1386
use, or designed for use, in propagating, cultivating, growing, 1387
harvesting, manufacturing, compounding, converting, producing, 1388
processing, preparing, testing, analyzing, packaging, repackaging, 1389
storing, containing, concealing, injecting, ingesting, inhaling, 1390
or otherwise introducing into the human body, a controlled 1391
substance in violation of this chapter. "Drug paraphernalia" 1392
includes, but is not limited to, any of the following equipment, 1393
products, or materials that are used by the offender, intended by 1394
the offender for use, or designed by the offender for use, in any 1395
of the following manners: 1396

(1) A kit for propagating, cultivating, growing, or 1397
harvesting any species of a plant that is a controlled substance 1398
or from which a controlled substance can be derived; 1399

(2) A kit for manufacturing, compounding, converting, 1400
producing, processing, or preparing a controlled substance; 1401

(3) Any object, instrument, or device for manufacturing, 1402
compounding, converting, producing, processing, or preparing 1403
methamphetamine; 1404

(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;	1405 1406
(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;	1407 1408
(6) A scale or balance for weighing or measuring a controlled substance;	1409 1410
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	1411 1412 1413
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	1414 1415
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	1416 1417
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	1418 1419
(11) A container or device for storing or concealing a controlled substance;	1420 1421
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	1422 1423
(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.	1424 1425 1426 1427 1428 1429 1430 1431 1432 1433 1434

(B) In determining if any equipment, product, or material is 1435
drug paraphernalia, a court or law enforcement officer shall 1436
consider, in addition to other relevant factors, the following: 1437

(1) Any statement by the owner, or by anyone in control, of 1438
the equipment, product, or material, concerning its use; 1439

(2) The proximity in time or space of the equipment, product, 1440
or material, or of the act relating to the equipment, product, or 1441
material, to a violation of any provision of this chapter; 1442

(3) The proximity of the equipment, product, or material to 1443
any controlled substance; 1444

(4) The existence of any residue of a controlled substance on 1445
the equipment, product, or material; 1446

(5) Direct or circumstantial evidence of the intent of the 1447
owner, or of anyone in control, of the equipment, product, or 1448
material, to deliver it to any person whom the owner or person in 1449
control of the equipment, product, or material knows intends to 1450
use the object to facilitate a violation of any provision of this 1451
chapter. A finding that the owner, or anyone in control, of the 1452
equipment, product, or material, is not guilty of a violation of 1453
any other provision of this chapter does not prevent a finding 1454
that the equipment, product, or material was intended or designed 1455
by the offender for use as drug paraphernalia. 1456

(6) Any oral or written instruction provided with the 1457
equipment, product, or material concerning its use; 1458

(7) Any descriptive material accompanying the equipment, 1459
product, or material and explaining or depicting its use; 1460

(8) National or local advertising concerning the use of the 1461
equipment, product, or material; 1462

(9) The manner and circumstances in which the equipment, 1463
product, or material is displayed for sale; 1464

(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 either of the following:

(a) A cardholder, as defined in section 3728.01 of the Revised Code, to the extent and under the circumstances described

<u>in Chapter 3728. of the Revised Code;</u>	1495
<u>(b) A person who engages in an activity authorized by section</u>	1496
<u>3728.06 of the Revised Code.</u>	1497
(E) Notwithstanding Chapter 2981. of the Revised Code, any	1498
drug paraphernalia that was used, possessed, sold, or manufactured	1499
in a violation of this section shall be seized, after a conviction	1500
for that violation shall be forfeited, and upon forfeiture shall	1501
be disposed of pursuant to division (B) of section 2981.12 of the	1502
Revised Code.	1503
(F)(1) Whoever violates division (C)(1) of this section is	1504
guilty of illegal use or possession of drug paraphernalia, a	1505
misdemeanor of the fourth degree.	1506
(2) Except as provided in division (F)(3) of this section,	1507
whoever violates division (C)(2) of this section is guilty of	1508
dealing in drug paraphernalia, a misdemeanor of the second degree.	1509
(3) Whoever violates division (C)(2) of this section by	1510
selling drug paraphernalia to a juvenile is guilty of selling drug	1511
paraphernalia to juveniles, a misdemeanor of the first degree.	1512
(4) Whoever violates division (C)(3) of this section is	1513
guilty of illegal advertising of drug paraphernalia, a misdemeanor	1514
of the second degree.	1515
(G) In addition to any other sanction imposed upon an	1516
offender for a violation of this section, the court shall suspend	1517
for not less than six months or more than five years the	1518
offender's driver's or commercial driver's license or permit. If	1519
the offender is a professionally licensed person, in addition to	1520
any other sanction imposed for a violation of this section, the	1521
court immediately shall comply with section 2925.38 of the Revised	1522
Code.	1523
<u>Sec. 2925.43. (A) As used in this section and in sections</u>	1524

<u>2925.44 to 2925.46 of the Revised Code:</u>	1525
<u>(1) "Cannabis," "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," "usable cannabis," "valid registry identification card," and "visiting qualifying patient" have the same meanings as in section 3728.01 of the Revised Code.</u>	1526 1527 1528 1529 1530 1531 1532
<u>(2) "Valid visiting qualifying patient identification card" means 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 of a registry identification card.</u>	1533 1534 1535 1536 1537
<u>(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:</u>	1538 1539 1540 1541
<u>(1) A registered qualifying patient or visiting qualifying patient for engaging in the medical use of cannabis;</u>	1542 1543
<u>(2) A registered primary caregiver for engaging in an activity authorized by section 3728.03 of the Revised Code;</u>	1544 1545
<u>(3) A cardholder for engaging in an activity authorized by section 3728.05 of the Revised Code;</u>	1546 1547
<u>(4) Any person for engaging in an activity authorized by section 3728.06 of the Revised Code;</u>	1548 1549
<u>(5) A practitioner for engaging in an activity authorized by section 3728.07 of the Revised Code.</u>	1550 1551
<u>(C)(1) There is a presumption that a registered qualifying patient or visiting qualifying patient is engaged in the medical use of cannabis if the patient is in possession of a valid</u>	1552 1553 1554

registry identification card or valid visiting qualifying patient identification card, as appropriate, 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 or visiting qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition. 1555
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(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. 1564
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Sec. 2925.44. (A) Possession of a valid registry identification card, application for a registry identification card, or valid visiting qualifying patient 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. 1577
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(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 1583
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registered qualifying patient or visiting qualifying patient 1586
engaging in the medical use of cannabis or for assisting a 1587
registered qualifying patient's or visiting qualifying patient's 1588
use or administration of cannabis, regardless of whether the 1589
person is a registered primary caregiver. 1590

(C) No law enforcement officer or law enforcement agency 1591
shall seize any cannabis, cannabis paraphernalia, licit property, 1592
or interest in licit property that is possessed, owned, or used in 1593
connection with a registered qualifying patient's or visiting 1594
qualifying patient's medical use of cannabis or in connection with 1595
acts incidental to a registered qualifying patient's or visiting 1596
qualifying patient's medical use of cannabis. No court shall order 1597
the forfeiture of any cannabis, cannabis paraphernalia, licit 1598
property, or interest in licit property that is so possessed, 1599
owned, or used. If a law enforcement officer seizes and does not 1600
return cannabis that is possessed by a cardholder in accordance 1601
with section 3728.02 or 3728.03 of the Revised Code, the agency 1602
that employs the officer shall be liable to the cardholder for the 1603
value of the cannabis. 1604

Sec. 2925.45. If an individual being investigated by a law 1605
enforcement officer employed by a state-funded or locally funded 1606
law enforcement agency credibly asserts during the course of the 1607
investigation that the individual is a cardholder, neither the law 1608
enforcement officer nor the law enforcement agency shall provide 1609
any information, except as required by federal law or the United 1610
States Constitution, from any cannabis-related investigation of 1611
the individual to any law enforcement authority that does not 1612
recognize the protections of sections 2925.43 to 2925.45 of the 1613
Revised Code. Any prosecution of the individual for a violation of 1614
this chapter shall be conducted pursuant to the laws of this 1615
state. 1616

Sec. 2925.46. (A) A person who is not a registered qualifying patient or visiting 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: 1617
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(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. 1624
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(2) The person was in possession of not more than two hundred grams of usable cannabis and twelve mature cannabis plants. 1634
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(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. 1636
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(B) If a person who is not a registered qualifying patient or visiting 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: 1642
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(1) Disciplinary action by a business or licensing agency; 1646

<u>(2) Forfeiture of any interest in or right to property.</u>	1647
<u>Sec. 3728.01. As used in this chapter:</u>	1648
<u>(A) "Cannabis" means marihuana as defined in section 3719.01</u>	1649
<u>of the Revised Code.</u>	1650
<u>(B) "Cannabis plant" means female individuals of the cannabis</u>	1651
<u>genus or their cultivars.</u>	1652
<u>(C) "Cardholder" means a registered qualifying patient,</u>	1653
<u>registered primary caregiver, or visiting qualifying patient.</u>	1654
<u>(D) "Debilitating medical condition" means one or more of the</u>	1655
<u>following:</u>	1656
<u>(1) Cancer; glaucoma; positive status for human</u>	1657
<u>immunodeficiency virus; acquired immune deficiency syndrome;</u>	1658
<u>hepatitis C; amyotrophic lateral sclerosis; Crohn's disease;</u>	1659
<u>agitation of Alzheimer's disease; nail patella; multiple</u>	1660
<u>sclerosis; injury or disease to the spinal cord, spinal column, or</u>	1661
<u>vertebra; mylomalacia; celiac disease; sickle cell anemia; or the</u>	1662
<u>treatment of these conditions;</u>	1663
<u>(2) A chronic or debilitating disease or medical condition or</u>	1664
<u>its treatment that produces one or more of the following:</u>	1665
<u>(a) Cachexia or wasting syndrome;</u>	1666
<u>(b) Severe or chronic pain;</u>	1667
<u>(c) Severe or chronic nausea;</u>	1668
<u>(d) Seizures, including those characteristic of epilepsy;</u>	1669
<u>(e) Severe or persistent muscle spasms.</u>	1670
<u>(3) Any other medical condition or its treatment added as a</u>	1671
<u>debilitating medical condition pursuant to section 3728.37 of the</u>	1672
<u>Revised Code.</u>	1673
<u>(E) "Felony drug abuse offense" means both of the following:</u>	1674

(1) A violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code that is classified as a felony; 1675
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(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. 1677
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(F) "Immature cannabis plant" means a cannabis plant that has not undergone sexual differentiation to make the cannabis plant a mature cannabis plant. 1681
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(G) "Law enforcement officer" has the same meaning as in section 2901.01 of the Revised Code. 1684
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(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. 1686
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(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. 1692
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(J) "Medical use of cannabis" means the activities authorized by section 3728.02 of the Revised Code. 1698
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(K) "Practitioner" means any of the following: 1700

(1) A dentist licensed under Chapter 4715. of the Revised Code; 1701
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(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe 1703
1704

<u>issued under section 4723.48 of the Revised Code;</u>	1705
<u>(3) An optometrist who holds a therapeutic pharmaceutical agents certificate issued under section 4725.13 of the Revised Code;</u>	1706
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<u>(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;</u>	1709
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<u>(5) A physician assistant who holds a certificate to prescribe issued under section 4730.44 of the Revised Code.</u>	1712
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<u>(L) "Primary caregiver" means an individual who has agreed to assist with a registered qualifying patient's medical use of cannabis.</u>	1714
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<u>(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.</u>	1717
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<u>(N) "Registered cultivation sites" are the locations, if any, at which a registered qualifying patient or registered primary caregiver may cultivate cannabis as specified in the patient's or caregiver's valid registry identification card.</u>	1720
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<u>(O) "Registered primary caregiver" means a primary caregiver who holds a valid registry identification card.</u>	1724
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<u>(P) "Registered qualifying patient" means a qualifying patient who holds a valid registry identification card.</u>	1726
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<u>(O) "Registry identification card" means each of the following that identifies a person as a registered qualifying patient or registered primary caregiver:</u>	1728
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	1730
<u>(1) A document issued by the department of health under section 3728.13 of the Revised Code;</u>	1731
	1732
<u>(2) An application for an initial or renewed registry identification card that, pursuant to section 3728.14 of the</u>	1733
	1734

Revised Code, is deemed a registry identification card; 1735

(3) A written certification and notarized statement that, 1736
pursuant to section 3721.15 of the Revised Code, are deemed a 1737
registry identification card; 1738

(4) A notarized statement that, pursuant to section 3721.16 1739
of the Revised Code, is deemed a registry identification card. 1740

(R) "Usable cannabis" means the dried flowers of the female 1741
cannabis plant and any mixture, tincture, oil, reduction, 1742
compound, or preparation thereof. "Usable cannabis" does not 1743
include the leaves, seeds, stalks, or roots of the female cannabis 1744
plant. 1745

(S) "Valid registry identification card" means a registry 1746
identification card that, pursuant to section 3728.17 of the 1747
Revised Code, has not expired or ceased to be valid and has not 1748
been revoked under section 3728.18, 3728.20, or 3728.21 of the 1749
Revised Code. 1750

(T) "Visiting qualifying patient" means a qualifying patient 1751
to whom both of the following apply: 1752

(1) The qualifying patient holds a valid document issued to 1753
the qualifying patient under the laws of another state, district, 1754
territory, commonwealth, or insular possession of the United 1755
States that is the equivalent of a registry identification card; 1756

(2) The qualifying patient is not a resident of this state or 1757
has been a resident of this state for less than thirty days. 1758

(U) "Written certification" means a document signed by a 1759
practitioner under section 3728.07 of the Revised Code. 1760

Sec. 3728.02. (A) Subject to division (B) of this section, a 1761
registered qualifying patient and a visiting qualifying patient 1762
may do any of the following to treat or alleviate the patient's 1763
debilitating medical condition or symptoms associated with the 1764

<u>debilitating medical condition:</u>	1765
<u>(1) Acquire, possess, transport, and use cannabis and paraphernalia relating to the administration of cannabis;</u>	1766
<u>(2) In the case of a registered qualifying patient, cultivate cannabis at the registered qualifying patient's registered cultivation sites;</u>	1767
<u>(3) Manufacture paraphernalia relating to the administration of cannabis.</u>	1768
<u>(B) Neither a registered qualifying patient nor a visiting qualifying patient may do any of the following:</u>	1769
<u>(1) Possess more than two hundred grams of usable cannabis and more than twelve mature cannabis plants;</u>	1770
<u>(2) Undertake any task under the influence of cannabis when doing so would constitute negligence or professional malpractice;</u>	1771
<u>(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;</u>	1772
<u>(4) Smoke cannabis on any form of public transportation or in any public place;</u>	1773
<u>(5) Violate section 4511.19 or 4511.194 of the Revised Code;</u>	1774
<u>(6) Transport cannabis into this state from outside this state.</u>	1775
<u>(C) Neither of the following shall be included for purposes of determining whether a registered qualified patient or visiting qualifying patient possesses more usable cannabis or mature cannabis plants than permitted by division (B)(1) of this section:</u>	1776
<u>(1) Immature cannabis plants;</u>	1777

(2) If the usable cannabis is added as an ingredient to food 1793
to be consumed by the registered qualifying patient or visiting 1794
qualifying patient, the weight of the other ingredients included 1795
in the food. 1796

Sec. 3728.03. (A) Subject to division (B) of this section, a 1797
registered primary caregiver may do any of the following to assist 1798
a registered qualifying patient for whom the caregiver serves as a 1799
registered primary caregiver as shown on the caregiver's valid 1800
registry identification card: 1801

(1) Acquire, possess, and transport cannabis and 1802
paraphernalia relating to the administration of cannabis; 1803

(2) Cultivate cannabis at the registered primary caregiver's 1804
registered cultivation sites; 1805

(3) Manufacture paraphernalia relating to the administration 1806
of cannabis. 1807

(B) A registered primary caregiver may not do any of the 1808
following: 1809

(1) Possess more than both of the following: 1810

(a) A number of grams of usable cannabis determined by 1811
multiplying two hundred by the number of registered qualifying 1812
patients for whom the caregiver serves as a registered primary 1813
caregiver as shown on the caregiver's valid registry 1814
identification card; 1815

(b) A number of mature cannabis plants determined by 1816
multiplying twelve by the number of registered qualifying patients 1817
for whom the caregiver serves as a registered primary caregiver as 1818
shown on the caregiver's valid registry identification card. 1819

(2) Possess cannabis in a school bus, on the grounds of any 1820
preschool, primary school, or secondary school, or in any 1821
correctional facility; 1822

(3) Transport cannabis into this state from outside this 1823
state. 1824

(C) Neither of the following shall be included for purposes 1825
of determining whether a registered primary caregiver possesses 1826
more usable cannabis or mature cannabis plants than permitted by 1827
division (B)(1) of this section: 1828

(1) Immature cannabis plants; 1829

(2) If the usable cannabis is added as an ingredient to food 1830
to be consumed by a registered qualifying patient, the weight of 1831
the other ingredients included in the food. 1832

Sec. 3728.04. A registered primary caregiver may receive 1833
compensation for costs associated with the activities the 1834
caregiver engages in pursuant to section 3728.03 of the Revised 1835
Code. 1836

Sec. 3728.05. A cardholder may deliver, transport, transfer, 1837
or otherwise provide cannabis to another cardholder if the 1838
transfer does not cause the other cardholder to possess more 1839
usable cannabis or mature cannabis plants than division (B)(1) of 1840
section 3728.02 or division (B)(1) of section 3728.03 of the 1841
Revised Code, as applicable, permits. 1842

Sec. 3728.06. Any person may deliver, transport, transfer, or 1843
otherwise provide paraphernalia relating to the administration of 1844
cannabis for free or for a charge to a cardholder. 1845

Sec. 3728.07. A practitioner may sign a written document 1846
certifying that in the practitioner's professional opinion a 1847
qualifying patient is likely to receive therapeutic or palliative 1848
benefit from the medical use of cannabis. The practitioner shall 1849
sign the document only in the course of a bona fide 1850

practitioner-patient relationship with the qualifying patient and 1851
only after the practitioner has completed a full assessment of the 1852
qualifying patient's medical history. The practitioner shall 1853
specify in the document the qualifying patient's debilitating 1854
medical condition. 1855

Sec. 3728.08. No individual under twenty-one years of age may 1856
become a registered primary caregiver. 1857

Sec. 3728.09. No individual may serve as the registered 1858
primary caregiver for more than five registered qualifying 1859
patients. 1860

Sec. 3728.10. A qualifying patient who seeks an initial or 1861
renewed registry identification card shall submit all of the 1862
following to the department of health in accordance with the rules 1863
adopted under section 3728.35 of the Revised Code: 1864

(A) A completed application for the registry identification 1865
card that shall include, at a minimum, all of the following 1866
information: 1867

(1) The name, address, and date of birth of the qualifying 1868
patient, except that no address is required for an applicant who 1869
is homeless; 1870

(2) The name, address, and telephone number of the 1871
practitioner who signed the written certification for the 1872
qualifying patient; 1873

(3) The name, address, and telephone number of the qualifying 1874
patient's primary caregiver, if any; 1875

(4) A specification as to whether the qualifying patient, the 1876
qualifying patient's primary caregiver (if any), both, or neither 1877
will cultivate cannabis once issued a registry identification card 1878

and, subject to section 3728.26 of the Revised Code, the address 1879
of each location, if any, at which the cannabis will be 1880
cultivated. 1881

(B) The initial or renewal fee, as appropriate, established 1882
in rules adopted under section 3728.35 of the Revised Code; 1883

(C) A written certification for the qualifying patient. 1884

Sec. 3728.11. A primary caregiver who seeks an initial or 1885
renewed registry identification card shall submit all of the 1886
following to the department of health in accordance with the rules 1887
adopted under section 3728.35 of the Revised Code: 1888

(A) A completed application for the registry identification 1889
card that shall include, at a minimum, all of the following 1890
information: 1891

(1) The name, address, and date of birth of the primary 1892
caregiver; 1893

(2) Subject to section 3728.09 of the Revised Code, the name, 1894
address, and date of birth of each qualifying patient the primary 1895
caregiver seeks to serve as a registered primary caregiver, except 1896
that no address is required for a qualifying patient who is 1897
homeless; 1898

(3) Subject to section 3728.26 of the Revised Code, the 1899
address of each location, if any, at which the primary caregiver 1900
will cultivate cannabis once issued a registry identification 1901
card; 1902

(4) A list of each felony drug abuse offense for which the 1903
primary caregiver has been convicted or to which the primary 1904
caregiver has pleaded guilty. 1905

(B) Evidence satisfactory to the department that the primary 1906
caregiver is at least twenty-one years of age; 1907

(C) The initial or renewal fee, as appropriate, established 1908
in rules adopted under section 3728.35 of the Revised Code. 1909

Sec. 3728.12. (A) The department of health shall verify the 1910
information contained in each application for an initial or 1911
renewed registry identification card submitted under section 1912
3728.10 or 3728.11 of the Revised Code. The department shall 1913
approve or deny each application in accordance with Chapter 119. 1914
of the Revised Code. Except as provided in division (B) of this 1915
section, the department shall approve or deny an application not 1916
later than fifteen days after it receives the application. 1917

(B) If the application is not complete, the department shall 1918
notify the applicant that the application is not complete and that 1919
the department may deny the application if the applicant does not 1920
submit a complete application before the end of the ten-day period 1921
that commences when the applicant receives the notice. If a 1922
complete application is submitted, the department shall approve or 1923
deny the application not later than fifteen days after it receives 1924
the application. 1925

(C) The department may deny an application if any of the 1926
following apply: 1927

(1) The application as originally submitted is not complete 1928
and the applicant does not submit a complete application after 1929
receiving the notice required under division (B) of this section 1930
or within the time period specified in that division for 1931
submitting a complete application. 1932

(2) The department determines that the application or written 1933
certification was purposefully falsified. 1934

(3) The applicant fails to pay the initial or renewal fee, as 1935
appropriate. 1936

(4) In the case of an application from a qualifying patient, 1937

the applicant does not submit a written certification with the application. 1938
1939

(5) In the case of an applicant who is a qualifying patient under eighteen years of age, either of the following applies: 1940
1941

(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. 1942
1943
1944
1945

(b) The parent, guardian, or legal custodian of the applicant has not consented in writing to all of the following: 1946
1947

(i) Allowing the applicant's medical use of cannabis in accordance with section 3728.02 of the Revised Code; 1948
1949

(ii) Becoming, and serving as, one of the applicant's registered primary caregivers; 1950
1951

(iii) Controlling the applicant's acquisition and dosage of cannabis and frequency of the medical use of cannabis. 1952
1953

(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. 1954
1955
1956
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(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. 1958
1959
1960
1961

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: 1962
1963
1964
1965
1966

(A) In the case of a registry identification card for a 1967
qualifying patient, the name and date of birth of the qualifying 1968
patient; 1969

(B) In the case of a registry identification card for a 1970
primary caregiver, both of the following: 1971

(1) The name and date of birth of the primary caregiver; 1972

(2) Subject to section 3728.09 of the Revised Code, the name 1973
and date of birth of each registered qualifying patient for whom 1974
the registered primary caregiver is to serve as a registered 1975
primary caregiver as specified in the application for the registry 1976
identification card. 1977

(C) The date of issuance and expiration date of the registry 1978
identification card; 1979

(D) Subject to section 3728.26 of the Revised Code, the 1980
address of each of the registered qualifying patient's or 1981
registered primary caregiver's registered cultivation sites, if 1982
any; 1983

(E) A random identification number that is unique to the 1984
registered qualifying patient or registered primary caregiver; 1985

(F) At the option of the department, a photograph of the 1986
registered qualifying patient or registered primary caregiver. 1987

Sec. 3728.14. An application for an initial or renewed 1988
registry identification card shall be deemed a registry 1989
identification card on the twentieth day after the date the 1990
complete application was submitted to the department of health if 1991
all of the requirements for approval of the application have been 1992
met and the department does either of the following: 1993

(A) Fails to approve or deny the application within the 1994
applicable time period specified in division (A) or (B) of section 1995
3728.12 of the Revised Code; 1996

(B) Fails to issue the registry identification card within the time period specified in section 3728.13 of the Revised Code. 1997
1998

Sec. 3728.15. 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: 1999
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2004
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(A) The name, address, and date of birth of the qualifying patient, except that no address is required if the qualifying patient is homeless; 2008
2009
2010

(B) The name, address, and telephone number of the practitioner who signed the written certification for the qualifying patient; 2011
2012
2013

(C) Subject to section 3728.26 of the Revised Code, the address of each location, if any, at which the qualifying patient will cultivate cannabis. 2014
2015
2016

Sec. 3728.16. 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: 2017
2018
2019
2020
2021
2022
2023
2024

(A) The name, address, and date of birth of the primary caregiver; 2025
2026

(B) 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; 2027
2028
2029
2030

(C) Subject to section 3728.26 of the Revised Code, the address of each location, if any, at which the primary caregiver will cultivate cannabis. 2031
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Sec. 3728.17. Subject to sections 3728.18, 3728.20, and 3728.21 of the Revised Code, all of the following apply to registry identification cards: 2034
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(A) A registry identification card issued by the department of health under section 3728.13 of the Revised Code expires one year after the date of issuance. 2037
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(B) An application for an initial or renewed registry identification card that, pursuant to section 3728.14 of the Revised Code, is deemed a registry identification card remains valid as long as the requirements for approval of the application continue to be met. 2040
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(C) A written certification and notarized statement that, pursuant to section 3721.15 of the Revised Code, are deemed a registry identification card remain valid as long as the holder remains a qualifying patient. 2045
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(D) A notarized statement that, pursuant to section 3721.16 of the Revised Code, is deemed a registry identification card remains valid as long as the holder remains a primary caregiver. 2049
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Sec. 3728.18. The department of health may revoke the registry identification card of a registered qualifying patient or registered primary caregiver who does any of the following: 2052
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(A) Delivers, transports, transfers, or otherwise provides 2055

cannabis for free or for a charge to a person who is not a 2056
cardholder; 2057

(B) Fails to comply with a requirement of this chapter; 2058

(C) Violates a prohibition of this chapter. 2059

Sec. 3728.20. A registered qualifying patient who ceases to 2060
have a debilitating medical condition shall notify the department 2061
of health of that fact not later than thirty days after ceasing to 2062
have the debilitating medical condition. Not later than ten days 2063
after receipt of the notice, the department shall revoke the 2064
patient's registry identification card. 2065

Sec. 3728.21. A registered primary caregiver for a registered 2066
qualifying patient who ceases to have a debilitating medical 2067
condition shall notify the department of health of that fact not 2068
later than thirty days after the registered qualifying patient 2069
ceases to have the debilitating medical condition. Not later than 2070
ten days after the department receives the notice, the department 2071
shall do the following: 2072

(A) If the registered primary caregiver's registry 2073
identification card shows that the caregiver serves as the 2074
registered primary caregiver for more than one registered 2075
qualifying patient, remove from the card the information about the 2076
patient who ceased to have a debilitating medical condition; 2077

(B) If the registered primary caregiver's registry 2078
identification card shows that the registered qualifying patient 2079
who ceased to have a debilitating medical condition was the only 2080
patient for whom the caregiver served as a registered primary 2081
caregiver, revoke the card. 2082

Sec. 3728.22. A registered qualifying patient or registered 2083
primary caregiver whose name or address changes shall notify the 2084

department of health of the change not later than thirty days 2085
after the change occurs. The department shall issue a new registry 2086
identification card to the registered qualifying patient or 2087
registered primary caregiver not later than ten business days 2088
after the department has received both of the following: 2089

(A) The notice of the name or address change; 2090

(B) A ten-dollar fee for the new registry identification 2091
card. 2092

Sec. 3728.25. A registered qualifying patient or registered 2093
primary caregiver who loses the the patient's or caregiver's 2094
registry identification card shall notify the department of health 2095
of the loss not later than ten days after the loss occurs. The 2096
department shall issue a replacement registry identification card 2097
with a new random identification number to the registered 2098
qualifying patient or registered primary caregiver not later than 2099
five business days after the date the department has received both 2100
of the following: 2101

(A) The notice of the loss; 2102

(B) A ten-dollar fee for the replacement registry 2103
identification card. 2104

Sec. 3728.26. No registered qualifying patient or registered 2105
primary caregiver may have more than two registered cultivation 2106
sites. 2107

Sec. 3728.27. (A) Except as provided in division (B) of this 2108
section, a cardholder shall maintain cannabis plants in a room, 2109
greenhouse, garden, or other enclosed area that is kept locked 2110
whenever the cardholder is away and out of public view. 2111

(B) Division (A) of this section does not apply whenever 2112

either of the following occurs: 2113

(1) The plants are being transported because the cardholder is moving. 2114
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(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. 2116
2117
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Sec. 3728.28. (A) An employer or licensing agency shall not do any of the following: 2119
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(1) Take disciplinary action against a registered qualifying patient or visiting qualifying patient because the patient engages in the medical use of cannabis; 2121
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(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; 2124
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(3) Take disciplinary action against a cardholder because the cardholder engages in an activity authorized by section 3728.05 of the Revised Code; 2127
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(4) Take disciplinary action against a person because the person engages in an activity authorized by section 3728.06 of the Revised Code; 2130
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(5) Take disciplinary action against a practitioner because the practitioner engages in an activity authorized by section 3728.07 of the Revised Code; 2133
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(6) Take disciplinary action against a person because the person is in the presence or vicinity of a registered qualifying patient or visiting qualifying patient engaging in the medical use of cannabis; 2136
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(7) Take disciplinary action against a person because the person assists a registered qualifying patient's or visiting 2140
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qualifying patient's use or administration of cannabis, regardless 2142
of whether the person is a registered primary caregiver. 2143

(B) Division (A)(5) of this section does not prohibit a 2144
licensing agency from taking disciplinary action against a 2145
practitioner for failing to properly evaluate a patient's medical 2146
condition or for otherwise violating the standard of care for 2147
evaluating medical conditions. 2148

Sec. 3728.29. A school, employer, or landlord shall not 2149
refuse to enroll, employ, or lease to a person and shall not 2150
otherwise penalize a person because of the person's status as a 2151
cardholder, unless failing to do so would render the school, 2152
employer, or landlord in violation of federal law. 2153

Sec. 3728.30. A person's status as a cardholder shall not be 2154
considered as a factor in any determination of the person's 2155
parental rights and responsibilities, parenting time, or 2156
companionship or visitation rights with a minor, unless the 2157
person's behavior is such that it creates an unreasonable danger 2158
to the minor that can be clearly articulated and substantiated. 2159

Sec. 3728.31. Nothing in this chapter shall be construed to 2160
require either of the following: 2161

(A) A government medical assistance program or private health 2162
insurer to reimburse a person for costs associated with the 2163
medical use of cannabis; 2164

(B) An employer to accommodate the use of cannabis in any 2165
workplace or any employee working while impaired, provided that 2166
neither a registered qualifying patient nor a visiting qualifying 2167
patient shall be considered to be impaired solely because of the 2168
presence in the patient's body of metabolites or components of 2169
cannabis, if the metabolites or components are in a concentration 2170

insufficient to cause impairment. 2171

Sec. 3728.35. (A) The director of health shall adopt rules in 2172
accordance with Chapter 119. of the Revised Code that do all of 2173
the following: 2174

(1) For the purpose of sections 3728.10 and 3728.11 of the 2175
Revised Code, do both of the following: 2176

(a) Govern the manner in which the department of health shall 2177
consider applications for initial and renewed registry 2178
identification cards; 2179

(b) Subject to division (B) of this section, establish fees 2180
for initial and renewed registry identification cards. 2181

(2) For the purpose of section 3728.37 of the Revised Code, 2182
govern the submission of petitions requesting that a medical 2183
condition or its treatment be added as a debilitating medical 2184
condition for the purpose of this chapter. 2185

(B) The amount of the fees for initial and renewed registry 2186
identification cards may be established according to a sliding 2187
scale based on family income. The amount of the fees shall be 2188
sufficient to generate enough revenue to offset all expenses of 2189
implementing and administering this chapter. The department of 2190
health may accept donations from private sources to help offset 2191
the expenses in order to reduce the fees. 2192

Sec. 3728.351. The director of health shall adopt the initial 2193
rules required by section 3728.35 of the Revised Code not later 2194
than one hundred twenty days after the effective date of that 2195
section. If the director fails to adopt the initial rules within 2196
that time period, a qualifying patient or primary caregiver may 2197
petition the Franklin county court of appeals for a writ of 2198
mandamus to compel the director to adopt the rules. 2199

Sec. 3728.37. Any person may submit a petition to the 2200
director of health requesting that a medical condition or its 2201
treatment be added as a debilitating medical condition for the 2202
purpose of this chapter. All petitions shall be submitted in 2203
accordance with rules adopted under section 3728.35 of the Revised 2204
Code. The director shall conduct a hearing for each petition and 2205
may hear multiple petitions in one hearing. The director shall 2206
give public notice of each hearing and make each hearing open to 2207
the public. Any person may comment on a petition at a hearing. The 2208
director shall approve or deny a petition not later than one 2209
hundred eighty days after the date it is submitted to the 2210
director. In determining whether to approve or deny a petition, 2211
the director shall consider the petition, any comments regarding 2212
the petition made at the hearing, and the advice of the medical 2213
cannabis advisory council created under section 3728.38 of the 2214
Revised Code. The director's approval or denial shall be in the 2215
form of an adjudication issued in accordance with, and subject to, 2216
Chapter 119. of the Revised Code. 2217

Sec. 3728.38. (A) There is hereby established the medical 2218
cannabis advisory council. The council shall consist of all of the 2219
following members appointed by the director of health: 2220

(1) Four physicians who are certified by a national 2221
organization recognized by the state medical board as specializing 2222
in family medicine or an area that focuses on pain management or 2223
clinical oncology; 2224

(2) Three registered qualifying patients. 2225

(B) Any person may submit to the director of health 2226
recommendations regarding individuals to be appointed to the 2227
council. The director shall not appoint any individual to the 2228
council who is opposed to the legal use of cannabis to treat or 2229

alleviate a debilitating medical condition or symptoms associated 2230
with a debilitating medical condition. 2231

(C) Members of the council shall serve two-year terms. Each 2232
member shall hold office from the date of the member's appointment 2233
until the end of the term for which the member was appointed. 2234
Members may be reappointed. Vacancies shall be filled in the 2235
manner provided for original appointments. Any member appointed to 2236
fill a vacancy occurring before the expiration date of the term 2237
for which the member's predecessor was appointed shall hold office 2238
as a member for the remainder of that term. A member shall 2239
continue in office subsequent to the expiration date of the 2240
member's term until the member's successor takes office or until a 2241
period of sixty days has elapsed, whichever occurs first. 2242

(D) Members of the council shall not receive compensation for 2243
their service on the council but shall be reimbursed for their 2244
actual and necessary expenses incurred in the performance of their 2245
service on the council. 2246

(E) The council shall select one of the council members to 2247
serve as chairperson of the council. 2248

(F) The chairperson shall call the council to meet at least 2249
quarterly and at other times as necessary. 2250

(G) The department of health shall provide the council with 2251
support services as necessary for the council to perform its 2252
duties, including providing the council with a place to meet. 2253

Sec. 3728.381. The medical cannabis advisory council shall 2254
provide outreach services regarding this chapter and provide the 2255
director of health advice regarding petitions submitted under 2256
section 3728.37 of the Revised Code. 2257

Sec. 3728.40. The department of health shall maintain a list 2258
of the persons to whom the department has issued registry 2259

identification cards. All identifying information on the list is 2260
confidential and not subject to disclosure, except to authorized 2261
employees of the department as necessary to perform the 2262
department's official duties under this chapter or as authorized 2263
by sections 3728.42 and 3728.43 of the Revised Code. 2264

Sec. 3728.41. No person or government entity shall disclose 2265
any information contained in an application for an initial or 2266
renewed registry identification card, a written certification 2267
submitted with an application, or a registry identification card 2268
except as necessary in the administration of this chapter or as 2269
authorized by sections 3728.42 and 3728.43 of the Revised Code. 2270

Sec. 3728.42. An employee of the department of health may 2271
notify a law enforcement officer about falsified or fraudulent 2272
information submitted to the department in an application for an 2273
initial or renewed registry identification card or a written 2274
certification submitted with such an application if the employee 2275
first confers with the employee's supervisor or at least one other 2276
employee of the department and both agree that circumstances 2277
warranting notification exist. 2278

Sec. 3728.43. The department of health shall operate an 2279
internet-based system for use by law enforcement officers to 2280
verify whether a person is a registered qualifying patient or 2281
registered primary caregiver and whether the address of a location 2282
at which cannabis is being cultivated is a registered qualifying 2283
patient's or registered primary caregiver's registered cultivation 2284
site. The department shall update the system and verify its 2285
accuracy weekly. The system shall be available for use by law 2286
enforcement officers twenty-four hours each day. A law enforcement 2287
officer shall use the system to verify the status of an individual 2288
or address before initiating an arrest, raid, or other law 2289

enforcement action concerning cannabis. If the person is a 2290
registered qualifying patient or registered primary caregiver or 2291
the address of a location at which cannabis is being cultivated is 2292
a registered qualifying patient's or registered primary 2293
caregiver's registered cultivation site, no further action may be 2294
initiated except on issuance of a warrant. 2295

Sec. 3728.45. (A) The department of health shall submit to 2296
the general assembly an annual report that contains, at a minimum, 2297
all of the following information for the previous year: 2298

(1) The number of applications that were submitted to the 2299
department for initial and renewed registry identification cards; 2300

(2) The number of applications that were denied and the 2301
reasons for the denials; 2302

(3) The number of registered qualifying patients and 2303
registered primary caregivers in each county; 2304

(4) The nature of the debilitating medical conditions of the 2305
registered qualifying patients; 2306

(5) The number of registry identification cards revoked; 2307

(6) The number of practitioners providing written 2308
certifications for qualifying patients. 2309

(B) The report shall not disclose any identifying information 2310
about qualifying patients, primary caregivers, or practitioners. 2311

Sec. 3728.99. Whoever violates section 3728.41 of the Revised 2312
Code is guilty of a misdemeanor of the first degree. 2313

Sec. 3781.32. (A) Any connections or tie-ins to existing 2314
utility services within a public right-of-way shall comply with 2315
permit requirements of the public agency that has jurisdiction 2316

over that right-of-way. 2317

(B) A developer shall not require, as a condition for 2318
entering into a contract for a project that will require 2319
excavation, that responsibility for performance of duties imposed 2320
under sections 3781.25 to 3781.32 of the Revised Code shall be 2321
assumed by a person other than the person on whom those duties are 2322
imposed under those sections. This division does not prohibit a 2323
utility from entering into any contract for the performance of 2324
duties that are imposed on a utility under those sections. 2325

(C) Nothing in sections ~~3728.25~~ 3781.25 to ~~3728.32~~ 3781.32 of 2326
the Revised Code shall be construed to require a utility to 2327
relocate its underground utility facilities located at an 2328
excavation site. 2329

Section 2. That existing sections 2925.02, 2925.03, 2925.04, 2330
2925.11, 2925.14, and 3781.32 of the Revised Code are hereby 2331
repealed. 2332

Section 3. The Director of Health shall make the initial 2333
appointments to the Medical Cannabis Advisory Council established 2334
under section 3728.38 of the Revised Code not later than one 2335
hundred twenty days after the effective date of this act. 2336
Notwithstanding division (A)(2) of section 3728.38 of the Revised 2337
Code, the initial members who are to be registered qualifying 2338
patients shall be instead persons who suffer from a debilitating 2339
medical condition as defined in section 3728.01 of the Revised 2340
Code. 2341