

Chapter 2925: DRUG OFFENSES

2925.02 Corrupting another with drugs.

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

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

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

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

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

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

(1) 2nd degree felony if the offense is a violation of division (A) and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.

(2) 3rd degree felony if the offense is a violation of division (A) and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V.

(3) 4th degree felony if the offense is a violation of division (A) and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.

(4) 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 RC [2925.38](#).

(D) Notwithstanding the prison term otherwise authorized for the offense under division (C), if the trier of fact determines that the violation of division (A) involves the sale, offer to sell, or possession of at least one hundred times the bulk amount of any schedule I or II controlled

substance, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the court shall impose as a mandatory prison term the maximum prescribed for a 1st degree felony.

2925.03 [Effective 9/29/2015] Trafficking, aggravated trafficking in drugs.

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

- (1) Sell a controlled substance or a controlled substance analog;
- (2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog 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 RC 3719., 4715., 4723., 4729., 4730., 4731., and 4741.;
- (2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;
- (3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act.

(C) Whoever violates division (A) is guilty of trafficking in drugs and shall be punished according to the following chart:

DRUG	AMOUNT	LEVEL
Schedule I or II*	< bulk	F-4
	≥ bulk → < 50 x bulk	F-3
	≥ 50 → < 100 x bulk	F-2
	≥ 100 x bulk	F-1 (MDO)
Schedule III, IV, or V*	< bulk	F-5
	≥ bulk → < 50 x bulk	F-4
	≥ 50 x bulk	F-2
Marijuana	Gift ≤ 20 g	MM^
	< 200 g	F-5
	≥ 200 g → < 1 kg	F-4
	≥ 1 kg → < 20 kg	F-3
	≥ 20 kg	F-2
Cocaine: Powder or Crack	< 10 g	F-5
	≥ 10 g → < 27 g	F-4
	≥ 27 g → < 100 g	F-3
	≥ 100 g → < 500 g	F-2
	≥ 500 g	F-1 (MDO)
LSD: Solid	< 50 UD	F-5
	≥ 50 UD → < 250 UD	F-4
	≥ 250 UD → < 5000 UD	F-3
	≥ 5000 UD	F-2
LSD: Liquid	< 5 g	F-5
	≥ 5 g → < 25 g	F-4
	≥ 25 g → < 500 g	F-3
	≥ 500 g	F-2
Heroin/Fentanyl†	< 1 g; < 10 UD	F-5
	≥ 1 g → < 10 g; ≥ 10 UD → < 100 UD	F-4
	≥ 10 g → < 50 g; ≥ 100 UD → < 500 UD	F-3
	≥ 50 g → < 250 g; ≥ 500 UD → < 2500 UD	F-1
	≥ 250 g; ≥ 2500 UD	F-1 (MDO)
Hashish: Solid	Gift ≤ 1 g	MM^
	< 10 g	F-5
	≥ 10 g → < 50 g	F-4
	≥ 50 g → < 1 kg	F-3
	≥ 1 kg	F-2
Hashish: Liquid	Gift ≤ 0.2 g	MM^
	< 2 g	F-5
	≥ 2 g → < 10 g	F-4
	≥ 10 g → < 200 g	F-3
	≥ 200 g	F-2
Controlled Substance Analog	< 10 g	F-5
	≥ 10 g → < 30 g	F-4
	≥ 30 g → < 50 g	F-2
	≥ 50 g	F-1 (MDO)

* The schedule of controlled substances is in O.R.C. §3719.41.

^ Minor misdemeanor (MM) on first offense, M-3 on a subsequent offense.

MDO (Major Drug Offender) = Mandatory maximum term from F-1 range

† F-5 if the offender previously has been convicted of a drug abuse offense.

◆ Heroin/Fentanyl shall include any derivative of either heroin or fentanyl and any mixture containing both heroin and fentanyl.

Note: As used in this section, "drug" includes any substance that is represented to be a drug.

(D) In addition to any prison term authorized or required by division (C), the court that sentences an offender who is found guilty to a violation of division (A) shall do all of the following that are applicable regarding the offender:

(1) The court shall impose as a mandatory prison term the maximum prescribed for a felony of the 1st degree if the trier of fact determines that the violation of division (A) involves the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that consists of or contains at least one of the following:

(a) at least one hundred grams of cocaine;

(b) at least two thousand five hundred unit doses or two hundred fifty grams of heroin;

(c) at least five thousand unit doses of L.S.D. or five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form;

(d) at least fifty grams of a controlled substance analog; or

(e) at least one hundred times the bulk amount of any other schedule I or II controlled substance other than marihuana.

(2) If the offender is a professionally licensed person, the court immediately shall comply with RC [2925.38](#).

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

(F)

(1) In addition to any prison term authorized by division (C), and in addition to the forfeiture of property in connection with the offense as prescribed in Chapter RC 2981., the court that sentences an offender who is found guilty to a violation of division (A) may impose upon the offender a fine specified for the offense in RC [2929.13\(E\)](#). A fine imposed under division (F)(1) shall be used solely for the support of one or more eligible community addiction services providers in accordance with divisions (F)(2) and (3).

(2) The court that imposes a fine under division (F)(1) shall specify in the judgment that imposes the fine one or more eligible community addiction services providers for the support of which the fine money is to be used. No community addiction services provider shall receive or use money

paid or collected in satisfaction of a fine imposed under division (F)(1) unless the services provider is specified in the judgment that imposes the fine. No community addiction services provider shall be specified in the judgment unless the services provider is an eligible community addiction services provider and, except as otherwise provided in division (F)(2), unless the services provider is located in the county in which the court that imposes the fine is located or in a county that is immediately contiguous to the county in which that court is located. If no eligible community addiction services provider is located in any of those counties, the judgment may specify an eligible community addiction services provider that is located anywhere within this state.

(3) Notwithstanding any contrary provision of RC [3719.21](#), the clerk of the court shall pay any fine imposed under division (F)(1) to the eligible community addiction services provider specified pursuant to division (F)(2) in the judgment. The eligible community addiction services provider that receives the fine moneys shall use the moneys only for the alcohol and drug addiction services identified in the application for certification of services under RC [5119.36](#) or in the application for a license under RC [5119.391](#) filed with the department of mental health and addiction services by the community addiction services provider specified in the judgment.

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

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

(H) It is an affirmative defense to a charge of trafficking in a controlled substance analog that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed an item described in division (HH)(2)(a), (b), or (c) of RC [3719.01](#).

2925.04 Illegal manufacture of drugs - illegal cultivation of marihuana - methamphetamine offenses.

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

(1) Cultivate marihuana;

(2) Manufacture or otherwise engage in any substantial part of the production of a controlled substance.

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

(C) No person who is found guilty of violating division (A)(2) shall also be found guilty of violating R.C. 2925.041(A) if the chemicals used to illegally manufacture drugs under division (A)(2) are the same chemicals that would give rise to a charge under R.C. 2925.041(A).

(D)

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

(2) Except as otherwise provided in this division, if the drug involved in the violation of division (A)(2) is any compound, mixture, preparation, or substance included in schedule I or II, with the exception marihuana, illegal manufacture of drugs is a 2nd degree felony.

(3) If the drug involved in the violation of division (A)(2) is any compound, mixture, preparation, or substance included in schedule III, IV, or V, illegal manufacture of drugs is a 3rd degree felony..

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

(a) Except as otherwise provided in division (D)(4)(b), (c), or (d), illegal cultivation of marihuana is a minor misdemeanor.

(b) If the amount of marihuana involved equals or exceeds one hundred grams but is less than two hundred grams, illegal cultivation of marihuana is a 4th degree misdemeanor.

(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a 5th degree felony.

(d) If the amount of marihuana involved equals or exceeds one thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a 4th degree felony.

(E) If the offender is a professionally licensed person, the court immediately shall comply with RC [2925.38](#).

(F) Notwithstanding the prison term otherwise authorized for the offense under division (D), if the trier of fact determines that the violation of division (A) involves the sale, offer to sell, or possession of at least one hundred times the bulk amount of any schedule I or II controlled substance, with the exception of marihuana, the court shall impose as a mandatory prison term the maximum prescribed for a felony of the 1st degree.

(G) It is an affirmative defense, as provided in RC [2901.05](#), to a charge under this section for a 5th degree felony violation of illegal cultivation of marihuana that the marihuana that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed or cultivated under any other circumstances that indicate that the marihuana was solely for personal use.

Notwithstanding any contrary provision of division (G), if, in accordance with RC [2901.05](#), a person who is charged with a violation of illegal cultivation of marihuana that is a 5th degree felony sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the person may be prosecuted for and may be found guilty of a misdemeanor violation of illegal cultivation of marihuana.

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

2925.041 Illegal assembly or possession of chemicals for manufacture of drugs.

(A) No person shall knowingly assemble or possess one or more chemicals that may be used to manufacture a controlled substance in schedule I or II with the purpose to manufacture a controlled substance in schedule I or II in violation of RC [2925.04](#).

(B) In a prosecution under this section, it is not necessary to allege or prove that the offender assembled or possessed all chemicals necessary to manufacture a controlled substance in schedule I or II. The assembly or possession of a single chemical that may be used in the manufacture of a controlled substance in schedule I or II, with the intent to manufacture a controlled substance in either schedule, is sufficient to violate this section.

(C) Whoever violates this section is guilty of illegal assembly or possession of chemicals for the manufacture of drugs. Illegal assembly or possession of chemicals for the manufacture of drugs is a 5th degree felony. If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, the court shall comply with RC [2925.38](#).

2925.05 Funding, aggravated funding of drug or marihuana trafficking.

(A) No person shall purposefully provide money or other items of value to another person to obtain any controlled substance for the purpose of violating RC [2925.04](#) or for the purpose of selling the controlled substance in the following amount:

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

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

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

(4) If the drug to be sold or offered for sale is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., an amount of the L.S.D. that equals or exceeds fifty unit doses if the L.S.D. is in a solid form or equals or exceeds five grams if the L.S.D. is in a liquid concentrate, liquid extract, or liquid distillate form;

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

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

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

(C)

(1) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, whoever violates division (A) is guilty of aggravated funding of drug trafficking, a 3rd degree felony.

(2) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) is guilty of funding of drug trafficking, a 4th degree felony.

(3) If the drug involved in the violation is marihuana, whoever violates division (A) is guilty of funding of marihuana trafficking, a 4th degree felony.

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

(E) Notwithstanding the prison term otherwise authorized for the offense under division (C), if the trier of fact determines that the violation of division (A) involves the sale, offer to sell, or possession of at least one hundred times the bulk amount of any schedule I or II controlled substance, with the exception of marihuana, the court shall impose as a mandatory prison term the maximum prescribed for a felony of the 1st degree.

2925.06 Illegal administration or distribution of anabolic steroids.

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

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

(C) Whoever violates division (A) is guilty of illegal administration or distribution of anabolic steroids, a 4th degree felony.

(D) In addition to any prison term authorized by division (C), if the offender is a professionally licensed person, the court immediately shall comply with RC [2925.38](#).

2925.09 Unapproved drugs - dangerous drug offenses involving livestock.

(A) No person shall knowingly administer, dispense, distribute, manufacture, possess, sell, or use any drug, other than a controlled substance, that is not approved by the United States food and drug administration, or the United States department of agriculture, unless one of the following applies:

(1) The United States food and drug administration has approved an application for investigational use in accordance with the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the drug is used only for the approved investigational use;

(2) The United States department of agriculture has approved an application for investigational use in accordance with the federal "Virus-Serum-Toxin Act," 37 Stat. 832 (1913), 21 U.S.C.A. 151, as amended, and the drug is used only for the approved investigational use;

(3) A licensed health professional authorized to prescribe drugs, other than a veterinarian, prescribes or combines two or more drugs as a single product for medical purposes;

(4) A pharmacist, pursuant to a prescription, compounds and dispenses two or more drugs as a single product for medical purposes.

(B)(1) Except as provided in division (B)(2), no person shall administer, dispense, distribute, manufacture, possess, sell, or use any dangerous drug to or for livestock or any animal that is generally used for food or in the production of food, unless the drug is prescribed by a licensed veterinarian by prescription or other written order and the drug is used in accordance with the veterinarian's order or direction.

(2) Division (B)(1) does not apply to a registered wholesale distributor of dangerous drugs, a licensed terminal distributor of dangerous drugs, or a person who possesses, possesses for sale, or sells, at retail, a drug in accordance with Chapters RC 3719., 4729., or 4741.

(C) Whoever violates division (A) or (B)(1) is guilty of a 5th degree felony on a first offense and of a 4th degree felony on each subsequent offense.

2925.11 Possession of controlled substances.

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

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

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

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

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

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

(C) Whoever violates division (A) is guilty of possession of controlled substances and shall be punished according to the following chart:

DRUG	AMOUNT	LEVEL
Schedule I or II*	< bulk	F-5
	≥ bulk → < 50 x bulk	F-3
	≥ 50 → < 100 x bulk	F-2
	≥ 100 x bulk	F-1 (MDO)
Schedule III, IV, or V*	< bulk	M-1†
	≥ bulk → < 50 x bulk	F-4
	≥ 50 x bulk	F-2
Marijuana	< 100 g	MM
	≥ 100 g → < 200 g	M-4
	≥ 200 g → < 1 kg	F-5
	≥ 1 kg → < 20 kg	F-4
	≥ 20 kg	F-2
Cocaine: Powder or Crack	< 10 g	F-5
	≥ 10 g → < 27 g	F-4
	≥ 27 g → < 100 g	F-3
	≥ 100 g → < 500 g	F-2
	≥ 500 g	F-1 (MDO)
LSD: Solid	< 50 UD	F-5
	≥ 50 UD → < 250 UD	F-4
	≥ 250 UD → < 5000 UD	F-3
	≥ 5000 UD	F-2
LSD: Liquid	< 5 g	F-5
	≥ 5 g → < 25 g	F-4
	≥ 25 g → < 500 g	F-3
	≥ 500 g	F-2
Heroin/Fentanyl♦	< 1 g → < 10 UD	F-5
	≥ 1 g → < 10 g; ≥ 10 UD → < 100 UD	F-4
	≥ 10 g → < 50 g; ≥ 100 UD → < 500 UD	F-3
	≥ 50 g → < 250 g; ≥ 500 UD → < 2500 UD	F-1
	≥ 250 g; ≥ 2500 UD	F-1 (MDO)
Hashish: Solid	< 5 g	MM
	≥ 5 g → < 10 g	M-4
	≥ 10 g → < 50 g	F-5
	≥ 50 g → < 1 kg	F-4
	≥ 1 kg	F-2
Hashish: Liquid	< 1 g	MM
	≥ 1 g → < 2 g	M-4
	≥ 2 g → < 10 g	F-5
	≥ 10 g → < 200 g	F-4
	≥ 200 g	F-2
Controlled Substance Analog	< 10 g	F-5
	≥ 10 g → < 30 g	F-4
	≥ 30 g → < 50 g	F-2
	≥ 50 g	F-1 (MDO)

* The schedule of controlled substances is in O.R.C. §3719.41.

^ Minor misdemeanor (MM) on first offense, M-3 on a subsequent offense.

MDO (Major Drug Offender) = Mandatory maximum term from F-1 range

† F-5 if the offender previously has been convicted of a drug abuse offense.

♦ Heroin/Fentanyl shall include any derivative of either heroin or fentanyl and any mixture containing both heroin and fentanyl.

Note: As used in this section, "drug" includes any substance that is represented to be a drug.

(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any

application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(E) In addition to any prison term or jail term authorized or required by division (C), the court that sentences an offender who is found guilty of a violation of division (A) shall do all of the following that are applicable regarding the offender:

(1) The court shall impose as a mandatory prison term the maximum prescribed for a felony of the 1st degree if the trier of fact determines that the violation of division (A) involves the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that consists of or contains at least one of the following:

(a) at least one hundred grams of cocaine;

(b) at least two thousand five hundred unit doses or two hundred fifty grams of heroin;

(c) at least five thousand unit doses of L.S.D. or five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form;

(d) at least fifty grams of a controlled substance analog; or

(e) at least one hundred times the bulk amount of any other schedule I or II controlled substance other than marihuana.

(2) If the offender is a professionally licensed person, the court immediately shall comply with RC [2925.38](#).

(F) It is an affirmative defense, as provided in RC [2901.05](#), to a charge of a 4th degree felony violation under this section that the controlled substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with RC [2901.05](#), an accused is charged with a 4th degree felony when the drug involved is cocaine, L.S.D., heroin, or any schedule III, IV, or V drug sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may be found guilty of a misdemeanor violation when the drug involved is a schedule III, IV, or V drug or a 5th degree felony violation when the drug involved is cocaine, L.S.D., or heroin.

(G) When a person is charged with possessing a bulk amount or multiple of a bulk amount, RC [2925.03\(E\)](#) applies regarding the determination of the amount of the controlled substance involved at the time of the offense.

(H) It is an affirmative defense to a charge of possession of a controlled substance analog that the person charged with violating that offense obtained, possessed, or used an item described in division (HH)(2)(a), (b), or (c) of RC 3719.01.

2925.12 Illegal use or possession of drug paraphernalia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G)

(1) Except as otherwise provided in (G)(2) and (G)(3), whoever violates division (A) is guilty of illegal use or possession of drug paraphernalia, a 4th degree misdemeanor.

(2) Whoever violates this division (A) by using a hypodermic or syringe to unlawfully administer, use, or prepare a dangerous drug is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If an offender violating division (A) by using a hypodermic or syringe to unlawfully administer, use, or prepare a dangerous drug has previously plead guilty or found guilty of a drug abuse offense, a violation of division (A) is a 1st degree misdemeanor.

(3) Whoever violates division (A) by using drug paraphernalia to introduce marihuana into the human body is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

(4) Whoever violates division (B) is guilty of dealing in drug paraphernalia, a 2nd degree misdemeanor.

(5) Whoever violates division (C) is guilty of illegal advertising of drug paraphernalia, a 2nd degree misdemeanor.

2925.13 Permitting drug abuse.

(A) No person who is the owner, operator, or person in charge of a locomotive, watercraft, aircraft, or other vehicle, as defined in RC [4501.01\(A\)](#), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.

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

(C)

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

(2) Except as provided in division (C)(3), permitting drug abuse is a 1st degree misdemeanor.

(3) Permitting drug abuse is a 5th degree felony if the felony drug abuse offense in question is a violation of RC [2925.02](#) or [2925.03](#).

(D) 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 RC [2925.38](#).

(E) Any premises or real estate that is permitted to be used in violation of division (B) constitutes a nuisance subject to abatement pursuant to Chapter 3767. of the Revised Code.

2925.22 Deception to obtain a dangerous drug.

(A) No person, by deception, shall knowingly do any of the following:

(1) Procure the administration of, a prescription for, or the dispensing of, a dangerous drug;

(2) Possess an uncompleted preprinted prescription blank used for writing a prescription for a dangerous drug.

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

(1) If the person possesses an uncompleted preprinted prescription blank used for writing a prescription for a dangerous drug or if the drug involved is a dangerous drug, except as otherwise provided in division (B)(2) or (3), deception to obtain a dangerous drug is a 5th degree felony or, if the offender previously has been found guilty of a drug abuse offense, a 4th degree felony.

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

(a) Except as otherwise provided in division (B)(2)(b), (c), or (d), it is a 4th degree felony.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than fifty times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed the bulk amount but would be less than fifty times the bulk amount, it is a 3rd degree felony.

(c) 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, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed fifty times the bulk amount but would be less than one hundred times the bulk amount, it is a 2nd degree felony.

(d) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed one hundred times the bulk amount, it is a 1st degree felony.

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

(a) Except as otherwise provided in division (B)(3)(b) or (c), it is a 5th degree felony.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than fifty times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed the bulk amount but would be less than fifty times the bulk amount, it is a 4th degree felony.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed fifty times the bulk amount, it is a 2nd degree felony.

(C) 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 RC [2925.38](#).

2925.23 Illegal processing of drug documents.

(A) No person shall knowingly make a false statement in any prescription, order, report, or record required by Chapter RC 3719. or 4729.

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

- (1) Prescription;
 - (2) Uncompleted preprinted prescription blank used for writing a prescription;
 - (3) Official written order;
 - (4) License for a terminal distributor of dangerous drugs as required in RC [4729.60](#);
 - (5) Registration certificate for a wholesale distributor of dangerous drugs as required in RC [4729.60](#).
- (C) No person, by theft as defined in RC [2913.02](#), purposefully shall acquire any of the following:
- (1) A prescription;
 - (2) An uncompleted preprinted prescription blank used for writing a prescription;
 - (3) An official written order;
 - (4) A blank official written order;
 - (5) A license or blank license for a terminal distributor of dangerous drugs as required in RC [4729.60](#);
 - (6) A registration certificate or blank registration certificate for a wholesale distributor of dangerous drugs as required in RC [4729.60](#).
- (D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.
- (E) Divisions (A) and (D) do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters RC 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741.
- (F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6), illegal processing of drug documents is a 5th degree felony. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D), the penalty for illegal processing of drug documents shall be determined as follows:
- (1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marijuana, illegal processing of drug documents is a 4th degree felony.

(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, illegal processing of drug documents is a 5th degree felony.

(G) 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 RC [2925.38](#).

2925.24 Tampering with drugs.

(A) No person shall knowingly adulterate or alter any dangerous drug or substitute any dangerous drug with another substance.

(B) No person shall knowingly adulterate or alter any package or receptacle containing any dangerous drug or substitute any package or receptacle containing any dangerous drug with another package or receptacle.

(C) Divisions (A) and (B) do not apply to manufacturers, practitioners, pharmacists, owners of pharmacies, nurses, and other persons, when the conduct of the manufacturer, practitioner, pharmacist, owner of a pharmacy, nurse, or other person is in accordance with Chapters RC 3719., 4715., 4723., 4729., 4731., and 4741.

(D) It is an affirmative defense to a charge under this section alleging that a person altered a dangerous drug that the dangerous drug the person allegedly altered was lawfully prescribed for the person's personal use and that the person did not sell or transfer or intend to sell or transfer the dangerous drug to another person.

(E) Whoever violates this section is guilty of tampering with drugs, a 3rd degree felony. If the violation results in physical harm to any person, tampering with drugs is a 2nd degree felony.

2925.31 Abusing harmful intoxicants.

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

(B) Whoever violates this section is guilty of abusing harmful intoxicants, a 1st degree misdemeanor.

(C) 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 RC [2925.38](#).

2925.32 Trafficking in harmful intoxicants - improperly dispensing or distributing nitrous oxide.

(A) Divisions (A)(1) and (2) do not apply to the dispensing or distributing of nitrous oxide.

(1) No person shall knowingly dispense or distribute a harmful intoxicant to any person if the person who dispenses or distributes it knows or has reason to believe that the harmful intoxicant will be used in violation of RC 2925.31. Division (A)(1) does not prohibit either of the following:

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

(b) Dispensing or distributing gasoline or diesel fuel to a person under age eighteen if the dispenser or distributor does not know or have reason to believe the product will be used in violation of RC 2925.31. Division (A)(2)(a) does not require a person to obtain a written order from the parent or guardian of a person under age eighteen in order to distribute or dispense gasoline or diesel fuel to the person.

(B)

(1) No person shall knowingly dispense or distribute nitrous oxide to a person age twenty-one or older if the person who dispenses or distributes it knows or has reason to believe the nitrous oxide will be used in violation of RC 2925.31.

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

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

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

(a) The record-keeping requirements established under division (F);

(b) The labeling and transaction identification requirements established under division (G).

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

(D)

(1) Whoever violates division (A)(1) or (2) or division (B)(1), (2), or (3) is guilty of trafficking in harmful intoxicants, a 5th degree felony. If the offender previously has been convicted of a drug abuse offense, trafficking in harmful intoxicants is a 4th degree felony. If the offender is a

professionally licensed person, in addition to any other sanction imposed for trafficking in harmful intoxicants, the court immediately shall comply with RC [2925.38](#).

(2) Whoever violates division (B)(4)(a) or (b) is guilty of improperly dispensing or distributing nitrous oxide, a 4th degree misdemeanor.

(E) It is an affirmative defense to a charge of a violation of division (B)(2) that:

(1) An individual exhibited to the defendant or an officer or employee of the defendant, for purposes of establishing the individual's age, a driver's license or permit issued by this state, a commercial driver's license or permit issued by this state, an identification card issued pursuant to RC [4507.50](#), for another document that purports to be a license, permit, or identification card described in this division;

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

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

(F) Beginning July 1, 2001, a person who dispenses or distributes nitrous oxide shall record each transaction involving the dispensing or distributing of the nitrous oxide on a separate card. The person shall require the purchaser to sign the card and provide a complete residence address. The person dispensing or distributing the nitrous oxide shall sign and date the card. The person shall retain the card recording a transaction for one year from the date of the transaction. The person shall maintain the cards at the person's business address and make them available during normal business hours for inspection and copying by officers or employees of the state board of pharmacy or of other law enforcement agencies of this state or the United States that are authorized to investigate violations of Chapter RC 2925., 3719., or 4729. or the federal drug abuse control laws.

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

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

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

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

(G)

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

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

(2) Each time a person dispenses or distributes one or more cartridges of nitrous oxide, the person shall mark the packaging containing the cartridges with a label or other device that identifies the person who dispensed or distributed the nitrous oxide and the person's business address.

2925.33 Possessing nitrous oxide in motor vehicle.

(A) Unless authorized under Chapter RC 3719., 4715., 4729., 4731., 4741., or 4765., no person shall knowingly possess an open cartridge of nitrous oxide in either of the following circumstances:

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

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

(B) Whoever violates this section is guilty of possessing nitrous oxide in a motor vehicle, a 4th degree misdemeanor.

2925.34 Restriction against sale of or offer for sale of a pure caffeine product; misdemeanor. [Effective 9/24/2015].

(A) Except as provided in division (B), no person shall knowingly sell a pure caffeine product.

(B) Division (A) does not prohibit a person from selling or offering for sale any product manufactured in a unit-dose form such as a pill, tablet, or caplet, but only if each unit dose of the product contains not more than two hundred fifty milligrams of caffeine.

(C) Nothing in this section prohibits either of the following:

(1) Possession of a product described in division (B);

(2) Possession of a pure caffeine product by any of the following:

(a) A food processing establishment, as defined in RC [3715.021](#);

(b) A manufacturer of a drug that is available without a prescription;

(c) A laboratory that holds a current, valid category III terminal distributor of dangerous drugs license issued by the state board of pharmacy under RC [4729.54](#);

(d) A laboratory, as defined in RC [3719.01](#);

(e) A laboratory of any agency or department of this state that performs testing, analysis, and other laboratory services on behalf of the state;

(f) A postal or delivery service that transports or delivers a pure caffeine product to an entity specified in divisions (C)(2)(a) to (e).

(D) Whoever violates division (A) is guilty of illegal sale of pure caffeine, a minor misdemeanor on a first offense and a 3rd degree misdemeanor on each subsequent offense.

2925.36 Illegal dispensing of drug samples.

(A) No person shall knowingly furnish another a sample drug.

(B) Division (A) does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Chapters RC 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741.

(C)

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

(2) If the drug involved in the offense is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal dispensing of drug samples is a 5th degree felony.

(3) If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V, or is marihuana, illegal dispensing of drug samples is a 2nd degree misdemeanor.

(D) 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 RC [2925.38](#).

(E) Notwithstanding the prison term authorized or required by division (C), if the violation of division (A) involves the sale, offer to sell, or possession of at least one hundred times the bulk amount of any schedule I or II controlled substance, with the exception of marihuana, the court shall impose as a mandatory prison term the maximum prescribed for a felony of the 1st degree.

2925.37 Counterfeit controlled substance offenses.

(A) No person shall knowingly possess any counterfeit controlled substance.

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

(C) No person shall knowingly make, possess, sell, or deliver any punch, die, plate, stone, or other device knowing or having reason to know that it will be used to print or reproduce a trademark, trade name, or other identifying mark upon a counterfeit controlled substance.

(D) No person shall knowingly directly or indirectly falsely represent or advertise a counterfeit controlled substance as a controlled substance. As used in this division, "advertise" means engaging in "advertisement," as defined in RC [3715.01](#).

(E) Whoever violates division (A) is guilty of possession of counterfeit controlled substances, a 1st degree misdemeanor.

(F) Whoever violates division (B) or (C) is guilty of trafficking in counterfeit controlled substances, a 5th degree felony.

(G) Whoever violates division (D) of this section is guilty of fraudulent drug advertising, a 5th degree felony.

(H) 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 RC [2925.38](#).

2925.38 Notice of conviction of professionally licensed person sent to regulatory or licensing board or agency.

If a person who is found guilty of a violation of RC [2925.02](#), [2925.03](#), [2925.04](#), [2925.041](#), [2925.05](#), [2925.06](#), [2925.11](#), [2925.12](#), [2925.13](#), [2925.14](#), [2925.141](#), [2925.22](#), [2925.23](#), [2925.31](#), [2925.32](#), [2925.36](#), or [2925.37](#) is a professionally licensed person, in addition to any other sanctions imposed for the violation, the court, except as otherwise provided in this section, immediately shall transmit a certified copy of the judgment entry of conviction to the regulatory or licensing board or agency that has the administrative authority to suspend or revoke the offender's professional license. If the professionally licensed person who is found guilty to a violation of any section listed in this section is a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, in addition to any other sanctions imposed for the violation, the court immediately shall transmit a certified copy of the judgment entry of conviction to the secretary of the board of commissioners on grievances and discipline of the supreme court and to either the disciplinary counsel or the president, secretary, and chairperson of each certified grievance committee.

2925.42 Criminal forfeiture of property relating to felony drug abuse offense.

(A) If a person is found guilty to a felony drug abuse offense, or a juvenile is found by a juvenile court to be a delinquent child for an act that, if committed by an adult, would be a felony drug abuse offense, and derives profits or other proceeds from the offense or act, the court that imposes sentence or an order of disposition upon the offender or delinquent child, in lieu of any fine that the court is otherwise authorized or required to impose, may impose upon the offender or delinquent child a fine of not more than twice the gross profits or other proceeds so derived.

(B) Notwithstanding any contrary provision of RC [3719.21](#), all fines imposed pursuant to this section shall be paid by the clerk of the court to the county, municipal corporation, township, park district, as created pursuant to RC [511.18](#) or [1545.01](#), or state law enforcement agencies in this state that were primarily responsible for or involved in making the arrest of, and in prosecuting, the offender. However, no fine so imposed shall be paid to a law enforcement agency unless the agency has adopted a written internal control policy under RC [2925.03\(F\)\(2\)](#) that addresses the use of the fine moneys that it receives under this division and RC [2925.03\(F\)\(1\)](#). The fines imposed and paid pursuant to this division shall be used by the law enforcement agencies to subsidize their efforts pertaining to drug offenses, in accordance with the written internal control policy adopted by the recipient agency under RC [2925.03\(F\)\(2\)](#).

2925.50 Conviction or acquittal under federal drug abuse control laws bar to state prosecution.

If a violation of this chapter is a violation of the federal drug abuse control laws, as defined in RC [3719.01](#), a conviction or acquittal under the federal drug abuse control laws for the same act is a bar to prosecution in this state.

2925.51 Evidence in drug offense cases.

(A) In any criminal prosecution for a violation of this chapter or Chapter 3719 of the Revised Code that is based on the possession of chemicals sufficient to produce a compound, mixture, preparation, or substance included in schedule I, II, III, IV, or V or the content, identity, and weight or the existence and number of unit dosages of the substance, a laboratory report is prima-facie evidence if the report satisfies all of the following :

(1) The report is produced by the bureau of criminal identification and investigation, a laboratory operated by another law enforcement agency, or a laboratory established by or under the authority of an institution of higher education that has its main campus in this state which is accredited by the association of American universities or the north central association of colleges and secondary schools, primarily for the purpose of providing scientific services to law enforcement agencies.

(2) The report is signed by the person performing the analysis, stating that the substance that is the basis of the alleged offense has been weighed and analyzed, stating the findings as to the content, weight, and identity of the substance, and stating that it contains any amount of a controlled substance and the number and description of unit dosage, if applicable.

(3) Attached to that report is a copy of a notarized statement by the signer of the report demonstrating the name of the signer, that the signer is an employee of the laboratory issuing the report, and that performing the analysis is a part of the signer's regular duties. The attached report shall provide outline of the signer's education, training, and experience for performing an analysis of materials included under this section. The signer shall attest that scientifically accepted tests were performed with due caution, and that the evidence was handled in accordance with established and accepted procedures while in the custody of the laboratory.

(B) The prosecuting attorney shall serve a copy of the report on the attorney of record for the accused, or on the accused if the accused has no attorney, prior to any proceeding in which the report is to be used against the accused other than at a preliminary hearing or grand jury proceeding where the report may be used without having been previously served upon the accused.

(C) If the accused or the accused's attorney demands the testimony of the person signing the report, by serving the demand upon the prosecuting attorney within seven days from the accused or the accused's attorney's receipt of the report, the report shall not be prima-facie evidence of the contents, identity, and weight or the existence and number of unit dosages of the substance. The time may be extended by a trial judge in the interests of justice.

(D) Any report issued for use under this section shall contain notice of the right of the accused to demand, and the manner in which the accused shall demand, the testimony of the person signing the report.

(E) Any person who is accused of a violation of this chapter or of Chapter 3719. is entitled, upon written request made to the prosecuting attorney, to have a portion of the substance that is, or of each of the substances that are, the basis of the alleged violation preserved for the benefit of independent analysis performed by a laboratory analyst employed by the accused person, or, if the accused is indigent, by a qualified laboratory analyst appointed by the court.

(F) Such portion shall be a representative sample of the entire substance that is, or of each of the substances that are, the basis of the alleged violation and shall be of sufficient size, in the opinion of the court, to permit the accused's analyst to make a thorough scientific analysis concerning the identity of the substance or substances.

(G) The prosecuting attorney shall provide the accused's analyst with the sample portion at least fourteen days prior to trial, unless the trial is to be held in a court not of record or unless the accused person is charged with a minor misdemeanor, in which case the prosecuting attorney shall provide the accused's analyst with the sample portion at least three days prior to trial. If the prosecuting attorney determines that such a sample portion cannot be preserved and given to the accused's analyst, the prosecuting attorney shall so inform the accused person or his attorney. In such a circumstance, the accused person is entitled, upon written request made to the prosecuting attorney, to have the accused's privately employed or court appointed analyst

present at an analysis of the substance that is, or the substances that are, the basis of the alleged violation, and, upon further written request, to receive copies of all recorded scientific data that result from the analysis and that can be used by an analyst in arriving at conclusions, findings, or opinions concerning the identity of the substance or substances subject to the analysis.

(H) In addition to the rights provided under division (E), any person who is accused of a violation of this chapter or of Chapter RC 3719. that involves a bulk amount of a controlled substance, or any multiple thereof, or who is accused of a violation of RC [2925.11](#) , other than a minor misdemeanor violation, that involves marihuana, is entitled, upon written request made to the prosecuting attorney, to have a laboratory analyst of the accused's choice, or, if the accused is indigent, a qualified laboratory analyst appointed by the court present at a measurement or weighing of the substance that is the basis of the alleged violation. Also, the accused person is entitled, upon further written request, to receive copies of all recorded scientific data that result from the measurement or weighing and that can be used by an analyst in arriving at conclusions, findings, or opinions concerning the weight, volume, or number of unit doses of the substance subject to the measurement or weighing.

2925.511 Reimbursement for costs of positive drug tests.

In addition to the financial sanctions authorized or required under RC [2929.18](#) and [2929.28](#) and to any costs otherwise authorized or required under any provision of law, the court imposing sentence upon an offender who is found guilty to a drug abuse offense may order the offender to pay to the state, municipal, or county law enforcement agencies that handled the investigation and prosecution all of the costs that the state, municipal corporation, or county reasonably incurred in having tests performed under RC [2925.51](#) or in any other manner on any substance that was the basis of, or involved in, the offense to determine whether the substance contained any amount of a controlled substance if the results of the tests indicate that the substance tested contained any controlled substance. No court shall order an offender under this section to pay the costs of tests performed on a substance if the results of the tests do not indicate that the substance tested contained any controlled substance.

The court shall hold a hearing to determine the amount of costs to be imposed under this section. The court may hold the hearing as part of the sentencing hearing for the offender.

2925.52 Motion for destruction of chemicals for methamphetamine production.

(A) If a person is charged with a violation of RC [2925.041](#) or with any violation of this chapter or Chapter RC 3719. that is based on the possession of chemicals sufficient to produce methamphetamine, the law enforcement agency that has custody of the chemicals may file a motion with the court in which the charges are pending requesting the court to order the chemicals destroyed in accordance with this division. If a law enforcement agency files a motion of that type with a court, the court may issue an order that requires the containers in which the

chemicals are contained be photographed, orders the chemicals forfeited, and requires that the chemicals be destroyed.

(B) If the court issues an order under division (A), the court may include in the order a requirement that the chemicals be sampled prior to their destruction and that the samples be preserved.

2925.55 Unlawful purchase of pseudoephedrine or ephedrine product.

(A)

(1) No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Chapter RC 3719., 4715., 4723., 4729., 4730., 4731., or 4741.:

(a) Three and six tenths grams within a period of a single day;

(b) Nine grams within a period of thirty consecutive days.

The limits specified in divisions (A)(1)(a) and (b) apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight.

(2) It is not a violation of division (A)(1) for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in division (A)(1)(a) or (b) if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(B)

(1) No individual under eighteen years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product or ephedrine product unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Chapter RC 3719., 4715., 4723., 4729., 4730., 4731., or 4741.

(2) Division (B)(1) of this section does not apply to an individual under eighteen years of age who purchases, receives, or otherwise acquires a pseudoephedrine product or ephedrine product from any of the following:

(a) A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to that individual and whose conduct is in accordance with Chapter RC 3719., 4715., 4723., 4729., 4730., 4731., or 4741.;

(b) A parent or guardian of that individual who provides the pseudoephedrine product or ephedrine product to the individual;

(c) A person, as authorized by that individual's parent or guardian, who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to the individual;

(d) A retailer or terminal distributor of dangerous drugs who provides the pseudoephedrine product or ephedrine product to that individual if the individual is an employee of the retailer or terminal distributor of dangerous drugs and the individual receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(C) No individual under eighteen years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing, receiving, or otherwise acquiring a pseudoephedrine product or ephedrine product.

(D) No individual shall knowingly fail to comply with the requirements of RC [3715.051\(B\)](#).

(E) Whoever violates division (A)(1) is guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a 1st degree misdemeanor.

(F) Whoever violates division (B)(1) is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a 4th degree misdemeanor if it could be committed by an adult.

(G) Whoever violates division (C) is guilty of using false information to purchase a pseudoephedrine product or ephedrine product, a delinquent act that would be a 1st degree misdemeanor if it could be committed by an adult.

(H) Whoever violates division (D) is guilty of improper purchase of a pseudoephedrine product or ephedrine product, a 4th degree misdemeanor.

2925.56 Unlawful sale of pseudoephedrine or ephedrine product.

(A)

(1) Except as provided in division (A)(2), no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, hold for sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:

(a) Three and six tenths grams within a period of a single day;

(b) Nine grams within a period of thirty consecutive days.

The maximum amounts specified in divisions (A)(1)(a) and (b) apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.

(2)

(a) Division (A)(1) does not apply to any quantity of pseudoephedrine product or ephedrine product dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs if the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Chapter RC 3719., 4715., 4723., 4729., 4730., 4731., or 4741.

(b) It is not a violation of division (A)(1) for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than an amount of pseudoephedrine product or ephedrine product specified in division (A)(1)(a) or (b) under either of the following circumstances:

(i) The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product;

(ii) A stop-sale alert is generated after the submission of information to the national precursor log exchange under the conditions described in RC [3715.052\(A\)\(2\)](#).

(B)

(1) Except as provided in division (B)(2) of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, hold for sale, deliver, or otherwise provide a pseudoephedrine product or ephedrine product to an individual who is under eighteen years of age.

(2) Division (B)(1) does not apply to any of the following:

(a) A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age and whose conduct is in accordance with Chapter RC 3719., 4715., 4723., 4729., 4730., 4731., or 4741.;

(b) A parent or guardian of an individual under eighteen years of age who provides a pseudoephedrine product or ephedrine product to the individual;

(c) A person who, as authorized by the individual's parent or guardian, dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age;

(d) The provision by a retailer, terminal distributor of dangerous drugs, or employee of either of a pseudoephedrine product or ephedrine product in a sealed container to an employee of the retailer or terminal distributor of dangerous drugs who is under eighteen years of age in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(C) No retailer or terminal distributor of dangerous drugs shall knowingly fail to comply with the requirements of RC [3715.051\(A\)](#) or [3715.052\(A\)\(2\)](#).

(D) No retailer or terminal distributor of dangerous drugs shall knowingly fail to comply with the requirements of RC [3715.052\(A\)\(1\)](#).

(E) Whoever violates division (A)(1) is guilty of unlawfully selling a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.

(F) Whoever violates division (B)(1) is guilty of unlawfully selling a pseudoephedrine product or ephedrine product to a minor, a misdemeanor of the fourth degree.

(G) Whoever violates division (C) is guilty of improper sale of a pseudoephedrine product or ephedrine product, a misdemeanor of the second degree.

(H) Whoever violates division (D) is guilty of failing to submit information to the national precursor log exchange, a misdemeanor for which the offender shall be fined not more than one thousand dollars per violation.

(I)

(1) It is an affirmative defense for a seller or an agent or employee of a seller where the age of the purchaser or other recipient of a pseudoephedrine product is an element of the alleged violation if the seller, agent, or employee proves that all of the following occurred:

(a) A card holder attempting to purchase or receive a pseudoephedrine product presented a driver's or commercial driver's license or an identification card.

(b) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(c) The pseudoephedrine product was sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense, the trier of fact in the action for the alleged violation shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of this section. For purposes of division (I)(1)(c), the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

(a) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes a pseudoephedrine product is eighteen years of age or older;

(b) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(3) In any criminal action in which the affirmative defense provided by division (A) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an identification card under RC 4507.50 to 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the bureau of motor vehicles in the action.

2925.57 Illegal pseudoephedrine or ephedrine product transaction scan.

(A)

(1) A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away, or otherwise distributing to the card holder a pseudoephedrine product or ephedrine product.

(2) If the information deciphered by the transaction scan performed under division (A)(1) fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away, or otherwise distribute any pseudoephedrine product or ephedrine product to the card holder.

(3) Division (A)(1) does not preclude a seller or an agent or employee of a seller as a condition for selling, giving away, or otherwise distributing a pseudoephedrine product or ephedrine product to the person presenting the document from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card if the document includes a bar code or magnetic strip that may be scanned by the device.

(B) Rules adopted by the registrar of motor vehicles under RC [4301.61\(C\)](#) apply to the use of transaction scan devices for purposes of this section and RC [2925.56\(I\)](#).

(C)

(1) No seller or agent or employee of a seller shall knowingly electronically or mechanically record or maintain any information derived from a transaction scan, except the following:

(a) The name, address, and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;

(b) The expiration date, identification number, and issuing agency of the driver's or commercial driver's license or identification card presented by a card holder.

(2) No seller or agent or employee of a seller shall knowingly use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under division (C)(1) of this section except for purposes of RC [2925.58](#) or RC [3715.052\(A\)\(1\)](#).

(3) No seller or agent or employee of a seller shall knowingly use a transaction scan device for a purpose other than the purpose specified in division (A)(1).

(4) No seller or agent or employee of a seller shall knowingly sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by RC [2925.56\(I\)](#) or another section of the Revised Code.

(D) Nothing in this section or RC [2925.56\(I\)](#) relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away, or other distribution of pseudoephedrine products or ephedrine products.

(E) Whoever violates division (A)(2) or (C) is guilty of engaging in an illegal pseudoephedrine product or ephedrine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars for each violation. The clerk of the court shall pay each collected civil penalty to the county treasurer for deposit into the county treasury.

2925.61 [Effective 10/15/2015] Lawful administration of naloxone.

(A) A family member, friend, or other individual who is in a position to assist an individual who is apparently experiencing or at risk of experiencing an opioid-related overdose, is not subject to criminal prosecution for a violation of RC [4731.41](#) or criminal prosecution under this chapter if the individual, acting in good faith, does all of the following:

(1) Obtains naloxone pursuant to a prescription issued by a licensed health professional or obtains naloxone from one of the following: a licensed health professional, an individual who is authorized by a physician under RC 4731.941 to personally furnish naloxone, or a pharmacist or pharmacy intern who is authorized by a physician or board of health under RC 4729.44 to dispense naloxone without a prescription;

(2) Administers the naloxone obtained as described in division (A)(1) to an individual who is apparently experiencing an opioid-related overdose;

(3) Attempts to summon emergency services as soon as practicable either before or after administering the naloxone.

(B) Division (A) does not apply to a peace officer or to an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, as defined in RC [4765.01](#).

(C) A peace officer employed by a law enforcement agency is not subject to administrative action, criminal prosecution for a violation of RC [4731.41](#), or criminal prosecution under this chapter if the peace officer, acting in good faith, obtains naloxone from the peace officer's law enforcement agency and administers the naloxone to an individual who is apparently experiencing an opioid-related overdose.

2925.62 Safe reporting of overdoses.

(A) It is an affirmative defense to a prosecution under R.C. 2925.02(A)(3), 2925.11, 2925.12, and 2925.13 if all of the following apply:

(1) The person, in good faith, seeks or obtains timely emergency medical attention for the person's self or another person for a drug overdose event on the reasonable belief that the person or another person was in need of immediate medical attention to prevent death or serious bodily injury due to a drug overdose;

(2) The person remained at the scene of the overdose or an alternative location to which the person or another person requiring medical attention has been transported until a law enforcement officer responds to the report of the overdose;

(3) The person did not obstruct the law enforcement officer or emergency services personnel; and

(4) The evidence for a prosecution under R.C. 2925.02(A)(3), 2925.11, 2925.12, or 2925.13 was obtained as a result of the person seeking or obtaining emergency medical attention.

(B) If a person is found to be in violation of any condition of probation or community control sanction and if the violation is a result of all of the following, there shall be a presumption that the court orders the person's participation or continued participation in a drug treatment program, or otherwise modifies the terms of community control without imposing a prison term. The prosecutor may overcome that presumption, by a preponderance of the evidence, by offering relevant evidence that continued participation in probation or community control is inadequate to punish the offender and protect the public from future crime based on the applicable factors under RC [2929.12](#):

(1) The person, in good faith, seeks or obtains timely emergency medical attention for the person's self or another person for a drug overdose event on the reasonable belief that the person or another person was in need of immediate medical attention to prevent death or serious bodily injury due to a drug overdose;

(2) The person remained at the scene of the overdose or an alternative location to which the person or another person requiring medical attention has been transported until a law enforcement officer responds to the report of the overdose; and

(3) The person did not obstruct the law enforcement officer or emergency services personnel.

(C) If a person is found to be in violation of any postrelease control sanction and if the violation is a result of all of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in RC 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:

(1) The person, in good faith, seeks or obtains timely emergency medical attention for the person's self or another person for a drug overdose event on the reasonable belief that the person or another person was in need of immediate medical attention to prevent death or serious bodily injury due to a drug overdose;

(2) The person remained at the scene of the overdose or an alternative location to which the person or another person requiring medical attention has been transported until a law enforcement officer responds to the report of the overdose;

(3) The person did not obstruct the law enforcement officer or emergency services personnel.

(D) The protections provided under division (A), (B), and (C) are limited in the following ways:

(1) Nothing shall be construed to limit the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest.

(2) No person may assert protection if the person sought or obtained emergency medical attention for the person's self or another person after the commencement of a search warrant or after the commencement of a lawful search or a lawful arrest.

(3) This section does not establish protection for any person or offense other than those listed in division (A), (B), or (C).

(E) As used in this section:

"Drug overdose event" means an acute medical condition, including, but not limited to, severe physical illness, coma, mania, hysteria or death, which is the result of consumption or use of one or more controlled substances causing an adverse reaction. A patient's condition shall be deemed to be a drug overdose if a prudent layperson, possessing an average knowledge of medicine and health, would reasonably believe that the condition is in fact a drug overdose and requires immediate medical attention.

"Emergency services personnel" means paid or volunteer firefighters, law enforcement officers, first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, or other emergency services personnel acting within the ordinary course of their profession.