

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 343

Senator Roberts

Cosponsor: Senator Miller, D.

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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
2925.41, 2925.43, 2925.44, 2925.45, 3728.01, 3
3728.02, 3728.03, 3728.04, 3728.05, 3728.06, 4
3728.07, 3728.08, 3728.10, 3728.11, 3728.12, 5
3728.13, 3728.14, 3728.15, 3728.16, 3728.17, 6
3728.18, 3728.20, 3728.21, 3728.22, 3728.25, 7
3728.26, 3728.27, 3728.28, 3728.29, 3728.30, 8
3728.35, 3728.36, 3728.37, 3728.371, 3728.372, 9
3728.373, 3728.38, 3728.381, 3728.382, 3728.40, 10
3728.41, 3728.42, 3728.43, 3728.45, 3728.47, and 11
3728.99 of the Revised Code regarding the medical 12
use of cannabis. 13

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

Section 1. That sections 2925.02, 2925.03, 2925.04, 2925.11, 14
2925.14, and 3781.32 be amended and sections 2925.41, 2925.43, 15
2925.44, 2925.45, 3728.01, 3728.02, 3728.03, 3728.04, 3728.05, 16
3728.06, 3728.07, 3728.08, 3728.10, 3728.11, 3728.12, 3728.13, 17
3728.14, 3728.15, 3728.16, 3728.17, 3728.18, 3728.20, 3728.21, 18
3728.22, 3728.25, 3728.26, 3728.27, 3728.28, 3728.29, 3728.30, 19
3728.35, 3728.36, 3728.37, 3728.371, 3728.372, 3728.373, 3728.38, 20

3728.381, 3728.382, 3728.40, 3728.41, 3728.42, 3728.43, 3728.45, 21
3728.47, and 3728.99 of the Revised Code be enacted to read as 22
follows: 23

Sec. 2925.02. (A) No person shall knowingly do any of the 24
following: 25

(1) By force, threat, or deception, administer to another or 26
induce or cause another to use a controlled substance; 27

(2) By any means, administer or furnish to another or induce 28
or cause another to use a controlled substance with purpose to 29
cause serious physical harm to the other person, or with purpose 30
to cause the other person to become drug dependent; 31

(3) By any means, administer or furnish to another or induce 32
or cause another to use a controlled substance, and thereby cause 33
serious physical harm to the other person, or cause the other 34
person to become drug dependent; 35

(4) By any means, do any of the following: 36

(a) Furnish or administer a controlled substance to a 37
juvenile who is at least two years the offender's junior, when the 38
offender knows the age of the juvenile or is reckless in that 39
regard; 40

(b) Induce or cause a juvenile who is at least two years the 41
offender's junior to use a controlled substance, when the offender 42
knows the age of the juvenile or is reckless in that regard; 43

(c) Induce or cause a juvenile who is at least two years the 44
offender's junior to commit a felony drug abuse offense, when the 45
offender knows the age of the juvenile or is reckless in that 46
regard; 47

(d) Use a juvenile, whether or not the offender knows the age 48
of the juvenile, to perform any surveillance activity that is 49

intended to prevent the detection of the offender or any other 50
person in the commission of a felony drug abuse offense or to 51
prevent the arrest of the offender or any other person for the 52
commission of a felony drug abuse offense. 53

(B)(1) Division (A)(1), (3), or (4) of this section does not 54
apply to manufacturers, wholesalers, licensed health professionals 55
authorized to prescribe drugs, pharmacists, owners of pharmacies, 56
and other persons whose conduct is in accordance with Chapters 57
3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 58
Code. 59

(2) Division (A)(3) or (4) of this section does not apply to 60
a holder of a valid registry identification card issued under 61
section 3728.13 of the Revised Code or to a physician who provides 62
a practitioner's written certification under section 3728.08 of 63
the Revised Code to the extent and under the circumstances 64
described in Chapter 3728. of the Revised Code. 65

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

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

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

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

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

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

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

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

the United States food and drug administration; 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 holder of a valid registry identification card under 184
section 3728.13 of the Revised Code to the extent and under the 185
circumstances described 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

Sec. 2925.04. (A) No person shall knowingly cultivate 842
marihuana or knowingly manufacture or otherwise engage in any part 843

of the production of a controlled substance. 844

(B) This section does not apply to any person listed in 845
division (B)(1), (2), or (3) of section 2925.03 of the Revised 846
Code to the extent and under the circumstances described in those 847
divisions or to a holder of a valid registry identification card 848
issued under section 3728.13 of the Revised Code to the extent and 849
under the circumstances described in Chapter 3728. of the Revised 850
Code. 851

(C)(1) Whoever commits a violation of division (A) of this 852
section that involves any drug other than marihuana is guilty of 853
illegal manufacture of drugs, and whoever commits a violation of 854
division (A) of this section that involves marihuana is guilty of 855
illegal cultivation of marihuana. 856

(2) Except as otherwise provided in this division, if the 857
drug involved in the violation of division (A) of this section is 858
any compound, mixture, preparation, or substance included in 859
schedule I or II, with the exception of methamphetamine or 860
marihuana, illegal manufacture of drugs is a felony of the second 861
degree, and, subject to division (E) of this section, the court 862
shall impose as a mandatory prison term one of the prison terms 863
prescribed for a felony of the second degree. 864

If the drug involved in the violation is any compound, 865
mixture, preparation, or substance included in schedule I or II, 866
with the exception of methamphetamine or marihuana, and if the 867
offense was committed in the vicinity of a juvenile or in the 868
vicinity of a school, illegal manufacture of drugs is a felony of 869
the first degree, and, subject to division (E) of this section, 870
the court shall impose as a mandatory prison term one of the 871
prison terms prescribed for a felony of the first degree. 872

(3) If the drug involved in the violation of division (A) of 873
this section is methamphetamine, the penalty for the violation 874

shall be determined as follows: 875

(a) Except as otherwise provided in division (C)(3)(b) of 876
this section, if the drug involved in the violation is 877
methamphetamine, illegal manufacture of drugs is a felony of the 878
second degree, and, subject to division (E) of this section, the 879
court shall impose a mandatory prison term on the offender 880
determined in accordance with this division. Except as otherwise 881
provided in this division, the court shall impose as a mandatory 882
prison term one of the prison terms prescribed for a felony of the 883
second degree that is not less than three years. If the offender 884
previously has been convicted of or pleaded guilty to a violation 885
of division (A) of this section, a violation of division (B)(6) of 886
section 2919.22 of the Revised Code, or a violation of division 887
(A) of section 2925.041 of the Revised Code, the court shall 888
impose as a mandatory prison term one of the prison terms 889
prescribed for a felony of the second degree that is not less than 890
five years. 891

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

felony of the first degree that is not less than five years. 907

(4) If the drug involved in the violation of division (A) of 908
this section is any compound, mixture, preparation, or substance 909
included in schedule III, IV, or V, illegal manufacture of drugs 910
is a felony of the third degree or, if the offense was committed 911
in the vicinity of a school or in the vicinity of a juvenile, a 912
felony of the second degree, and there is a presumption for a 913
prison term for the offense. 914

(5) If the drug involved in the violation is marihuana, the 915
penalty for the offense shall be determined as follows: 916

(a) Except as otherwise provided in division (C)(5)(b), (c), 917
(d), (e), or (f) of this section, illegal cultivation of marihuana 918
is a minor misdemeanor or, if the offense was committed in the 919
vicinity of a school or in the vicinity of a juvenile, a 920
misdemeanor of the fourth degree. 921

(b) If the amount of marihuana involved equals or exceeds one 922
hundred grams but is less than two hundred grams, illegal 923
cultivation of marihuana is a misdemeanor of the fourth degree or, 924
if the offense was committed in the vicinity of a school or in the 925
vicinity of a juvenile, a misdemeanor of the third degree. 926

(c) If the amount of marihuana involved equals or exceeds two 927
hundred grams but is less than one thousand grams, illegal 928
cultivation of marihuana is a felony of the fifth degree or, if 929
the offense was committed in the vicinity of a school or in the 930
vicinity of a juvenile, a felony of the fourth degree, and 931
division (B) of section 2929.13 of the Revised Code applies in 932
determining whether to impose a prison term on the offender. 933

(d) If the amount of marihuana involved equals or exceeds one 934
thousand grams but is less than five thousand grams, illegal 935
cultivation of marihuana is a felony of the third degree or, if 936
the offense was committed in the vicinity of a school or in the 937

vicinity of a juvenile, a felony of the second degree, and 938
division (C) of section 2929.13 of the Revised Code applies in 939
determining whether to impose a prison term on the offender. 940

(e) If the amount of marihuana involved equals or exceeds 941
five thousand grams but is less than twenty thousand grams, 942
illegal cultivation of marihuana is a felony of the third degree 943
or, if the offense was committed in the vicinity of a school or in 944
the vicinity of a juvenile, a felony of the second degree, and 945
there is a presumption for a prison term for the offense. 946

(f) Except as otherwise provided in this division, if the 947
amount of marihuana involved equals or exceeds twenty thousand 948
grams, illegal cultivation of marihuana is a felony of the second 949
degree, and the court shall impose as a mandatory prison term the 950
maximum prison term prescribed for a felony of the second degree. 951
If the amount of the drug involved equals or exceeds twenty 952
thousand grams and if the offense was committed in the vicinity of 953
a school or in the vicinity of a juvenile, illegal cultivation of 954
marihuana is a felony of the first degree, and the court shall 955
impose as a mandatory prison term the maximum prison term 956
prescribed for a felony of the first degree. 957

(D) In addition to any prison term authorized or required by 958
division (C) or (E) of this section and sections 2929.13 and 959
2929.14 of the Revised Code and in addition to any other sanction 960
imposed for the offense under this section or sections 2929.11 to 961
2929.18 of the Revised Code, the court that sentences an offender 962
who is convicted of or pleads guilty to a violation of division 963
(A) of this section shall do all of the following that are 964
applicable regarding the offender: 965

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

Code unless, as specified in that division, the court determines 970
that the offender is indigent. The clerk of the court shall pay a 971
mandatory fine or other fine imposed for a violation of this 972
section pursuant to division (A) of section 2929.18 of the Revised 973
Code in accordance with and subject to the requirements of 974
division (F) of section 2925.03 of the Revised Code. The agency 975
that receives the fine shall use the fine as specified in division 976
(F) of section 2925.03 of the Revised Code. If a person is charged 977
with a violation of this section that is a felony of the first, 978
second, or third degree, posts bail, and forfeits the bail, the 979
clerk shall pay the forfeited bail as if the forfeited bail were a 980
fine imposed for a violation of this section. 981

(2) The court shall suspend the offender's driver's or 982
commercial driver's license or permit in accordance with division 983
(G) of section 2925.03 of the Revised Code. If an offender's 984
driver's or commercial driver's license or permit is suspended in 985
accordance with that division, the offender may request 986
termination of, and the court may terminate, the suspension in 987
accordance with that division. 988

(3) If the offender is a professionally licensed person, the 989
court immediately shall comply with section 2925.38 of the Revised 990
Code. 991

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

required, shall impose upon the offender the mandatory prison term 1002
specified in division (D)(3)(a) of section 2929.14 of the Revised 1003
Code and may impose an additional prison term under division 1004
(D)(3)(b) of that section. 1005

(F) It is an affirmative defense, as provided in section 1006
2901.05 of the Revised Code, to a charge under this section for a 1007
fifth degree felony violation of illegal cultivation of marihuana 1008
that the marihuana that gave rise to the charge is in an amount, 1009
is in a form, is prepared, compounded, or mixed with substances 1010
that are not controlled substances in a manner, or is possessed or 1011
cultivated under any other circumstances that indicate that the 1012
marihuana was solely for personal use. 1013

Notwithstanding any contrary provision of division (F) of 1014
this section, if, in accordance with section 2901.05 of the 1015
Revised Code, a person who is charged with a violation of illegal 1016
cultivation of marihuana that is a felony of the fifth degree 1017
sustains the burden of going forward with evidence of and 1018
establishes by a preponderance of the evidence the affirmative 1019
defense described in this division, the person may be prosecuted 1020
for and may be convicted of or plead guilty to a misdemeanor 1021
violation of illegal cultivation of marihuana. 1022

(G) Arrest or conviction for a minor misdemeanor violation of 1023
this section does not constitute a criminal record and need not be 1024
reported by the person so arrested or convicted in response to any 1025
inquiries about the person's criminal record, including any 1026
inquiries contained in an application for employment, a license, 1027
or any other right or privilege or made in connection with the 1028
person's appearance as a witness. 1029

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 1030
or use a controlled substance. 1031

(B) This section does not apply to any of the following: 1032

(1) Manufacturers, licensed health professionals authorized 1033
to prescribe drugs, pharmacists, owners of pharmacies, and other 1034
persons whose conduct was in accordance with Chapters 3719., 1035
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1036

(2) If the offense involves an anabolic steroid, any person 1037
who is conducting or participating in a research project involving 1038
the use of an anabolic steroid if the project has been approved by 1039
the United States food and drug administration; 1040

(3) Any person who sells, offers for sale, prescribes, 1041
dispenses, or administers for livestock or other nonhuman species 1042
an anabolic steroid that is expressly intended for administration 1043
through implants to livestock or other nonhuman species and 1044
approved for that purpose under the "Federal Food, Drug, and 1045
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1046
and is sold, offered for sale, prescribed, dispensed, or 1047
administered for that purpose in accordance with that act; 1048

(4) Any person who obtained the controlled substance pursuant 1049
to a prescription issued by a licensed health professional 1050
authorized to prescribe drugs; 1051

(5) A holder of a valid registry identification card issued 1052
under section 3728.13 of the Revised Code to the extent and under 1053
the circumstances described in Chapter 3728. of the Revised Code. 1054

(C) Whoever violates division (A) of this section is guilty 1055
of one of the following: 1056

(1) If the drug involved in the violation is a compound, 1057
mixture, preparation, or substance included in schedule I or II, 1058
with the exception of marihuana, cocaine, L.S.D., heroin, and 1059
hashish, whoever violates division (A) of this section is guilty 1060
of aggravated possession of drugs. The penalty for the offense 1061
shall be determined as follows: 1062

(a) Except as otherwise provided in division (C)(1)(b), (c), 1063

(d), or (e) of this section, aggravated possession of drugs is a 1064
felony of the fifth degree, and division (B) of section 2929.13 of 1065
the Revised Code applies in determining whether to impose a prison 1066
term on the offender. 1067

(b) If the amount of the drug involved equals or exceeds the 1068
bulk amount but is less than five times the bulk amount, 1069
aggravated possession of drugs is a felony of the third degree, 1070
and there is a presumption for a prison term for the offense. 1071

(c) If the amount of the drug involved equals or exceeds five 1072
times the bulk amount but is less than fifty times the bulk 1073
amount, aggravated possession of drugs is a felony of the second 1074
degree, and the court shall impose as a mandatory prison term one 1075
of the prison terms prescribed for a felony of the second degree. 1076

(d) If the amount of the drug involved equals or exceeds 1077
fifty times the bulk amount but is less than one hundred times the 1078
bulk amount, aggravated possession of drugs is a felony of the 1079
first degree, and the court shall impose as a mandatory prison 1080
term one of the prison terms prescribed for a felony of the first 1081
degree. 1082

(e) If the amount of the drug involved equals or exceeds one 1083
hundred times the bulk amount, aggravated possession of drugs is a 1084
felony of the first degree, the offender is a major drug offender, 1085
and the court shall impose as a mandatory prison term the maximum 1086
prison term prescribed for a felony of the first degree and may 1087
impose an additional mandatory prison term prescribed for a major 1088
drug offender under division (D)(3)(b) of section 2929.14 of the 1089
Revised Code. 1090

(2) If the drug involved in the violation is a compound, 1091
mixture, preparation, or substance included in schedule III, IV, 1092
or V, whoever violates division (A) of this section is guilty of 1093
possession of drugs. The penalty for the offense shall be 1094

determined as follows: 1095

(a) Except as otherwise provided in division (C)(2)(b), (c), 1096
or (d) of this section, possession of drugs is a misdemeanor of 1097
the third degree or, if the offender previously has been convicted 1098
of a drug abuse offense, a misdemeanor of the second degree. If 1099
the drug involved in the violation is an anabolic steroid included 1100
in schedule III and if the offense is a misdemeanor of the third 1101
degree under this division, in lieu of sentencing the offender to 1102
a term of imprisonment in a detention facility, the court may 1103
place the offender under a community control sanction, as defined 1104
in section 2929.01 of the Revised Code, that requires the offender 1105
to perform supervised community service work pursuant to division 1106
(B) of section 2951.02 of the Revised Code. 1107

(b) If the amount of the drug involved equals or exceeds the 1108
bulk amount but is less than five times the bulk amount, 1109
possession of drugs is a felony of the fourth degree, and division 1110
(C) of section 2929.13 of the Revised Code applies in determining 1111
whether to impose a prison term on the offender. 1112

(c) If the amount of the drug involved equals or exceeds five 1113
times the bulk amount but is less than fifty times the bulk 1114
amount, possession of drugs is a felony of the third degree, and 1115
there is a presumption for a prison term for the offense. 1116

(d) If the amount of the drug involved equals or exceeds 1117
fifty times the bulk amount, possession of drugs is a felony of 1118
the second degree, and the court shall impose upon the offender as 1119
a mandatory prison term one of the prison terms prescribed for a 1120
felony of the second degree. 1121

(3) If the drug involved in the violation is marihuana or a 1122
compound, mixture, preparation, or substance containing marihuana 1123
other than hashish, whoever violates division (A) of this section 1124
is guilty of possession of marihuana. The penalty for the offense 1125

shall be determined as follows: 1126

(a) Except as otherwise provided in division (C)(3)(b), (c), 1127
(d), (e), or (f) of this section, possession of marihuana is a 1128
minor misdemeanor. 1129

(b) If the amount of the drug involved equals or exceeds one 1130
hundred grams but is less than two hundred grams, possession of 1131
marihuana is a misdemeanor of the fourth degree. 1132

(c) If the amount of the drug involved equals or exceeds two 1133
hundred grams but is less than one thousand grams, possession of 1134
marihuana is a felony of the fifth degree, and division (B) of 1135
section 2929.13 of the Revised Code applies in determining whether 1136
to impose a prison term on the offender. 1137

(d) If the amount of the drug involved equals or exceeds one 1138
thousand grams but is less than five thousand grams, possession of 1139
marihuana is a felony of the third degree, and division (C) of 1140
section 2929.13 of the Revised Code applies in determining whether 1141
to impose a prison term on the offender. 1142

(e) If the amount of the drug involved equals or exceeds five 1143
thousand grams but is less than twenty thousand grams, possession 1144
of marihuana is a felony of the third degree, and there is a 1145
presumption that a prison term shall be imposed for the offense. 1146

(f) If the amount of the drug involved equals or exceeds 1147
twenty thousand grams, possession of marihuana is a felony of the 1148
second degree, and the court shall impose as a mandatory prison 1149
term the maximum prison term prescribed for a felony of the second 1150
degree. 1151

(4) If the drug involved in the violation is cocaine or a 1152
compound, mixture, preparation, or substance containing cocaine, 1153
whoever violates division (A) of this section is guilty of 1154
possession of cocaine. The penalty for the offense shall be 1155
determined as follows: 1156

(a) Except as otherwise provided in division (C)(4)(b), (c), 1157
(d), (e), or (f) of this section, possession of cocaine is a 1158
felony of the fifth degree, and division (B) of section 2929.13 of 1159
the Revised Code applies in determining whether to impose a prison 1160
term on the offender. 1161

(b) If the amount of the drug involved equals or exceeds five 1162
grams but is less than twenty-five grams of cocaine that is not 1163
crack cocaine or equals or exceeds one gram but is less than five 1164
grams of crack cocaine, possession of cocaine is a felony of the 1165
fourth degree, and there is a presumption for a prison term for 1166
the offense. 1167

(c) If the amount of the drug involved equals or exceeds 1168
twenty-five grams but is less than one hundred grams of cocaine 1169
that is not crack cocaine or equals or exceeds five grams but is 1170
less than ten grams of crack cocaine, possession of cocaine is a 1171
felony of the third degree, and the court shall impose as a 1172
mandatory prison term one of the prison terms prescribed for a 1173
felony of the third degree. 1174

(d) If the amount of the drug involved equals or exceeds one 1175
hundred grams but is less than five hundred grams of cocaine that 1176
is not crack cocaine or equals or exceeds ten grams but is less 1177
than twenty-five grams of crack cocaine, possession of cocaine is 1178
a felony of the second degree, and the court shall impose as a 1179
mandatory prison term one of the prison terms prescribed for a 1180
felony of the second degree. 1181

(e) If the amount of the drug involved equals or exceeds five 1182
hundred grams but is less than one thousand grams of cocaine that 1183
is not crack cocaine or equals or exceeds twenty-five grams but is 1184
less than one hundred grams of crack cocaine, possession of 1185
cocaine is a felony of the first degree, and the court shall 1186
impose as a mandatory prison term one of the prison terms 1187
prescribed for a felony of the first degree. 1188

(f) If the amount of the drug involved equals or exceeds one thousand grams of cocaine that is not crack cocaine or equals or exceeds one hundred grams of crack cocaine, possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

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

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

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

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

(d) If the amount of L.S.D. involved equals or exceeds two 1221
hundred fifty unit doses but is less than one thousand unit doses 1222
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1223
but is less than one hundred grams of L.S.D. in a liquid 1224
concentrate, liquid extract, or liquid distillate form, possession 1225
of L.S.D. is a felony of the second degree, and the court shall 1226
impose as a mandatory prison term one of the prison terms 1227
prescribed for a felony of the second degree. 1228

(e) If the amount of L.S.D. involved equals or exceeds one 1229
thousand unit doses but is less than five thousand unit doses of 1230
L.S.D. in a solid form or equals or exceeds one hundred grams but 1231
is less than five hundred grams of L.S.D. in a liquid concentrate, 1232
liquid extract, or liquid distillate form, possession of L.S.D. is 1233
a felony of the first degree, and the court shall impose as a 1234
mandatory prison term one of the prison terms prescribed for a 1235
felony of the first degree. 1236

(f) If the amount of L.S.D. involved equals or exceeds five 1237
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1238
five hundred grams of L.S.D. in a liquid concentrate, liquid 1239
extract, or liquid distillate form, possession of L.S.D. is a 1240
felony of the first degree, the offender is a major drug offender, 1241
and the court shall impose as a mandatory prison term the maximum 1242
prison term prescribed for a felony of the first degree and may 1243
impose an additional mandatory prison term prescribed for a major 1244
drug offender under division (D)(3)(b) of section 2929.14 of the 1245
Revised Code. 1246

(6) If the drug involved in the violation is heroin or a 1247
compound, mixture, preparation, or substance containing heroin, 1248
whoever violates division (A) of this section is guilty of 1249
possession of heroin. The penalty for the offense shall be 1250
determined as follows: 1251

(a) Except as otherwise provided in division (C)(6)(b), (c), 1252

(d), (e), or (f) of this section, possession of heroin is a felony 1253
of the fifth degree, and division (B) of section 2929.13 of the 1254
Revised Code applies in determining whether to impose a prison 1255
term on the offender. 1256

(b) If the amount of the drug involved equals or exceeds ten 1257
unit doses but is less than fifty unit doses or equals or exceeds 1258
one gram but is less than five grams, possession of heroin is a 1259
felony of the fourth degree, and division (C) of section 2929.13 1260
of the Revised Code applies in determining whether to impose a 1261
prison term on the offender. 1262

(c) If the amount of the drug involved equals or exceeds 1263
fifty unit doses but is less than one hundred unit doses or equals 1264
or exceeds five grams but is less than ten grams, possession of 1265
heroin is a felony of the third degree, and there is a presumption 1266
for a prison term for the offense. 1267

(d) If the amount of the drug involved equals or exceeds one 1268
hundred unit doses but is less than five hundred unit doses or 1269
equals or exceeds ten grams but is less than fifty grams, 1270
possession of heroin is a felony of the second degree, and the 1271
court shall impose as a mandatory prison term one of the prison 1272
terms prescribed for a felony of the second degree. 1273

(e) If the amount of the drug involved equals or exceeds five 1274
hundred unit doses but is less than two thousand five hundred unit 1275
doses or equals or exceeds fifty grams but is less than two 1276
hundred fifty grams, possession of heroin is a felony of the first 1277
degree, and the court shall impose as a mandatory prison term one 1278
of the prison terms prescribed for a felony of the first degree. 1279

(f) If the amount of the drug involved equals or exceeds two 1280
thousand five hundred unit doses or equals or exceeds two hundred 1281
fifty grams, possession of heroin is a felony of the first degree, 1282
the offender is a major drug offender, and the court shall impose 1283

as a mandatory prison term the maximum prison term prescribed for 1284
a felony of the first degree and may impose an additional 1285
mandatory prison term prescribed for a major drug offender under 1286
division (D)(3)(b) of section 2929.14 of the Revised Code. 1287

(7) If the drug involved in the violation is hashish or a 1288
compound, mixture, preparation, or substance containing hashish, 1289
whoever violates division (A) of this section is guilty of 1290
possession of hashish. The penalty for the offense shall be 1291
determined as follows: 1292

(a) Except as otherwise provided in division (C)(7)(b), (c), 1293
(d), (e), or (f) of this section, possession of hashish is a minor 1294
misdemeanor. 1295

(b) If the amount of the drug involved equals or exceeds five 1296
grams but is less than ten grams of hashish in a solid form or 1297
equals or exceeds one gram but is less than two grams of hashish 1298
in a liquid concentrate, liquid extract, or liquid distillate 1299
form, possession of hashish is a misdemeanor of the fourth degree. 1300

(c) If the amount of the drug involved equals or exceeds ten 1301
grams but is less than fifty grams of hashish in a solid form or 1302
equals or exceeds two grams but is less than ten grams of hashish 1303
in a liquid concentrate, liquid extract, or liquid distillate 1304
form, possession of hashish is a felony of the fifth degree, and 1305
division (B) of section 2929.13 of the Revised Code applies in 1306
determining whether to impose a prison term on the offender. 1307

(d) If the amount of the drug involved equals or exceeds 1308
fifty grams but is less than two hundred fifty grams of hashish in 1309
a solid form or equals or exceeds ten grams but is less than fifty 1310
grams of hashish in a liquid concentrate, liquid extract, or 1311
liquid distillate form, possession of hashish is a felony of the 1312
third degree, and division (C) of section 2929.13 of the Revised 1313
Code applies in determining whether to impose a prison term on the 1314

offender. 1315

(e) If the amount of the drug involved equals or exceeds two 1316
hundred fifty grams but is less than one thousand grams of hashish 1317
in a solid form or equals or exceeds fifty grams but is less than 1318
two hundred grams of hashish in a liquid concentrate, liquid 1319
extract, or liquid distillate form, possession of hashish is a 1320
felony of the third degree, and there is a presumption that a 1321
prison term shall be imposed for the offense. 1322

(f) If the amount of the drug involved equals or exceeds one 1323
thousand grams of hashish in a solid form or equals or exceeds two 1324
hundred grams of hashish in a liquid concentrate, liquid extract, 1325
or liquid distillate form, possession of hashish is a felony of 1326
the second degree, and the court shall impose as a mandatory 1327
prison term the maximum prison term prescribed for a felony of the 1328
second degree. 1329

(D) Arrest or conviction for a minor misdemeanor violation of 1330
this section does not constitute a criminal record and need not be 1331
reported by the person so arrested or convicted in response to any 1332
inquiries about the person's criminal record, including any 1333
inquiries contained in any application for employment, license, or 1334
other right or privilege, or made in connection with the person's 1335
appearance as a witness. 1336

(E) In addition to any prison term or jail term authorized or 1337
required by division (C) of this section and sections 2929.13, 1338
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 1339
addition to any other sanction that is imposed for the offense 1340
under this section, sections 2929.11 to 2929.18, or sections 1341
2929.21 to 2929.28 of the Revised Code, the court that sentences 1342
an offender who is convicted of or pleads guilty to a violation of 1343
division (A) of this section shall do all of the following that 1344
are applicable regarding the offender: 1345

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

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

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

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

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

(F) It is an affirmative defense, as provided in section 2901.05 of the Revised Code, to a charge of a fourth degree felony violation under this section that the controlled substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other

circumstances, that indicate that the substance was possessed 1377
solely for personal use. Notwithstanding any contrary provision of 1378
this section, if, in accordance with section 2901.05 of the 1379
Revised Code, an accused who is charged with a fourth degree 1380
felony violation of division (C)(2), (4), (5), or (6) of this 1381
section sustains the burden of going forward with evidence of and 1382
establishes by a preponderance of the evidence the affirmative 1383
defense described in this division, the accused may be prosecuted 1384
for and may plead guilty to or be convicted of a misdemeanor 1385
violation of division (C)(2) of this section or a fifth degree 1386
felony violation of division (C)(4), (5), or (6) of this section 1387
respectively. 1388

(G) When a person is charged with possessing a bulk amount or 1389
multiple of a bulk amount, division (E) of section 2925.03 of the 1390
Revised Code applies regarding the determination of the amount of 1391
the controlled substance involved at the time of the offense. 1392

Sec. 2925.14. (A) As used in this section, "drug 1393
paraphernalia" means any equipment, product, or material of any 1394
kind that is used by the offender, intended by the offender for 1395
use, or designed for use, in propagating, cultivating, growing, 1396
harvesting, manufacturing, compounding, converting, producing, 1397
processing, preparing, testing, analyzing, packaging, repackaging, 1398
storing, containing, concealing, injecting, ingesting, inhaling, 1399
or otherwise introducing into the human body, a controlled 1400
substance in violation of this chapter. "Drug paraphernalia" 1401
includes, but is not limited to, any of the following equipment, 1402
products, or materials that are used by the offender, intended by 1403
the offender for use, or designed by the offender for use, in any 1404
of the following manners: 1405

(1) A kit for propagating, cultivating, growing, or 1406
harvesting any species of a plant that is a controlled substance 1407

or from which a controlled substance can be derived;	1408
(2) A kit for manufacturing, compounding, converting,	1409
producing, processing, or preparing a controlled substance;	1410
(3) Any object, instrument, or device for manufacturing,	1411
compounding, converting, producing, processing, or preparing	1412
methamphetamine;	1413
(4) An isomerization device for increasing the potency of any	1414
species of a plant that is a controlled substance;	1415
(5) Testing equipment for identifying, or analyzing the	1416
strength, effectiveness, or purity of, a controlled substance;	1417
(6) A scale or balance for weighing or measuring a controlled	1418
substance;	1419
(7) A diluent or adulterant, such as quinine hydrochloride,	1420
mannitol, mannite, dextrose, or lactose, for cutting a controlled	1421
substance;	1422
(8) A separation gin or sifter for removing twigs and seeds	1423
from, or otherwise cleaning or refining, marihuana;	1424
(9) A blender, bowl, container, spoon, or mixing device for	1425
compounding a controlled substance;	1426
(10) A capsule, balloon, envelope, or container for packaging	1427
small quantities of a controlled substance;	1428
(11) A container or device for storing or concealing a	1429
controlled substance;	1430
(12) A hypodermic syringe, needle, or instrument for	1431
parenterally injecting a controlled substance into the human body;	1432
(13) An object, instrument, or device for ingesting,	1433
inhaling, or otherwise introducing into the human body, marihuana,	1434
cocaine, hashish, or hashish oil, such as a metal, wooden,	1435
acrylic, glass, stone, plastic, or ceramic pipe, with or without a	1436

screen, permanent screen, hashish head, or punctured metal bowl; 1437
water pipe; carburetion tube or device; smoking or carburetion 1438
mask; roach clip or similar object used to hold burning material, 1439
such as a marihuana cigarette, that has become too small or too 1440
short to be held in the hand; miniature cocaine spoon, or cocaine 1441
vial; chamber pipe; carburetor pipe; electric pipe; air driver 1442
pipe; chillum; bong; or ice pipe or chiller. 1443

(B) In determining if any equipment, product, or material is 1444
drug paraphernalia, a court or law enforcement officer shall 1445
consider, in addition to other relevant factors, the following: 1446

(1) Any statement by the owner, or by anyone in control, of 1447
the equipment, product, or material, concerning its use; 1448

(2) The proximity in time or space of the equipment, product, 1449
or material, or of the act relating to the equipment, product, or 1450
material, to a violation of any provision of this chapter; 1451

(3) The proximity of the equipment, product, or material to 1452
any controlled substance; 1453

(4) The existence of any residue of a controlled substance on 1454
the equipment, product, or material; 1455

(5) Direct or circumstantial evidence of the intent of the 1456
owner, or of anyone in control, of the equipment, product, or 1457
material, to deliver it to any person whom the owner or person in 1458
control of the equipment, product, or material knows intends to 1459
use the object to facilitate a violation of any provision of this 1460
chapter. A finding that the owner, or anyone in control, of the 1461
equipment, product, or material, is not guilty of a violation of 1462
any other provision of this chapter does not prevent a finding 1463
that the equipment, product, or material was intended or designed 1464
by the offender for use as drug paraphernalia. 1465

(6) Any oral or written instruction provided with the 1466
equipment, product, or material concerning its use; 1467

(7) Any descriptive material accompanying the equipment,	1468
product, or material and explaining or depicting its use;	1469
(8) National or local advertising concerning the use of the	1470
equipment, product, or material;	1471
(9) The manner and circumstances in which the equipment,	1472
product, or material is displayed for sale;	1473
(10) Direct or circumstantial evidence of the ratio of the	1474
sales of the equipment, product, or material to the total sales of	1475
the business enterprise;	1476
(11) The existence and scope of legitimate uses of the	1477
equipment, product, or material in the community;	1478
(12) Expert testimony concerning the use of the equipment,	1479
product, or material.	1480
(C)(1) No person shall knowingly use, or possess with purpose	1481
to use, drug paraphernalia.	1482
(2) No person shall knowingly sell, or possess or manufacture	1483
with purpose to sell, drug paraphernalia, if the person knows or	1484
reasonably should know that the equipment, product, or material	1485
will be used as drug paraphernalia.	1486
(3) No person shall place an advertisement in any newspaper,	1487
magazine, handbill, or other publication that is published and	1488
printed and circulates primarily within this state, if the person	1489
knows that the purpose of the advertisement is to promote the	1490
illegal sale in this state of the equipment, product, or material	1491
that the offender intended or designed for use as drug	1492
paraphernalia.	1493
(D)(1) This section does not apply to manufacturers, licensed	1494
health professionals authorized to prescribe drugs, pharmacists,	1495
owners of pharmacies, and other persons whose conduct is in	1496
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731.,	1497

and 4741. of the Revised Code. This section shall not be construed 1498
to prohibit the possession or use of a hypodermic as authorized by 1499
section 3719.172 of the Revised Code. 1500

(2) This section does not apply to a holder of a valid 1501
registry identification card issued under section 3728.13 of the 1502
Revised Code to the extent and under the circumstances described 1503
in Chapter 3728. of the Revised Code. 1504

(E) Notwithstanding Chapter 2981. of the Revised Code, any 1505
drug paraphernalia that was used, possessed, sold, or manufactured 1506
in a violation of this section shall be seized, after a conviction 1507
for that violation shall be forfeited, and upon forfeiture shall 1508
be disposed of pursuant to division (B) of section 2981.12 of the 1509
Revised Code. 1510

(F)(1) Whoever violates division (C)(1) of this section is 1511
guilty of illegal use or possession of drug paraphernalia, a 1512
misdemeanor of the fourth degree. 1513

(2) Except as provided in division (F)(3) of this section, 1514
whoever violates division (C)(2) of this section is guilty of 1515
dealing in drug paraphernalia, a misdemeanor of the second degree. 1516

(3) Whoever violates division (C)(2) of this section by 1517
selling drug paraphernalia to a juvenile is guilty of selling drug 1518
paraphernalia to juveniles, a misdemeanor of the first degree. 1519

(4) Whoever violates division (C)(3) of this section is 1520
guilty of illegal advertising of drug paraphernalia, a misdemeanor 1521
of the second degree. 1522

(G) In addition to any other sanction imposed upon an 1523
offender for a violation of this section, the court shall suspend 1524
for not less than six months or more than five years the 1525
offender's driver's or commercial driver's license or permit. If 1526
the offender is a professionally licensed person, in addition to 1527
any other sanction imposed for a violation of this section, the 1528

court immediately shall comply with section 2925.38 of the Revised Code. 1529
1530

Sec. 2925.41. (A) As used in sections 2925.41 to 2925.45 of 1531
the Revised Code, "cannabis," "cardholder," "medical use of 1532
cannabis," "practitioner," "registered primary caregiver," and 1533
"registered qualifying patient" have the same meanings as in 1534
section 3728.01 of the Revised Code. 1535

(B) The following persons are not subject to arrest, 1536
prosecution, or any criminal or civil penalty and shall not be 1537
denied any right or privilege for engaging in any of the following 1538
specified activities: 1539

(1) A registered qualifying patient for engaging in the 1540
medical use of cannabis; 1541

(2) A registered primary caregiver for engaging in an 1542
activity authorized by section 3728.03 of the Revised Code; 1543

(3) A cardholder for engaging in an activity authorized by 1544
section 3728.06 of the Revised Code; 1545

(4) Any person for engaging in an activity authorized by 1546
section 3728.07 of the Revised Code; 1547

(5) A practitioner for engaging in an activity authorized by 1548
section 3728.08 of the Revised Code. 1549

(C)(1) There is a presumption that a registered qualifying 1550
patient is engaged in the medical use of cannabis if the patient 1551
is in possession of a valid registry identification card and an 1552
amount of usable cannabis or number of mature cannabis plants that 1553
does not exceed the limit established by division (B)(1) of 1554
section 3728.02 of the Revised Code or rules adopted under section 1555
3728.371 of the Revised Code. The presumption may be rebutted by 1556
evidence that conduct related to cannabis was not for the purpose 1557
of treating or alleviating the registered qualifying patient's 1558

debilitating medical condition or symptoms associated with the 1559
debilitating medical condition. 1560

(2) There is a presumption that a registered primary 1561
caregiver is engaging in an activity authorized by section 3728.03 1562
of the Revised Code if the registered primary caregiver is in 1563
possession of a valid registry identification card and an amount 1564
of usable cannabis or number of mature cannabis plants that does 1565
not exceed the limit established by division (B)(1) of section 1566
3728.02 of the Revised Code or rules adopted under section 1567
3728.371 of the Revised Code. The presumption may be rebutted by 1568
evidence that conduct related to cannabis was not for the purpose 1569
of treating or alleviating the debilitating medical condition or 1570
symptoms associated with the debilitating medical condition of a 1571
registered qualifying patient for whom the registered primary 1572
caregiver serves as a registered primary caregiver. 1573

Sec. 2925.43. (A) Possession of or application for a registry 1574
identification card shall not constitute probable cause or 1575
reasonable suspicion to search or seize the person or property of 1576
the person possessing or applying for the card. 1577

(B) No person shall be subject to arrest, prosecution, or any 1578
criminal or civil penalty or shall be denied any right or 1579
privilege solely for being in the presence or vicinity of a 1580
registered primary caregiver engaging in the medical use of 1581
cannabis or for assisting a registered qualifying patient's use or 1582
administration of cannabis, regardless of whether the person is a 1583
registered primary caregiver. 1584

(C) No law enforcement officer or law enforcement agency 1585
shall seize any cannabis, cannabis paraphernalia, licit property, 1586
or interest in licit property that is possessed, owned, or used in 1587
connection with a registered qualifying patient's medical use of 1588
cannabis or in connection with acts incidental to a registered 1589

qualifying patient's medical use of cannabis. No court shall order 1590
the forfeiture of any cannabis, cannabis paraphernalia, licit 1591
property, or interest in licit property that is so possessed, 1592
owned, or used. If a law enforcement officer seizes and does not 1593
return cannabis that is possessed by a cardholder in accordance 1594
with section 3728.02 or 3728.03 of the Revised Code, the agency 1595
that employs the officer shall be liable to the cardholder for the 1596
value of the cannabis. 1597

Sec. 2925.44. If an individual being investigated by a law 1598
enforcement officer employed by a state-funded or locally funded 1599
law enforcement agency credibly asserts during the course of the 1600
investigation that he or she is a registered qualifying patient or 1601
registered primary caregiver, neither the law enforcement officer 1602
nor the law enforcement agency shall provide any information, 1603
except as required by federal law or the United States 1604
Constitution, from any cannabis-related investigation of the 1605
person to any law enforcement authority that does not recognize 1606
the protections of sections 2925.41 to 2925.44 of the Revised 1607
Code. Any prosecution of the individual for a violation of this 1608
chapter shall be conducted pursuant to the laws of this state. 1609

Sec. 2925.45. (A) Except as provided in division (B) of 1610
section 3728.02 of the Revised Code, a person who is not a 1611
registered qualifying patient may assert the medical purpose for 1612
using cannabis as a defense to any prosecution involving cannabis, 1613
and this defense shall be presumed valid if the evidence shows 1614
that all of the following apply: 1615

(1) A practitioner has stated that in the practitioner's 1616
professional opinion and scope of practice and after having 1617
completed a full assessment of the person's medical history and 1618
current medical condition made in the course of a bona fide 1619
practitioner-patient relationship the person is likely to receive 1620

therapeutic or palliative benefit from the medical use of cannabis 1621
to treat or alleviate the person's serious or debilitating medical 1622
condition or symptoms associated with the person's serious or 1623
debilitating medical condition. 1624

(2) The person was in possession of a quantity of cannabis 1625
that was not more than was reasonably necessary to ensure the 1626
uninterrupted availability of cannabis for the purpose of treating 1627
or alleviating the person's serious or debilitating medical 1628
condition or symptoms associated with the person's serious or 1629
debilitating medical condition. 1630

(3) The person was engaged in the acquisition, possession, 1631
cultivation, manufacture, use, delivery, transfer, or 1632
transportation of cannabis or paraphernalia relating to the 1633
administration of cannabis to treat or alleviate the serious or 1634
debilitating medical condition or symptoms associated with the 1635
serious or debilitating medical condition. 1636

(B) If a person who is not a registered qualifying patient 1637
demonstrates the person's medical purpose for using cannabis 1638
pursuant to this section, the person shall not be subject to 1639
either of the following: 1640

(1) Disciplinary action by a business or licensing agency; 1641

(2) Forfeiture of any interest in or right to property. 1642

Sec. 3728.01. As used in this chapter: 1643

(A) "Cannabis" means marihuana as defined in section 3719.01 1644
of the Revised Code. 1645

(B) "Cannabis plant" means female individuals of the cannabis 1646
genus or their cultivars. 1647

(C) "Cardholder" means a registered qualifying patient or 1648
registered primary caregiver. 1649

(D) "Debilitating medical condition" means one or more of the 1650
following: 1651

(1) Cancer; glaucoma; positive status for human 1652
immunodeficiency virus; acquired immune deficiency syndrome; 1653
hepatitis C; amyotrophic lateral sclerosis; Crohn's disease; 1654
agitation of Alzheimer's disease; nail patella; multiple 1655
sclerosis; injury or disease to the spinal cord, spinal column, or 1656
vertebra; mylomalacia; celiac disease; or the treatment of these 1657
conditions; 1658

(2) A chronic or debilitating disease or medical condition or 1659
its treatment that produces one or more of the following: 1660

(a) Cachexia or wasting syndrome; 1661

(b) Severe or chronic pain; 1662

(c) Severe or chronic nausea; 1663

(d) Seizures, including those characteristic of epilepsy; 1664

(e) Severe or persistent muscle spasms. 1665

(3) Any other medical condition or its treatment added as a 1666
debilitating medical condition pursuant to section 3728.371 of the 1667
Revised Code. 1668

(E) "Law enforcement officer" has the same meaning as in 1669
section 2901.01 of the Revised Code. 1670

(F) "Licensing agency" means a department, division, board, 1671
section of a board, or other state governmental unit authorized by 1672
the Revised Code to issue a license, certificate, permit, card, or 1673
other authority to engage in a specific profession, occupation, or 1674
occupational activity, or to have charge of and operate certain 1675
specified equipment, machinery, or premises. 1676

(G) "Medical use of cannabis" means the activities authorized 1677
by section 3728.02 of the Revised Code. 1678

<u>(H) "Practitioner" means any of the following:</u>	1679
<u>(1) A dentist licensed under Chapter 4715. of the Revised Code;</u>	1680
<u>(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;</u>	1681
<u>(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;</u>	1682
<u>(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;</u>	1683
<u>(5) A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code.</u>	1684
<u>(I) "Primary caregiver" means an individual who has agreed to assist with a registered qualifying patient's medical use of cannabis.</u>	1685
<u>(J) "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>	1686
<u>(K) "Registered cultivation sites" are the locations, if any, at which a cardholder may cultivate cannabis as specified in the cardholder's application for a registry identification card.</u>	1687
<u>(L) "Registry identification card" means a document issued by the department of health under section 3728.13 of the Revised Code that identifies a person as a registered qualifying patient or registered primary caregiver.</u>	1688
<u>(M) "Registered primary caregiver" means a primary caregiver who holds a valid registry identification card.</u>	1689
<u>(N) "Registered qualifying patient" means a qualifying</u>	1690
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patient who holds a valid registry identification card. 1709

(O) "Usable cannabis" means the dried flowers of the female cannabis plant and any mixture, tincture, oil, reduction, compound, or preparation thereof. "Usable cannabis" does not include the leaves, seeds, stalks, or roots of the female cannabis plant. 1710
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(P) "Visiting qualifying patient" means a qualifying patient who is not a resident of this state or who has been a resident of this state for less than thirty days. 1715
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(O) "Written certification" means a document signed by a practitioner under section 3728.08 of the Revised Code stating that in the practitioner's professional opinion and scope of practice a patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis. 1718
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Sec. 3728.02. (A) Subject to division (B) of this section, a registered qualifying patient may do any of the following to treat or alleviate the registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition: 1723
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1725
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1727

(1) Acquire, possess, transport, and use cannabis and paraphernalia relating to the administration of cannabis. 1728
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(2) Cultivate cannabis at the registered qualifying patient's registered cultivation sites. 1730
1731

(3) Manufacture paraphernalia relating to the administration of cannabis. 1732
1733

(B) A registered qualifying patient's possession of a valid registry identification card does not authorize the patient to do any of the following: 1734
1735
1736

(1) Except as provided in rules adopted under section 3728.371 of the Revised Code, possess more than two hundred grams 1737
1738

of usable cannabis or more than twelve mature cannabis plants; 1739

(2) Undertake any task under the influence of cannabis, when 1740
doing so would constitute negligence or professional malpractice; 1741

(3) Possess cannabis or otherwise engage in the medical use 1742
of cannabis in a school bus, on the grounds of any preschool or 1743
primary or secondary school, or in any correctional facility; 1744

(4) Smoke cannabis on any form of public transportation or in 1745
any public place; 1746

(5) Subject to division (D) of this section, operate, 1747
navigate, or be in actual physical control of any motor vehicle, 1748
aircraft, or motorboat while impaired; 1749

(6) Transport cannabis into this state from outside this 1750
state. 1751

(C) Neither of the following shall be included for purposes 1752
of determining whether a registered qualified patient possesses 1753
more usable cannabis or mature cannabis plants than permitted by 1754
division (B)(1) of this section or rules adopted under section 1755
3728.371 of the Revised Code: 1756

(1) Immature cannabis plants; 1757

(2) If the usable cannabis is added as an ingredient to food 1758
to be consumed by a registered qualifying patient, the weight of 1759
the other ingredients that are not usable cannabis included in the 1760
food. 1761

(D) A registered qualifying patient shall not be considered 1762
to be impaired solely because of the presence of metabolites or 1763
components of cannabis that appear in insufficient concentration 1764
to cause impairment. 1765

Sec. 3728.03. (A) Subject to division (B) of this section, a 1766
registered primary caregiver may do any of the following to assist 1767

a registered qualifying patient for whom the registered primary caregiver serves as registered primary caregiver to engage in the medical use of cannabis: 1768
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1770

(1) Acquire, possess, and transport cannabis and paraphernalia relating to the administration of cannabis. 1771
1772

(2) Cultivate cannabis at the registered primary caregiver's registered cultivation sites. 1773
1774

(3) Manufacture paraphernalia relating to the administration of cannabis. 1775
1776

(B) A registered primary caregiver's possession of a valid registry identification card does not authorize the caregiver to do any of the following: 1777
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1779

(1) Except as provided in rules adopted under section 3728.371 of the Revised Code, possess more than two hundred grams of usable cannabis or more than twelve mature cannabis plants; 1780
1781
1782

(2) Possess cannabis in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility; 1783
1784
1785

(3) Transport cannabis into this state from outside this state. 1786
1787

(C) Neither of the following shall be included for purposes of determining whether a registered primary caregiver possesses more usable cannabis or mature cannabis plants than permitted by division (B)(1) of this section or rules adopted under section 3728.371 of the Revised Code: 1788
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(1) Immature cannabis plants; 1793

(2) If the usable cannabis is added as an ingredient to food to be consumed by a registered qualifying patient, the weight of the other ingredients that are not usable cannabis included in the 1794
1795
1796

food. 1797

Sec. 3728.04. A registered primary caregiver may receive 1798
compensation for costs associated with the activities the 1799
caregiver engages in pursuant to section 3728.03 of the Revised 1800
Code. 1801

Sec. 3728.05. No individual under twenty-one years of age may 1802
become a registered primary caregiver. 1803

Sec. 3728.06. A cardholder may deliver, transport, transfer, 1804
or otherwise provide cannabis to another cardholder if the 1805
transfer does not cause the other cardholder to possess more 1806
usable cannabis or mature cannabis plants than permitted by 1807
division (B)(1) of section 3728.02, division (B)(1) of section 1808
3728.03 of the Revised Code, or rules adopted under section 1809
3728.371 of the Revised Code. 1810

Sec. 3728.07. Any person may deliver, transport, transfer, or 1811
otherwise provide paraphernalia relating to the administration of 1812
cannabis for free or charge to a cardholder. 1813

Sec. 3728.08. A practitioner may sign a written certification 1814
for a qualifying patient stating that in the practitioner's 1815
professional opinion and scope of practice the qualifying patient 1816
is likely to receive therapeutic or palliative benefit from the 1817
medical use of cannabis. The practitioner may sign the written 1818
certification only in the course of a bona fide 1819
practitioner-patient relationship with the qualifying patient and 1820
after the practitioner has completed a full assessment of the 1821
qualifying patient's medical history. The written certification 1822
shall specify the qualifying patient's debilitating medical 1823
condition. 1824

Sec. 3728.10. A qualifying patient who seeks an initial or renewed registry identification card shall submit all of the following to the department of health in accordance with the rules adopted under section 3728.35 of the Revised Code: 1825
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(A) A completed application for the registry identification card which shall include, at a minimum, all of the following information: 1829
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1831

(1) The name, address, and date of birth of the qualifying patient, except that no address is required for an applicant who is homeless; 1832
1833
1834

(2) The name, address, and telephone number of the qualifying patient's practitioner who signs the written certification for the qualifying patient; 1835
1836
1837

(3) The address of each location, if any, at which the qualifying patient will cultivate cannabis once issued a registry identification card. 1838
1839
1840

(B) The initial or renewal fee, as appropriate, established in rules adopted under section 3728.35 of the Revised Code; 1841
1842

(C) A written certification for the qualifying patient. 1843

Sec. 3728.11. A primary caregiver who seeks an initial or renewed registry identification card shall submit all of the following to the department of health in accordance with the rules adopted under section 3728.35 of the Revised Code: 1844
1845
1846
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(A) A completed application for the registry identification card which shall include, at a minimum, all of the following information: 1848
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1850

(1) The name, address, and date of birth of the primary caregiver; 1851
1852

(2) The name, address, and date of birth of each qualifying 1853

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; 1854
1855
1856

(3) The address of each location, if any, at which the primary caregiver will cultivate cannabis once issued a registry identification card. 1857
1858
1859

(B) Evidence satisfactory to the department that the primary caregiver is at least twenty-one years of age; 1860
1861

(C) The initial or renewal fee, as appropriate, established in rules adopted under section 3728.35 of the Revised Code. 1862
1863

Sec. 3728.12. (A) The department of health shall verify the information contained in an application for an initial or renewed registry identification card under section 3728.10 or 3728.11 of the Revised Code and, in accordance with Chapter 119. of the Revised Code, approve or deny the application. Except as provided in division (B) of this section, the department shall issue the approval or denial not later than fifteen days after receiving the application. 1864
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(B) If the application is not complete, the department shall notify the applicant that the application is not complete and that the applicant has ten days from the date of receiving the notice to provide a complete application to the department. The department shall issue the approval or denial not later than fifteen days after the date the applicant receives the notice. 1872
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(C) The department may deny the application if one or more of the following applies: 1878
1879

(1) The application is not complete; 1880

(2) In the case of an application from a qualifying patient, the applicant does not submit a written certification for the qualifying patient with the application; 1881
1882
1883

(3) The department determines that the application or written certification was purposefully falsified; 1884
1885

(4) The applicant fails to pay the initial or renewal fee, as appropriate; 1886
1887

(5) In the case of an applicant who is a qualifying patient under eighteen years of age, either of the following apply: 1888
1889

(a) The applicant's practitioner who signs 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; 1890
1891
1892
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1894

(b) The parent, guardian, or legal custodian fails to consent in writing to all of the following: 1895
1896

(i) Allowing the applicant's medical use of cannabis in accordance with section 3728.02 of the Revised Code; 1897
1898

(ii) Becoming, and serving as, one of the applicant's registered primary caregivers; 1899
1900

(iii) Controlling the applicant's acquisition, dosage, and frequency of the medical use of cannabis. 1901
1902

(D) An applicant whose application is denied may reapply under section 3728.10 or 3728.11 of the Revised Code, as appropriate, no earlier than thirty days after the department issues the denial. 1903
1904
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Sec. 3728.13. Not later than five business days after approving an application under section 3728.12 of the Revised Code, the department of health shall issue a registry identification card to the applicant. The registry identification card shall contain all of the following: 1907
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1909
1910
1911

(A) In the case of a registry identification card for a 1912

qualifying patient, the name and date of birth of the qualifying patient; 1913
1914

(B) In the case of a registry identification card for a primary caregiver, both of the following: 1915
1916

(1) The name and date of birth of the primary caregiver; 1917

(2) The name and date of birth of each registered qualifying patient for whom the registered primary caregiver is to serve as a registered primary caregiver as specified in the application for the registry identification card. 1918
1919
1920
1921

(C) The date of issuance and expiration date of the registry identification card; 1922
1923

(D) A random identification number that is unique to the cardholder; 1924
1925

(E) A photograph of the cardholder, if the department requires one. 1926
1927

Sec. 3728.14. An application for an initial or renewed registry identification card shall be deemed a valid registry identification card beginning on the twentieth day after the date the application is submitted to the department of health if all of the requirements for approval of the application have been met and the department does either of the following: 1928
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1930
1931
1932
1933

(A) Fails to approve or deny the application within the time required by section 3728.12 of the Revised Code; 1934
1935

(B) Fails to issue the registry identification card within the time required by section 3728.13 of the Revised Code. 1936
1937

Sec. 3728.15. If at any time after 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 due to 1938
1939
1940
1941

failure to adopt rules under section 3728.35 of the Revised Code, 1942
a written certification for the qualifying patient together with a 1943
notarized statement by the qualifying patient of all of the 1944
following shall be deemed a valid registry identification card for 1945
the qualifying patient: 1946

(A) The name, address, and date of birth of the qualifying 1947
patient, except that no address is required if the qualifying 1948
patient is homeless; 1949

(B) The name, address, and telephone number of the qualifying 1950
patient's practitioner who signs the written certification for the 1951
qualifying patient; 1952

(C) The address of each location, if any, at which the 1953
qualifying patient will cultivate cannabis. 1954

Sec. 3728.16. If at any time after one hundred forty days 1955
after the effective date of this section the department of health 1956
is not accepting applications from primary caregivers for a 1957
registry identification card for any reason, including due to 1958
failure to adopt rules under section 3728.35 of the Revised Code, 1959
a notarized statement by the primary caregiver of all of the 1960
following shall be deemed a valid registry identification card for 1961
the primary caregiver: 1962

(A) The name, address, and date of birth of the primary 1963
caregiver; 1964

(B) The name, address, and date of birth of each qualifying 1965
patient the primary caregiver seeks to serve as a registered 1966
primary caregiver, except that no address is required for a 1967
qualifying patient who is homeless; 1968

(C) The address of each location, if any, at which the 1969
primary caregiver will cultivate cannabis. 1970

Sec. 3728.17. A registry identification card shall expire one 1971
year after the date of issuance unless revoked earlier. 1972

Sec. 3728.18. The department may revoke the registry 1973
identification card of a cardholder who does either of the 1974
following: 1975

(A) Delivers, transports, transfers, or otherwise provides 1976
cannabis for free or charge to a person who is not a cardholder; 1977

(B) Fails to comply with a requirement of this chapter. 1978

Sec. 3728.20. A registered qualifying patient who ceases to 1979
have a debilitating medical condition shall notify the department 1980
of health of that fact not later than thirty days after ceasing to 1981
have the debilitating medical condition. Not later than ten days 1982
after receipt of the notice, the department shall revoke the 1983
registered qualifying patient's registry identification card. 1984

Sec. 3728.21. A registered primary caregiver for a registered 1985
qualifying patient who ceases to have a debilitating medical 1986
condition shall notify the department of health of that fact not 1987
later than thirty days after the registered qualifying patient 1988
ceases to have the debilitating medical condition. Not later than 1989
ten days after receipt of the notice, the department shall revoke 1990
the registered primary caregiver's registry identification card 1991
unless the registered primary caregiver serves as the registered 1992
primary caregiver for another registered qualifying patient who 1993
still has a debilitating medical condition. 1994

Sec. 3728.22. A cardholder whose name or address changes 1995
shall notify the department of health of the change not later than 1996
thirty days after the change. The department shall issue a new 1997
registry identification card to the cardholder not later than ten 1998

business days after the date the department receives both of the 1999
following: 2000

(A) The notice from the cardholder; 2001

(B) A ten-dollar fee for the new registry identification 2002
card. 2003

Sec. 3728.25. A cardholder who loses the cardholder's 2004
registry identification card shall notify the department of health 2005
of the loss not later than ten days after the loss. The department 2006
shall issue a replacement registry identification card with a new 2007
random identification number to the cardholder not later than five 2008
business days after the date the department receives both of the 2009
following: 2010

(A) The notice from the cardholder; 2011

(B) A ten-dollar fee for the replacement registry 2012
identification card. 2013

Sec. 3728.26. A cardholder shall maintain cannabis plants in 2014
a room, greenhouse, garden, or other enclosed area that is out of 2015
public view unless either of the following apply: 2016

(A) The plants are being transported because the cardholder 2017
is moving; 2018

(B) The plants are being transported to the cardholder's 2019
property or, in the case of a registered primary caregiver, to the 2020
property of the registered primary caregiver's registered 2021
qualifying patient. 2022

Sec. 3728.27. (A) No employer or licensing agency shall do 2023
any of the following: 2024

(1) Take disciplinary action against a registered qualifying 2025

patient because the patient engages in the medical use of 2026
cannabis; 2027

(2) Take disciplinary action against a registered primary 2028
caregiver because the caregiver engages in an activity authorized 2029
by section 3728.03 of the Revised Code; 2030

(3) Take disciplinary action against a cardholder because the 2031
cardholder engages in an activity authorized by section 3728.06 of 2032
the Revised Code; 2033

(4) Take disciplinary action against a person because the 2034
person engages in an activity authorized by section 3728.07 of the 2035
Revised Code; 2036

(5) Take disciplinary action against a practitioner because 2037
the practitioner engages in an activity authorized by section 2038
3728.08 of the Revised Code; 2039

(6) Take disciplinary action against a person because the 2040
person is in the presence or vicinity of a registered primary 2041
caregiver engaging in the medical use of cannabis; 2042

(7) Take disciplinary action against a person because the 2043
person assists a registered qualifying patient's use or 2044
administration of cannabis, regardless of whether the person is a 2045
registered primary caregiver. 2046

(B) Division (A)(5) of this section does not prohibit a 2047
licensing agency from taking disciplinary action against a 2048
practitioner for failing to properly evaluate a patient's medical 2049
condition or otherwise violating the standard of care for 2050
evaluating medical conditions. 2051

Sec. 3728.28. No school, employer, or landlord may refuse to 2052
enroll, employ, or lease to, or otherwise penalize a person 2053
because of the person's status as a cardholder, unless failing to 2054
do so would put the school, employer, or landlord in violation of 2055

federal law. 2056

Sec. 3728.29. No person shall be denied any parental rights 2057
and responsibilities or visitation with a minor because of the 2058
person's status as a cardholder, unless the person's behavior is 2059
such that it creates an unreasonable danger to the minor that can 2060
be clearly articulated and substantiated. 2061

Sec. 3728.30. Nothing in this chapter shall be construed to 2062
require either of the following: 2063

(A) A government medical assistance program or private health 2064
insurer to reimburse a person for costs associated with the 2065
medical use of cannabis; 2066

(B) An employer to accommodate the use of cannabis in any 2067
workplace or any employee working while impaired, provided that a 2068
registered qualifying patient shall not be considered to be 2069
impaired solely because of the presence of metabolites or 2070
components of cannabis that appear in insufficient concentration 2071
to cause impairment. 2072

Sec. 3728.35. Not later than one hundred twenty days after 2073
the effective date of this section, the director of health shall 2074
adopt rules in accordance with Chapter 119. of the Revised Code 2075
governing the manner in which the department of health shall 2076
consider applications for initial and renewed registry 2077
identification cards. The rules shall establish fees for initial 2078
and renewed registry identification cards. The amount of the fees 2079
shall be on a sliding scale based on family income and shall be 2080
sufficient to generate enough revenues to offset all expenses of 2081
implementing and administering this chapter. The department may 2082
accept donations from private sources in order to reduce the fees. 2083

Sec. 3728.36. If the director of health fails to adopt rules 2084
under section 3728.35 of the Revised Code within one hundred 2085
twenty days of the effective date of this section, a qualifying 2086
patient or primary caregiver may commence a mandamus action in the 2087
Franklin county court of appeals to compel the director to adopt 2088
the rules. 2089

Sec. 3728.37. (A) There is hereby established the medical 2090
cannabis advisory council. The council shall consist of all of the 2091
following members appointed by the governor: 2092

(1) Four physicians who are certified by a national 2093
organization recognized by the state medical board as specializing 2094
in family medicine or an area that focuses on pain management or 2095
clinical oncology; 2096

(2) Three registered qualifying patients. 2097

(B) The state medical board shall provide the governor with a 2098
list of physicians eligible for appointment to the medical 2099
cannabis advisory council each time the governor is to appoint a 2100
physician to the council. 2101

(C) Members of the medical cannabis advisory council shall 2102
serve two-year terms. Each member shall hold office from the date 2103
of the member's appointment until the end of the term for which 2104
the member was appointed. Members may be reappointed. Vacancies 2105
shall be filled in the manner provided for original appointments. 2106
Any member appointed to fill a vacancy occurring before the 2107
expiration date of the term for which the member's predecessor was 2108
appointed shall hold office as a member for the remainder of that 2109
term. A member shall continue in office subsequent to the 2110
expiration date of the member's term until the member's successor 2111
takes office or until a period of sixty days has elapsed, 2112
whichever occurs first. 2113

(D) Members of the medical cannabis advisory council shall 2114
not receive compensation for their service on the council but 2115
shall be reimbursed for their actual and necessary expenses 2116
incurred in the performance of their service on the council. 2117

(E) The medical cannabis advisory council shall select one of 2118
the members of the council to serve as chairperson of the council. 2119

(F) The chairperson of the medical cannabis advisory council 2120
shall call the council to meet at least quarterly and at other 2121
times as necessary. 2122

(G) The department of health shall provide the medical 2123
cannabis advisory council with support services as necessary for 2124
the council to perform its duties, including providing the council 2125
with a place to meet. 2126

Sec. 3728.371. (A) The medical cannabis advisory council 2127
shall, in accordance with rules adopted under section 3728.372 of 2128
the Revised Code, accept and consider petitions from the public to 2129
do either or both of the following: 2130

(1) Add medical conditions to the list of debilitating 2131
medical conditions included in the definition of debilitating 2132
medical conditions in section 3728.01 of the Revised Code; 2133

(2) Increase, for the purpose of division (B)(1) of section 2134
3728.02 of the Revised Code and division (B)(1) of section 3728.03 2135
of the Revised Code, the number of grams of medical cannabis and 2136
the number of mature cannabis plants a cardholder may possess. 2137

(B) After consideration of a petition filed under this 2138
section, the council shall provide the director of health the 2139
council's recommendation on whether the petition should be 2140
approved or denied. The director shall approve or deny the 2141
petition not later than thirty days after receiving the council's 2142
recommendation and shall provide written notice of the director's 2143

decision to the petitioner by certified mail, return receipt 2144
requested. If the director denies a petition in whole or in part, 2145
the petitioner may appeal the director's decision to the court of 2146
common pleas of Franklin county by filing a notice of appeal with 2147
the director setting forth the decision appealed from and the 2148
grounds of the appeal. The petitioner shall also file a copy of 2149
the notice of appeal with the court. The petitioner shall file the 2150
notice of appeal within fifteen days after the mailing of the 2151
notice of the director's decision. The court shall order that the 2152
petition be approved if it finds that the petitioner presented the 2153
director with substantial evidence that the medical conditions 2154
requested to be added to the list of debilitating medical 2155
conditions should be added or that the number of grams of medical 2156
cannabis and the number of mature cannabis plants a cardholder may 2157
possess should be increased. If the director approves the petition 2158
or is ordered by a court to approve the petition, the director 2159
shall adopt rules in accordance with Chapter 119. of the Revised 2160
Code to implement the petition. 2161

Sec. 3728.372. The medical cannabis advisory council shall 2162
adopt rules in accordance with Chapter 119. of the Revised Code 2163
governing the manner in which the council shall accept and 2164
consider petitions from the public under section 3728.371 of the 2165
Revised Code. The rules shall provide for public notice of, and an 2166
opportunity to comment in a public hearing upon, such petitions. 2167

Sec. 3728.373. Sections 101.82 to 101.87 of the Revised Code 2168
do not apply to the medical cannabis advisory council. 2169

Sec. 3728.38. (A) There is hereby established the cannabis 2170
cultivation advisory council. The council shall consist of the 2171
following members appointed by the governor: 2172

(1) Four representatives of the department of agriculture who 2173

are knowledgeable about botany; 2174

(2) Three cardholders. 2175

(B) Members of the cannabis cultivation advisory council 2176
shall serve two-year terms. Each member shall hold office from the 2177
date of the member's appointment until the end of the term for 2178
which the member was appointed. Members may be reappointed. 2179
Vacancies shall be filled in the manner provided for original 2180
appointments. Any member appointed to fill a vacancy occurring 2181
before the expiration date of the term for which the member's 2182
predecessor was appointed shall hold office as a member for the 2183
remainder of that term. A member shall continue in office 2184
subsequent to the expiration date of the member's term until the 2185
member's successor takes office or until a period of sixty days 2186
has elapsed, whichever occurs first. 2187

(C) Members of the cannabis cultivation advisory council 2188
shall not receive compensation for their service on the council 2189
but shall be reimbursed for their actual and necessary expenses 2190
incurred in the performance of their service on the council. 2191

(D) The cannabis cultivation advisory council shall select 2192
one of the members of the council to serve as chairperson of the 2193
council. 2194

(E) The chairperson of the cannabis cultivation advisory 2195
council shall call the council to meet at least quarterly and at 2196
other times as necessary. 2197

(F) The department of agriculture shall provide the cannabis 2198
cultivation advisory council with support services as necessary 2199
for the council to perform its duties, including providing the 2200
council with a place to meet. 2201

Sec. 3728.381. The cannabis cultivation advisory council 2202
shall provide cardholders sound advice and recommendations on the 2203

best practices for the safe and efficient cultivation of cannabis. 2204

Sec. 3728.382. Sections 101.82 to 101.87 of the Revised Code 2205
do not apply to the cannabis cultivation advisory council. 2206

Sec. 3728.40. The department of health shall maintain a list 2207
of the persons to whom the department has issued registry 2208
identification cards. All identifying information on the list is 2209
confidential and not subject to disclosure, except to authorized 2210
employees of the department as necessary to perform the 2211
department's official duties or as authorized by sections 3728.42 2212
and 3728.43 of the Revised Code. 2213

Sec. 3728.41. No person or government entity shall disclose 2214
any information contained in an application for an initial or 2215
renewed registry identification card, a written certification 2216
submitted with such an application, or a registry identification 2217
card except as necessary in the administration of this chapter or 2218
as authorized by sections 3728.42 and 3728.43 of the Revised Code. 2219

Sec. 3728.42. An employee of the department of health may 2220
notify a law enforcement officer about falsified or fraudulent 2221
information submitted to the department in an application for an 2222
initial or renewed registry identification card or a written 2223
certification submitted with such an application if the employee 2224
first confers with his or her supervisor or at least one other 2225
employee of the department and both agree that circumstances exist 2226
that warrant notification. 2227

Sec. 3728.43. The department of health shall operate a system 2228
under which law enforcement officers contact the department to 2229
verify whether a person is a cardholder and whether the address of 2230
a location at which cannabis is being cultivated is a cardholder's 2231

registered cultivation site. The system shall be available for use 2232
by law enforcement officers twenty-four hours each day. A law 2233
enforcement officer shall utilize the system to verify the status 2234
of an individual or address before initiating an arrest, raid, or 2235
other law enforcement action concerning cannabis. If the person is 2236
a cardholder or the address of a location at which cannabis is 2237
being cultivated is a cardholder's registered cultivation site, no 2238
further action may be initiated except on issuance of a warrant. 2239

2240

Sec. 3728.45. (A) The department of health shall submit to 2241
the general assembly an annual report that contains, at a minimum, 2242
all of the following information for the previous year: 2243

(1) The number of applications that were submitted to the 2244
department for initial and renewed registry identification cards. 2245

(2) The number of such applications that were denied and the 2246
reasons for the denials. 2247

(3) The number of registered qualifying patients and 2248
registered primary caregivers in each county. 2249

(4) The nature of the debilitating medical conditions of the 2250
registered qualifying patients. 2251

(5) The number of registry identification cards revoked. 2252

(6) The number of practitioners providing written 2253
certifications for qualifying patients. 2254

(B) The report the department submits to the general assembly 2255
under this section shall not disclose any identifying information 2256
about qualifying patients, primary caregivers, or practitioners. 2257

Sec. 3728.47. A valid document issued to a visiting 2258
qualifying patient under the laws of another state, district, 2259

territory, commonwealth, or insular possession of the United 2260
States that is the equivalent to a registry identification card 2261
shall have the same force and effect as a registry identification 2262
card issued to a registered qualifying patient. 2263

Sec. 3728.99. Whoever violates section 3728.41 of the Revised 2264
Code is guilty of a misdemeanor of the first degree. 2265

Sec. 3781.32. (A) Any connections or tie-ins to existing 2266
utility services within a public right-of-way shall comply with 2267
permit requirements of the public agency that has jurisdiction 2268
over that right-of-way. 2269

(B) A developer shall not require, as a condition for 2270
entering into a contract for a project that will require 2271
excavation, that responsibility for performance of duties imposed 2272
under sections 3781.25 to 3781.32 of the Revised Code shall be 2273
assumed by a person other than the person on whom those duties are 2274
imposed under those sections. This division does not prohibit a 2275
utility from entering into any contract for the performance of 2276
duties that are imposed on a utility under those sections. 2277

(C) Nothing in sections ~~3728.25~~ 3781.25 to ~~3728.32~~ 3781.32 of 2278
the Revised Code shall be construed to require a utility to 2279
relocate its underground utility facilities located at an 2280
excavation site. 2281

Section 2. That existing sections 2925.02, 2925.03, 2925.04, 2282
2925.11, 2925.14, and 3781.32 of the Revised Code are hereby 2283
repealed. 2284

Section 3. The Governor shall make the initial appointments 2285
to the Medical Cannabis Advisory Council established under section 2286
3728.37 of the Revised Code not later than one hundred twenty days 2287

after the effective date of this section. Notwithstanding division 2288
(A)(2) of section 3728.37 of the Revised Code, the initial members 2289
who are to be registered qualifying patients shall be instead 2290
persons who suffer from a debilitating medical condition as 2291
defined in section 3728.01 of the Revised Code and are nominated 2292
to the Council by the Ohio Patient Action Network. 2293

Section 4. The Governor shall make the initial appointments 2294
to the Cannabis Cultivation Advisory Council established under 2295
section 3728.38 of the Revised Code not later than one hundred 2296
twenty days after the effective date of this section. 2297
Notwithstanding division (A)(2) of section 3728.38 of the Revised 2298
Code, the initial members who are to be cardholders shall be 2299
instead persons who suffer from a debilitating medical condition 2300
as defined in section 3728.01 of the Revised Code or are the 2301
primary caregivers of such persons and are nominated to the 2302
Council by the Ohio Patient Action Network. 2303